

Attachment B

APPELLANT SUBMITTAL



CITY OF OAKLAND

APPEAL FORM - CEQA Appeal

FOR DECISION TO PLANNING COMMISSION, CITY COUNCIL OR HEARING OFFICER

PROJECT INFORMATION

Case No. of Appealed Project: PLN 18532-EROI, PUD 18532-E-01, PLN 18532
Project Address of Appealed Project: 4315, 4365, 4368 Lincoln Avenue
Assigned Case Planner/City Staff: Rebecca Lind

APPELLANT INFORMATION: Neighborhood Steering Committee (NSC)
Printed Name: Heila H Moncharsh Phone Number: (510) 316-5778
Mailing Address: 5707 Redwood Rd Alternate Contact Number: (510) 482-0390
City/Zip Code Oakland, 94619 Representing: NSC
Email: 101550@msn.com

An appeal is hereby submitted on:

- AN ADMINISTRATIVE DECISION (APPEALABLE TO THE CITY PLANNING COMMISSION OR HEARING OFFICER)**

YOU MUST INDICATE ALL THAT APPLY:

- Approving an application on an Administrative Decision
- Denying an application for an Administrative Decision
- Administrative Determination or Interpretation by the Zoning Administrator
- Other (please specify) _____

Please identify the specific Administrative Decision/Determination Upon Which Your Appeal is Based Pursuant to the Oakland Municipal and Planning Codes listed below:

- Administrative Determination or Interpretation (OPC Sec. 17.132.020)
- Determination of General Plan Conformity (OPC Sec. 17.01.080)
- Design Review (OPC Sec. 17.136.080)
- Small Project Design Review (OPC Sec. 17.136.130)
- Minor Conditional Use Permit (OPC Sec. 17.134.060)
- Minor Variance (OPC Sec. 17.148.060)
- Tentative Parcel Map (OMC Section 16.304.100)
- Certain Environmental Determinations (OPC Sec. 17.158.220)
- Creek Protection Permit (OMC Sec. 13.16.450)
- Creek Determination (OMC Sec. 13.16.460)
- City Planner's determination regarding a revocation hearing (OPC Sec. 17.152.080)
- Hearing Officer's revocation/impose or amend conditions (OPC Sec. 17.152.150 &/or 17.156.160)
- Other (please specify) _____

(Continued on reverse)

(Continued)

A DECISION OF THE CITY PLANNING COMMISSION (APPEALABLE TO THE CITY COUNCIL)

Granting an application to: **Approve Head Royce Project.** OR Denying an application to:

YOU MUST INDICATE ALL THAT APPLY:

application approve EIR

Pursuant to the Oakland Municipal and Planning Codes listed below:

- Major Conditional Use Permit (OPC Sec. 17.134.070) / **PUD**
- Major Variance (OPC Sec. 17.148.070)
- Design Review (OPC Sec. 17.136.090)
- Tentative Map (OMC Sec. 16.32.090)
- Planned Unit Development (OPC Sec. 17.140.070)
- Environmental Impact Report Certification (OPC Sec. 17.158.220F)
- Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec. 17.144.070)
- Revocation/impose or amend conditions (OPC Sec. 17.152.160)
- Revocation of Deemed Approved Status (OPC Sec. 17.156.170)
- Other (please specify) **All approvals including but not**

limited to: Tree removal permit, creek permit, CUP, FDP, EIR

FOR ANY APPEAL: An appeal in accordance with the sections of the Oakland Municipal and Planning Codes listed above shall state specifically wherein it is claimed there was an error or abuse of discretion by the Zoning Administrator, other administrative decisionmaker or Commission (Advisory Agency) or wherein their/its decision is not supported by substantial evidence in the record, or in the case of Rezoning, Landmark Designation, Development Control Map, or Law Change by the Commission, shall state specifically wherein it is claimed the Commission erred in its decision. The appeal must be accompanied by the required fee pursuant to the City's Master Fee Schedule.

You must raise each and every issue you wish to appeal on this Appeal Form (or attached additional sheets). Failure to raise each and every issue you wish to challenge/appeal on this Appeal Form (or attached additional sheets), and provide supporting documentation along with this Appeal Form, may preclude you from raising such issues during your appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.

The appeal is based on the following: (Attach additional sheets as needed.)

The Planning Commission abused its discretion by granting the certification of the EIR. It also committed procedural errors, see Attached letter to City Council for details and all Attached documents, including documents previously submitted

Supporting Evidence or Documents Attached. (The appellant must submit all supporting evidence along with this Appeal Form; however, the appeal will be limited evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.)

(Continued on reverse)

(Continued)

Mike X. Small
Signature of Appellant or Representative of
Appealing Organization

May 1, 2023
Date

TO BE COMPLETED BY STAFF BASED ON APPEAL TYPE AND APPLICABLE FEE

APPEAL FEE: \$ _____

Fees are subject to change without prior notice. The fees charged will be those that are in effect at the time of application submittal. All fees are due at submittal of application.

Date/Time Received Stamp Below:

Below For Staff Use Only

Cashier's Receipt Stamp Below:



CITY OF OAKLAND
APPEAL FORM - PUD + all permits
FOR DECISION TO PLANNING COMMISSION, CITY
COUNCIL OR HEARING OFFICER

PROJECT INFORMATION

Case No. of Appealed Project: PRN 18532, PUD 18532-E-01
 Project Address of Appealed Project: 4315, 4365, 4368 Lincoln Ave.
 Assigned Case Planner/City Staff: Rebecca Lind

APPELLANT INFORMATION: Neighborhood Steering Committee (NSC)

Printed Name: Leila Moncharsh Phone Number: (510) 316-578
 Mailing Address: 5707 Redwood Rd Alternate Contact Number: _____
 City/Zip Code: Oakland 94619 Representing: NSC
 Email: 101550@msn.com

An appeal is hereby submitted on:

- AN ADMINISTRATIVE DECISION (APPEALABLE TO THE CITY PLANNING COMMISSION OR HEARING OFFICER)**

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- Approving an application on an Administrative Decision
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- City Planner's determination regarding a revocation hearing (OPC Sec. 17.152.080)
- Hearing Officer's revocation/impose or amend conditions (OPC Sec. 17.152.150 &/or 17.156.160)
- Other (please specify) All permits granted as part of

(Continued on reverse)

PUD permit
process, tree
removal
permit

(Continued)

*** A DECISION OF THE CITY PLANNING COMMISSION (APPEALABLE TO THE CITY COUNCIL)**

Granting an application to: **OR** Denying an application to:

Allow Head Boyce to move forward with its expansion plans.

YOU MUST INDICATE ALL THAT APPLY:

Pursuant to the Oakland Municipal and Planning Codes listed below:

- Major Conditional Use Permit (OPC Sec. 17.134.070)
- Major Variance (OPC Sec. 17.148.070)
- Design Review (OPC Sec. 17.136.090)
- Tentative Map (OMC Sec. 16.32.090)
- Planned Unit Development (OPC Sec. 17.140.070)
- Environmental Impact Report Certification (OPC Sec. 17.158.220F)
- Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec. 17.144.070)
- Revocation/impose or amend conditions (OPC Sec. 17.152.160)
- Revocation of Deemed Approved Status (OPC Sec. 17.156.170)
- Other (please specify) *All permits granted for the project application*

FOR ANY APPEAL: An appeal in accordance with the sections of the Oakland Municipal and Planning Codes listed above shall state specifically wherein it is claimed there was an error or abuse of discretion by the Zoning Administrator, other administrative decisionmaker or Commission (Advisory Agency) or wherein their/its decision is not supported by substantial evidence in the record, or in the case of Rezoning, Landmark Designation, Development Control Map, or Law Change by the Commission, shall state specifically wherein it is claimed the Commission erred in its decision. The appeal must be accompanied by the required fee pursuant to the City's Master Fee Schedule.

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The appeal is based on the following: (Attach additional sheets as needed.)

The Planning Commission abused its discretion by granting the permits requested in the HRS project application. See Attached letters.

Supporting Evidence or Documents Attached. (The appellant must submit all supporting evidence along with this Appeal Form; however, the appeal will be limited evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.)

(Continued on reverse)

[Handwritten Signature]
Signature of Appellant or Representative of
Appealing Organization

May 1, 2023
Date

TO BE COMPLETED BY STAFF BASED ON APPEAL TYPE AND APPLICABLE FEE

APPEAL FEE: \$ _____

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Date/Time Received Stamp Below:

Below For Staff Use Only

Cashier's Receipt Stamp Below:

DONNA M. VENERUSO d.'09
LEILA H. MONCHARSH

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

May 1, 2023

Oakland City Council
Oakland City Hall
1 Frank H Ogawa Plaza, Ste 104
Oakland, California, 94612

Re: Head Royce School Application for Expansion: PLN 18532-ER01, PUD
18532-F-01, PLN 18532 Appeal

Dear City Council Members:

This appeal is filed on behalf of the Neighborhood Steering Committee (NSC). Formed in 2012, the NSC consists of representatives from each street around Head Royce School (HRS) with permission from their neighbors to represent them in matters involving the school.

We are presenting one appeal letter and attachments for each of two appeals from the Planning Commission Decision (PCD or Decision) on April 19, 2023. One appeal applies to the PCD approval of the Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA) and the other relates to the Decision to grant HRS's application for numerous permit approvals. The NSC seeks an order granting the appeal from the PCD, setting aside all permit approvals including approval of the EIR, and denying the HRS application pending further review and consideration under CEQA.

