



Facilities Plan Material Revision
Submission Process

Legislative
File ID No.: 16-2736
Introduction Date: 12/14/16
Enactment No.: _____
Enactment Date: _____
By: _____

The charter school shall submit **three (3) hard copies** and **one (1) electronic copy** of the following documents at a regularly scheduled board meeting:

- completed application
- material revision summary (2 pages or less)
- redlined **AND** final version of the "Facilities Plan" portion of the petition **ONLY**; to include the "Required Text and Assurances" listed in the application, as well as taking into consideration the elements of evaluation (see evaluation tool below).

Within 30 days of the material revision being submitted, a public hearing will be scheduled where a school representative will make a brief presentation to the OUSD Board of Education (BOE). Within 60 days of the material revision being submitted, a decision will be made by the OUSD BOE at a regularly scheduled board meeting.

Facilities Plan Evaluation Tool

Non-district facility

A description of the plan for using a non-district facility excels if it has the following characteristics:

- Informed assessment of school's facility needs;
- Estimated costs for facility based on research and evidence;
- Adequate budget for facility costs including renovation, rent, maintenance and utilities;
- Identified funding sources for facility; and
- An assurance of legal compliance (CA Environmental Quality Act, health and safety, ADA, and applicable building codes);

If the school site location has yet to be determined, please include the following additional information:

- A description of potential sites including location, size and resources;
- Informed analysis of the viability of potential sites; and
- A schedule for securing a facility including the person responsible for implementation



Material Revision
Change of School Location/New School Facility Application

Name of School	Downtown Charter Academy
Grades Served	6-8
Current Address	301 12 th Street, Oakland CA 94607
New Address	2000 Dennison St., Oakland CA 94606
Proposed Occupancy Date	August 15, 2016

Please note, schools in Year 1 of operation do not need to submit a Material Revision but will need to meet/submit the requirements as listed.

Material Revision Summary

The reason/rationale for changing the school location: In September 2015, the School received a notice from its Landlord terminating its lease early, on March 31, 2017, mid-school year, instead of on June 30, 2019, the original lease end date. This early termination was to accommodate The Martin Group's (TMG) purchase and project with escrow scheduled to close July 15, 2016 at which time TMG would become our landlord. The School attempted to get a meeting with TMG to ask to extend the lease to mid-June 2017 – to finish the school year and provide time to find a new facility for the 2017-18 school year. A meeting with TMG finally happened on February 12, 2016. TMG followed up by email on February 19, 2016, acknowledging the School's needs and TMG's desire to find a solution, however, they have since reneged and up to this point they have refused to offer any assistance to the school's move.

In late May, the school suddenly learned from TMG that during their diligence testing, a chemical called TCE, a carcinogen, was detected in the middle school side of the building. The elevated levels were localized to the middle school lavatories and the middle school garage, but TMG informed the regulators (DTSC and the Regional Water Board) of the elevated TCE levels *several weeks BEFORE* informing the School. This timing did not create a sense of cooperation. Our landlord started immediate mitigation, which we soon learned were not permanent measures, but they did achieve safe levels and we were allowed to finish the school year.

Throughout the summer though, we were consistently kept in the dark about what permanent mitigation needed to occur or if it would be implemented. It created the sense that TMG would be using the TCE levels as a tactic to accelerate the school's removal from the facility, its demolition goals, and would not help the School or its students.

This sense became a reality from late May until mid-July, 2016, when first TMG and, ultimately, the Landlord also began to work with TMG towards the School move out prior to the start of the 2016-17 school year. We tried to explain that we had no location to move to in such short notice and needed until June, 2017 to find a place for both schools, but the pressure was kept up on us to move and the desired permanent mitigation was held back. As a result, the School suffered the ultimate penalty. As a result of the June and early July inattention to site remediation, the Landlord and TMG took air quality samples that continued to show elevated TCE. These unfavorable tests and results never should have happened – with full remediation, they were completely avoidable. We had no choice but to begin looking for a contingency site and try to make a miracle happen.

