



OAKLAND UNIFIED SCHOOL DISTRICT

Office of the Superintendent
1025 Second Avenue, Room 301
Oakland, CA 94606
Phone (510) 879-8200
Fax (510) 879-8800

TO: Board of Education

FROM: Devin Dillon, Ph.D., Interim Superintendent
Silke Bradford, Ed.D., Director-Quality Diverse Providers

DATE: February 8, 2017

RE: Downtown Charter Academy
Petition Material Revision Request

Legislative File

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

ACTION REQUESTED

Approve the material revision to the Downtown Charter Academy petition to change the location of the school from the current address 301 12th Street, Oakland CA 94607 to 2000 Dennison St., Oakland CA 94606.

SUMMARY

Staff recommends that the OUSD Board of Education approve the material revision to the Downtown Charter Academy petition to change the location of the school site. In September 2015, the School received a notice from its Landlord terminating its lease early/mid-school year (March 2017). In May 2016, the school also learned that TCE, a carcinogen, was detected at elevated levels in the middle school lavatories and garage. The Landlord immediately began mitigation and safe levels were achieved allowing the School to finish the 2015-16 school year. However, with no clear resolution for the 2016-17 school year, the School decided to relocate to a new facility. The new facility can accommodate the school's 6th-8th grade student population.

Additional reasons for an approval recommendation include the following:

- 1) New campus is located 10 minutes from the original site
- 2) Facility is structured to house a school (site of the K-8 Beacon Day School)
- 3) Sufficient number of classrooms and numerous multipurpose rooms
- 4) Property includes a playground and ample outdoor space
- 5) Multiple parent and community engagement meetings were held/attended regarding the move
- 6) Rent and operational costs align with the School's budget
- 7) Proper zoning and building code permits were secured (see Appendix I)

PROCEDURAL BACKGROUND

- 1) The Downtown Charter Academy Leadership submitted a material revision request for the Downtown Charter Academy petition on December 14, 2016 at a regularly scheduled OUSD Board of Education meeting.
- 2) A public hearing was held on January 10, 2017. Representatives from Downtown Charter Academy presented.

STATUTORY BACKGROUND

Pursuant to Education Code §47605:

Charter law outlines the requirements related to the material revision of charter school petitions specific to proposed changes to the location of the charter school. The following excerpts are taken from the Charter Schools Act, Education Code §47605:

47605(a)(1) "(a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district, as long as each location is identified in the charter school petition."

Education Code 47605(g) further states: *"The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be used by the school The description of the facilities to be used by the charter school shall specify where the school intends to locate."*

DISCUSSION

Staff conducted an evaluation of the facilities plan related to the proposed material revision to the petition pursuant to the Charter Schools Act and with the application of the Oakland Unified School District Petition Evaluation Rubric.

Downtown Charter Academy is in good financial standing and has sufficient funds and enrollment to support the change in location.

RECOMMENDATION

Staff recommends that the Oakland Unified School District’s Board of Education **approve** the material revision of the Downtown Charter Academy petition under the California Charter Schools Act. The factual findings illustrated in this report demonstrate that the material revision to the petition satisfies *Education Code §47607(a)(2)*:

Any material revision to any charter component must be proposed and considered according to the standards and criteria in Education Code §47605.

A. FACILITIES PLAN

The Facilities Plan should demonstrate that the petitioners understand the school’s facilities needs and its options for meeting those needs.

Do the petitioners anticipate using a district facility or finding a facility independent of the district?
X Non-district facility District facility (Prop 39)

X Non-district facility

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

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

Facilities Plan: *Does the facilities plan indicate a thorough understanding of the school’s needs?*

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

ANALYSIS: FACILITIES PLAN

If Meets or Excels; <i>Strengths</i>	Reference	If Approaches or Inadequate; <i>Concerns & Additional Questions</i>	Reference
<ul style="list-style-type: none"> - Petitioner has secured a building at 2000 Dennison St., Oakland CA 94606 - Petition contains assurances and commitment to facility safety - Downtown Charter Academy is in good financial standing - The Petitioners will provide all documents related to the legally required text and assurances 	<p>p. 5</p> <p>p. 5</p>		

Pre-Opening Site Walkthrough Checklist

This tool is intended to be used by the Office of Charter Schools and charter schools who are moving into a facility for the first time, to ensure that the facility is appropriate for the educational program of the school and the health and safety of the students.