NSC does not object to HRS receiving a PUD permit to use the former Lincoln Child Center (LCC) property for school purposes and to upgrade the facilities. It objects to the PCD on the following grounds:

**I. THE PCD REPRESENTS AN ABUSE OF DISCRETION BY
VIOLATING THREE OVERRIDING AND PRIORITY POLICIES OF**

THE OAKLAND CITY COUNCIL – WILDFIRE PREVENTION AND EVACUATION, DIVERSITY, EQUITY AND INCLUSION, AND AFFORDABLE HOUSING.

The Oakland City Council has made wildfire prevention and evacuation a priority, as well as promoting diversity, equity and inclusion, and building affordable housing. The proposed project violates all three of these policies. It was an abuse of discretion to adopt the PCD without even considering these policies

Wildfire Prevention and Evacuation: There is no dispute that when Mr. Wong, the EIR preparer's fire expert visited HRS's North Campus, he found that escape routes out of the campus were barred by overgrown vegetation, difficult uphill routes that would be hard for young children to climb, and even a chain and lock on one emergency gate. Mr. Wong wrote a report that was highly critical of HRS's emergency plan which included no evacuation plan.

The FEIR agrees that Mr. Weisgerber, the fire prevention and evacuation expert retained by the NSC has strong credentials and experience to render opinions about the current unsafe conditions at HRS and its failure or refusal to provide an evacuation plan. Mr. Weisgerber's two reports are attached as Exhibit A. They demonstrate in shocking detail why adding 344 more students plus increased staffing will greatly worsen any chance of safely evacuating the school, the neighborhood, and potentially, even neighbors above Highway 13 fleeing down the hill from a wildfire.

It also cannot be disputed that HRS has had a bad history of noncompliance with vegetation management. The fire department photos and inspection citations over the last few years demonstrate that failing. (See Exhibit B.) They collectively show that HRS would wait until just before the students came back to school in August before getting into compliance with the inspections. That way, it then would go out of, and remain out of compliance throughout the spring and summer of the following year until just before the students came back. It appears from the records that in 2018 alone, four inspections were necessary before HRS passed.

The poor fire prevention management was also repetitive in nature. The photos taken by the fire department show that many times the danger was not just overgrown grass but vegetation leaning or growing over the roofs of buildings on the campus. It appears from the photos and fire inspector reports that HRS never learned from one year to the next how to lessen the risk of wildfire spread. It should be noted that in 2018, despite the limited number of available fire inspectors, one did notice and cite HRS for failing to make sure emergency exits were accessible, especially for vulnerable young children. In that inspection, HRS failed fire safety measures beyond vegetation management in numerous categories. (Exh. A – after Weisgerber reports.) Essentially, HRS had created a fire trap on its campus in 2018 that remained in that condition when Mr. Wong recently toured the campus.

Since 2016, the neighbors who attended Neighborhood Liaison meetings with HRS brought up fire prevention at almost every one of the twice yearly meetings with HRS. A major request was that HRS remove the grove of eucalyptus trees that encircle two sides of the campus. HRS removed the trees from the South Campus and a few from the North Campus, but otherwise claimed that they could not financially afford to remove the rest of them. The Oakland hills had already experienced exploding eucalyptus trees in the firestorm of 1991 and yet, the HRS trees did not warrant priority on HRS's budget planning, although HRS is located in a Very High Fire Danger zone.

Besides the Oakland Fire Department efforts to educate and correct HRS's vegetation management practices, the Planning Department also made efforts. Planner Heather Klein, who dealt with HRS repeatedly over the years included a requirement in one of the modified 2016 use permit conditions that HRS adequately address emergency fire preparation. The planning approvals were final in July 2016. Here is specifically what Ms. Klein included in the CUP:

26. Management Plan.

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

The project applicant shall develop an Emergency Management Plan (“EMP”), and submit to Planning and Zoning Division, Transportation Services Division, OPD-

Traffic Safety, and the Fire Marshall, for review and consultation. The Applicant shall implement the final EMP. The EMP shall include at least the following components:

a) Fire Protection Bureau Occupancy Review Ongoing

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

b) Emergency Preparedness Plan

With 6 months and Ongoing

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

c) Fire Department Site Visits

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

The fire department records and Mr. Wong's report demonstrate that HRS apparently complied with none of the items in the condition. (Exhibit C – entire CUP.) Instead, HRS rebuffed requests by neighbors for a copy of its emergency plan and finally, they produced a copy to the City with the date 2019 on the front. Ms. Klein did not have or produce a copy of the emergency plan in her file. It was three years late and only produced after HRS began work on its expansion plan. Significantly, the plan did not include any of the items above, especially an evacuation plan.

Despite the overwhelming evidence of use permit and inspection noncompliance, the EIR, its proposed mitigation measures and the staff report permit conditions all treat HRS as simply needing some suggestions and guidance. They also allow HRS to defer providing an evacuation plan for

at least six years and thereafter, it can ask for more time, possibly until it never has to come up with a plan at all.

The PCD demonstrated abuse of discretion by imposing ineffective mitigation measures and permit conditions. The City Council should deny the application rather than taking on the financial liability for HRS's refusal to adequately address fire safety. Its failure to provide an emergency evacuation plan strongly suggests that HRS knows that there is no safe way to evacuate the school and the neighborhood due to the current size of the school, let alone with even one additional student.

Lack of Diversity, Equity, and Inclusion: HRS has argued at the commission hearings and elsewhere that its enrollment includes an unbelievable 69% minorities. It carefully never defines how it uses the term "minorities" and instead claims that it is entitled to special favors and entitlements from the City due to its alleged diversity. Indeed, no other business or private school would be allowed the leniency around fire safety and use permit compliance that HRS has received from prior Oakland city councils.

The facts show that HRS is a typical private school catering to parents with discretionary after-tax income of over \$50,000 per child to cover tuition, books, special trips, etc. Families using HRS are not representative of Oakland and less than half of them even live in Oakland. Within the last two years, HRS has been admitting students from as far away as the San Francisco Peninsula and Silicon Valley. HRS has not provided a current list of the number of students from each named city, but the tuition cost alone rules out that HRS is a diverse school with anything but a small percentage of black and Latino students.

In 2013, the NSC obtained a copy of the school directory and with GIS mapping was able to show where the students' residences were located. (Exh. D - map.) By 2015-2016, the Oakland residents using HRS had dropped below 50%. (Exh. E.) Recently, HRS has admitted their Oakland enrollment has dropped even further but they have not revealed any definitive number or admitted that in fact, they have been enrolling students from wealthy parts of the Peninsula.

A public records request by a member of the NSC for letters submitted to the City Planning Department, in support of the HRS project revealed street addresses of the 213 supporters. An analysis of this data revealed where the letter writers live, what relationship they had to HRS, and the approximate market value of their homes. This data shows that of the 107 supporters living in Oakland, almost all of them live far away from the school. Most of them live in affluent parts of Oakland that are not impacted by the negative conditions produced by the school's activities. The rest of the 213 supporters live primarily in Berkeley and Piedmont. The housing data show that the supporters live in houses with a market value ranging from \$1 million to \$10 million. The average home value for the supporters was \$2,319,303. The average home value in Oakland is \$803,985. This demonstrates the disparity in household wealth between many HRS households and the average Oakland household.

The supporters and the parents of HRS students are not representative of Oakland, which is a diverse and inclusionary city. The map from 2013 (Exh. D) shows that HRS avoided accepting students from census tracts where there was a predominance of black residents, and the data more strongly indicates that HRS may be avoiding census tracts where there was a high percentage of Hispanic residents. Exh. D also is consistent with redlining by avoiding accepting students living below Highway 580 or 880.

The data is exactly what we expected it to show – HRS markets to and enrolls white and Asian students whose parents have unusually high incomes that will cover the very high cost of attending HRS. However, that data does not give the City Council an anecdotal picture of HRS's lack of diversity and inclusion. That information comes from HRS students.

In 2020, after the murder of George Floyd, students throughout the country began looking at the schools they attended and asked whether there were indicia of discrimination based on race. HRS students were no exception and they detailed evidence of racism and bias by the HRS administration and board. "Black at HRS" contains their stories of day-to-day racism at HRS. See <https://www.instagram.com/blackathrs/?hl=en>. The school attempted to respond by half-heartedly admitting that there was a problem, without solving it. (See also <https://www.facebook.com/HeadRoyceSchool/posts/update-the-school->

[administration-is-reading-the-painful-and-important-stories-sh/2851227151655465/.](https://hawkseye.headroyce.org/latinos-unidos-decries-recent-racism/))

The HRS students did not accept the school's empty promises that it would correct the racism and presented the school with demands for change. Despite the students' efforts, the discrimination at HRS at least against Latinos has continued. On December 8, 2022, an article appeared describing HRS parents making racist comments about Latino students during a game. The students responded with an article that was published by the school's news media: <https://hawkseye.headroyce.org/latinos-unidos-decries-recent-racism/>. It was written by a student who would graduate in 2023.

