

To whom it may concern,

My name is Robert Paradis and I live near the Wolfhound Bar. I frequent the place as it is one of the only bars as well as business open on the stretch of San Pablo between Park and Stanford. The bar is a fun place to join friends for a drink or meet other folk who also live in the neighborhood. Everyone I talk to enjoys the low key atmosphere and talks of how this stretch of San Pablo needs more businesses to move in. I hope that Wolfhound continues to thrive and hopefully help the neighborhood grow.

Sincerely,

Robert Paradis

--

Robert Paradis
Paradise Moving and Storage
510-414-2312

Klein, Heather

From: Robert Minervini <robertminervini@gmail.com>
Sent: Wednesday, November 04, 2015 2:29 PM
To: Office of the Mayor; City Administrator's Office; Cappio, Claudia; Kalb, Dan; Bolotina, Olga; arguillen@oaklandnet.com; McElhaney, Lynette; Gallo, Noel; Campbell Washington, Annie; Brooks, Desley; Kaplan, Rebecca; Reid, Larry; Moore, Jim; magraplanning@gmail.com; nags98@hotmail.com; jahazielbonillaoaklandpc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris; ew.oakland@gmail.com; Klein, Heather; Ranelletti, Darin; Flynn, Rachel; asimmons@oaklandnet.com; Merkamp, Robert; Miller, Scott
Subject: Head Royce School Traffic Problems
Attachments: NSC Proposal. August 17, 2015.pdf

To whom it may concern.

I am an Oakland resident home at 2421 Rampart Street. I'm concerned about the additional school traffic on our streets from busses and families coming to and from Head Royce School.

I am writing to encouraging the acceptance of the proposal written by the Neighborhood Steering Committee (attached) so that the institutionalization of the Lincoln Highlands/ Upper Dimond neighborhood will not continue. We have small hilly streets where busses and cars to and from school zip by unaware of noise, and danger for small children and pets.

I especially encourage the discontinuation of the vehicle loop through our streets. I encourage you to deny the schools proposals for increase in enrollment until they lessen their impact on our streets.

Thank you,

--

Robert Minervini
2421 Rampart St
484.994.6037
www.robertminervini.com

Klein, Heather

From: Lisa Frost <ltf1@pacbell.net>
Sent: Monday, November 02, 2015 11:23 AM
To: Klein, Heather
Cc: Don Dunning; ACampbellWashington@oakland.net; Maxson, Nayeli
Subject: Re: Staff Report available Head Royce before the Planning Commission on November 4th

Dear Heather,

I have thoroughly reviewed all the documents for the Planning Commission meeting.

I am very disappointed in the rhetoric and feel very sad about the Staff recommendations regarding the after hours/weekends use of the HRS property.

I strongly oppose the use of the HRS campus for additional events that occur outside of the Monday-Friday 7:30 am- 6:00 pm time frame. The anticipated dances/basketball games/graduation events are expected BUT additional noise/traffic from 85 evening events, 55 SATURDAY events, 10 SUNDAY events and 10 SUMMER events is completely unacceptable, especially considering the proposed increase in enrollment. (There are, after all, only 52 weeks in the year!)

I have lived in the neighborhood, adjoining HRS for 16 years. I moved to the neighborhood understanding the needs of the facility and students of the school - I have worked in schools. BUT, the added noise and traffic with the facility expansion and the increased enrollment has been noticeable over the past 16 years and I cannot fathom even more noise and disruption during my hours "off" - nights and weekends.

I ask you and the Planning Staff to speak for the Neighbors, as well as interpret the Codes.

I have contacted my Councilmember and her staff; perhaps they can reach out to assist with more dialogue.

Take care, and thank you,

Lisa Frost

On Nov 2, 2015, at 9:27 AM, Klein, Heather <HKlein@oaklandnet.com> wrote:

Attached is the link to the reports which were posted Friday.

<http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/o/Commissions/index.htm>

Again, this is item 3 under the November 4th agenda.

Heather Klein, Planner III | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114
| Oakland, CA 94612 | Phone: (510)238-3659 | Fax: (510) 238-6538 | Email: hklein@oaklandnet.com |
Website: www.oaklandnet.com/planning

 **Please** consider the environment before printing this email

From: Klein, Heather

Sent: Friday, October 30, 2015 4:13 PM

To: Klein, Heather

Subject: Staff Report available Head Royce before the Planning Commission on November 4th

Dear Interested Parties,

I wanted to let you know that the staff report is now available. Please follow the link below to the November 4th Agenda. The Head Royce materials can be found under #3.

Best,

Heather Klein, Planner III | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114
| Oakland, CA 94612 | Phone: (510)238-3659 | Fax: (510) 238-6538 | Email: hklein@oaklandnet.com |
Website: www.oaklandnet.com/planning

 **Please** consider the environment before printing this email

From: Klein, Heather

Sent: Friday, October 16, 2015 4:19 PM

Subject: Public Hearing on Head Royce before the Planning Commission on November 4th

Dear Interested Parties,

The purpose of this e-mail is to let you know that Head Royce's application will be heard before the Planning Commission on November 4, 2015.

The meeting will take place at 6:00 pm in the City Council Chambers.

The agenda is attached for your information.

Best,

Heather Klein, Planner III | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114
| Oakland, CA 94612 | Phone: (510)238-3659 | Fax: (510) 238-6538 | Email: hklein@oaklandnet.com |
Website: www.oaklandnet.com/planning

 **Please** consider the environment before printing this email

Klein, Heather

From: Sharma Hendel <skhendel@gmail.com>
Sent: Monday, November 02, 2015 10:44 AM
To: Moore, Jim; nagrajplanning@gmail.com; jahazielbonillaoaklandpc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris; EW.Oakland@gmail.com; Klein, Heather; Merkamp, Robert
Subject: Head-Royce School and Oakmore neighbors

Dear Oakland Planning Commissioner:

I write to you as a neighbor of Head-Royce, living in Oakmore. I know that there is a vocal group in my neighborhood that has expressed frustration with HRS and has asked the city to take action. I think it is important to provide a different perspective. I am delighted, frankly, to share this neighborhood with HRS - Oakland is fortunate to have schools like HRS that have a strong academic focus and commitment to education. Without question, our neighborhood is a better place for having one of California's most rigorous academic institutions right here.

As a parent (though not a Head-Royce parent) I am grateful daily that Oakland has so many fine independent schools, made possible by the willingness of neighbors in safe neighborhoods like Oakmore to welcome these children and value what they receive daily in school.

As is always the case, having a school nearby creates a set of unique challenges - both with traffic and with children coming and going, but this is a family neighborhood and these are our children. They belong here. I think it sends a fairly disturbing message to suggest that our neighborhood doesn't support or want these children here. Not only does HRS benefit the children of Oakland, but it directly benefits our neighborhood by contributing to our community safety, beautification and thriving businesses in our area.

I hope that Head-Royce, the neighborhood and the city of Oakland can work together to determine the most effective traffic plan that will enable us to continue to support this great school.

Thank you for letting me share my perspective.

Sharma Hendel
Oakmore Neighbor

Klein, Heather

From: Nina L. Floro <nlflo@yahoo.com>
Sent: Sunday, November 01, 2015 7:50 PM
To: Office of the Mayor; City Administrator's Office; Cappio, Claudia; Kalb, Dan; Bolotina, Olga; arguillen@oaklandnet.com; McElhaney, Lynette; Gallo, Noel; Campbell Washington, Annie; Brooks, Desley; Kaplan, Rebecca; Reid, Larry; Moore, Jim; magraplanning@gmail.com; nags98@hotmail.com; jahazielbonillaoaklandpc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris; ew.oakland@gmail.com; Klein, Heather; Ranelletti, Darin; Flynn, Rachel; asimmons@oaklandnet.com; Merkamp, Robert; Miller, Scott
Subject: Oppose Head Royce School's Proposal to Increase Enrollment

Dear Mayor, City Council, Planning Commission, and Planners-

I am writing to oppose Head Royce School's proposal to expand its enrollment. I ask that all of you oppose the HRS proposal.

My husband and I and our 2 children have lived at 8 Alida Court for almost 10 years, and enjoy our neighbors and neighborhood. For the years we have live in our home, we have found the patience to deal with the traffic and parking, not only in our court, but also up and down Lincoln Avenue and the surrounding streets in our neighborhood. We have tolerated the wear and tear and resulting pot holes on our streets, likely caused by the excess traffic from the cars of parents, teachers and students associated with Head Royce School not just on school days, but also weekends and evenings during which the school has special activities. Lastly, with the traffic currently the way it is, there have been on numerous occasions dangerous situations in which speeding cars, illegal u-turns, and reckless driving have nearly caused accidents for me and my husband, just within a block or two from our home. Not only does this have to stop; the increase of these incidents needs to be prevented.

I am writing to request your support of the NSC proposal, which outlines a number of recommendations for how to better balance HRS' right to run its school and our neighborhood's right to have HRS's negative impacts reasonably contained. When we purchased our home, we were well aware it was near a private K-12 school which brought traffic and parking issues into our streets during school pick up and drop off hours, as well as a few events a year. What we have watched play out in the 10 years we have lived here is a dramatic expansion of the school in almost every respect, including a major increase in the number of evening and weekend events they hold. Further, we have watched the school violate the use permit perpetually, and suffer no consequence for doing so, while the impacts of these violations keep growing, and land on the shoulders of me and my neighborhood.

For the safety of my family and neighbors, I ask that you oppose Head Royce School's proposal to expand.

Thank you for looking out for our neighborhood.

Respectfully yours,

Nina L Floro
8 Alida Court
Oakland, CA 94602

Klein, Heather

From: John Prestianni <jprestianni@yahoo.com>
Sent: Tuesday, November 03, 2015 10:03 AM
To: Jahmese Myres
Cc: Office of the Mayor; City Administrator's Office; Cappio, Claudia; Kalb, Dan; Bolotina, Olga; Guillen, Abel; McElhaney, Lynette; Gallo, Noel; Campbell Washington, Annie; Brooks, Desley; Kaplan, Rebecca; Reid, Larry; Moore, Jim; nagrajplanning@gmail.com; nags98@hotmail.com; jahazielbonillaoaklandpc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris; ew.oakland@gmail.com; Klein, Heather; Ranelletti, Darin; Flynn, Rachel; asimmons@oaklandnet.com; Merkamp, Robert; Miller, Scott
Subject: Re: Please limit Head-Royce School expansion and new development

Hello Jameese:

Thank you for your message and question.

Head-Royce's uses that are inconsistent with a typical school include:

- an excessive number of events, in particular late night and weekend events;
- excessive noise during non-school hours from recreational and summer program activities;
- and potentially:
 - opening the LCC property to anyone who has a keycard and wishes to use the campus for recreation during non-school hours;
 - opening the back of the LCC property next to my house for entry and exit points instead of on the LCC campus and from the Lincoln Avenue side;
 - students out of supervision smoking and dropping cigarette and marijuana butts in the dry grass behind my house, and;
 - impromptu drop-off and pickup on the narrow street in front of my house;

Also, using the narrow residential street where my house is located for Head-Royce traffic and parking is also a major concern of my entire neighborhood. Schools do not normally make use of narrow residential streets to handle part of their traffic and parking needs.

Those are the main issues the neighbors have raised who live on the border of Head-Royce. The problem is that most schools operate no more than between 6:00 a.m. (before school babysitting) and 6:00 p.m. (after school babysitting and athletic practice). Head-Royce operates 14 to 18 hours everyday, and weekends. The campus is almost never empty and quiet. Then, there's the traffic problems 11 months out of the year from Head-Royce traffic encroaching into narrow residential streets.

I appreciate your taking the time to communicate with me on this important issue. Thanks again.

John Prestianni
2575 Charleston Street
Oakland, CA 94602

On Monday, November 2, 2015 7:56 PM, Jahmese Myres <jmyres.oakplanningcommission@gmail.com> wrote:

Hi John,

Can you say more about your concern that the school may engage in "Activities inconsistent with school use on the property"? Are there particular activities you are concerned about?