As we started this search, in mid-July, TMG completely changed their position, again without including the School in their plans. The School learned that, instead of closing the sale of the School site to TMG, the Landlord had extended TMG's purchase time to June 2017. TMG no longer needed to demolish the School now. The landlord ultimately installed a soil vapor extraction system, which operates at all times to remove the source of the vapors from the soil before they have a chance to enter the School and air. This is what the DTSC and we had been asking for to permanently mitigate the air issue. The Landlord also told the School it could remain to the end of the school year. But, the Landlord required a written release from the School of all environmental claims in exchange for permission to stay. AMPS was not willing to put our families or our school in such a perilous situation. We continued our search for a contingency facility.

In late July, with four weeks until the start of school and still no resolution to our request to extend the lease and allow us to stay in the current facility, we pursued a new site for our DCA middle school and found an opportunity to move into a readymade facility with the exact number of classrooms and space our middle school required. We also took it upon ourselves to coordinate a meeting on with the current landlord and TMG in a last ditched effort to resolve the situation. The meeting did not go well with the Landlord's initial response being "we are going to hold the School to the 1000 Broadway, Suite 639, Oakland, CA 94607

literal terms of the lease.” TMG’s response was that it no longer has any interest in the School’s early demolition, and has no responsibility to assist in the displacement and relocate the School. With this lack of progress and clarity for the middle school, we had no choice but to pursue the lease of the new facility which we finalized on August 10th, 2016.

The School has spent all summer trying to deal responsibly with these issues, with demands to relocate, with lawyers, with environmental consultants, with the regulators, with new demands to stay and with complete releases. These have been not just time-consuming but costly. *The needs of the School, its students and their stable future have gotten lost in the shuffle, as well as the School’s reputation for excellence.*

School/neighborhood community engagement regarding the new school location

We have engaged our parents and community via numerous avenues. We have conducted multiple parent night meetings both to update them as the situation unfolded and to discuss the move to the new facility. We have sent numerous memos, mailings, mass phone calls, posted on our website, Facebook and LinkedIn.

We have attended community meetings in collaboration with the Chinatown Chamber of Commerce, Family Bridges, Chinatown Coalition, and Asian Pacific Environmental Network, which some of our families are a part of. We have also attended city meetings with Office of District 2 Councilmember Abel Guillen, Office of District 5 Councilmember Noel Gallo, and the Office of the Mayor to discuss our concerns and ask for help.

Financial costs of the project and the resources available to fulfill these

Overall the cost of this early displacement is estimated to be \$300,000 to acquire new facilities for both schools and for the move and set up required. This includes the physical moving, internet infrastructure set up, kitchen and food service set up and time spent by staff. We do have strong reserves to cover this and are also happy to report that the current landlord has also agreed to assist the school through a prorated rent structure through 2017 that will save the school nearly \$200,000 . We continue have also reached and agreed upon assistance with the current owner and developer for an additional \$250,000 to be dispersed in there equal payments starting in the spring of 2017. In addition, we also plan to not renew a satellite facility, The Shoong Center, currently leased on a month to month basis which we used for sports and tutoring to offset the cost of the new lease.

Downtown Charter Facilities Plan

Downtown Charter Academy (DCA) has secured a location at 2000 Dennison Street, Oakland CA 94606. It has 9 classrooms, multiple multipurpose spaces, a playground and outdoor space. It was most recently occupied by Beacon Day School for a K-8 education program and Beacon still occupies the second floor for their 6-8 school.

This site provides DCA with ample space not only for classroom instruction, but for enrichment and physical education activities and is a very good fit for our program. A floor plan is included titled Exhibit A.

The costs to ready the site structurally for move in was minimal since it was already a school and set up as such. There were move in and set up costs as described in the narrative, but we were provided reimbursements for those costs. The ongoing rent and operational costs are in line with DCA's previous site and will not affect our budget in a materially negative way.

We have secured the proper zoning and permits for the building from the City of Oakland. The city has notified us the site was permitted to be a K-12 school which would have included all environmental and safety tests, but acknowledged in email that the actual permit has been misplaced by the city. We are prepared to provide a letter from the City of Oakland if necessary. We also conducted an asbestos test which yielded no evidence of asbestos and therefore no corrective action. The results are included in the submission.

A walkthrough was conducted by Leslie Jimenez and Brett Noble of the OUSD Charter Office on August 19, 2016.