Loss of Housing: A policy of great importance in Oakland concerns creating affordable housing. Yet HRS demands that the City approve a project that will tie up 22 acres of prime housing land that is desperately needed by people of less means than HRS parents. The highest, best, and ethically proper use for the land is *affordable housing*. HRS has purchased the 8 acres consisting of the South Campus but has also purchased a number of residential homes over the years and has already demolished at least one of them. Given the board chairperson's statement at the Planning Commission hearing that HRS intends to keep growing here even after its current project application is granted, the purchase of houses adjacent to HRS can only be to accommodate that goal through demolition. The PCD set in motion moving the neighborhood out of homes and into one giant private school serving the wealthiest Bay Area parents.

Over the years, HRS has consistently been purchasing every house that it could buy along the perimeter of the North Campus. Initially, it tore down at least one house on Lincoln Avenue to make a gateway for the school. Since then, it has just kept acquiring houses that abut Whittle Avenue. Its explanation has been that it was buying these houses for teachers to rent, but that is questionable given that HRS could purchase far more houses and less expensively in other parts of the greater neighborhood if it truly wanted to help teachers. In the past, the issue along Whittle has been that HRS had no place to install a parking garage or a parking lot. Demolition of the housing would accommodate further growth on the North side of the school. HRS should divest itself of those houses.

There are also houses or buildings that could be used for housing on the 8 acre former Lincoln Child Center property. There is one house near Linnet Avenue, two houses joined together and built in the 1990s at the west end of the property, and one building bordering Charleston Street that all could be repurposed into housing. All of these buildings are located near the border of the school property and should be preserved for affordable housing. HRS wants to demolish all but the two joined houses, and as to that one, repurpose it for school or office space. Its explanation for the demolition is that it would be hard for people to live so close to school activities, although neighbors also live in close proximity to the same disturbances.

For all of the foregoing reasons, the PCD abused its discretion by putting a wealthy private school's needs ahead of residents in an Oakland neighborhood.

II. THE PROPOSED PROJECT IS INCOMPATIBLE WITH THE NEIGHBORHOOD AND CREATES NEGATIVE IMPACTS THAT THE EIR AND THE STAFF'S PROPOSED USE PERMIT CONDITIONS DO NOT ADEQUATELY ADDRESS

Attached to this letter are letters from two adjacent neighbors describing how they and the neighborhood will be negatively impacted by the proposed project. My letters further describe the problems with the proposed project and follow theirs. All of these letters and those sent by opponents of the project for the April 19, 2023 hearing are incorporated here.

Despite claims to the contrary, HRS deliberately did not consult with the neighborhood about the project, knowing its proposals were likely to be unpopular with neighbors. Instead, it held several meetings with neighbors led by the board chairperson who announced what HRS planned, and then simply described it. The neighbors were allowed to disagree and point out problems but by the time of the meetings, the board chair had already decided the details of the project. In this way, HRS claims it worked with neighbors to address concerns, yet it proceeded to draft an EIR that clearly failed to do so.

This project also was not initially designed by any traffic engineer or expert, other than architects. Instead, in about 2013, Scott Verges who was then the President of the HRS board met with a few neighbors and described

what he and Peter Smith (current board president) wanted to see for the former LLC property. Its main focus would be to “open it to the region” as an entertainment center and place for parents to drop off their students so that monitors would no longer be necessary. There would be a loop road with a small inner loop at the top of the hill for that purpose. Primarily, however, the idea was to maximize return on the property and “contribute” to the greater region by adding an entertainment and conference center. “People will come from all over to use” the HRS facilities when not in use by the school. Scott Verges and Peter Smith were both attorneys who advocate for real estate developers but they had had no expertise in designing what became the project.

There was some basis for Verges and Smith to believe that an entertainment center could prove profitable. For a period of time, they had increased the events at HRS to include conferences and entertainment for the public. The neighbors complained because it meant that HRS was in operation for about 18 hours a day and constantly on weekends with no break for the neighbors. These events ended when the then head of school left employment at HRS.

As a result of not starting by hiring experts to design the parts of the project that did not require building construction, the EIR preparer wound up with the job of defending the traffic design, among other things. As one would expect, this back-of-a-napkin design method has proven to be defective. Most of the problems remain evident as a quick and partial summary shows:

Entertainment Venue: HRS has said that they will not apply for an entertainment or public activity permit at this time. However, they still intend to have -- across the total 22 acres -- *four theaters/auditoriums, two pavilions for guests, two outdoor event areas including an amphitheater on the South Campus, loud speaker capacity on each campus, and food dispensary services on both campuses.* All of that is consistent with the original entertainment center concept that Verges and Smith started with, but it is not consistent with any school. HRS does not indicate anywhere why all of these non-school type facilities would be necessary if it is *not* planning on eventually seeking an entertainment permit.

The NSC submitted an expert letter during the EIR comment period from an entertainment expert (Colleen Kennedy) who explained why the HRS entertainment venue idea would fail financially and operationally. There are

already similar entertainment venues in Oakland that provide the same type of service, and HRS would be competing against them for limited audience numbers and content. The amphitheater next to housing was going to definitely impact the neighbors with unnecessary and very loud noise from daily outdoor classes and many special events and ceremonies. Most importantly, the HRS location is not set up for safely managing public events. (Kennedy letter is on page B4 of the FEIR.)

During a prior Planning Commission hearing, commissioners had extolled the virtues of the Verges-Smith entertainment concept and were eager to see HRS pursue it for the benefit of the entire region. At the April 19, 2023 hearing, one of the commissioners clarified he only meant that small art entertainment groups would use it. He apparently realized what a horrible idea it was to include the “everyone in the region” idea for lots of entertainment events.

Yet, the commission abused its discretion by approving the project with all of the entertainment facilities still in the plans. It should have denied the application to the extent that it included the fourth theater, an amphitheater, the guest pavilion, and the additional food service. HRS would still be able to apply for an entertainment permit but *before* it constructed the facilities for it. Furthermore, the commission violated CEQA’s prohibition against piecemealing the EIR by *not* analyzing the impacts from an entertainment venue until after the facilities were already constructed.

Enrollment: The PCD amounted to an abuse of discretion because the record is replete with evidence and expert opinions that demonstrate HRS cannot safely handle increasing the enrollment by even one student. It is located in the middle of Lincoln Avenue and presents a major evacuation challenge as discussed by the experts. Allowing another 344 students or even one additional student violated Oakland’s Fire safety policy.

Also, HRS has historically and erroneously claimed that it would increase enrollment very gradually. Prior to 2016, HRS had been granted a use permit for up to 906 students, but only to be increased slowly and over a period that ended in 2021. Instead, it over-enrolled, and the City “legalized” the over-enrollment of 30 students in the 2016 use permit, where it then allowed HRS to immediately increase enrollment to 906, *five years early*. HRS never stops pushing for more growth in this one residential neighborhood and the offer for very slow growth is meaningless for that reason and harmful

because of the impacts that are inevitable with more students and staff. It was an abuse of discretion to include any further student enrollment growth in the PCD.

Loop Road, Left Turn, and New Traffic Light: HRS is not the only user of Lincoln Avenue. The new Loop Road changes the way it manages drop off and pick up and is not a benefit to the neighborhood. The basic problem is that HRS has pushed all of its impacts out into the neighborhood and off its own properties by pretending that it has no access driveways and parking lots. It has several of them, all not in use by the school for parents to drop off and pick up their children and also to turn around. Instead of pushing the drop off and pick up next to houses, HRS should have been required to use its own driveways, which are not next to houses and substantially reduce the number of cars coming to the campus.

Lincoln Avenue is congested every school day and often because of HRS evening and weekend special events, and the Loop Road will not correct the drop off and pick up traffic congestion. Currently, HRS allows 90 students to drive Single Occupancy Vehicles (SOVs) to the school. The students do not want to park in the Greek Cathedral parking lot so they park on Lincoln Avenue. The school's vague promises that if 'things get bad we might have them stop driving,' is not an adequate mitigation of the impact.

HRS is severely under-parked now and will continue to be under-parked as long as the City only requires that they reduce SOV use by a third of the total. No other city would allow that many cars into its streets for one location. The tandem parking idea will never work as it is extremely inconvenient. It always requires one driver to go find the other one to move cars. On a large campus that is not likely to ever happen, resulting in employees, students and guests parking over a wide area of residential streets.

The stacking idea simply means that HRS needs an underground or above ground garage that can accommodate its traffic. The Greek and Mormon churches are apparently not interested in leasing parking spaces to HRS, or at least in any great numbers.

Put simply, the traffic and parking issues are not resolved. The plan does not even indicate whether HRS will use a tunnel to connect the two campuses or continue the chaos with the walkway from one side of Lincoln Avenue to the other. The PCD is an abuse of discretion because *none of those*

issues have been resolved in a way to allow neighbors and businesses to have access along Lincoln Avenue. The EIR leaves too much guesswork as to what will work or not work.

Removal of the mini-loop increased the impact on neighbors as the mini-loop provided a faster way to get out of and into cars. The increase in the impacts should have been analyzed by the EIR.

Events and Loud Speakers: This item was addressed in earlier correspondence. It remains unresolved. It was an abuse of discretion to allow loud speakers, bounce houses, the summer program, and outdoor events onto the South Campus instead of keeping them on the North Campus. Sound does not travel very far between the bottom of the steep canyon on the North Campus as on the South Campus where the houses are on the same level as the campus. It was an abuse of discretion to treat the two campuses the same and not limit uses of the South Campus.