Thanks in advance, Jahmese

On Fri, Oct 30, 2015 at 9:18 AM, John Prestianni <jprestianni@yahoo.com> wrote:

Dear Mayor Schaff, Councilwoman Washington, and Members of the Oakland City Council, Planning Commission and Planning Staff:

As an Oakland resident, taxpayer, and voter, I am writing about the Head-Royce School application for revision to its current Planned Unit Development permit. **I wholeheartedly support the position advocated by the Neighborhood Steering Committee to limit the expansion of enrollment by Head-Royce School.**

My home is at 2575 Charleston Street, in the Oakland neighborhood where Head-Royce operates its activities. My neighborhood is informally known as Lincoln Highlands. My property is next to and behind the former Lincoln Child Center (LCC) property, which was purchased by Head Royce in 2012. That acquisition increased the total amount of HRS's property from 15 acres to 22 acres.

I am alarmed about Head-Royce's desire to expand enrollment and develop the LCC property. Head-Royce currently is in violation of its use permit from the City of Oakland and fails to keep its promises made to neighbors over the years in response to complaints. Head-Royce and its leadership are largely unresponsive to neighbors' concerns about its impact on the quality of life in the neighborhood.

Head-Royce now seeks to legalize its current over-enrollment and wants to further expand permitted enrollment. The neighborhood already suffers the effects of traffic and loss of parking generated by Head-Royce's activities. Expanded enrollment will further exacerbate the strain on traffic and neighborhood parking. Its current activities cannot be supported without a dramatic increase in public transportation for students and employees, as well as requiring the school to use its already existing driveways and parking lots for student drop-off and pick-ups.

The entire neighborhood with its hundreds of homes is clearly at risk of becoming institutionalized by Head-Royce exceeding the limits of what Oakland's infrastructure can support. My neighbors and I are concerned that if the City allows this pattern to continue, the Lincoln Highlands neighborhood behind the former LCC property will also be used by Head Royce for:

- Parking, drop-off and pick-up;
- Activities inconsistent with school use on the property;
- Public, after-school and private events on evenings and weekends; and
- Increased traffic on residential streets.

No Oakland school, particularly a costly private school such as Head-Royce, should be allowed to disrupt a neighborhood as much as this school has, and will continue to do, if not effectively regulated by the City of Oakland.

With HRS's purchase of the Lincoln Child Center property, it seems inevitable that the school will continue seeking to grow, and become a massive institution. If the school is allowed to grow without effective

limitations, the quiet neighborhood I moved into will be lost forever. There is a real need to resolve the current conflict of values with good land use planning.

For these reasons, I support the Neighborhood Steering Committee's proposed modifications to the conditions of use. I particularly support enforceable language in a use permit that will prohibit use of campus facilities for non-HRS activities, and limit the size of both the regular school year and the summer program enrollment.

Planning Commission members, please consider my views while deciding your position on this issue.

Sincerely yours,

John Prestianni
2575 Charleston Street
Oakland, CA 94602

Klein, Heather

From: Lissette Gomez <gomezlissette@gmail.com>
Sent: Tuesday, November 03, 2015 9:09 AM
To: Office of the Mayor; City Administrator's Office; Cappio, Claudia; Kalb, Dan; Bolotina, Olga; Guillen, Abel; McElhane, Lynette; Gallo, Noel; Campbell Washington, Annie; Brooks, Desley; Kaplan, Rebecca; Reid, Larry; Moore, Jim; nagrajplanning@gmail.com; nags98@hotmail.com; jahazielbonillaoaklandpc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris; ew.oakland@gmail.com; Klein, Heather; Ranelletti, Darin; Flynn, Rachel; asimmons@oaklandnet.com; Merkamp, Robert; Miller, Scott
Subject: 11/4 City Planning Commission Hearing re: Head Royce School

I am writing as a neighbor of Head Royce School. I am a homeowner, proud OUSD parent, and Oakland business owner. I have nothing against HRS, the families that attend the school, nor the people whom make their living by working there. I do not see this is a personal issue.

I moved to the neighborhood in 2008, and have tried to keep up with the neighborhood's negotiations with the school and eventual litigation. It is not easy. I have found it all procedurally confusing and unsettling. However there are a few things that are clear to me. I am shocked that:

- HRS is in violation of the permits it requires to run its business
- HRS moves forward with a growth/business plan that at its foundation is based on a continued violation of its use permit and the law
- HRS spends an enormous amount of resources to fight neighbors when it is in clear violation of the law and its agreements with neighbors
- HRS pays attorneys to sue my neighbors and that my neighbors would have to take time and money away from their families to push this institution back
- HRS buys residential properties in my neighborhood. I am concerned about the effects of this on my neighborhood and local elementary school
- HRS wants to have events almost every weekend (none of which are really open to the community)

Why would a business or organization act like this? I believe you need to look at actions and not the words. After all, I have received newsletters from and attended community meetings at HRS that only talk about their great plans but do not discuss whether they are feasible or the fact that they are in violation of the zoning laws. Never mind that they abusing the relationship with the neighbors that allowed them to get permit approval to begin with.

I would like to add that as a parent that is working hard to make a difference in my local public school, the attitude of HRS is insulting. My daughter is a first grader at Sequoia Elementary just down the street from HRS. Sequoia is a gem of a school that struggles to do so much with so little. As a slope school, we are

incredibly diverse in culture, race, and most significantly economics. We are Oakland. I volunteer many hours as a Board member of the parent association, Friends of Sequoia School.

My community (and the surrounding Sequoia community) should not be treated as Head Royce's parking lot. HRS contributes very little to the community. The minimal things it has done to ameliorate its undeniable presence has been legally required and it is apparently working very hard to do less than required. Our roads are full of potholes, the amount of hectic traffic makes walking to Sequoia unsafe, and my street (Alida) feels like a busy highway during drop/off pick up.

I am often surprised at the lack of relationship between HRS and Sequoia. It offers a few spaces in its after school program for Sequoia students, and this year took on no new students. Sequoia cannot offer much after school care to its working families due to its limited physical space. It cannot expand in the outrageous ways HRS intends to.

I hope to make the meeting tomorrow night. I understand HRS is asking parents to attend. I would request HRS parents who do not live in our community not be allowed to determine what happens in our community. They are not our neighbors. HRS provides a wonderful education for their children. They have no standing to discuss any other issue.

The school behaves as if their plans are a done deal and the City and residents of Oakland are inconsequential. As I see it, allowing them to increase enrollment now would serve to legalize their current over enrollment. It also would serve to condone their behavior and belief that the laws simply do not apply to them.

HRS' current growth plan is simply not appropriate for the location they are in. They are not looking out for our neighborhood interests. It is not their job to do so -- It is ours and it is yours. I am requesting that you adopt the positions of my Neighborhood Steering Committee. Require HRS to be accountable to you and to the neighborhood they chose to conduct business in. Let them know how to conduct business in Oakland.

--

Lissette Gomez
2456 Alida Street, Oakland

Klein, Heather

From: zebra@at@aol.com
Sent: Tuesday, November 03, 2015 6:51 AM
To: Klein, Heather
Subject: Request for information (Head Royce)

Heather,

Can you provide a comprehensive Noise Contour study for the Head Royce playing field and parking lot area?

Also, yesterday I noticed Head Royce has planted a large number of trees on the hillside above the playing field. Can you tell me what species they are? They have potential to block my view of the bay.

Thank you,

T. Tobey

Klein, Heather

From: Vicki Vandeventer <vvandeventer@hotmail.com>
Sent: Monday, November 02, 2015 9:02 PM
To: City Administrator's Office; Cappio, Claudia; Kalb, Dan; Bolotina, Olga; Guillen, Abel; McElhaney, Lynette; Gallo, Noel; Campbell Washington, Annie; Brooks, Desley; Reid, Larry; Kaplan, Rebecca; Moore, Jim; jahazielbonillaoaklandpc@gmail.com; nagrajplanning@gmail.com; nags98@hotmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris; Flynn, Rachel; ew.oakland@gmail.com; Klein, Heather; Ranelletti, Darin; 101550@msn.com; asimmons@oaklandnet.com; Merkamp, Robert; Miller, Scott; Office of the Mayor
Subject: Head Royce Project

To the Mayor, City Council, Planning Commission, and Planning Staff:

My partner and I bought our house on upper Whittle Avenue in the fall of 2004, amazed that we'd been lucky enough to find a nice older home with a big yard in a quiet, semi-rural neighborhood in the middle of busy Oakland. I was a little concerned about having the back entrance to a private school up the hill, but was assured by some of our new neighbors that the student population was small, delivery trucks were not even allowed to access the school via our street, the vast majority of school activity occurred on the Lincoln Ave. side of the property, not on the Whittle side, and not much happened on campus on weekends or during the summers. It was just a small, private school. NOT a public park. NOT a community center. NOT a never-ending construction project.

I am horrified by the very real possibility that my peaceful street could be overrun by what is turning into a huge school with a greatly expanded enrollment, new summer sessions with 780 students each, and we don't know how many non-school events. That's not fair to the neighbors. This is a residential neighborhood.

I am also very concerned by Head Royce's purchase of private homes on my street for use as ... well, what, exactly?

There have been a number of letters recently on our neighborhood's Oakmore Yahoo list in support of Head Royce, and I was surprised by that—until I saw that they were written by parents of Head Royce students. I'm glad that the kids have an opportunity to get a great education, but I don't think it should be at the reduction of the quality of life for HR's neighbors. I urge you to carefully study the recommendations of our Neighborhood Steering Committee when considering Head Royce's latest Certificate of Use Permit proposal. I think the fact that Head Royce has not followed the current CUP should be a big red flag.

Sincerely,

Vicki Vandeventer
4160 Whittle Avenue

Klein, Heather

From: Les Hausrath <LHausrath@wendel.com>
Sent: Tuesday, November 03, 2015 1:06 PM
To: Flynn, Rachel; 'smiller@oaklandnet.con'; Klein, Heather
Subject: FW: I support Head-Royce School

Good afternoon: Attached please find an email and letter which I sent this morning to the Oakland Planning Commission relating to the Head Royce School matter on the Commission agenda tomorrow. Please submit this into the record and feel free to contact me with any questions. Thank you. Les Hausrath



Les Hausrath

Tel: (510) 834-6600 | Fax: (510) 834-1928
1111 Broadway, 24th Floor | Oakland, CA 94607
LHausrath@wendel.com | www.wendel.com

From: Les Hausrath
Sent: Tuesday, November 03, 2015 11:29 AM
To: 'jmoore.ocpc@gmail.com'; 'nagrajplanning@gmail.com'; jahazielbonillaoaklandpc@gmail.com; 'amandamonchamp@gmail.com'; jmyres.oaklandplanningcommission@gmail.com; Chris Pattillo (Pattillo@PGAdesign.com); EW.Oakland@gmail.com
Subject: I support Head-Royce School

Dear Chair Moore and Honorable Members of the Oakland Planning Commission:

Attached please find a letter to the Commission relating to the application from the Head Royce School in Oakland. I will be unable to attend tomorrow night's meeting but wanted to convey my support for the school's application. As a former member and Chair of the Planning Commission, I am well aware of the conflicting issues and concerns that applications such as this one generate, particular when the use at issue is in a residential neighborhood. However, I believe the school has made, and will continue to make, a determined effort to address the neighborhood concerns, particularly traffic. I was a Head Royce parent for 13 years and drove my son to school each and every day until he (thankfully) started to drive in his junior year. Throughout that entire period, Head Royce tried very hard to impress upon parent (and student) drivers the need to respect the rights and sensibilities of neighbors, and I am sure that such efforts have continued and will continue, particularly with a professional Transportation Management Plan in place.

Head Royce is an extremely valuable asset for the Oakland community, notwithstanding the fact that it is a private school. Its school population is very diverse, and the school is generous with its scholarship dollars to allow a broader spectrum of students to attend. It has a strong background in serving the community, and it instills in its students a significant – and in cases such as my son and many of his friends – and lasting commitment to community service. My son took his community service "requirement" very seriously, and volunteered for four years with Rebuilding Together Oakland in many different ways. His passion for "giving back" has continued through college and into medical school. Head Royce is an institution that the City should support and foster, and I am hopeful that the Commission will be able to fashion a decision that is workable and fair for all, while allowing the school to gradually grow and to continue its commitment to the Oakland community.