- ✚ It is the expectation of the Office of Charter Schools to conduct a pre-opening site walk-through within two weeks prior to the first day of school.
- ✚ Any issues or concerns which surface during the course of the walkthrough that require official notice to the school, will receive a separate letter from the Office of Charter Schools to that affect.
- ✚ Otherwise, information noted in this document is intended to provide guidance and support to schools prior to opening.

School Name: Downtown Charter Academy Contact: Jorge Lopez (jlopez@amethodschools.org)

Location: 2000 Dennison St., Oakland CA 94606.

Date of Walkthrough: August 19, 2016

Participants: Leslie Jimenez, Brett Noble, Angela Ortega, Ana Gomez, Peter Cordero

General Considerations		Comments
Facilities are sufficient to accommodate estimated student enrollment and to carry out the curricular and instruction program envisioned in the charter.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Site has adequate space for the support services the school intends to provide to its students (i.e. nurse, counselors, tutors, after-school programs, etc.).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Facilities include cafeteria or other suitable space for students to eat meals.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Building placement is compatible (i.e. music room is not next to library).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Facilities are generally conducive to a learning environment.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

General Considerations		Comments
Site is away from freeways, railways, flight patterns, excessive noise, obnoxious odors, toxic conditions, electromagnetic fields, earthquake faults, flood zones.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Site has good access and dispersal roads.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Site has separate bus loading, parking areas, and parent drop off areas.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Facilities operation permits and certificates, including evidence of inspection by a structural engineer, fire marshal and occupancy certificates, zoning variances, building permits, etc. have been secured.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Facilities are sufficient to accommodate the administrative and business functions, including the storage of student and other records, reports, and documents.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Facilities meet requirements of the Americans with Disabilities Act, including (1) accessible routes from outside the school to the entry and from the school entry to all other buildings, and (2) stairs, ramps, toilets and signage that meet accessibility standards.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Site and facilities are situated to minimize student contact with adults who do not have appropriate clearances as required by <i>Education Code Section 44237</i> .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Relocatable facilities are single story and meet local seismic safety requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Site has appropriate security (i.e. fencing, adequate lighting, alarms, etc.).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Facilities are clean, sanitary, and free from conditions that would create a fire, or other hazard.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Building Exterior		Comments
Facilities are generally free of chipped paint, cracked floors, uneven surfaces, mold and evidence of leaks.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Sidewalks, driveways, and outdoor play areas are relatively free of cracks and uneven surfaces, and are good repair.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Perimeter fences are installed as necessary and are in good repair.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Graffiti or other signs of vandalism to the building are absent.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

School exterior needs minimal cosmetic repairs, painting, or additional lighting.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Windows and doors are intact and in good repair.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Exterior stairs or handrails are in good repair.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Exits to buildings are free of obstructions.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Signage is adequate for traffic flow and for directions to school offices.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Trees and vegetation provide a clear view of the school; places to hide or to gain authorized access to the building are minimized.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
School site is substantially free of litter and clutter.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

<i>Interior Entrances, Corridors, and Stairs</i>		<i>Comments</i>
Heating and ventilation systems are adequate for the size of the building and numbers of students.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Electrical system has no major code violations.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Fire alarm system meets applicable local life safety codes; appropriate fire extinguishers exist in the building(s) and inspections are up to date.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<i>Interior Entrances, Corridors, and Stairs</i>		<i>Comments</i>
Restrooms are conveniently located and accessible to students; toilets are clean and operable.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Bracing of overhead light fixtures, heating and air conditioning vents, etc. comply with local ordinances.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Lighting, including night time lighting, is sufficient for the educational activities being conducted at the site.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Floors, walls, and ceilings are clean; ceiling tiles are all intact.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Halls and stairs are adequately lighted.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Exit doors, including emergency exits, are free of clutter and readily accessible; doors are secure to prevent intruders into the	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Interior is free of other hazards that could endanger student safety.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Classrooms		Comments
Classroom size and layout are related to functions that will be performed in them (i.e. science and computer laboratories, special education, locker rooms, gyms, etc.).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Desks, tables, and chairs are in good repair.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Space is provided to secure computers and other expensive electronic devices.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Bookcases, racks, fixtures, etc. are adequately anchored to adjacent structures.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Gas, electrical, and water outlets and appliances are in good repair.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Classrooms have adequate lighting.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Classrooms are visible to teachers at all times; classroom layout is conducive to quick evacuation.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Additional Comments

27-260103

RECORDING REQUESTED BY:

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 G. 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, 1987

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

or alteration on the premises located at 2101 Livingston St., Oakland,
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

[Signature]
signature of owner
P.O. Box 24333
Oakland, CA 94623
address of owner

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.