Use of the Loop from the School Through the Neighborhood: The proposed conditions require HRS to “instruct” parents to stop using this route as a way to get turned around and facing back up the hill along Lincoln Avenue. However, that route has been used by parents at HRS’s recommendation for years and an “instruction” is not going to change the habit. HRS should require that its parents stay out of the non-Lincoln Avenue residential streets as a condition of their contract with the school and should enforce the requirement. The residential neighborhood is not simply an extension of HRS. The City and HRS also need to request that AC Transit reroute their buses that HRS rents out of the residential neighborhood.

NSC also objects to the following procedural issues:

1. Unauthorized Appeal Filing Fees: The City’s master fee schedule indicates that an appeal fee of \$1,275.00 will be charged for: “12. Appeals. b. Report filing fee: Appeal to City Council.” There does not appear to be any filing fee listed on the master fee schedule for appeals to the City Council of determinations by PCD related to CEQA EIRs. The appeal fees charged here were \$3,960.15:

An appeal of the PUD, FDP, CUP and Design Review may be consolidated in one appeal. . . . The applicable appeal fee is \$2685.15 A potential appeal of the CEQA decision will

require a separate application and fee of \$1,275,00. . . . (Email from City Planner, dated April 25, 2023.)

At least some of these fees were unauthorized and should be immediately refunded. (*CREED 21 v. City of San Diego* (2015) 234 Cal.App.4th 488, 521.) Furthermore, as a policy matter, the City Council should not permit imposition of fees totaling almost \$4,000 or even any amount over \$500 before allowing appellants of Planning Commission decisions to gain access to a Council hearing. The clear message of such high fees as were charged here is that City Council review and approval/disapproval is only available for wealthy appellants and not those without funds to pay the fees.

2. Failure to Comply with the Public Records Act (PRA):

One of the neighbors impacted by the proposed HRS expansion made a Public Records Act request and requested documents relied upon in the FEIR. The City claimed a ransomware problem prevented compliance with statutory mandates under the California Public Records Act, and has been very late in response. It indicated that it needed more time and would produce or further respond on April 14, 2023. It did not and yet, the City went ahead with the Planning Commission hearing. To date, the City still has not produced the requested records.

3. The Staff Report Supporting the PCD Was Not Released Until the Friday Before the 4/19 hearing: The lengthy staff report listed 40 conditions for the use permit. This was the first time the City had shown the proposed conditions to the neighborhood. The amount of time to respond to those conditions was inadequate. NSC reserves the right to further respond to them.

Thank you for considering our comments.

Sincerely,

Leila H. Moncharsh

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

cc: Client

To: Rebecca Lind <Rlind@oaklandca.gov>

Subject: Case File Number PLN18532-ER01. Standard Conditions of Approval Comments: Head Royce School Planned Unit Development Permit (PUD) Project (the “Head-Royce South Campus Plan”)

April 18, 2023

Rebecca Lind, Planner IV
City of Oakland Bureau of Planning,
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612

Dear Ms. Lind,

I am responding to the statements in the Oakland Planning Commission Staff Report (“Head-Royce-School-PLN18532-Staff-Report-and-Attachment-A-PC-4-19-23.pdf”), specifically the **criteria** listed in the Preliminary Planned Unit Development Permit Findings on pages 46-50. The criteria, followed by my bulleted responses, are as follows:

Preliminary Planned Unit Development Permit Findings (PUD/PDP)

A Preliminary Planned Unit Development Permit may be granted only if it is found that the development (including conditions imposed under the authority of Sections 17.142.060 and 17.140.030) conforms to all of the following criteria, as well as to the planned unit development regulations in Chapter 17.142:

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

- While Objective N2 states the Oakland General Plan “Encourage[s] adequate civic, institutional, and educational facilities located within Oakland, appropriately designed and sited to serve the community” the HRS development plan for the South Campus in definitely NOT appropriately designed and sited to serve the community. It would be difficult to find a less suitable site for this elite, costly private school than the quiet, modest residential neighborhood where the school is unfortunately located.
- The school is not “appropriately sited” either in its North or South Campuses. The residential area where the school is located in the Oakland hills has long been densely populated and developed, but remains increasingly vulnerable to wildfires and earthquakes.
- HRS enrolls around half of its students from outside Oakland. To attend the school costs around \$60,000 per year, an impossible financial expenditure for the average Oakland family, but possible for wealthy and super-wealthy families.

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

- The HRS plan is not appropriately designed. The school presently does not need to increase enrollment by more than 30%, but it will certainly need to increase its revenues to afford and sustain this expensive, unnecessary project.
- The traffic congestion on Lincoln Avenue twice daily is a dangerous nuisance for the entire community and will not be alleviated by the addition of two traffic lights, and two new turn lanes plus new crossing areas, which will further reduce the traffic flow on Lincoln. The proposal to add a perimeter loop road too close to residential houses on the South Campus as a traffic mitigation is deficient and evidence of poor planning.
- The new planned buildings are not designed and would not be operated “in a manner that is sensitive to surrounding residential uses.” The school wants an amphitheater, which it euphemistically calls a “Commons”, and which will be the source of daily noise and disturbances to residents from outdoor classes and numerous extracurricular “Events”.
- An unnecessary Performing Arts building will likewise be built too close to residents and will be the source of disturbances and noise resulting from use by the school. While “The proposed performance arts building would add enhance [*sic*] the school’s ability to expose its students to the performance and enjoyment of theater, music, dance and culture,” it will add nothing to the enjoyment of residents in the surrounding area, except to disturb and diminish the quiet enjoyment of their homes.
- Policy N2.5 states the importance of “Balancing City and Local Benefits of Institutions.” When reviewing land use permit applications for the establishment or expansion of institutional uses, the decision-making body should take into account the institution’s overall benefit to the entire Oakland community, as well as its effects upon the immediately surrounding area.” The HRS plan provides **zero** benefits to the average Oakland family. It only serves the children of wealthy and super-wealthy families, half of whom do not reside in Oakland, who can afford to send their children to HRS. It only serves to increase the negatives of the school’s presence in the area. More students means more cars, more traffic, more noise, more construction, more pollution and more free use of the City’s infrastructure by the school, an infrastructure supported by city taxpayers who don’t and can’t send their children to HRS.

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

- The increase in enrollment, the additional stress on traffic conditions on Lincoln Avenue (which will not be reduced by the construction of a perimeter loop road) and the use by HRS parents of adjacent neighborhood streets when dropping off or picking up their children, make the location, design, size and other uses incompatible and inconsistent with this objective C.

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

- The only “establishment” to be accommodated under the HRS plan is the school. The location, design, size and uses contemplated under the HRS plan only “accommodate” this elite, costly, private school.

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

- The HRS plan for the South Campus, in its location, size, and uses will only benefit the school, not the surrounding community. The quality of living for the residents will be degraded by the expansion plan. The environment will not benefit by the construction, development, paving and tree removal that will be required.

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

- The development will require quite a bit of grading of hillside conditions, destruction of natural features in the hillside topography, and tree removal. These ambitious plans to build loop roads, performing arts centers, amphitheaters and parking lots will definitely not “buffer” residents from the impact of the school’s activities.

My responses would be the same as to the findings for the Conditional Use Permit on pages 51-58.

Thank you for your time and attention on this matter, it is very much appreciated.

Sincerely yours,

John Prestianni, Resident

Comments on the Standard Conditions of Approval /Mitigation Measures (SCAMMP) for Head-Royce PUD that were provided for the public hearing with the Planning Commission held on April 19, 2023:

SCA Impact Air-1, SCA 21 Criteria Air Pollutant Controls - Construction

Related:

“Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized by shutting equipment off when not in use, or reducing the maximum idling time to two minutes.”

“Idling times on all diesel-field off-road vehicles over 25 horsepower shall be minimized by shutting equipment off when not in use or reducing the max. Idling time to two minutes.”

Comments: What are neighbors to do when these requirements are ignored? We should not be limited to simply reporting it to the School. Since neighbors are too often left with both the impacts of noncompliance with SCAs and the burden of reporting them, the SCA should provide neighbors with specific contact information and stipulate response times by the City department or agency assigned to “monitoring/inspection” for SCA 21 and all other SCAs for the HRS project.

SCA Impact Air-1, SCA 21 Criteria Air Pollutant Controls - Construction

Related

&

SCA Air-1, SCA 22 and Mitigation Measure AIR-3 Diesel Particulate Matter Controls-Construction Related

&

SCA Impact Air-1, SCA 24 , Stationary Sources of Air Pollution (Toxic Air Contaminants:

Excerpt from SCA Impact Air-1, SCA 21: “Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.”

Excerpt from SCA Impact AIR-1, SCA 22 (with Text Changes in MM AIR-3): “The project applicant shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) and particulate matter less than 2.5 microns in diameter (PM2.5) from construction activities...”

Comments:

(1) SCA Impact Air-1, SCA 22 and Mitigation Measure AIR-3 indicate that either an HRA is required **or** “All off-road diesel equipment shall be equipped with the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement)

as certified by CARB.” And **SCA Impact AIR-1, SCA 23** indicates that either an HRA is required or “The project applicant shall incorporate the following health risk reduction measures into the project....”. And SCA AIR-1, SCA 24 also indicates that either an HRA is required or “The project applicant shall incorporate the following health risk reduction measures into the project....”