Thank you for listening.

Regards, Les Hausrath

Dear Commissioners:

I am writing to express my full-throated support for Head-Royce School.

For 50 years, Head-Royce has provided high-quality K-12 education to young people in Oakland. In addition to being one of the best independent schools in America – education we're extremely lucky to have here in our community – Head-Royce provides a great education that's accessible. The School offers a robust financial aid program that helps working families to the tune of over \$4 million annually, subsidized bus service, and a culturally-competent education in a vibrant urban community where students of color make up over half of the student body.

And Head-Royce works tirelessly to be a good neighbor:

- **Head-Royce contributes over \$10,000/year** to neighborhood security patrols – in addition to providing 3 full-time security guards that enhance neighborhood safety.
- **Head-Royce dedicates trained monitors to direct and streamline drop-off and pick-up traffic** – and worked closely with the City to install “NO U-TURN” signs.
- **Head-Royce imposes strict driving rules** on its visitors – using cameras to enforce rules that are a contractual condition of enrollment and employment.
- **Head-Royce has worked with neighbors** to fund residential preferential parking, and successfully advocated for a 4.5-ton limit on trucks traveling on Lincoln Avenue.
- **Head-Royce has engaged professional traffic planners and engineers** to monitor its own traffic and brainstorm ways to reduce it.

Still – like the neighborhoods around many schools – there are impacts. That's why Head-Royce's application before the Planning Commission comes with a host of new rules, regulations, and conditions that represent a significant, new community benefit.

For example, the School has engaged professional transportation planners at Nelson\Nygaard to prepare a Transportation Demand Management Plan designed to ease traffic. The firm recently conducted traffic counts, which showed that the School adds approximately one car per minute to neighboring streets during the busiest periods of drop-off and pick-up. Though this number is fairly small, Head-Royce is committed to reducing single-occupancy vehicle traffic – which is why it has invested over \$1 million in subsidized bus service for students and worked closely with AC Transit to protect public bus routes that serve its students.

Head-Royce recognizes the impacts of being on an already-busy thoroughfare, takes proactive steps to lessen it, and works hard to dialogue with concerned neighbors. The School has engaged in longstanding community outreach, and also held a community meeting recently, which I appreciated. And it has promised to continue this kind of productive communication with neighbors.

Ultimately, Head-Royce is actually a relatively small school – much like their fairly routine request to responsibly, slowly grow by adding just 31 additional students, with new enrollment spread out over several years. (Though Head-Royce is a K-12 school, nearby Montera Middle School has over 1000 students for just three grade levels.)

Head-Royce is a significant community asset that Oakland needs, and one that should thrive. Like many others, I urge you to approve the School's use permit amendment – and the new City staff-recommended rules that will improve the neighborhood.

Sincerely,


Les Hausrath

lhausrath@wendel.com

981 Hillcroft Circle, Oakland, CA 94610

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 Thank you for considering the environment before printing this e-mail.

Klein, Heather

From: zebragalt@aol.com
Sent: Tuesday, November 03, 2015 2:02 PM
To: Klein, Heather
Subject: Re: Request for information (Head Royce)

Heather,

Can you tell me why the city didn't do a noise contour study?

Terry

-----Original Message-----

From: Klein, Heather <HKlein@oaklandnet.com>
To: zebragalt <zebragalt@aol.com>
Sent: Tue, Nov 3, 2015 9:45 am
Subject: RE: Request for information (Head Royce)

Terry,

I do not have a noise contour study. However, two noise studies were done with noise monitoring at certain locations. One is attached to the staff report as Attachment H and the other was just submitted with the School letter to the Planning Commissioners, attached to this e-mail as Exhibit D.

Best,

Heather Klein, Planner III | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 |
Phone: (510)238-3659 | Fax: (510) 238-6538 | Email: hklein@oaklandnet.com | Website: www.oaklandnet.com/planning

 **Please** consider the environment before printing this email

From: zebragalt@aol.com [<mailto:zebragalt@aol.com>]
Sent: Tuesday, November 03, 2015 6:51 AM
To: Klein, Heather
Subject: Request for information (Head Royce)

Heather,

Can you provide a comprehensive Noise Contour study for the Head Royce playing field and parking lot area?

Also, yesterday I noticed Head Royce has planted a large number of trees on the hillside above the playing field. Can you tell me what species they are? They have potential to block my view of the bay.

Thank you,

T. Tobey

Klein, Heather

From: zebra@at@aol.com
Sent: Wednesday, November 04, 2015 8:13 AM
To: Klein, Heather
Subject: Re: Request for information (Head Royce)

Heather,

I received the (2) Head Royce commissioned noise surveys before. The useless (and somewhat embarrassing) surveys clearly do not provide a comprehensive study of the noise generated within this canyon, which is why I asked you to provide a noise contour study.

You cited these two recent (HR commissioned) noise surveys as being the reason why the noise contour study wasn't needed, yet these (non-comprehensive and thus glaringly inadequate) surveys were done years later, after the fact.

So to clarify, are you saying that there was no noise contour study completed before this project was given the go ahead?

Terry

-----Original Message-----

From: Klein, Heather <HKlein@oaklandnet.com>
To: zebra@at@aol.com
Sent: Tue, Nov 3, 2015 4:12 pm
Subject: RE: Request for information (Head Royce)

No I'm referring to the 2014 and 2015 noise studies that I sent in my previous e-mail to you as attachments. I'll send again.

Heather Klein, Planner III | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-3659 | Fax: (510) 238-6538 | Email: hklein@oaklandnet.com | Website: www.oaklandnet.com/planning

 Please consider the environment before printing this email

From: zebra@at@aol.com [<mailto:zebra@at@aol.com>]
Sent: Tuesday, November 03, 2015 3:04 PM
To: Klein, Heather
Subject: Re: Request for information (Head Royce)

You're referring to the CEQA study of the Master Plan dated Dec 8, 2005 correct?

(File No. ERO4-0014, Reference No. PUD04-400 and PUDF05-339)

-----Original Message-----

From: Klein, Heather <HKlein@oaklandnet.com>
To: zebragalt <zebragalt@aol.com>
Sent: Tue, Nov 3, 2015 2:46 pm
Subject: RE: Request for information (Head Royce)

Because noise monitoring was completed which shows no exceedance of the noise ordinance.

Heather Klein, Planner III | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 |
Phone: (510)238-3659 | Fax: (510) 238-6538 | Email: hklein@oaklandnet.com | Website: www.oaklandnet.com/planning

 **Please** consider the environment before printing this email

From: zebragalt@aol.com [<mailto:zebragalt@aol.com>]
Sent: Tuesday, November 03, 2015 2:02 PM
To: Klein, Heather
Subject: Re: Request for information (Head Royce)

Heather,

Can you tell me why the city didn't do a noise contour study?

Terry

-----Original Message-----

From: Klein, Heather <HKlein@oaklandnet.com>
To: zebragalt <zebragalt@aol.com>
Sent: Tue, Nov 3, 2015 9:45 am
Subject: RE: Request for information (Head Royce)

Terry,
I do not have a noise contour study. However, two noise studies were done with noise monitoring at certain locations. One is attached to the staff report as Attachment H and the other was just submitted with the School letter to the Planning Commissioners, attached to this e-mail as Exhibit D.
Best,

Heather Klein, Planner III | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 |
Phone: (510)238-3659 | Fax: (510) 238-6538 | Email: hklein@oaklandnet.com | Website: www.oaklandnet.com/planning

 **Please** consider the environment before printing this email

From: zebragalt@aol.com [<mailto:zebragalt@aol.com>]
Sent: Tuesday, November 03, 2015 6:51 AM
To: Klein, Heather
Subject: Request for information (Head Royce)

Heather,

Can you provide a comprehensive Noise Contour study for the Head Royce playing field and parking lot area?

Also, yesterday I noticed Head Royce has planted a large number of trees on the hillside above the playing field. Can you tell me what species they are? They have potential to block my view of the bay.

Thank you,

T. Tobey

Klein, Heather

From: Sarah Roitman <sarah@louieroitman.com>
Sent: Wednesday, November 04, 2015 3:49 PM
To: Moore, Jim; nagrajplanning@gmail.com; jahazielbonillaoaklandpc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris; EW.Oakland@gmail.com; Klein, Heather; Merkamp, Robert; overman@barcoast.com; cland@headroyce.org
Cc: rachel.weiler@headroyce.org
Subject: Support for Head-Royce School

Dear Commissioners:

I am writing to you as a licensed architect, a small business owner, a local resident of Oakland, a new parent, and most importantly an alumna of the Head-Royce School.

For 50 years, Head-Royce has provided high-quality K-12 education to young people in Oakland. In addition to being one of the best independent schools in America – education we're extremely lucky to have here in our community – Head-Royce provides a great education that's accessible. The School offers a robust financial aid program that helps working families to the tune of over \$4 million annually, subsidized bus service, and a culturally-competent education in a vibrant urban community where students of color make up over half of the student body.

I am currently neighbor of the Head-Royce School, and have felt no negative impacts from the school's presence in the community. I am proud to learn of other fellow alumni, faculty, students and their families that live and thrive in my neighborhood. The School has engaged in longstanding community outreach, and also held a community meeting recently, which I appreciated. And it has promised to continue this kind of productive communication with neighbors.

Ultimately, Head-Royce is actually a relatively small school – much like their fairly routine request to responsibly, slowly grow by adding just 31 additional students, with new enrollment spread out over several years.

As an architect I understand city planning, the permit process, and the importance that the codes and regulations hold. I believe that Head-Royce will only continue to be a positive contribution to this neighborhood as they continue to enhance the community.

Head-Royce is a significant community asset that Oakland needs, and one that should thrive. Like many others, I urge you to approve the School's use permit amendment – and the new City staff-recommended rules that will improve the neighborhood.

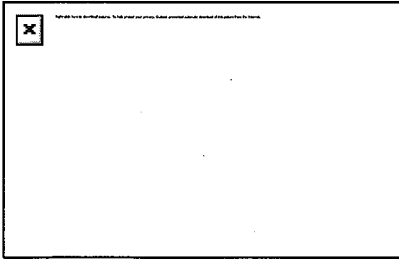
Sincerely,

Sarah Louie Roitman, Architect

Louie Roitman Architecture

1029 Longridge Road

Oakland, CA 94610





Super Stars Literacy

Super Stars Literacy, Inc.
333 Hegenberger Rd., Suite 503
Oakland, CA 94621
(510) 777-0870

November 3, 2015

Planning Commission, City of Oakland
250 Frank Ogawa Plaza, Suite 15
Oakland, CA 94612

Re: Head-Royce School

Dear Planning Commission:

Super Stars Literacy is an Oakland-based educational non-profit organization that provides extended learning time intervention services to under-performing K-2nd grade student, helping them develop the literacy and social skills that are the foundation for future learning.

We have been pleased to partner with Head-Royce School's senior project and service learning program, which has allowed Head Royce students to volunteer at Súper Stars Literacy as part of the school's curriculum. Head-Royce students have tutored our readers and assisted on back-office projects. In addition, Head-Royce parents have served on our Board of Directors and supported our fund-raising campaigns. Our organization very much appreciates this support from Head-Royce School. We are also glad to support the School's service learning mission.

Very truly yours,

Tekoa King & William Fawley
45265 Fruitvale Avenue
Oakland, CA 94602
e-mail: WMFawley@lbl.gov

3 November 2015

Oakland Planning Commission
City of Oakland

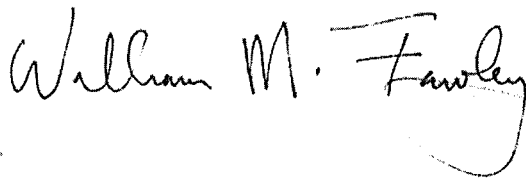
Dear Sir/Madam:

We are writing you in support of Head-Royce School use permit amendment and also the new and various City staff-recommended rules regarding issues such as parking and traffic flow. We write both as neighbors who have lived on upper Fruitvale Avenue (by Funston) for over 35 years and as parents whose two children have attended both neighborhood public schools and Head-Royce High School.