"Downtown Charter Academy shall occupy facilities that comply with the Asbestos requirement as cited in the Asbestos Hazard Emergency Response Act (AHERA), 40CFR part 763. AHERA requires that any building leased or acquired that is to be used as a school or administrative building shall maintain an asbestos management plan."

"If Downtown Charter Academy fails to submit a certificate of occupancy or other valid documentation to the District verifying that the intended facility in which the school will operate complies with Education Code Section 47610, not less than 30 days before the school is scheduled to begin operation pursuant to the first year of this renewal term, it may not commence operations unless an exception is made by the Office of Charter Schools and/or the local planning department or equivalent agency. If Downtown Charter Academy moves or expands to another facility during the term of this charter, Downtown Charter Academy shall provide a certificate of occupancy or other valid documentation to the District verifying that the intended facility in which the school will operate complies with Education Code Section 47610, to the District for each facility at least 30 days before school is scheduled to begin operations in the facility or facilities. Downtown Charter Academy shall not begin operation in any location for which it has failed to timely provide a certificate of occupancy to the District, unless an exception is made by the Office of Charter Schools and/or the local planning department or equivalent agency. Notwithstanding any language to the contrary in this charter, the interpretation, application, and enforcement of this provision are not subject to the Dispute Resolution Process."

Downtown Charter Academy will provide the following evidence that the facility complies with the following legal requirements prior to occupying the property:

- Zoning: The location of the school meets local zoning requirements.
- Building Code: Each building on the site meets applicable building code requirements.
- The charter school has considered and met all requirements of the California Environmental Quality Act (i.e. proof of Environmental Review).
- The proposed site has adequate classroom space, non-classroom space and specialized teaching space for the enrollment levels to be housed at the site.
- Compliance with California Department of Education regulations regarding safety factors for school site, including proximity to airports, high-voltage power lines, hazardous air emissions, railroads, high-pressure natural gas lines, gasoline lines, pressurized sewer lines and other high-pressure water pipelines, propane tanks, noise, major roadways, geological studies and soils analysis, traffic safety, and safe routes to the school.

Downtown Charter Academy will schedule a walk-through of the new facility with the Office of Charter Schools to take place at last two weeks in advance of the proposed date of student occupancy. This walk through occurred on August 19th, 2016.

Facility Plan:

Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Inadequate	Approaches	Meets	Excels
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RECORDING REQUESTED BY:

87-260103

WHEN RECORDED MAIL TO:

Cotton Properties
c/o Joseph Conley
P.O. Box 24333
Oakland, CA 94623

RECORDED IN OFFICIAL RECORDS
OF ALAMEDA COUNTY, CALIF.
RENE C. DAVIDSON, CO. RECORDER

4/1 '87 SEP 21 PM 12 53

015

(space above this line for recorder's use)
NOTICE OF COMPLETION
(Pursuant to California Civil Code Section 3093)

NOTICE IS HEREBY GIVEN of the completion on September 8, 19 87

of the BEACON DAY SCHOOL, tenant improvements
work of improvement or portion of work of improvement under construction

on the premises located at 2101 Livingston St., Oakland
or alteration street address (if any)

Alameda County described as (same)
legal description

The undersigned owns the following interest or estate in said property:

Cotton Properties- lessor
nature of the interest or estate of owner (mortgagor, lessee, etc.)

Said work of improvement was performed on the property pursuant to a
contract with Andrew Morse Construction, Inc. and the following work
name of original contractor

and materials were supplied building materials, plumbing, heating and air conditioning,
general statement of kind of labor, services, equipment or materials
fire protection labor and materials for the remodeling of the first and second floors.

The names and addresses of co-owners are: Joseph Conley, P.O. Box 24333,
joint tenants, tenants in common.
Oakland, CA.

or other owners

DATED: Sept 10, 1987

Joseph Conley
signature of owner
P.O. Box 24333
address of owner
Oakland, CA 94623

I, the undersigned, say: I have read the foregoing Notice of Completion and know the
contents thereof; the same is true of my own knowledge. I declare under penalty of perjury
that the foregoing is true and correct.