AIR-1 SCA 22, SCA 23, SCA 24 and Mitigation Measure AIR-3 should all be changed to **AND**, requiring both the HRA and the other mitigations (e.g. for construction equipment to be equipped with the most effective VDECS available for the engine type(s), and for the project applicant to incorporate the “following health risk reduction measures into the project” (as specified in AIR-1). **For a project that is directly adjacent to numerous private residential properties, many that house people who are “sensitive receptors” (either due to age, ailments or both), it is unacceptable** for HRS to be subjected to only the HRA (regardless of the outcome of the HRA) without also being required to implement the additional mitigation measures that are available, as described in AIR-1 SCA 22 and SCA 23 and Mitigation Measure AIR-3.

(2) Many neighbors, including myself, would like to be directly involved in the HRA process. After all, it’s our health, not that of the school population or City Department staffs that would suffer the consequences of any failings of the HRA process.

(3) I suffer from chronic asthma and diesel exhaust is one of my primary triggers for asthma attacks as well as severe allergic rhinitis. As it happens, I also have a senior cat (indoor) that requires daily medication for asthma. Regardless of the outcome of any HRA, the City should require that I be informed days in advance of each individual occurrence of a diesel engine generator or any diesel exhaust equipment that will spew exhaust from locations upwind from my home. Especially during summer months, when the school prefers to do much of their construction, there will be many days when offshore winds prevail over onshore winds. Our property is directly adjacent to proposed (major) construction zones of the project, and is therefore very susceptible to any smoke or dust, especially at any time when onshore winds cannot sufficiently carry those pollutants uphill, away from our property. And if it becomes necessary for me (and / or my cat, or my disabled spouse that I help to care for) to relocate away from our home in order to avoid potentially life threatening asthma attacks caused by pollutants from the construction site, who will pay (the school?) for my expenses associated with temporary relocation? That too needs to be stipulated by the City. Neighbors should not bear the added burden of expenses incurred as a direct result of activities during the construction phases of the HRS project.

SCA Impact Air-1, SCA 20: Dust Controls – Construction Related:

Comment: There will be a heavy build up of dust and grit (from excavation,

grading and diesel exhaust) that will coat the outside of our home and our 15 solar panels. HRS should be required to pay for cleaning of those surfaces by qualified professionals of our choosing on a regular (minimum monthly) basis throughout the construction phases of the project.

SCA Impact BIO-5, SCA 30, Tree Permit:

“Tree Replacement Plantings: Replacement plantings shall be required for tree removals for the purposes of erosion control, groundwater replenishment, visual screening, wildlife habitat, and preventing excessive loss of shade, in accordance with the following criteria...”

Comments:

(1) The tree designated as #3979 in DEIR Appendix E, Fig. 3A (Tree Disposition Plan) is a very old, large, established native oak, *Quercia agrifolia* (coastal live oak) that is located on HRS property but near the property line between our home and the HRS property. The City should not permit HRS to remove this protected tree as is suggested in Appendix C, (Tree Assessment), at least not based on the scant information provided (codominant trunks & crossing trunks are common in live oaks and are should not form the basis for removal of a protected tree). However, should the City allow removal of Tree 3979, it should be replaced as it meets not just a few but all of the criteria described in SCA Biology-2 that require a tree replacement planting: major source of shade and visual screening, wildlife habitat, aids in erosion control and groundwater replenishment.

(2) Tree #3976 was mis-identified in DERI Appendix E as an Alaskan yellow cedar (*Cupressus nootkatensis*). That tree is a much less common Kashmir Cyprus, aka Bhutan Cyprus (*Cupressus cashmeriana*). The Kashmir Cyprus is uncommon in cultivation and has “near threatened” status (per the IUCN) in the wild. I know the tree is a Kashmir Cypress because I successfully bid on it during a plant auction at the SF Botanical Garden. I planted that tree over 15 years ago after receiving verbal approval from the previous property owners (Chris Stoner-Mertz, CEO of the Lincoln Childcare Center). I have continued to care for the tree over the past 15 years. It is unclear to me if the tree is slated for removal if the school were to receive approval for the associated aspects of their project (e.g. South Campus “loop road”). However, given the relative rarity and significant beauty of the tree, it is my hope that the school will be encouraged to either retain or transplant the tree.

Impact NOI-1, SCA 63 & SCA 64, Project-Specific Construction Noise Reduction Measures

“The project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval...”

“Adoption of the Proposed Project, combined with cumulative development, would not result in significant cumulative impacts to Noise.”

Comment: Edward L. Pack Associates, Inc has prepared two peer reviews of the Illingworth and Rodkin (I&R) noise assessment that was used for the EIR. The first peer review (dated Dec. 8, 2021) was submitted for the DEIR comment period and the second (dated March 27, 2023) will be submitted for the FEIR comment period. Mr. Pack, who has over 42 years of experience as an expert acoustical consultant, identified numerous shortcomings in both the original I&R assessment such as improper use of noise standards, incomplete analysis, and false information provided in the FEIR responses to the Dec. 8, 2021 dated peer review. He also commented that the FEIR respondent appears to have a lack of understanding of basicacoustic principles given the technically incorrect information that was provided. **Therefore I strongly urge the City to require a peer review of the Construction Noise Management Plan required by NOI-1, SCA 63 & SCA 64.**

Impact NOI-1, SCA 65, Construction Noise Complaints:

“A large sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit”

“Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City’s request.”

Comments:

(1) **Impact NOI-1, SCA 65** should also require that the information required on the “large on-site sign..” also be provided in writing to the same individual residents that HRS was required to send notifications of public hearings about their project.

(2) **Impact NOI-1, SCA 65** lacks one crucial component: consequences for failures to comply with the Noise SCA. The City should establish and include in **Impact NOI-1, SCA 65** various criteria / thresholds that define what number and frequency of complaints and the basis of complaints that will be considered to be excessive and /or severe and what actions the City may then take as a result, including but not limited to penalties such as revocation of applicable permits and / or significant fines.

Impact NOI-4, SCA 67 (4.10 Land Use and Planning, SCA 68), Operational Noise:

Comment: For the benefit of residents near the project site, **Impact NOI-4, SCA 67** should specify what recourse residents will have to help ensure and enforce that there is compliance with the City’s noise performance standards. The statement in SCA 67 that “if noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and

compliance verified by the City” have little value if the impacted residents have no feasible way to ensure the standards aren’t being exceeded. Residents impacted by operational noise need and deserve enforcement of compliance that does not place undue burden or expense on those residents.

Impact PUB-1, SCA 47, Designated Very High Fire Severity Zone – Vegetation Management:

Comment: Outside of the annual OFD vegetation management inspection, this mission critical plan component for defensible space and evacuation route safety has been relegated to a maintenance effort that is incumbent upon HRS for self-guided compliance. The successful effectiveness of the vegetation management plan lies primarily with this HRS self-monitoring system—for which HRS has no track-record, as the plan has not been implemented. Impact PUB-1, SCA 47 will fail to meet the safety needs of our community unless the school is required to pass OFD vegetation management inspections on a greater than annual basis (e.g. every 3 - 4 months).

Mitigation Measure Wildfire and Emergency Evacuation-1, Emergency Evacuation Plan:

“Pursuant to each phased Final Development Plan for the Project, Head-Royce School shall be required to prepare a stand-alone Emergency Evacuation Plan for the School”

“This Plan shall consider those recommendations as provided in Appendix 16B of the Draft EIR, as well as those additional recommendations as included in Mr. Weisgerber’s peer review/comment letter.”

“Identify evacuation destination(s): Primary, secondary, and tertiary evacuation destinations should be established, and vetted for conflict with any other City emergency plans.”

“No at-school reunification should be permitted under an evacuation condition (i.e., parents and guardians shall not be permitted to pick-up their children by driving to Campus)”

Comments:

(1)The school currently does not offer a fully developed plan to safely evacuate the existing population of ~1,078 (student body, faculty and staff) and even residents in the not-unlikely event of a natural disaster such as wildfire or earthquake. HRS’s own expert analyzed its current plan and concluded the present plan creates an unacceptable risk to human safety. Therefore it is known that HRS already introduces a highly vulnerable portion of the population into an environment that is extremely difficult to evacuate properly. To permit the school to defer development and implementation of a fully developed evacuation plan until AFTER (“pursuant to”) each phase of their development plan is completed would be grossly irresponsible. **Before** embarking on their proposed development project the school must be required to prove that they are able to develop a plan

and perform successful training exercises for their current population and that satisfies the approval standards of OFD, Emergency Services, Oakland Police Department, and the Oakland Department of Transportation.

(2) Based on information provided in the DEIR, the following description of the (only) evacuation plan that HRS has thus far suggested (but not vetted, tested or implemented) only serves to cast doubt on whether or not the school will be able to develop a viable evacuation plan (even with professional guidance):
With as little as 10 minutes advanced notice of imminent danger, the proposed pedestrian evacuation plan is for all 1,250 students (including many small children) and 189 faculty and staff (1,439 total people) to dutifully and successfully exit the campuses onto the sidewalks of Lincoln Ave. and walk down the very steep hill for over 1 mile, traversing dozens of resident driveways and several cross street intersections, to eventually convene in a designated assembly area.