Head-Royce is a definite asset both to all families in the East Bay and in particular to those living within walking distance of the school. At least 3 other Fruitvale Avenue-area families besides our own have taken advantage of Head-Royce enrollment (at least 4 children besides our own have attended all 4 years of high school) in the past 8 years. Many families have used the field facilities at Head-Royce on weekends --- this is particularly useful as we do not live within walking distance of public park fields.

While the traffic situation is not utterly ideal, we can attest to the great improvement relative to the situation that existed in the 1980's. The Head-Royce administration has done a good job in preventing its parent population from abusing neighborhood side streets and has provided a great increase of parking spots for its faculty and students since the 1980's. The congestion on Lincoln Avenue is limited in its temporal duration on school days and is not only due to Head-Royce, given the two religious institutions that lie above it and Sequoia Elementary School approximately 5 blocks below it. Our hope would be that City of Oakland traffic control professionals would continue to monitor the situation on Lincoln Avenue and work with the school administration in a constructive way to make reasonable adjustments and improvements to make life better for all. We are particularly opposed to *ad hoc* local groups making unreasonable, blackmail-like demands on the school that are not at all necessarily supported by even a bare majority of neighborhood residents.

In closing we hope that the City approves the permit amendment and at the same time keeps a reasonable eye on the traffic situation, stepping in *if needed* to require Head-Royce make reasonable adjustments.



Tekoa L. King

Klein, Heather

From: Leila H. Moncharsh <101550@msn.com>
Sent: Tuesday, November 03, 2015 11:41 AM
To: Office of the Mayor; City Administrator's Office; Cappio, Claudia; Kalb, Dan; Bolotina, Olga; arguillen; McElhaney, Lynette; Gallo, Noel; Campbell Washington, Annie; Brooks, Desley; Kaplan, Rebecca; Reid, Larry; Moore, Jim; magraplanning; nags98; jahazielbonillaoaklandpc; amandamonchamp; jmyres.oakplanningcommission; Pattillo, Chris; ew.oakland; Klein, Heather; Ranelletti, Darin; Flynn, Rachel; asimmons; Merkamp, Robert; Miller, Scott; nagrajplanning@gmail.com
Subject: RE: Head-Royce claims "Community Asset" - robosigning
Attachments: Letter to City. November 1, 2015.pdf

Dear Mayor, City Council, Planning Commission and Planning Staff,

Please find attached the NSC's responses to the staff report and its attachments. NSC continues to seek denial of the application for permit modification. This letter also addresses the need for recirculation of the 2006 Mitigated Negative Declaration or for an EIR under CEQA.

The NSC thanks you for your time and attention to this matter. The neighbors very much appreciated the questions and requests that some of you made to us. Like other jurisdictions with noncompliant private schools, it appears that this application will get the attention from the planning commission that is needed.

We had a request to make sure that the "summary sheet" and attachments (in response to HRS' claims that it is a "community asset") be made a part of your packet. We could not get it out in time, but will make sure that is included in the administrative record by bringing the necessary copies to the hearing. If anyone needs it emailed again, please let me know and I will get it to you.

Another request was for a couple of use permits from other jurisdictions that imposed penalties as part of the CUP. If you would also like copies of other jurisdictions' use permits, let me know and we will send them to you.

Thank you again and we look forward to the hearing tomorrow,

Leila

LAW OFFICES
VENERUSO & MONCHARSH
5707 REDWOOD RD., STE 10
OAKLAND, CALIFORNIA 94619
TELEPHONE (510) 482-0390
FACSIMILE (510) 482-0391

DONNA M. VENERUSO, P.C. (d.'09)
LEILA H. MONCHARSH, P.C.

November 3, 2015

Oakland Planning Commission
City Hall
Oakland, CA

RE: Head-Royce Application – Agenda Item 3

I am a land use attorney in Oakland and have been requested by the Neighborhood Steering Committee (NSC) to submit this correspondence. This letter is in response to the recommended conditions of approval. (Attachment B to staff report) and recommended TDM. The NSC appreciates the amount of work that planning expended on this technical document and that the NSC's comments were taken seriously. We can see that some of our requests for changes, additions, or deletions were made to the proposed CUP.

Our recommendation to the planning commission remains the same. The application should be denied and Head-Royce ordered to downsize to the phase two level of students that it should have, if it had not violated its use permit. Head-Royce School (HRS) is requesting an approximately 52 student total increase in enrollment that includes the 26 students enrolled in violation of the 2006 use permit plus an additional 26 students over and above that number, all of which is not permitted under the current permit any sooner than 2021.

The history of stubborn and continual noncompliance does not justify "gifting" the school the additional 52 students until 2021. The neighborhood cannot handle even one more car and is already seriously impacted by HRS in ways inconsistent with schools located in residential neighborhoods. The draft CUP before you is complicated and requires a high level of management that HRS has not evidenced.

Just as importantly, HRS will be applying for a master plan permit to use the former Lincoln Child Center property. HRS bought the property in 2012 and in 2014, told the community it would be ready with its master plan by March 2015. It initially applied to the City to begin using this property in 2013, but then withdrew that application to pursue this one. This current application should be consolidated with the master plan application as both properties are in one neighborhood. If planning continues to recommend changing the PUD project to include a loop through a residential

neighborhood located about half a mile from the school and other increases in impacts since the 2006 Mitigated Negative Declaration (MND) was adopted, just the CEQA litigation alone will take up the time between now and when a master plan application comes before your commission. (See CEQA discussion, below.) It would be better to rule on the totality of HRS' expected impacts at one time and from a "baseline" of phase two enrollment (844 or 854) students, not 906 students.

If you choose to grant the modification application, your commission should not grant it for the full 52 students and should make further revisions to the draft CUP. Besides the school enrollment, the remaining key issues are the excessive number of events (180), which could occur outdoors, including nights and weekends, and adding 280 participants to the HRS summer camp program which is excessive. Events and the summer program have been two longstanding, vexing issues for the neighborhood due to noise and traffic. Removal of the loop that presents dangerous conditions and a nuisance for neighbors residing on that route is another major issue.

The NSC has done its best to respond to the CUP and TDM recommendations, which were released last Friday. However, the amount of text in both documents deserves further comments than what NSC can accomplish by the hearing date. Below are some of the NSC responses to Attachment B by paragraph.

A. Recommended CUP – by the Paragraph Numbers in CUP

3. We appreciate the better definition of minor and major changes to the use permit. Changes to the TDM should be considered major changes that would allow City Council review.

14. This condition has outdoor athletic practices and games until 7:30 p.m. or until sundown, whichever is earlier. Normally schools have finished these activities no later than 6:30 p.m., assuming school gets out at 3:30. The neighbors would like to have quiet time for their children to do homework and to eat dinner. The activities should be done by 6:30 p.m. and the school closed no later than 7:30 p.m.

15. (c) This condition has the summer program allowed to host special events during evenings and weekends. The neighbor "victims" of the summer camp program ask that this provision be removed and a provision added denying permission to have special events hosted during the summer months. They have written emails about the excessive, unnecessary noise which is inconsistent with a school summer program and that they

have to endure every summer. Neighbors should be able to enjoy at least part of the summer without excessive noise.

15. (d) has 780 children in the summer camp program, which should be reduced to the 500 children that have been in the program and which HRS already cannot handle. The traffic problems by parents, who do not know the driving rules and are only in the neighborhood for two weeks at a time is already disturbing. The noise also is excessive and beyond what other schools create. The bounce houses alone are registering 95 to 100 on the decibel scale and run a generator all day.

16. (a) The summer camp program does not host special events. It puts on entertainment activities every day for the participants. It is a fun camp type of program. Every day is "special event" day, which has become a problem for neighbors due to excessive noise. This provision needs to be changed so that no special events are allowed during the summer.

17, 20. There is no cap on the number of employees. The most recent public tax return tax return for HRS shows that for the 2013 calendar year, it had 513 employees and 420 volunteers. The school only reported 153 employees to the State Department of Education. Even making a large deduction for employees used for the summer program, the parking requirements are insufficient for the number of employees and volunteers who work at the school. There should be a correct statement made as to the number of employees and volunteers and a cap set so that the number of necessary onsite parking spaces can be effectively monitored. The long history of use permit noncompliance combined with the difference in the numbers between the Department of Education and HRS' tax return suggests that without a cap, the City will open the door for continued enrollment and staff "creep." The Planning Commission needs a correct accounting of the persons who drive to the school and surrounding neighborhood.

18. This should be the last time the PUD is amended, given that HRS has acquired more real estate across from and adjacent to its campus in the last several years. A master plan should be required prior to issuance of any permit, not just a modification of this same outdated PUD. This statement, contained in the draft track changes document should be included in the text of the final: "No new construction or enrollment above 906 students is contemplated as part of this approval."

19. The definition of amplified sounds should include generators (which are used all day for large bounce houses).

22. This condition involves the Whittle gate. It allows kids who bike or walk to the school to have access along with "neighbors." These categories may have pedestrian access, only. There should be a definition of "neighbor" given that the campus is open to the public on the driveway side of Lincoln Avenue and HRS has given out key cards to numerous people who are driving and then entering the campus. The condition should add emergency or maintenance as reasons for access through the gate. This condition or an added condition needs to address the open pedestrian walkway next to the Lincoln Avenue driveway. Also, these gates should be locked when the school is not in session to stop the use of the facilities by trespassers or others who are not neighbors and use the facilities for whatever purpose they choose while creating disturbances for neighbors.

23. (a) This includes the loop, which is part of the modified project and requires an EIR. Also it has a goal of "minimizing traffic on neighborhood streets" - that should be "preventing" school traffic from entering neighborhood unless the driver lives in the neighborhood. (c). The words "discourage" and "goal" are too vague. The condition should provide a specific reduction number and a way to monitor it. NSC is asking for a specific bus ridership requirement with periodic counts to make sure that it is complied with.

23 (c) iii. Again, terms like "shall commit," and "averaging" should be removed. Averaging was a disaster with Bentley School, was rejected by Los Gatos when it considered a trip cap, and is very hard to regulate. There should be a bus ridership requirement that is fixed and does not depend on whether AC Transit runs busses or not. The school is seeking legalization of its over-enrollment in violation of its use permit plus another 26 students. That should more than pay for shuttle and bus service at HRS' expense even if AC Transit falls short of funds to provide busses to HRS.

23. (d) There should be an upper limit on the number of people attending special events to avoid traffic and noise impacts on neighbors. This paragraph goes up to 400, so if that is the upper limit of what it can handle, it should be written as a cap in the condition. The two full paragraphs at the end of this subsection do not make any sense. Why would the school be required to identify violators of the traffic rules when those violators are probably not going to be back in the neighborhood again? The monitors need to stop the violations in the first instance.

23. (g) iii. A semester to cure traffic-related violations of the use permit is excessive. HRS should be able to cure them right away and not need more than 30 days at the extreme. The term "good faith effort" should be removed. The school is either

complying with its use permit or it is violating it. There is no middle ground.

There were several conditions that the neighbors sought and were left out of those recommended by the planning staff. We request their inclusion:

- NSC does not believe 35 monitors are needed, but it does request independent third-party monitors, at HRS' expense. The security guards and teachers have been unable to control traffic. NSC notices that the requirement for cameras is again in the proposed conditions – never has anyone seen a HRS monitor photograph a rule violator.
- The license plate database has been removed from the conditions, leaving it to HRS to monitor the parents. At the same time, the neighbor representatives on Whittle and Lincoln Avenue are supposed to meet with and talk to HRS about problems. They cannot indicate that parents are violating rules if they don't know who is a HRS parent versus somebody else.
- Paragraph 37 of the NSC Responses should be included, subject to the City's paragraph 22 (Whittle gate access). Paragraph 37 prohibits HRS from loaning, partnering, or leasing, any of its facilities. In past years, HRS has used the facilities for fund raising combined with other organizations, rented to a tennis pro, loaned the facilities to other schools for their teams to use the campus, soccer pick-up games, etc. These uses cause two problems: 1. There is no supervision and the people using the facilities create noise and traffic nuisances for neighbors; and 2. HRS promised various neighbors that they could use the facilities during non-school hours, but when they try to do so, they are asked to leave due to the rental and loaning arrangements by HRS.
- Outdoor maintenance with noise generating equipment should only occur on school or summer program days between 8:00 a.m. and 6:00 p.m. Currently, the leaf blowers and other equipment begin running at 7:00 a.m. before school, and then on weekends and holidays when the neighbors have to listen to it. When students are inside classrooms, it is not noise that would interrupt them, but it is unnecessary noise for neighbors to hear when school is out.
- Cones and mobile signs should be removed daily when their use is finished instead of spread around on the street and neighborhood sidewalks.
- The mailbox and the handicap parking space on Lincoln Avenue are next to one another. They need to be free of cones and accessible when the school is not conducting drop-off and pick-up.