Executed on Sept 10, 1987, at Oakland, California.

Joseph Conley
signature

Need a Favor - title record search for 2101 Livingston Street Oakland, CA 94606 - Urgent for relocation of Oakland Charter Academy School

1 message

Gallo, Aliza <AGallo@oaklandnet.com>

To: "Tillie D. Ross (tross@ortc.com)" <tross@ortc.com>

Cc: Jorge Lopez <jlopez@amethodschools.org>

Wed, Jul 27, 2016 at 1:55 PM

Tillie!

Hi

Need your help.

We are trying to locate a Conditional Use Permit granted for Beacon Day School - 2101 Livingston Street, Oakland, CA 94606

A Minor Conditional Use Permit #C87-5 (no planning commission hearing) approved Feb 1987.

Beacon Day School is moving and Oakland Downtown Charter Academy is preparing to lease the school facility because their leased area, is being sold to The Martin Group for the development of over 410 units at 301 12th St. and 285 12th St. Oakland Downtown Charter is an outstanding school recognized by the city and county as one of the highest performing middle schools and its high school is one of the highest performing schools in the state.

Jorge Lopez is the Chief Executive Officer at AMPS Charter Schools. I am trying to assist him in keeping the schools in Oakland.

Can you conduct a quick search to see if the CUP was filed on the property records and if it contains any Conditions of Approval that can help Jorge with securing clearances from the City to lease the Beacon School property? Can you believe the City lost the records.....

But all want to help make this happen.

Thanks!!

Aliza Gallo

Economic Development Manager

City of Oakland

(510) 238-7405 office

(510) 774-5264 mobile

agallo@oaklandnet.com

www.oaklandnet.com

12/7/2016

RE: Zoning Clearance - pcordero@amethodschools.org - Amethod Public Schools Mail

Ferracane, Christina <CFerracane@oaklandnet.com>
to me

Aug 22

Pete, I've added that address to the permit for clarity..

Here's the finalized permit:

Record # ZC161712 x
Opened Date 07/25/2016

Status

Type

Application Name

Community Education Civic

Assigned to Department Zoning Review
Current Department
Assigned to Staff Christina Ferracane
Current User

Description

Oakland Charter Middle School @ 2000 Dennison Street (2101 Livingston Street) - replace existing tenant on portion of site, subject to conditions outlined in 1987 CUP #C87-5 for Beacon School

check spelling

Total Invoiced \$56.23
Total Paid \$56.23
Balance 0.00

File Date: 07/25/2016

Application Status: Approved

Application Detail: Detail

Application Type: Zoning Clearance

Address: 2000 Dennison ST

Owner Name: CONLEY FAMILY LP

Owner Address: PO BOX 24333, OAKLAND, CA 946231333

Application Name: Community Education Civic

Parcel No: 019 005400305

Description of Work: Oakland Charter Middle School @ 2000 Dennison Street (2101 Livingston Street) - replace existing tenant on portion of site, subject to conditions outlined in 1987 CUP #C87-5 for Beacon School

Contact Info:	Name	Organization Name	Contact Type	Relationship	Address	Status	Contact Start Date	Contact
	AMETHOD PUBLIC SCHOOLS	AMETHOD PUBLIC	Applicant		345 12TH Street	Active	08/19/2016	
	AMETHOD PUBLIC SCHOOLS	AMETHOD PUBLIC	Business Owner		OAKLAND, CA	Active	08/19/2016	

Job Value: \$0.00

Total Fee Assessed: \$56.23

Total Fee Invoiced: \$56.23

Balance: \$0.00

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Intake		Ready for Pa	08/19/2016	Christina Ferra
	Closure		Paid and App	08/19/2016	Christina Ferra