(3) Mitigation Measure for emergency evacuation should specifically state all of the recommendations from the Dec. 2021 dated peer review letter from Mr. Weisgerber that the evacuation plan “shall consider”. Otherwise the guidance is too vague and will be open to interpretation. The Mitigation Measure should also reference information provided in Mr. Weisgerber’s March, 2023 dated letter that will be submitted during the FEIR comment period.

(4) For any of the Weisgerber recommendations that the plan is required to consider but that HRS decides not to address in their proposed plan, HRS should be required to provide detailed explanations to OFD, Emergency Services, OPD and ODT of their rationale for not addressing those recommendations and request input.

(5) The Mitigation Measure for emergency evacuation should require that the evacuation plan and all correspondence with OFD, Emergency Services, OPD and ODT regarding development and approval of the plan be submitted to the City (as it occurs) in such a way that it will become part of the public record and made available to the public via public records requests.

(6) The Mitigation Measure requirement that “no at-school reunification should be permitted under an evacuation condition” should include specifics as to how HRS is expected to go about preventing parents from picking up their children. According to information provided in the DEIR, the school asserts that they will simply inform the parents of HRS students that during the period of an evacuation if they attempt to show up at the school (or assumedly also at the assembly point at the bottom of the hill or at some point in between) with the goal of picking up their children there will be sufficient faculty and staff to “prevent” them from

doing so. However, common sense dictates that it is highly likely that with an evacuation involving up to 1,250 students there will be hundreds of parents who ignore or “forget” that they are not to attempt to reach their children until after the School informs them they are free to do so, and will instead significantly add to the traffic congestion on Lincoln Ave. during the evacuation. How can this important aspect of the Mitigation Measure for emergency evacuation be considered to be adequate?

Additionally, please update the Conditions of Approval to include the requirements described below:

- (1) The School has indicated that “the provision of neighbor access to the South Campus through issuance of key cards is no longer anticipated” (FEIR 2-9). For the added security of the neighbors and to reduce noise impacts of the South Campus development, please include a requirement that the School not be permitted to grant public access to the South Campus property.
- (2) The summer programs should be limited to the North Campus. for the same reasons stated above regarding the need to limit the # of special events on the South Campus which is directly next to many homes. The neighbors near the South Campus will need and deserve a break during the summer and there is no need for the School to utilize the South Campus for the summer program given the facilities on the north Campus. Unlike the North Campus which is far down in a canyon relative to where homes are located, a large portion of the South Campus is directly next to homes, Therefore a summer program on the South Campus would have a much greater noise impact on neighbors compared to a summer program held on the North Campus.
- (3) An independent audit company should be retained to verify enrollment and provide the results of the audit to the planner.
- (4) Student drivers should be prohibited.
- (5) The information provided in the FEIR (3-35) to explain how the School **intends** to utilize the Outdoor deck on the west side of Building 0 should be added to the Conditions of Approval as requirements. Outdoor use of the deck on the west side of Building 0 for certain indoor and outdoor social gatherings should be limited to 50 to 100 people, for one gathering per month during the regular (academic) school year, with a duration of approximately 2 hours during the school day (8:30 am to 3:30 pm). No evening or weekend gatherings (events) should be permitted. No usage should be permitted during the summer program.
- (6) No outdoor amplified sound equipment (including bull horns, air horns, or loud

speakers) should be used on the South Campus, nor should the School be allowed to apply for a permit to use amplified sound equipment on the South Campus.

(7) Use of any amplified sound equipment (including bull horns, air horns, or loud speakers) on the public right of ways (e.g. sidewalks) next to the North and South Campus properties should be strictly prohibited. This has been a problem in past years, especially during afternoon pick-ups for the summer program.

(8) The information provided in FEIR 2-8 to explain how the School **intends** to utilize the School “drop-off site” on the South Campus should be added to the Conditions of Approval as requirements. The singular location of the School drop-off site on the South Campus (for infrequent, light deliveries) should be specified in the Conditions of Approval. And deliveries at the School drop-off site should not be permitted to have roll-up doors or to use back-up alarms.

(9) The Neighborhood Liaison Committee (NLC) should be required to designate an NLC member from the School to provide meeting minutes that summarize the content of the discussions that took place and any action items or other agreements from the meeting. A draft of the meeting minutes should be circulated to the Neighborhood Committee and other attendees to request input or needed corrections. Final meeting minutes should be posted on the “For Our Neighbors” page of the headroyce.org website within 15 days following the meeting dates. Meeting minutes should remain posted on the School’s website for a minimum of 5 years.

(10) Potential penalties should be indicated for violations of any requirements included in the conditional use permit.

Below I have listed Mitigation Measures, a “Recommendation” item, and SCAs that were originally included in the SCAMMP provided for the LPAB public hearing on Mar. 6, 2023 but that appear to be missing from the SCAMMP released on April 14, 2023 for the Planning Commission hearing scheduled for April 19, 2023.

I request that all of these be added back to the SCAMMP. Additionally, please incorporate suggestions from the comments I have provided, below:

Mitigation Measure Transportation-1, TDM Performance Requirement

“Alternative travel modes shall include walking, biking, carpooling or taking a bus.”

Mitigation Measure Transportation-1 should be added back to the SCAMMP, and please incorporate the changes suggested in the following comment:

Comment: Increasingly it appears that the school is seeking to bolster their enrollment by busing students to the school from distances as far away as the SF

Peninsula. Chartering buses to bring in students from far flung reaches of the Bay Area should not be permitted to count towards meeting the school's TDM performance requirements. The Bureau of Building should ensure that for purposes of satisfying the school's TDM performance requirements, the only students who are counted as "taking a bus" are: 1) students who arrive on buses from within Oakland or from cities that share a border with Oakland and 2) students who take public buses.

Mitigation Measure Noise-3, Special Event Notifications and Restrictions:

Comments:

Mitigation measure Noise-3, Special Event Notifications and Restrictions should be added back to the SCAMMP, and please update to incorporate the following changes:

(1) There Mitigation Measure should include enforcement. Additionally, there should be penalties and significant fines associated with non-compliance. Mitigation measures without adequate enforcement and consequences are of little value as they can (and likely will) be easily and frequently ignored by the school. Residents impacted by operational noise need and deserve enforcement of compliance that does not place undue burden or expense on those residents.

(2) Events should not be allowed to end as late as 9PM on the South Campus if the intent of the mitigation measure is to ensure the neighbors are not bothered by event related noise after 10PM. It is unrealistic to suggest that crowds as large as 450 (plus the performers) could all be off the S. Campus and gates locked, with everyone in their vehicles (and ride-shares such as Uber) and on their way home, in only 30 mins - 1 hour. I expressed these concerns in my DEIR comment letter (as did many other neighbors), however nothing was provided in the FEIR to address the project plan's reliance on an impossibly short timeframe to clear out the S Campus area following the end of evening events at the PAC.

(3) Fewer than 30% of the total number of permitted special events should be permitted on the South Campus. Unlike the North Campus which is far down in a canyon relative to where homes are located, a large portion of the South Campus is directly next to homes. Therefore events held on the South Campus will have a much greater noise impact on neighbors compared to events on the North Campus.

(4) The school should not be allowed to needlessly subject neighbors to noise from graduation ceremonies or other large events in the "Commons" that are of the South Campus when they can easily continue to accommodate graduation indoors on the North Campus.

(5) Additionally, it is premature to recommend noise mitigation measures to address noise impacts until inaccuracies of the noise assessment used for the EIR have been satisfactorily addressed and undergone public review and comment.

Mitigation Measure Wildfire and Emergency Evacuation-1, Emergency Evacuation Plan:

“Pursuant to each phased Final Development Plan for the Project, Head-Royce School shall be required to prepare a stand-alone Emergency Evacuation Plan for the School”

“This Plan shall consider those recommendations as provided in Appendix 16B of the Draft EIR, as well as those additional recommendations as included in Mr. Weisgerber’s peer review/comment letter.”

“Identify evacuation destination(s): Primary, secondary, and tertiary evacuation destinations should be established, and vetted for conflict with any other City emergency plans.”

“No at-school reunification should be permitted under an evacuation condition (i.e., parents and guardians shall not be permitted to pick-up their children by driving to Campus)”

Mitigation measure Wildfire and Emergency Evacuation-1, Emergency Evacuation Plan should be added back to the SCAMMP. And please incorporate the changes suggested in the following comments:

Comments:

(1)The school currently does not offer a fully developed plan to safely evacuate the existing population of ~1,078 (student body, faculty and staff) and even residents in the not-unlikely event of a natural disaster such as wildfire or earthquake. HRS’s own expert analyzed its current plan and concluded the present plan creates an unacceptable risk to human safety. Therefore it is known that HRS already introduces a highly vulnerable portion of the population into an environment that is extremely difficult to evacuate properly. To permit the school to defer development and implementation of a fully developed evacuation plan until AFTER (“pursuant to”) each phase of their development plan is completed would be grossly irresponsible. **Before** embarking on their proposed development project the school must be required to prove that they are able to develop a plan and perform successful training exercises for their current population and that satisfies the approval standards of OFD, Emergency Services, Oakland Police Department, and the Oakland Department of Transportation.