- The twice yearly community meetings by HRS should be open to the greater neighborhood given the amount of impact covering numerous streets and not limited to a few representatives on Whittle and Lincoln Avenue.
- The NSC submitted a landscaping condition that should be included. It requires HRS to maintain the landscaping, remove ivy from trees and keep it from going into the streets. The eucalyptus trees produce a great deal of debris which should be removed once a year for fire safety of the houses above the hillside.
- The condition requiring payment for the two-hour parking permits should include any increases in the cost.
- One of NSC's goals is getting HRS' operations out of the narrow residential streets. We have had complaints by neighbors on Clemens that they do not want HRS continuing to use their street as an HRS parking lot. The CUP should direct HRS to stop allowing its employees to park on the streets behind the school, including Whittle, Funston, Fruitvale and Clemens.
- There needs to be a condition setting out egress and ingress for the school. Otherwise, it will continue letting its students and employees enter from any place they feel like.
- NSC language prohibiting egress and ingress to the school campus through its residential properties was omitted from the recommended conditions of approval and needs to be included. Head-Royce teachers, staff and students enter and exit the campus through the properties at 4200 and 4220 Whittle Ave. This happens numerous times a week. Even entire classes have been seen doing so. Neighbors have sent written complaints to the school for years to no avail. One neighbor has asked the school to place a sign at the top and bottom of the driveway of these properties that notifies all that this is not an authorized shortcut in and out of the campus. Head-Royce has not only not done so after repeated requests, they refuse to say why they will not place these signs. The recommended conditions of approval should contain a specific prohibition against using the Head-Royce residential properties for ingress and egress to the campus. It should also include a provision that Head-Royce place a substantial, weatherproof sign at the top and bottom of the driveway of 4200/4220 Whittle Ave notifying their teachers, staff and students not to use the 4200/4220 Whittle Ave driveway as a shortcut to enter or leave the school.

B. Proposed TDM & CEQA

CEQA requires the City to recirculate the Mitigated Negative Declaration (MND) that was adopted as part of the 2006 PUD approval. Because this is not a new project, but a modification of the PUD which already depended on an MND, an exemption is not available. The planning department is viewing the modification as having no environmental impact because it only moves up a date for when HRS would reach 906 students, for which it has a vested right as of 2021. However, the "project" modification also includes a TDM and new conditions of approval that increase environmental impacts that were not discussed in the original MND:

1. The loop was mentioned in the MND, but was not studied. Unlike other intersections, there was no study of the loss of service (LOS) for Potomac and Lincoln, Laguna and Potomac, Alida and Laguna, Laguna and Rampart, and Rampart and Lincoln, all of which are involved in the loop. (MND, p. 4.)
2. The proposed conditions of approval contemplate an addition of 280 more participants in the summer program, which was not discussed in the MND. It is silent on the traffic issues and noise impacts related to the summer program, although it mentions its existence.
3. The MND made assumptions that are no longer true given changes in circumstances. For example, on page 9 the MND assumed that almost all of the students were coming from the Oakland Hills and Berkeley, which of course could be served by busses. However, the chart prepared from the 2012-2013 school directory shows that only 53% of the students come from Oakland, with the majority of the remainder coming from Piedmont, Berkeley, Alameda, Orinda, etc. where public bus service is now less available or not available at all.
4. The proposed CUP contemplates 180 special events per year, none of which was addressed by the MND's traffic analysis. Nor were the noise problems during non-school hours analyzed.
5. The MND admitted that in 2005, the LOS was F and E at Monterey and Lincoln Avenue due to traffic coming off of Highway 13. Neighbors have been complaining about the current backup in trying to get from 13 to Lincoln Avenue. The school's use of a "staging area" was not considered in the MND and it is unclear whether it helps or hinders the LOS coming off of Highway 13.
6. None of the bus routes in 2005, set out in the MND included the loop. (MND, pp.5-6.) The current TDM, which would be required under the modified PUD requires that the busses run through the loop. Further, the MND assumed only

two private busses would be used – one serving Danville, Walnut Creek, Lafayette, and Orinda and a second serving North Berkeley, Berkeley, and North Oakland. The TDM includes far more busses now – all using the loop if they come from Highway 13 downhill to the HRS main gate.

There is a legal difference between a school choosing on its own to tell parents that they can use the “loop” and the City issuing a permit requiring compliance with a TDM that has drivers wishing to return to Highway 13 using the loop. It is the City requirement that the loop be used as part of a permit process that creates an impact falling within CEQA. Similarly, a permit process that adds more summer participants also requires CEQA review. There are sufficient changes to the “project” and triggering of environmental impacts that the City is required to conduct CEQA review. (*Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 527.

The MND does not discuss any of the impacts listed above and raised by the current changes to the project. The City is not contemplating any environmental review, instead relying on an exemption. However, that is not legally permissible because if it were allowable, the project could be chopped up into little pieces with one MND followed by many exemptions, thus avoiding review of the whole project. The term “‘project’ refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term ‘project’ does not mean each separate governmental approval.” (Guidelines, § 15378, subd. (c).) CEQA mandates that environmental considerations not be glossed over by piecemeal handling of the project such that, with each little piece of it or discretionary approval, the cumulative impacts can become disastrous. (*City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1452.) Therefore, the City should conduct environmental review and if it determines that it can rely on the MND, it should recirculate the MND for public comment.

Even if the City were entitled to rely on an exemption, it does not qualify here due to the cumulative impact exception. (Guideline § 15300.2 (b)). HRS applied in 2013 for a change in the use permit for the former Lincoln property so it could begin using that property. It has informed the public, the city, and the court during litigation with neighbors over a land use contract, that it intends to use the Lincoln property in the near future for K-12 purposes. The City has made it clear that HRS will need to apply for a master plan that encompasses both of its institutional properties. Again, the staff report focuses on the granting of the 2006 PUD permit without considering the environmental impacts from the traffic in the same neighborhood due to HRS’ statements that it intends to expand into the Lincoln property. It also is not considering the incremental impact of

“building” on the 2006 PUD permit by adding more traffic impacts (loop) and noise (180 events, 280 more summer participants) in the modification of that permit.

Moreover, given the state of the record, the City will need to require at least a focused environmental impact report as to noise and traffic. The two reports, one about noise during school hours by Wilson/Ihrig and the recent TDM report are insufficient to overcome the evidence submitted by the neighbors. An EIR is required whenever “substantial evidence in the record supports a ‘fair argument’ significant impacts or effects may occur.” (*City of Arcadia v. State Water Resources Control Bd.* (2006) 135 Cal.App.4th 1392, 1421.)

The neighbors have submitted documents, visuals, and emails regarding the traffic conditions on the loop, and the continuing problems on Lincoln Avenue. As laypersons and residents, their evidence qualifies as substantial evidence. (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928. “An adjacent property owner may testify to traffic conditions based upon personal knowledge.” (*Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 173.) Because substantial evidence includes “reasonable assumptions predicated upon facts” (Guidelines, § 15384, subd. (b)) and “reasonable inferences” (*id.*, subd. (a)) from the facts, factual testimony about existing environmental conditions can form the basis for substantial evidence. (*Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4 714, 730; *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1054 [existing traffic problems were substantial evidence that increase in traffic would only make the traffic impacts worse.]

Neighbors can also provide substantial evidence regarding noise impacts, as has occurred here with photos of bounce houses, emails regarding barking dogs and go-carts during non-school hours, and excessive summer program noise as examples. Readings by a sound expert will not diffuse those neighborhood observations. The observations still constitute substantial evidence of a significant noise impact. (*Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4 714, 731.) Conformity with a general plan or ordinance standard does not insulate a project from EIR review where there is substantial evidence that it can be fairly argued that the project will generate significant environmental effects.’ ” (*Citizens for Responsible & Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1338 [general plan noise standard], quoting *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 881-882.)

See also, *Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs.* (2001) 91 Cal.App.4th 1344, 1381. [“the fact that residential uses are considered compatible with a noise level of 65 decibels for purposes of land use planning is not determinative in setting

a threshold of significance under CEQA".) Noises from loud music, bounce houses, and other causes that disturb the neighbors has been adequately demonstrated and is sufficient to require an EIR:

We begin by considering the impact of event-related noise on neighboring residents. There is substantial evidence in the record supporting a fair argument that music played by a DJ during events on the Property may have significant noise impacts on surrounding residents. One neighboring couple, the Matlocks, stated that they could hear "pounding music" from a wedding held on August 7, 2010, despite a video showing the speakers were oriented away from their home, as called for by the MND and use permit.

(*Id.* at p. 733 – Court held the evidence sufficient to meet the "fair argument" standard and required an EIR.)

The proposed permit modification proposes to continue and exacerbate HRS' use of the current campus as an entertainment venue, convention center with 180 events over and above what normally occurs in a typical school, a dog park early in the morning and late in the afternoon, open campus to the public (including go-carts), bus and car route through narrow residential streets located at one point half a mile away from the school and which blocks egress and ingress for the neighbors, and incidentally a school that services only about 450 Oakland children.

For all of the foregoing reasons, the City must require preparation of an EIR before granting the permit modifications.

Thank you for considering our comments.

Very truly yours,

Leila H. Moncharsh

Leila H. Moncharsh, J.D., M.U.P.
Veneruso & Moncharsh

cc: NSC

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DONNA M. VENERUSO, P.C. (d.'09)
LEILA H. MONCHARSH, P.C.

November 3, 2015

Oakland Planning Commission
City Hall
Oakland, CA

RE: Head-Royce Application – Agenda Item 3

I am a land use attorney in Oakland and have been requested by the Neighborhood Steering Committee (NSC) to submit this correspondence. This letter is in response to the recommended conditions of approval. (Attachment B to staff report) and recommended TDM. The NSC appreciates the amount of work that planning expended on this technical document and that the NSC's comments were taken seriously. We can see that some of our requests for changes, additions, or deletions were made to the proposed CUP.

Our recommendation to the planning commission remains the same. The application should be denied and Head-Royce ordered to downsize to the phase two level of students that it should have, if it had not violated its use permit. Head-Royce School (HRS) is requesting an approximately 52 student total increase in enrollment that includes the 26 students enrolled in violation of the 2006 use permit plus an additional 26 students over and above that number, all of which is not permitted under the current permit any sooner than 2021.

The history of stubborn and continual noncompliance does not justify "gifting" the school the additional 52 students until 2021. The neighborhood cannot handle even one more car and is already seriously impacted by HRS in ways inconsistent with schools located in residential neighborhoods. The draft CUP before you is complicated and requires a high level of management that HRS has not evidenced.

Just as importantly, HRS will be applying for a master plan permit to use the former Lincoln Child Center property. HRS bought the property in 2012 and in 2014, told the community it would be ready with its master plan by March 2015. It initially applied to the City to begin using this property in 2013, but then withdrew that application to pursue this one. This current application should be consolidated with the master plan application as both properties are in one neighborhood. If planning continues to recommend changing the PUD project to include a loop through a residential

neighborhood located about half a mile from the school and other increases in impacts since the 2006 Mitigated Negative Declaration (MND) was adopted, just the CEQA litigation alone will take up the time between now and when a master plan application comes before your commission. (See CEQA discussion, below.) It would be better to rule on the totality of HRS' expected impacts at one time and from a "baseline" of phase two enrollment (844 or 854) students, not 906 students.