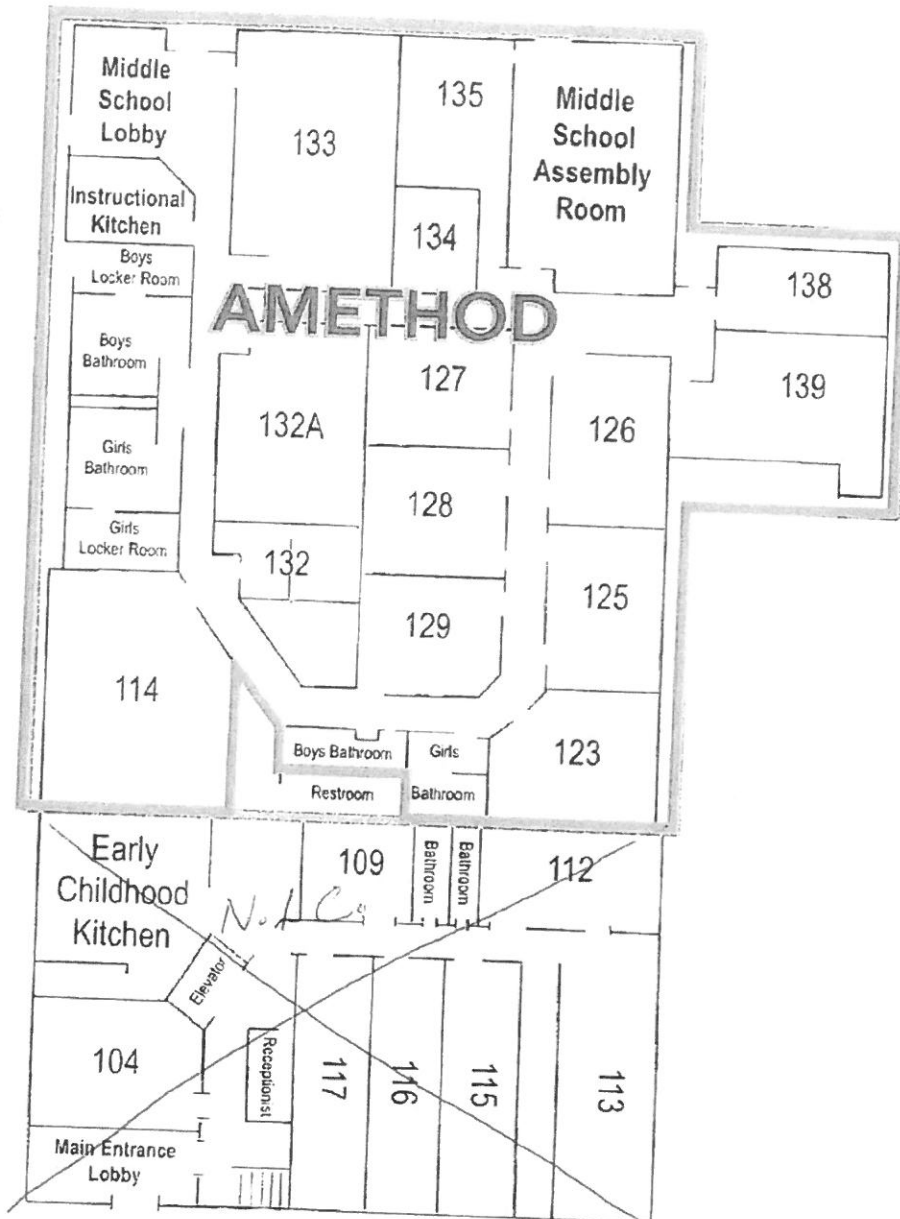
Condition Status:	Name	Short Comments	Status	Apply Date	Severity	Action By
	PARCEL COMMENT	zoning ok for sign r...	Complied	01/19/2014		AA Conv

Custom Fields:	APPLICATION QUESTIONS	Number of Employees	Home Occupation
	Proposed Hours		
	Include Manufacturing	New or Modified Sign	Changes to Building

Christina Ferracane, Planner III | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-3903 | Fax: (510) 238-6538 | Email: cferracane@oaklandnet.com | Website: www.oaklandnet.com/planning

2000 DENNISON ST, OAKLAND CA 94606

EXHIBIT A



[Handwritten signature]

[Handwritten signature]



Keivan Abidi
Amethod Public Schools
345 12th Street, 2nd Floor
Oakland, CA 94607

kabidi@amethodschools.org

November 30, 2016

RE: ASBESTOS AHERA SURVEY # 16.324

Effective November 22, 2016, HMA was asked to provide an AHERA inspection and report on present and/or potential asbestos hazards relative to asbestos containing building materials (ACBM) in the designated accessible interior areas of a school facility located at 2000 Dennison, Oakland, California.