(2) Based on information provided in the DEIR, the following description of the (only) evacuation plan that HRS has thus far suggested (but not vetted, tested or implemented) only serves to cast doubt on whether or not the school will be able

to develop a viable evacuation plan (even with professional guidance):
With as little as 10 minutes advanced notice of imminent danger, the proposed pedestrian evacuation plan is for all 1,250 students (including many small children) and 189 faculty and staff (1,439 total people) to dutifully and successfully exit the campuses onto the sidewalks of Lincoln Ave. and walk down the very steep hill for over 1 mile, traversing dozens of resident driveways and several cross street intersections, to eventually convene in a designated assembly area.

(3) Mitigation Measure for emergency evacuation should specifically state all of the recommendations from the Dec. 2021 dated peer review letter from Mr. Weisgerber that the evacuation plan “shall consider”. Otherwise the guidance is too vague and will be open to interpretation. The Mitigation Measure should also reference information provided in Mr. Weisgerber’s March, 2023 dated letter that will be submitted during the FEIR comment period.

(4) For any of the Weisgerber recommendations that the plan is required to consider but that HRS decides not to address in their proposed plan, HRS should be required to provide detailed explanations to OFD, Emergency Services, OPD and ODT of their rationale for not addressing those recommendations and request input.

(5) The Mitigation Measure for emergency evacuation should require that the evacuation plan and all correspondence with OFD, Emergency Services, OPD and ODT regarding development and approval of the plan be submitted to the City (as it occurs) in such a way that it will become part of the public record and made available to the public via public records requests.

(6) The Mitigation Measure requirement that “no at-school reunification should be permitted under an evacuation condition” should include specifics as to how HRS is expected to go about preventing parents from picking up their children. According to information provided in the DEIR, the school asserts that they will simply inform the parents of HRS students that during the period of an evacuation if they attempt to show up at the school (or assumedly also at the assembly point at the bottom of the hill or at some point in between) with the goal of picking up their children there will be sufficient faculty and staff to “prevent” them from doing so. However, common sense dictates that it is highly likely that with an evacuation involving up to 1,250 students there will be hundreds of parents who ignore or “forget” that they are not to attempt to reach their children until after the School informs them they are free to do so, and will instead significantly add to the traffic congestion on Lincoln Ave. during the evacuation. How can this important aspect of the Mitigation Measure for emergency evacuation be considered to be adequate?

Recommendation Noise-2, Audible Pedestrian Crosswalk Signals:

Recommendation Noise-2 Audible Pedestrian Crosswalk Signals should be added back to the SCAMMP, and it should as a Noise SCA (requirement) not simply a “recommendation”. Additionally, please consider the information provided in my comment:

Comment:

According to information provided in the FEIR, a new crosswalk signal at the lower Loop Road driveway would be approximately 30 feet from our residence on Lincoln Avenue. And the room of our home that is located ~30 feet from the proposed audible crosswalk signal is a bedroom with two windows. Furthermore, information provided in the EIR regarding noise impacts of the audible crosswalk signal may be incorrect given the many inaccuracies of the noise assessment that was used, as described in peer reviews provided by Edward L. Pack Associates (see my comments for **Impact NOI-1, SCA 63 & SCA 64**).

SCA Aesthetics-3, Trash and Blight Removal: “For nonresidential and multifamily residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.”

SCA Aesthetics-3 should be added back to the SCAMMP, and please incorporate the following changes:

Comments:

- (1) Metal Outdoor Waste Containers with **pull-down openings** (similar to a typical USPS mail collection box) should be specifically required in order to provide a barrier to odor, insects, and animals (e.g. rodents and raccoons).
- (2) HRS should be required to empty on a nightly basis all outdoor waste containers into their main (heavy metal) waste container bins which should be placed as far away as possible from neighboring residences.

Sincerely,

Rod Thompson
4232 Lincoln Ave.
Oakland, CA 94602

April 14, 2023

Rebecca Lind, Planner IV
City of Oakland Bureau of Planning,
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612

RE: Case File Number PLN18532-ER01 Head Royce School Planned Unit Development Permit (PUD) Project (the “Head-Royce South Campus Plan”)

Dear Ms. Lind [and Planning Commissioners],

For almost 21 years my spouse and I have lived at our home on Lincoln Ave., across the street from Head-Royce School’s existing North Campus development and directly adjacent to the site for which the school has requested approval of their development plans. We take exception to the school’s claims that the plans for their development project were thoughtfully prepared to have a “light touch” on our neighborhood, and that plans have incorporated much input received from their neighbors. The reality for the vast majority of the school’s neighbors has been years of dismissive and disrespectful treatment by the school, with communications of our concerns more often responded to with denial or empty promises rather than sensitivity and thoughtfulness.

As a result of the very poor job that Head-Royce School (HRS) leaders have done responding to neighbors concerns about impacts of the school’s current operations and their expansion plans, my spouse and I were among the over 50 residents of the neighborhoods most impacted by the operations of the school who submitted individually written DEIR comment letters in opposition to many of the major aspects of the school’s project plan. The neighbors also engaged experts, at their own expense, on Acoustics, Evacuation/Fire, Hydrology, Environmental Impact and Entertainment to analyze the DEIR with peer-review. By and large, the comments from residents and expert peer-reviewers were dismissed or downplayed in the Final Environmental Impact Report, which minimally responded to suggestions for mitigation or the unacceptability of the HRS Plan.

The deficiencies of the HRS Plan include, but are by no means limited to, the following:

Dangerously inadequate evacuation / emergency response plan:

The school currently does not offer a fully developed plan to safely evacuate the existing population of ~1,078 (student body, faculty and staff) and even residents in the not-unlikely event of a natural disaster such as wildfire or earthquake. HRS's own expert analyzed its current plan and concluded the present plan creates an unacceptable risk to human safety.

The school proposes to increase student enrollment by 344 students plus 17 new staff, for a total of 1,439 people commuting to and from the school on a daily basis when it is in session. The current student enrollment number of 904 is already too high, as evidenced by the twice daily traffic congestion on Lincoln Avenue and use of residential streets for overflow traffic by Head-Royce parents as well as dangerous backups at the Joaquin Miller offramp of Highway 13 South. There is a long, well documented history of this problem and others, and neighborhood efforts to mitigate them.

The FEIR attempts to rationalize that since there are already several thousand people who might want (or need) to use Lincoln Ave. as an evacuation route, what harm is there in adding another 361 people (mostly children) when it *might* not make much of a difference! That conclusion of the FEIR asks City leaders to dispel any notion of logic or common sense, and instead promotes an attitude that it's already too late so there's nothing to gain by trying to take steps now that might help to reduce the evacuation risks to the people residing around and uphill from Lincoln Avenue.

The FEIR explains that while the Project would add 361 people to the population within a condensed area (the HRS campuses) of a VHFHSZ (very high fire hazard safety zone), there is no need for concern, primarily because the school will initiate a pedestrian evacuation of the campus if they have at least 10 minutes advanced notice of when encroachment of a wildfire is imminent (otherwise "shelter in place"), and parents will be told in advance they will not be "allowed" to pick up their children until they are told to do so. Unfortunately, the School's plan is wrought with unproven and arguably illogical assumptions:

- With as little as 10 minutes advanced notice of imminent danger, the proposed pedestrian evacuation plan is for all 1,250 students (including many small children) and 189 faculty and staff (1,439 total people) to dutifully and successfully exit the campuses onto the sidewalks of Lincoln Ave. and walk down the very steep hill for over 1 mile, traversing dozens of resident driveways and several cross street intersections, to eventually convene in an assembly area near the 580 freeway overpass. It is very difficult to imagine how this plan could succeed under the most idyllic conditions. However in the midst of an actual wildfire evacuation, the School's very large pedestrian evacuation would be competing with residents trying to pull out of their driveways or attempting to enter Lincoln

Ave. from the many cross streets. **It is unrealistic for the FEIR to imply that the School's plans for emergency evacuation response to a wildfire would achieve any reasonable or acceptable definition of success.**

- The School asserts that they will simply inform the parents of HRS students that during the period of an evacuation if they attempt to show up at the school (or assumedly also at the assembly point at the bottom of the hill or at some point in between) with the goal of picking up their children there will be sufficient faculty and staff to “prevent” them from doing so. However, common sense dictates that it is highly likely that with an evacuation involving up to 1,250 students there will be hundreds of parents who ignore or “forget” that they are not to attempt to reach their children until after the School informs them they are free to do so, and will instead significantly add to the traffic congestion on Lincoln Ave. during the evacuation. Imagine the impact of even just one parent spotting their child along the evacuation route then completely blocking traffic while exiting their car as they attempt to procure their child, possibly being further delayed due to an ensuing confrontation with an adult involved in escorting the mass pedestrian exodus from the School.
- According to an expert opinion provided in a comment letter for the DEIR (dated Dec. 7, 2021) submitted by former Oakland Fire Chief Bill Weisgerber: “Shelter-in-place should not be a protective action under wildfire conditions, as this has extremely high potential for leading to injury or death”. Therefore, unless that portion of Mr. Weisgerber’s expert advise were to be selectively ignored, the logical conclusion is that the existing population of the School will already be subjected to an unacceptable level of risk if the school executes “shelter in place”, and the additional 361 people the School proposes to add to their population would then also become subjected to the “extremely high potential of injury or death” during a “shelter in place” scenario.