If you choose to grant the modification application, your commission should not grant it for the full 52 students and should make further revisions to the draft CUP. Besides the school enrollment, the remaining key issues are the excessive number of events (180), which could occur outdoors, including nights and weekends, and adding 280 participants to the HRS summer camp program which is excessive. Events and the summer program have been two longstanding, vexing issues for the neighborhood due to noise and traffic. Removal of the loop that presents dangerous conditions and a nuisance for neighbors residing on that route is another major issue.

The NSC has done its best to respond to the CUP and TDM recommendations, which were released last Friday. However, the amount of text in both documents deserves further comments than what NSC can accomplish by the hearing date. Below are some of the NSC responses to Attachment B by paragraph.

A. Recommended CUP – by the Paragraph Numbers in CUP

3. We appreciate the better definition of minor and major changes to the use permit. Changes to the TDM should be considered major changes that would allow City Council review.

14. This condition has outdoor athletic practices and games until 7:30 p.m. or until sundown, whichever is earlier. Normally schools have finished these activities no later than 6:30 p.m., assuming school gets out at 3:30. The neighbors would like to have quiet time for their children to do homework and to eat dinner. The activities should be done by 6:30 p.m. and the school closed no later than 7:30 p.m.

15. (c) This condition has the summer program allowed to host special events during evenings and weekends. The neighbor "victims" of the summer camp program ask that this provision be removed and a provision added denying permission to have special events hosted during the summer months. They have written emails about the excessive, unnecessary noise which is inconsistent with a school summer program and that they

have to endure every summer. Neighbors should be able to enjoy at least part of the summer without excessive noise.

15. (d) has 780 children in the summer camp program, which should be reduced to the 500 children that have been in the program and which HRS already cannot handle. The traffic problems by parents, who do not know the driving rules and are only in the neighborhood for two weeks at a time is already disturbing. The noise also is excessive and beyond what other schools create. The bounce houses alone are registering 95 to 100 on the decibel scale and run a generator all day.

16. (a) The summer camp program does not host special events. It puts on entertainment activities every day for the participants. It is a fun camp type of program. Every day is "special event" day, which has become a problem for neighbors due to excessive noise. This provision needs to be changed so that no special events are allowed during the summer.

17, 20. There is no cap on the number of employees. The most recent public tax return tax return for HRS shows that for the 2013 calendar year, it had 513 employees and 420 volunteers. The school only reported 153 employees to the State Department of Education. Even making a large deduction for employees used for the summer program, the parking requirements are insufficient for the number of employees and volunteers who work at the school. There should be a correct statement made as to the number of employees and volunteers and a cap set so that the number of necessary onsite parking spaces can be effectively monitored. The long history of use permit noncompliance combined with the difference in the numbers between the Department of Education and HRS' tax return suggests that without a cap, the City will open the door for continued enrollment and staff "creep." The Planning Commission needs a correct accounting of the persons who drive to the school and surrounding neighborhood.

18. This should be the last time the PUD is amended, given that HRS has acquired more real estate across from and adjacent to its campus in the last several years. A master plan should be required prior to issuance of any permit, not just a modification of this same outdated PUD. This statement, contained in the draft track changes document should be included in the text of the final: "No new construction or enrollment above 906 students is contemplated as part of this approval."

19. The definition of amplified sounds should include generators (which are used all day for large bounce houses).

22. This condition involves the Whittle gate. It allows kids who bike or walk to the school to have access along with "neighbors." These categories may have pedestrian access, only. There should be a definition of "neighbor" given that the campus is open to the public on the driveway side of Lincoln Avenue and HRS has given out key cards to numerous people who are driving and then entering the campus. The condition should add emergency or maintenance as reasons for access through the gate. This condition or an added condition needs to address the open pedestrian walkway next to the Lincoln Avenue driveway. Also, these gates should be locked when the school is not in session to stop the use of the facilities by trespassers or others who are not neighbors and use the facilities for whatever purpose they choose while creating disturbances for neighbors.

23. (a) This includes the loop, which is part of the modified project and requires an EIR. Also it has a goal of "minimizing traffic on neighborhood streets" - that should be "preventing" school traffic from entering neighborhood unless the driver lives in the neighborhood. (c). The words "discourage" and "goal" are too vague. The condition should provide a specific reduction number and a way to monitor it. NSC is asking for a specific bus ridership requirement with periodic counts to make sure that it is complied with.

23 (c) iii. Again, terms like "shall commit," and "averaging" should be removed. Averaging was a disaster with Bentley School, was rejected by Los Gatos when it considered a trip cap, and is very hard to regulate. There should be a bus ridership requirement that is fixed and does not depend on whether AC Transit runs busses or not. The school is seeking legalization of its over-enrollment in violation of its use permit plus another 26 students. That should more than pay for shuttle and bus service at HRS' expense even if AC Transit falls short of funds to provide busses to HRS.

23. (d) There should be an upper limit on the number of people attending special events to avoid traffic and noise impacts on neighbors. This paragraph goes up to 400, so if that is the upper limit of what it can handle, it should be written as a cap in the condition. The two full paragraphs at the end of this subsection do not make any sense. Why would the school be required to identify violators of the traffic rules when those violators are probably not going to be back in the neighborhood again? The monitors need to stop the violations in the first instance.

23. (g) iii. A semester to cure traffic-related violations of the use permit is excessive. HRS should be able to cure them right away and not need more than 30 days at the extreme. The term "good faith effort" should be removed. The school is either

complying with its use permit or it is violating it. There is no middle ground.

There were several conditions that the neighbors sought and were left out of those recommended by the planning staff. We request their inclusion:

- NSC does not believe 35 monitors are needed, but it does request independent third-party monitors, at HRS' expense. The security guards and teachers have been unable to control traffic. NSC notices that the requirement for cameras is again in the proposed conditions – never has anyone seen a HRS monitor photograph a rule violator.
- The license plate database has been removed from the conditions, leaving it to HRS to monitor the parents. At the same time, the neighbor representatives on Whittle and Lincoln Avenue are supposed to meet with and talk to HRS about problems. They cannot indicate that parents are violating rules if they don't know who is a HRS parent versus somebody else.
- Paragraph 37 of the NSC Responses should be included, subject to the City's paragraph 22 (Whittle gate access). Paragraph 37 prohibits HRS from loaning, partnering, or leasing, any of its facilities. In past years, HRS has used the facilities for fund raising combined with other organizations, rented to a tennis pro, loaned the facilities to other schools for their teams to use the campus, soccer pick-up games, etc. These uses cause two problems: 1. There is no supervision and the people using the facilities create noise and traffic nuisances for neighbors; and 2. HRS promised various neighbors that they could use the facilities during non-school hours, but when they try to do so, they are asked to leave due to the rental and loaning arrangements by HRS.
- Outdoor maintenance with noise generating equipment should only occur on school or summer program days between 8:00 a.m. and 6:00 p.m. Currently, the leaf blowers and other equipment begin running at 7:00 a.m. before school, and then on weekends and holidays when the neighbors have to listen to it. When students are inside classrooms, it is not noise that would interrupt them, but it is unnecessary noise for neighbors to hear when school is out.
- Cones and mobile signs should be removed daily when their use is finished instead of spread around on the street and neighborhood sidewalks.
- The mailbox and the handicap parking space on Lincoln Avenue are next to one another. They need to be free of cones and accessible when the school is not conducting drop-off and pick-up.

- The twice yearly community meetings by HRS should be open to the greater neighborhood given the amount of impact covering numerous streets and not limited to a few representatives on Whittle and Lincoln Avenue.
- The NSC submitted a landscaping condition that should be included. It requires HRS to maintain the landscaping, remove ivy from trees and keep it from going into the streets. The eucalyptus trees produce a great deal of debris which should be removed once a year for fire safety of the houses above the hillside.
- The condition requiring payment for the two-hour parking permits should include any increases in the cost.
- One of NSC's goals is getting HRS' operations out of the narrow residential streets. We have had complaints by neighbors on Clemens that they do not want HRS continuing to use their street as an HRS parking lot. The CUP should direct HRS to stop allowing its employees to park on the streets behind the school, including Whittle, Funston, Fruitvale and Clemens.
- There needs to be a condition setting out egress and ingress for the school. Otherwise, it will continue letting its students and employees enter from any place they feel like.
- NSC language prohibiting egress and ingress to the school campus through its residential properties was omitted from the recommended conditions of approval and needs to be included. Head-Royce teachers, staff and students enter and exit the campus through the properties at 4200 and 4220 Whittle Ave. This happens numerous times a week. Even entire classes have been seen doing so. Neighbors have sent written complaints to the school for years to no avail. One neighbor has asked the school to place a sign at the top and bottom of the driveway of these properties that notifies all that this is not an authorized shortcut in and out of the campus. Head-Royce has not only not done so after repeated requests, they refuse to say why they will not place these signs. The recommended conditions of approval should contain a specific prohibition against using the Head-Royce residential properties for ingress and egress to the campus. It should also include a provision that Head-Royce place a substantial, weatherproof sign at the top and bottom of the driveway of 4200/4220 Whittle Ave notifying their teachers, staff and students not to use the 4200/4220 Whittle Ave driveway as a shortcut to enter or leave the school.

B. Proposed TDM & CEQA

CEQA requires the City to recirculate the Mitigated Negative Declaration (MND) that was adopted as part of the 2006 PUD approval. Because this is not a new project, but a modification of the PUD which already depended on an MND, an exemption is not available. The planning department is viewing the modification as having no environmental impact because it only moves up a date for when HRS would reach 906 students, for which it has a vested right as of 2021. However, the "project" modification also includes a TDM and new conditions of approval that increase environmental impacts that were not discussed in the original MND:

1. The loop was mentioned in the MND, but was not studied. Unlike other intersections, there was no study of the loss of service (LOS) for Potomac and Lincoln, Laguna and Potomac, Alida and Laguna, Laguna and Rampart, and Rampart and Lincoln, all of which are involved in the loop. (MND, p. 4.)
2. The proposed conditions of approval contemplate an addition of 280 more participants in the summer program, which was not discussed in the MND. It is silent on the traffic issues and noise impacts related to the summer program, although it mentions its existence.
3. The MND made assumptions that are no longer true given changes in circumstances. For example, on page 9 the MND assumed that almost all of the students were coming from the Oakland Hills and Berkeley, which of course could be served by busses. However, the chart prepared from the 2012-2013 school directory shows that only 53% of the students come from Oakland, with the majority of the remainder coming from Piedmont, Berkeley, Alameda, Orinda, etc. where public bus service is now less available or not available at all.
4. The proposed CUP contemplates 180 special events per year, none of which was addressed by the MND's traffic analysis. Nor were the noise problems during non-school hours analyzed.
5. The MND admitted that in 2005, the LOS was F and E at Monterey and Lincoln Avenue due to traffic coming off of Highway 13. Neighbors have been complaining about the current backup in trying to get from 13 to Lincoln Avenue. The school's use of a "staging area" was not considered in the MND and it is unclear whether it helps or hinders the LOS coming off of Highway 13.
6. None of the bus routes in 2005, set out in the MND included the loop. (MND, pp.5-6.) The current TDM, which would be required under the modified PUD requires that the busses run through the loop. Further, the MND assumed only

two private busses would be used – one serving Danville, Walnut Creek, Lafayette, and Orinda and a second serving North Berkeley, Berkeley, and North Oakland. The TDM includes far more busses now – all using the loop if they come from Highway 13 downhill to the HRS main gate.

There is a legal difference between a school choosing on its own to tell parents that they can use the “loop” and the City issuing a permit requiring compliance with a TDM that has drivers wishing to return to Highway 13 using the loop. It is the City requirement that the loop be used as part of a permit process that creates an impact falling within CEQA. Similarly, a permit process that adds more summer participants also requires CEQA review. There are sufficient changes to the “project” and triggering of environmental impacts that the City is required to conduct CEQA review. (*Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 527.

The MND does not discuss any of the impacts listed above and raised by the current changes to the project. The City is not contemplating any environmental review, instead relying on an exemption. However, that is not legally permissible because if it were allowable, the project could be chopped up into little pieces with one MND followed by many exemptions, thus avoiding review of the whole project. The term “‘project’ refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term ‘project’ does not mean each separate governmental approval.” (Guidelines, § 15378, subd. (c).) CEQA mandates that environmental considerations not be glossed over by piecemeal handling of the project such that, with each little piece of it or discretionary approval, the cumulative impacts can become disastrous. (*City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1452.) Therefore, the City should conduct environmental review and if it determines that it can rely on the MND, it should recirculate the MND for public comment.