PROTOCOL:

The survey was conducted by an asbestos consultant who has been certified by the State of California's Division of Occupational Safety and Health, and accredited under the EPA AHERA program for building inspection and management planning for asbestos. The visual survey was conducted in conformance with the principles of AHERA as outlined in 40 CFR 763. PLM laboratory analysis of bulk samples was conducted by an independent NVLAP accredited facility.

It is understood that reasonable efforts are made to identify potential asbestos containing materials which are visible and accessible. It is possible that some materials may remain

SUMMARY:

Samples were collected of the suspect materials, and results of laboratory analysis were reported as no asbestos detected.

No corrective action is required or indicated.

If there is additional information needed or if we can be of further assistance, please feel free to contact us.

Sincerely,

Scott W. Compton
Certified Asbestos Consultant 92-0018

Ryan T. Compton
Certified Asbestos Consultant 09-4481

* The inspection and inspection report is for the sole use and benefit of Client and is not intended for use by anyone but Client. Under no circumstances shall the inspection or report be for the benefit of any third party.



HAZARDOUS MATERIALS ASSESSMENT, INC.

Keivan Abidi
Amethod Public Schools
345 12th Street, 2nd Floor
Oakland, CA 94607

November 30, 2016

SECTION 2.0 Summary Sample Results

RE: ASBESTOS SAMPLE #16.324

On November 22, 2016, HMA collected bulk samples of material from the first floor of the AMPS location at 2000 Dennison, Oakland, California, and was asked to obtain laboratory analysis for possible asbestos content.

An independent NVLAP accredited laboratory performed analysis and results are reported as:

<u>Sample No.</u>	<u>Material</u>	<u>Area</u>	<u>% Asbestosⁱ</u>	<u>Type</u>
16.324-01	12" CT	ceiling tile, room 133A	none detected	
16.324-02	12" CT	ceiling tile, room 133A	none detected	
16.324-03	12" CT	ceiling tile, room 133A	none detected	
16.324-04	SRJC	drywall, room 133A	none detected	
		joint compound	none detected	
16.324-05	Tx	wall texture Rm 133A	none detected	
16.324-06	mortar	brick mortar	none detected	
16.324-07	coating	brick coating	none detected	
16.324-08	grout	window grout	none detected	
16.324-09	glue	carpet glue, lobby	none detected	
16.324-10	TSI	HVAC sealant, attic	none detected	
16.324-11	vinyl	9" pattern, kitchen	none detected	
		mastic	none detected	
16.324-12	vinyl	blue, kitchen	none detected	
		mastic	none detected	
16.324-13	12" FT	kitchen, hidden base layer	none detected	
16.324-14	BB	baseboard, kitchen	none detected	
16.324-15	SRJC	kitchen	none detected	
		joint compound	none detected	

<u>Sample No.</u>	<u>Material</u>	<u>Area</u>	<u>% Asbestos</u>	<u>Type</u>
16.324-46	TSI	HVAC tape	none detected	
16.324-47	TSI	HVAC tape	none detected	
16.324-48	SR	FR ceiling @ Rm 131	none detected	
16.324-49	SR	FR ceiling @ Rm 131	none detected	
16.324-50	SR	FR ceiling @ Rm 131	none detected	
16.324-51	vinyl	room 130	none detected	
		mastic	none detected	
16.324-52	Tx	room 130	none detected	

Both EPA and Cal-OSHA define Asbestos Containing Material (ACM) as those with greater than 1% asbestos content.

If there is additional information required, or if we can be of further assistance, please feel free to contact us.

Sincerely,

Scott W. Compton
Certified Asbestos Consultant 92-0018

Ryan T. Compton
Certified Asbestos Consultant 09-4481

ⁱ Comments: Analysis employs Polarized Light Microscopy, and is performed by an analyst qualified under the EPA bulk asbestos proficiency-testing program at an NVLAP accredited laboratory. In cases where sample analysis finds asbestos present, but in concentrations of less than one percent (<1%), such samples are designated at "trace" amounts.