[Signature]
signature



Jorge Lopez <jlopez@amethodschools.org>

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 #		Opened Date
ZC161712	x	07/25/2016

Status

Type

Application Name
Community Education Civic

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

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	Total Paid	Balance

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: 015 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	City	State	Zip	Phone	Fax	Address	City	State	Zip
AMETHODS PUBLIC SCHOOLS	OAKLAND	CA	94612	(510) 238-3903	(510) 238-6538	250 Frank H. Ogawa	Oakland	CA	94612
AMETHODS PUBLIC SCHOOLS	OAKLAND	CA	94612	(510) 238-3903	(510) 238-6538	250 Frank H. Ogawa	Oakland	CA	94612

Job Value: \$0.00
 Total Fee Assessed: \$56.23
 Total Fee Invoiced: \$56.23
 Balance: \$0.00

Workflow Status	Created By	Created Date	Created Time	Created User
Application Mapped	PCORDERO	08/19/2016	09:05:00	Christina Ferracane
Application	PCORDERO	08/19/2016	09:05:00	Christina Ferracane

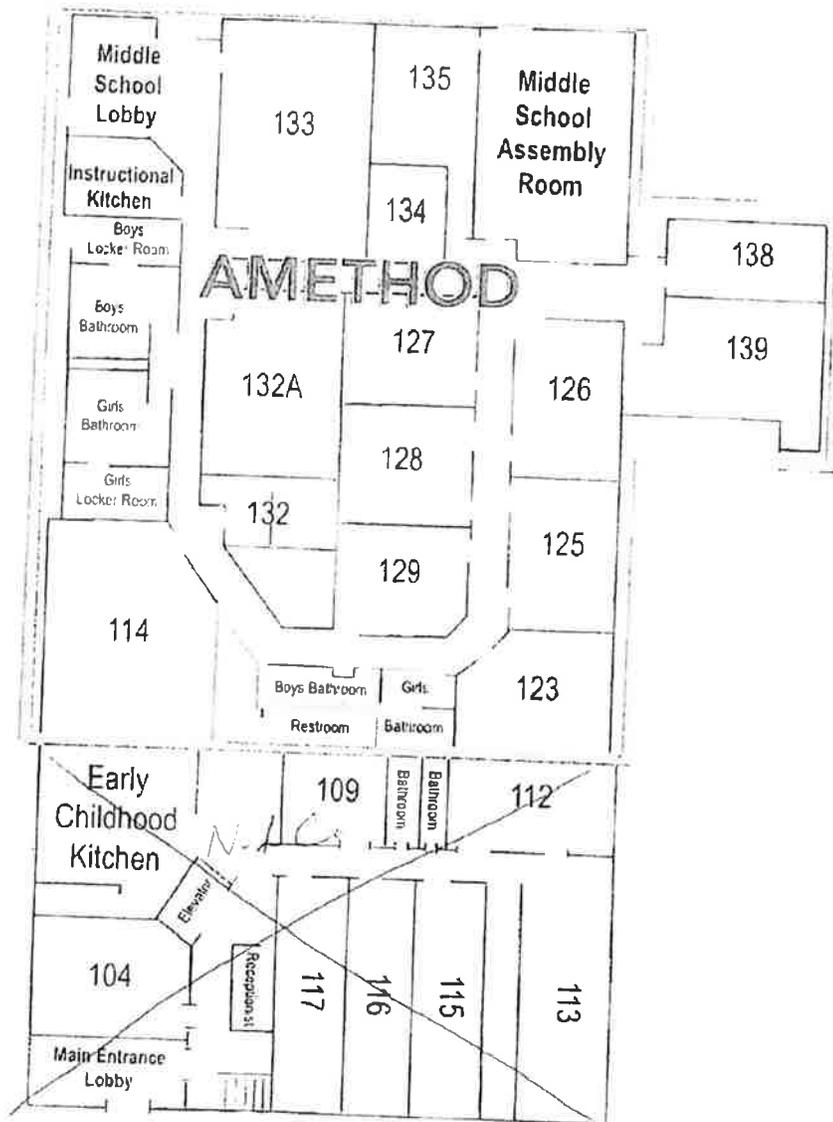
Condition Status	Created By	Created Date	Created Time	Created User
zoning ok for sign r	PCORDERO	08/19/2016	09:05:00	Christina Ferracane

Custom Fields:

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

2000-2001 School Year - [unclear]

EXHIBIT A



[Handwritten signature]

[Handwritten mark]



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>% Asbestos¹</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 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 mastic	none detected	
16.324-12	vinyl	blue, kitchen 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 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

¹ 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.