Even if the City were entitled to rely on an exemption, it does not qualify here due to the cumulative impact exception. (Guideline § 15300.2 (b)). HRS applied in 2013 for a change in the use permit for the former Lincoln property so it could begin using that property. It has informed the public, the city, and the court during litigation with neighbors over a land use contract, that it intends to use the Lincoln property in the near future for K-12 purposes. The City has made it clear that HRS will need to apply for a master plan that encompasses both of its institutional properties. Again, the staff report focuses on the granting of the 2006 PUD permit without considering the environmental impacts from the traffic in the same neighborhood due to HRS’ statements that it intends to expand into the Lincoln property. It also is not considering the incremental impact of

“building” on the 2006 PUD permit by adding more traffic impacts (loop) and noise (180 events, 280 more summer participants) in the modification of that permit.

Moreover, given the state of the record, the City will need to require at least a focused environmental impact report as to noise and traffic. The two reports, one about noise during school hours by Wilson/Ihrig and the recent TDM report are insufficient to overcome the evidence submitted by the neighbors. An EIR is required whenever “substantial evidence in the record supports a ‘fair argument’ significant impacts or effects may occur.” (*City of Arcadia v. State Water Resources Control Bd.* (2006) 135 Cal.App.4th 1392, 1421.)

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a threshold of significance under CEQA”). Noises from loud music, bounce houses, and other causes that disturb the neighbors has been adequately demonstrated and is sufficient to require an EIR:

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(*Id.* at p. 733 – Court held the evidence sufficient to meet the “fair argument” standard and required an EIR.)

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For all of the foregoing reasons, the City must require preparation of an EIR before granting the permit modifications.

Thank you for considering our comments.

Very truly yours,

Leila H. Moncharsh

Leila H. Moncharsh, J.D., M.U.P.
Veneruso & Moncharsh

cc: NSC

Klein, Heather

From: John Prestianni <jprestianni@yahoo.com>
Sent: Friday, October 30, 2015 9:18 AM
To: Office of the Mayor; City Administrator's Office; Cappio, Claudia; Kalb, Dan; Bolotina, Olga; arguillen@oaklandnet.com; McElhane, Lynette; Gallo, Noel; Campbell Washington, Annie; Brooks, Desley; Kaplan, Rebecca; Reid, Larry; Moore, Jim; magraplanning@gmail.com; nags98@hotmail.com; jahazielbonillaoaklandpc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris; ew.oakland@gmail.com; Klein, Heather; Ranelletti, Darin; Flynn, Rachel; asimmons@oaklandnet.com; Merkamp, Robert; Miller, Scott
Subject: Please limit Head-Royce School expansion and new development

Dear Mayor Schaff, Councilwoman Washington, and Members of the Oakland City Council, Planning Commission and Planning Staff:

As an Oakland resident, taxpayer, and voter, I am writing about the Head-Royce School application for revision to its current Planned Unit Development permit. **I wholeheartedly support the position advocated by the Neighborhood Steering Committee to limit the expansion of enrollment by Head-Royce School.**

My home is at 2575 Charleston Street, in the Oakland neighborhood where Head-Royce operates its activities. My neighborhood is informally known as Lincoln Highlands. My property is next to and behind the former Lincoln Child Center (LCC) property, which was purchased by Head Royce in 2012. That acquisition increased the total amount of HRS's property from 15 acres to 22 acres.

I am alarmed about Head-Royce's desire to expand enrollment and develop the LCC property. Head-Royce currently is in violation of its use permit from the City of Oakland and fails to keep its promises made to neighbors over the years in response to complaints. Head-Royce and its leadership are largely unresponsive to neighbors' concerns about its impact on the quality of life in the neighborhood.

Head-Royce now seeks to legalize its current over-enrollment and wants to further expand permitted enrollment. The neighborhood already suffers the effects of traffic and loss of parking generated by Head-Royce's activities. Expanded enrollment will further exacerbate the strain on traffic and neighborhood parking. Its current activities cannot be supported without a dramatic increase in public transportation for students and employees, as well as requiring the school to use its already existing driveways and parking lots for student drop-off and pick-ups.

The entire neighborhood with its hundreds of homes is clearly at risk of becoming institutionalized by Head-Royce exceeding the limits of what Oakland's infrastructure can support. My neighbors and I are concerned that if the City allows this pattern to continue, the Lincoln Highlands neighborhood behind the former LCC property will also be used by Head Royce for:

- Parking, drop-off and pick-up;
- Activities inconsistent with school use on the property;
- Public, after-school and private events on evenings and weekends; and
- Increased traffic on residential streets.

No Oakland school, particularly a costly private school such as Head-Royce, should be allowed to disrupt a neighborhood as much as this school has, and will continue to do, if not effectively regulated by the City of Oakland.

With HRS's purchase of the Lincoln Child Center property, it seems inevitable that the school will continue seeking to grow, and become a massive institution. If the school is allowed to grow without effective limitations, the quiet neighborhood I moved into will be lost forever. There is a real need to resolve the current conflict of values with good land use planning.

For these reasons, I support the Neighborhood Steering Committee's proposed modifications to the conditions of use. I particularly support enforceable language in a use permit that will prohibit use of campus facilities for non-HRS activities, and limit the size of both the regular school year and the summer program enrollment.

Planning Commission members, please consider my views while deciding your position on this issue.

Sincerely yours,

John Prestianni
2575 Charleston Street
Oakland, CA 94602

Klein, Heather

From: Carol Lonergan <calonergan@gmail.com>
Sent: Thursday, October 29, 2015 7:02 PM
To: Office of the Mayor; City Administrator's Office; Cappio, Claudia; Kalb, Dan; Bolotina, Olga; Guillen, Abel; McElhaney, Lynette; Gallo, Noel; Campbell Washington, Annie; Brooks, Desley; Reid, Larry; Kaplan, Rebecca; Moore, Jim; jahazielbonillaoaklandpc@gmail.com; nagrajplanning@gmail.com; nags98@hotmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris; Flynn, Rachel; ew.oakland@gmail.com; Klein, Heather; Ranelletti, Darin; asimmons@oaklandnet.com; Merkamp, Robert; Miller, Scott; 101550@msn.com; mthilgen@sbcglobal.net
Subject: Head Royce Project

Dear Mayor Schaaf, City Council Members, Planning Commission and Planning Staff,

Since Jan. 2006, I'm a resident of Whittle Avenue (4370). In 2011, I organized two blocks of Whittle Ave. to obtain Neighborhood Watch status, and have been block captain since that time.

In this role, I have been privy to my neighbors' increasing discomfort with the unneighborly, unsafe operation of the Head Royce School, particularly those neighbors with properties that abut the school's parcel.

Even worse, I am dismayed and angered to learn of the School's treatment of households living on the opposite side of Lincoln Avenue: to 'break' an agreement between those properties and the Lincoln Childcare Center, HRS brought lawsuits against these homeowners.

- My Whittle neighbors are **daily** subjected to the noise of delivery trucks crashing over the speed bumps on Whittle Ave. between Tiffin and Funston; *a most unpleasant "alarm clock"*.
- They are subjected at 5am every week to the sound of the school's dumpsters crashing to the ground after being emptied.
- I am among those homeowners who endure the noise from the field; one *certainly* expects noise from school sports programs **during** the school day, I have no issue with that. But the use of the field **after** school hours, by various other children's and adult's groups during the week, as well as weekend days; **and** all. summer. long. with compressors/generators motoring to operate "bouncy houses" WITH NO RESPITE... this is untenable!
- **A very real fire danger exists:** spent matches, discarded cigarette butts, empty beer cans/liquor bottles have been found on the edge of the school's property where it abuts private properties (and sometimes on those private properties): the

school is either not supervising, or is unable to supervise the students currently enrolled on the campus.

- My neighbors have described observing sexual activity on the grounds, where their yards meet HRS property. Where is the supervision of these older students? Are they actually students, or "others"? There is no telling; there is not sufficient supervision. There are no fenced boundaries to preclude trespassing/littering.

The HRS current enrollment is the largest enrollment of the other local private schools by hundreds of students. They have illegally exceeded what was allowed in the existing CUP; why should this scofflaw behavior be 'rewarded' with a revised CUP, allowing even greater enrollment numbers? What provisions can the City impose to ensure enrollment is not illegally exceeded again? Please enact a moratorium on further enrollment of *any* program!

The HRS has purchased the Lincoln Childcare parcel opposite them on Lincoln Ave. Why are the households on "the Loop" still enduring traffic nightmares in the form of:

- Noise of buses twice daily
- Wear on narrow residential streets never designed nor paved for daily use by large vehicles like buses
- Particulate pollution ("soot") in their yards

Why hasn't the School used the LCC land to construct an internal drop-off/pick-up zone yet?

The School attempts to paint itself as a "good neighbor" by permitting neighborhood people to use the campus tennis courts, and by subsidizing the local private patrol on Whittle/Funston/Fruitvale/Tiffin to the tune of \$10K annually.

But please consider that most families that live on Fruitvale, Funston and Tiffin are unaffected by noise and traffic, and are concerned instead with

- maintaining the reduction to their annual private patrol costs that the School's subsidy affords them;
- don't want to be seen in opposition to the School, because they intend to send their own future and/or small children there

This private school is a business, concerned with its bottom line, **not** the genuine burden placed by its actions on the households surrounding it. The new CUP proposed by HRS is wholly unacceptable to me.

I fully support the CUP drafted by the Neighborhood Steering Committee. Please restore a modicum of peace and quiet to our street by adopting the NSC's proposed version of

the CUP, and put in place protections from further commercial encroachments by HRS on our properties.

Sincerely,

Carol Lonergan

Klein, Heather

From: supporters@headroyce.org
Sent: Thursday, October 29, 2015 4:59 PM
To: chris@wellsandbennett.com
Subject: I support Head-Royce School

Dear Commissioners:

I am writing to express my full-throated support for Head-Royce School.

For 50 years, Head-Royce has provided high-quality K-12 education to young people in Oakland. In addition to being one of the best independent schools in America – education we're extremely lucky to have here in our community – Head-Royce provides a great education that's accessible. The School offers a robust financial aid program that helps working families to the tune of over \$4 million annually, subsidized bus service, and a culturally-competent education in a vibrant urban community where students of color make up over half of the student body.

And Head-Royce works tirelessly to be a good neighbor:

- **Head-Royce contributes over \$10,000/year** to neighborhood security patrols – in addition to providing 3 full-time security guards that enhance neighborhood safety.
- **Head-Royce dedicates trained monitors to direct and streamline** drop-off and pick-up traffic – and worked closely with the City to install “NO U-TURN” signs.
- **Head-Royce imposes strict driving rules** on its visitors – using cameras to enforce rules that are a contractual condition of enrollment and employment.
- **Head-Royce has worked with neighbors** to fund residential preferential parking, and successfully advocated for a 4.5-ton limit on trucks traveling on Lincoln Avenue.
- **Head-Royce has engaged professional traffic planners and engineers** to monitor its own traffic and brainstorm ways to reduce it.

Still – like the neighborhoods around many schools – there are impacts. That's why Head-Royce's application before the Planning Commission comes with a host of new rules, regulations, and conditions that represent a significant, new community benefit.

For example, the School has engaged professional transportation planners at Nelson\Nygaard to prepare a Transportation Demand Management Plan designed to ease traffic. The firm recently conducted traffic counts, which showed that the School adds approximately one car per minute to neighboring streets during the busiest periods of drop-off and pick-up. Though this number is fairly small, Head-Royce is committed to reducing single-occupancy vehicle traffic – which is why it has invested over \$1 million in subsidized bus service for students and worked closely with AC Transit to protect public bus routes that serve its students.

Head-Royce recognizes the impacts of being on an already-busy thoroughfare, takes proactive steps to lessen it, and works hard to dialogue with concerned neighbors. The School has engaged in longstanding community outreach, and also held a community meeting recently, which I appreciated. And it has promised to continue

this kind of productive communication with neighbors.

Ultimately, Head-Royce is actually a relatively small school – much like their fairly routine request to responsibly, slowly grow by adding just 31 additional students, with new enrollment spread out over several years. (Though Head-Royce is a K-12 school, nearby Montera Middle School has over 1000 students for just three grade levels.)

Head-Royce is a significant community asset that Oakland needs, and one that should thrive. Like many others, I urge you to approve the School's use permit amendment – and the new City staff-recommended rules that will improve the neighborhood.

Sincerely,
Christine Christensen
chris@wellsandbennett.com
6328 Ridgemont Drive
Oakland, CA 94619

Klein, Heather

From: supporters@headroyce.org
Sent: Thursday, October 29, 2015 4:51 PM
To: lattari@gmail.com
Subject: I support Head-Royce School

Dear Commissioners:

I am writing to express my full-throated support for Head-Royce School.

For 50 years, Head-Royce has provided high-quality K-12 education to young people in Oakland. In addition to being one of the best independent schools in America – education we're extremely lucky to have here in our community – Head-Royce provides a great education that's accessible. The School offers a robust financial aid program that helps working families to the tune of over \$4 million annually, subsidized bus service, and a culturally-competent education in a vibrant urban community where students of color make up over half of the student body.

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Sincerely,
latha attari
lattari@gmail.com
Dear Commissioners:

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Sincerely,

Latha and Mukarram Attari

lattari@gmail.com

1005 Aquarius Way, Oakland, CA 94611

Klein, Heather

From: supporters@headroyce.org
Sent: Thursday, October 29, 2015 4:51 PM
To: attarim@gmail.com
Subject: I support Head-Royce School

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Sincerely,
mukarram attari
attarim@gmail.com
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Sincerely,

Latha and Mukarram Attari

attarim@gmail.com

1005 Aquarius Way, Oakland, CA 94611

Klein, Heather

From: supporters@headroyce.org
Sent: Thursday, October 29, 2015 3:41 PM
To: christinawalker403@gmail.com
Subject: I Support Head-Royce School

Dear Commissioners:

My family has made the four-year commitment to participate in the Heads Up Program, and feel very connected to Head-Royce School. This letter is to express our support.

The Heads Up Program plays an integral role in the academic and character development of my child. Each year, my child spends the majority of their summer occupying the learning spaces of Head-Royce School. They do this with a sense of pride, ownership and community. You see, one of the great benefits of Heads Up is that it brings highly talented and motivated middle school students from across Oakland into a rich learning environment. For my child, this program is transformative. Heads Up helps prepare students for the academic challenges of the upcoming school year, while simultaneously growing their confidence and leadership.

Needless to say, my family has directly benefitted from the Heads Up Program at Head-Royce School. It is my hope that restraints are not put in place to limit the number of Oakland youth who can participate in this special program.

Sincerely,

Christina Walker
christinawalker403@gmail.com
1105 65th avenue #c
Oakland, California 94621

Klein, Heather

From: supporters@headroyce.org
Sent: Thursday, October 29, 2015 3:33 PM
To: christinawalker403@gmail.com
Subject: I Support Head-Royce School

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Christina Walker
christinawalker403@gmail.com
1105 65th avenue #c
Oakland, California 94621

Klein, Heather

From: supporters@headroyce.org
Sent: Thursday, October 29, 2015 3:31 PM
To: coriekman@gmail.com
Subject: I Support Head-Royce School

Dear Commissioners:

I am writing to express my support for Head-Royce School.

I too, am a part of the Head-Royce community. Our family has participated in the summer program in the past.

Head-Royce Summer Program is truly a community-wide program. For many participants it has become “the neighborhood”. The program design is a direct reflection of research that demonstrates all students perform better in school when they are engaged in academic programming during the summer months. In an effort to create a robust experience and leverage available resources, all campers also receive hands-on support in science and technology and receive daily swim lessons. Of equal importance is the social/emotional growth promoted at camp through strategic efforts in community building, enrichment programs and special events. Rich relationships are forged with new friends and counselors who attend local high schools and colleges receiving training in positive role modeling.

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\$25,000 worth of camps to local school auctions to support fundraising efforts.

Our family has directly benefitted from the Head-Royce Summer Program and hopes that restraints are not put in place that would limit the number of Oakland youth who are a part of this community.

Sincerely,

Cori Ekman
coriekman@gmail.com
6173 Harbord Drive
Oakland CA 94611

Klein, Heather

From: supporters@headroyce.org
Sent: Thursday, October 29, 2015 3:25 PM
To: heatherwood@gmail.com
Subject: I support Head-Royce School

Dear Commissioners:

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Sincerely,
HEATHER WOOD
heatherwood@gmail.com
2736 Webster St.
Berkeley, CA 94705

Klein, Heather

From: supporters@headroyce.org
Sent: Thursday, October 29, 2015 2:14 PM
To: prettyjoja@yahoo.com
Subject: I Support Head-Royce School

Dear Commissioners:

My family has made the four-year commitment to participate in the Heads Up Program, and feel very connected to Head-Royce School. This letter is to express our support.

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Needless to say, my family has directly benefitted from the Heads Up Program at Head-Royce School. It is my hope that restraints are not put in place to limit the number of Oakland youth who can participate in this special program.

Sincerely,

Jacqueline Garcia
prettyjoja@yahoo.com
1539 80th Ave
Oakland CA 94621

Klein, Heather

From: supporters@headroyce.org
Sent: Thursday, October 29, 2015 1:42 PM
To: Handscottrueg@yahoo.com
Subject: I Support Head-Royce School

Dear Commissioners:

I am writing to express my support for Head-Royce School.

I too, am a part of the Head-Royce community. Our family has participated in the summer program in the past.

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\$25,000 worth of camps to local school auctions to support fundraising efforts.

Our family has directly benefitted from the Head-Royce Summer Program and hopes that restraints are not put in place that would limit the number of Oakland youth who are a part of this community.

Sincerely,

Heather Ruegg
Handscottrueg@yahoo.com
335
Mountain Avenue Piedmont

Klein, Heather

From: supporters@headroyce.org
Sent: Thursday, October 29, 2015 1:13 PM
To: makanismoms@gmail.com
Subject: I Support Head-Royce School

Dear Commissioners:

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Sincerely,

Jame Sky
makanismoms@gmail.com
4282 Coolidge Ave
Oakland, CA 94602

Klein, Heather

From: supporters@headroyce.org
Sent: Thursday, October 29, 2015 12:02 PM
To: susanboranian@pacbell.net
Subject: I support Head-Royce School

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Still – like the neighborhoods around many schools – there are impacts. That's why Head-Royce's application before the Planning Commission comes with a host of new rules, regulations, and conditions that represent a significant, new community benefit.

For example, the School has engaged professional transportation planners at Nelson\Nygaard to prepare a Transportation Demand Management Plan designed to ease traffic. The firm recently conducted traffic counts, which showed that the School adds approximately one car per minute to neighboring streets during the busiest periods of drop-off and pick-up. Though this number is fairly small, Head-Royce is committed to reducing single-occupancy vehicle traffic – which is why it has invested over \$1 million in subsidized bus service for students and worked closely with AC Transit to protect public bus routes that serve its students.

Head-Royce recognizes the impacts of being on an already-busy thoroughfare, takes proactive steps to lessen it, and works hard to dialogue with concerned neighbors. The School has engaged in longstanding community outreach, and also held a community meeting recently, which I appreciated. And it has promised to continue

this kind of productive communication with neighbors.

Ultimately, Head-Royce is actually a relatively small school – much like their fairly routine request to responsibly, slowly grow by adding just 31 additional students, with new enrollment spread out over several years. (Though Head-Royce is a K-12 school, nearby Montera Middle School has over 1000 students for just three grade levels.)

Head-Royce is a significant community asset that Oakland needs, and one that should thrive. Like many others, I urge you to approve the School's use permit amendment – and the new City staff-recommended rules that will improve the neighborhood.

Sincerely,
Susan Boranian
susanboranian@pacbell.net
780 Trestle Glen Road
Oakland, CA 94610

Klein, Heather

From: supporters@headroyce.org
Sent: Thursday, October 29, 2015 11:04 AM
To: loyalcjlady@yahoo.com
Subject: I Support Head-Royce School

Dear Commissioners:

My family has made the four-year commitment to participate in the Heads Up Program, and feel very connected to Head-Royce School. This letter is to express our support.

The Heads Up Program plays an integral role in the academic and character development of my child. Each year, my child spends the majority of their summer occupying the learning spaces of Head-Royce School. They do this with a sense of pride, ownership and community. You see, one of the great benefits of Heads Up is that it brings highly talented and motivated middle school students from across Oakland into a rich learning environment. For my child, this program is transformative. Heads Up helps prepare students for the academic challenges of the upcoming school year, while simultaneously growing their confidence and leadership.

Needless to say, my family has directly benefitted from the Heads Up Program at Head-Royce School. It is my hope that restraints are not put in place to limit the number of Oakland youth who can participate in this special program.

Sincerely,

Kristen Wilson
loyalcjlady@yahoo.com

My son is benefitting greatly attending the Heads Up Program at Head Royce! He has a stable full day summer program that is a balance between academics and enrichment. He has been attending now for 3 years and appreciates the opportunity he has earned to be a part of this program. He is college bound and free thinking, kids are all products of their environment and Head Royce is a critical factor in his social and academic environment.

Thank you for your consideration.

Klein, Heather

From: supporters@headroyce.org
Sent: Thursday, October 29, 2015 10:43 AM
To: johnfuentes27@gmail.com
Subject: I Support Head-Royce School

Dear Commissioners:

My family has made the four-year commitment to participate in the Heads Up Program, and feel very connected to Head-Royce School. This letter is to express our support.

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Sincerely,

John Fuentes
johnfuentes27@gmail.com
2146 Buena Vista Ave Alameda, CA 94501

Klein, Heather

From: supporters@headroyce.org
Sent: Thursday, October 29, 2015 10:02 AM
To: willielevi7@gmail.com
Subject: I Support Head-Royce School

Dear Commissioners:

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Sincerely,

Willie Levi
willielevi7@gmail.com
7811 Locust St

Klein, Heather

From: supporters@headroyce.org
Sent: Thursday, October 29, 2015 10:00 AM
To: kristisoph@gmail.com
Subject: I support Head-Royce School

Dear Commissioners:

I am writing to express my full-throated support for Head-Royce School.

For 50 years, Head-Royce has provided high-quality K-12 education to young people in Oakland. In addition to being one of the best independent schools in America – education we're extremely lucky to have here in our community – Head-Royce provides a great education that's accessible. The School offers a robust financial aid program that helps working families to the tune of over \$4 million annually, subsidized bus service, and a culturally-competent education in a vibrant urban community where students of color make up over half of the student body.

And Head-Royce works tirelessly to be a good neighbor:

- **Head-Royce contributes over \$10,000/year** to neighborhood security patrols – in addition to providing 3 full-time security guards that enhance neighborhood safety.
- **Head-Royce dedicates trained monitors to direct and streamline** drop-off and pick-up traffic – and worked closely with the City to install “NO U-TURN” signs.
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Head-Royce is a significant community asset that Oakland needs, and one that should thrive. Like many others, I urge you to approve the School's use permit amendment – and the new City staff-recommended rules that will improve the neighborhood.

Sincerely,
Kristi Fujimoto
kristisoph@gmail.com
Occidental College
1600 Campus Road, Box #390
Los Angeles, CA 90041

Klein, Heather

From: supporters@headroyce.org
Sent: Thursday, October 29, 2015 9:58 AM
To: bettyfujimoto@gmail.com
Subject: I support Head-Royce School

Dear Commissioners:

I am writing to express my full-throated support for Head-Royce School.

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Sincerely,
Betty Fujimoto
bettyfujimoto@gmail.com
4226 Ridgemont Court
Oakland, CA 94619

Klein, Heather

From: supporters@headroyce.org
Sent: Thursday, October 29, 2015 9:32 AM
To: jwiley@frk.com
Subject: I support Head-Royce School

Dear Commissioners:

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Sincerely,
John Wiley
jwiley@frk.com
2568 Charleston St
Oakland, Ca 94602