Inequity:

HRS has recently boasted on their website about raising \$20 million from their extended “community.” No community of neighbors can compete with that level of (tax deductible!) fundraising. The stark contrast between the school’s seemingly indomitable influence based on wealth and privilege vs. the resources of the neighboring community does not align with the equity values and goals espoused by our elected officials. While the proposed project could undoubtedly provide a great deal of financial benefit to an elite, private commuter school, it would provide very little benefit to Oakland or Oaklanders, while placing significant burdens on Oakland residents and especially the surrounding neighborhood.

Wealth disparity, HRS population vs. Oakland residents:

Most of the DEIR comment letters in support of the project were submitted by persons directly affiliated with HRS (HRS parents, faculty, staff, board members and alumni). And the majority of the HRS population do not live near the school (**as detailed below**), Whereas the over 50 DEIR comment letters opposed to the project were all from residents who actually do live in the neighborhoods near the school.

- The following data is based on analysis of information from the DEIR comment letters (obtained from public records) that were submitted in support of the HRS project (*note: this data aligns with data that has been provided directly by the school to an S.F. Chronicle reporter as recently as April 2022 indicating that the “in support” DEIR comment letters were from a population that accurately represents the HRS population as a whole*). **Along with this letter I have also submitted TWO Excel spreadsheet attachments that provide the support details for the HRS population residency and home value data** provided below:

At least 50% of HRS population **live outside of Oakland:**

29% Piedmont, Berkeley, Kensington, Alameda

10% Orinda, Lafayette, Morgan

11% Other (over a dozen cities, including Walnut Creek, Danville, San Ramon...)

Only ~12% of HRS population live within the 94602 area code that surrounds the school, and nearly half of those people live by Park Blvd, Redwood Rd or N of Hwy 13 (**far away from the school**).

Additionally, the home values (Zillow.com) of the HRS population further illuminates the disparity between the elite population of the school vs. the general population of Oakland. The average home value for the HRS population is over \$2MM, roughly **2X the average value of homes for the Oakland residents:**

HRS avg. home values in Oakland (Apr 2022): Over \$2MM

Avg. home values for residents of Oakland (Apr 2022): Less than \$1MM

Privileged treatment provided to HRS re: requirements for transportation studies:

DEIR Appendix 14, page 9 says “Since the proposed project is an independent school in a somewhat suburban setting with students from a large geographic area, the City of Oakland’s screening process is not applicable to the project.”

- **FEIR preparers failed to respond** to requests included in DEIR comment letters for a detailed explanation of why HRS was granted exemption from following the City’s processes and guidelines in determining significant or

less than significant transportation environmental impacts. Simply referring to the fact that the HRS is a private school, and that it is located in a “suburban setting” (with nothing to support how those factors are relevant) is grossly inadequate for such a large project about which numerous Oakland residents have expressed their concerns and opposition.

- Exemption of HRS from the City’s processes and guidelines regarding transportation shows **deep inequity** between Oakland residents who are required to follow the City’s regulations, policies and processes, and special treatment granted to a large, moneyed, private institution.

Incomplete and inaccurate Noise assessment:

Potential noise impacts from the proposed development could make peaceful enjoyment of my home a thing of the past:

- Noise from a South Campus loop road driveway less than 40 feet from my bedroom windows (with 770 daily vehicle trips)
- Noise from gatherings of 50-100 people on a new elevated deck on Blg 0, also facing our bedroom windows
- noise from a new audible crosswalk signal in front of our house, at the egress of the loop road
- Noise resulting from use of the new crosswalk in front of our home as the primary crossing point by up to 1,250 students between North and South Campuses until or unless the proposed subterranean tunnel is built (which could be several years away, if ever, as it is only presented in the HRS plan as an option, contingent on future fund raising)
- Noise from the outdoor classrooms and gatherings outside the proposed Performing Arts Center before and after events, including evening performances that would end as late as 9PM
- Noise from deliveries onto the the South Campus
- Noise from increased traffic on Lincoln Ave., and noise (and pollution) from increased traffic congestion due to the reconfigured lanes: both relocated and added traffic signals and the addition of two left turn lanes, all in order to accommodate the proposed South Campus loop road

Expert studies of the noise impacts of the HRS project that are complete and accurate are of paramount importance to the EIR and ultimately for approval of the project and the development of appropriate conditions of approval / conditional use permit. Unfortunately, the noise assessment used for the EIR, prepared by Illingworth and Rodkin, Inc., is very incomplete and full of inaccuracies:

- To date, Edward L. Pack Associates, Inc has prepared two peer reviews of the Illingworth and Rodkin (I&R) noise assessment. The first peer review (dated Dec. 8, 2021) was submitted for the DEIR comment period and the second (dated March 27, 2023) will be submitted for the FEIR comment

period. Mr. Pack, who has over 42 years of experience as an expert acoustical consultant, identified numerous shortcomings in both the original I&R assessment such as improper use of noise standards, incomplete analysis, and false information provided in the FEIR responses to the Dec. 8, 2021 dated peer review.

- Mr. Pack commented that the FEIR respondent appears to have a lack of understanding of basic acoustic principles given the technically incorrect information that was provided. It may then be worth noting that the principle (first listed) preparer on the Illingworth and Rodkin noise study was hired in 2019 shortly after graduating from college and had less than 1 year of experience when assigned to work on the study that was published in 2020 and then used for the project EIR.

A revised Draft Environmental Impact Report should be prepared with a noise assessment that is complete and accurate so that the public and other professionals have a chance to review and comment on the revised Draft prior to the Final version.

Inadequate and incomplete Noise and Traffic info. available for project approval decision:

The noise and air quality impacts associated with both traffic and the Loop Road did not factor in traffic congestion, including no determination of the free flow capacity of the loop road or the queue discharge rate, even though once the free flow capacity value is exceeded, traffic breaks down and enters a congested state. In my DEIR comment letter I expressed concerns about this lack of information however the responses in the FEIR continue to hide behind requirements of CEQA without any acknowledgement of the importance of this information. In fact, the FEIR explains that congestion-based metrics to measure significant impacts in CEQA documents are even “prohibited”, thus none have been done. **Regardless of what types of data / studies were required by CEQA, failure to provide traffic congestion data to project approval decision makers is unacceptable.**

The draft EIR indicates that evening noise impacts from crowds exiting events at the Performing Arts Center (PAC) can be addressed simply by ending events no later than 9 or 9:30PM. It is unrealistic to suggest that crowds as large as 450 (plus the performers) could all be off the S. Campus and gates locked, with everyone in their vehicles (and ride-shares such as Uber) and on their way home, in only 30 mins - 1 hour. I expressed these concerns in my DEIR comment letter (as did many other neighbors), however nothing was provided in the FEIR to address the project plan’s reliance on an impossibly short timeframe to clear out the S Campus area following the end of evening events at the PAC.

Why does the school feel compelled to have graduation ceremonies outdoors in the “Commons” area of the South Campus, a location that is surrounded by neighbors, when they can accommodate graduation indoors on the North Campus as it has been done in past years? All of the impacts on the neighbors from amplified sound required for outdoor commencement ceremonies in the Commons are completely unnecessary and avoidable. HRS should be compelled to disclose to neighbors and project approval decision makers that the existing indoor alternative would continue to exist even if the proposed South Campus Commons was developed. And a comparison of the noise impacts to neighbors from using the current indoor location vs. the outdoor Commons should be provided.

“Internal Loop Road”: badly designed, ignores feasible alternatives:

The school intends to further burden the neighborhood by construction of a perimeter loop road to divert traffic off Lincoln Avenue (~**770 daily trips**) and very near adjoining residences on Alida, Laguna, Lincoln and Charleston.

- In fact, there is an alternative to the South Campus internal loop road that was deemed as “likely feasible” by City staff who responded to individual DEIR comment letters. See FEIR Sec. 4, pg. 208 (Responses to individual letters), “Response to Question GG-13”. This alternative would locate the proposed South Campus Loop Road **away** from residents’ homes, on the North Campus.

New traffic signals and turn lanes will need to be constructed on Lincoln Avenue to accommodate the additional traffic and construction which will further impede the flow of cars using Lincoln Avenue to access Highway 13 and Highway 580.

The traffic study used for the EIR (by Fehr & Peers, 2020) indicates there will be an estimated minimum of 770 daily automobile trips on the proposed internal Loop Road. Of the 770 trips, it is estimated that 478 trips would occur during the “peak hours” (1 hour in the morning + 1 hour in the afternoon). **The remaining 292 trips (a whopping 38% of the 770 total estimated daily trips) would occur during the “off-peak” hours (primarily in the form of additional drop-offs).** Although the FEIR asserts that use of the previously proposed mini-loop road would have been “minor” therefore the impact of eliminating it will also be minor, in actuality the traffic study used for the EIR indicates that (“off-peak” hours) usage of the mini-loop road would have been for 38% of the total daily trips (292 trips)! That’s 292 more cars using the full loop road and therefore passing by neighbors’ homes all day long despite the alternative to restrict all of that traffic to the 2 “peak hours” of each week day. In addition, without the mini-loop road all of the drop-offs for events on the South Campus (including at the proposed Performing Arts Center) as well as all of the attendees using South Campus parking when they attend events, would need to utilize the full loop road.

The FEIR (2-8) says that eliminating the mini-loop road would have “shorted off-peak trips by only about 1,000 feet with the implication being that 1,000 feet is a small portion of the total length of the loop road. The truth is that the main loop road is to be 1,580 feet (FEIR 4-83), therefore the mini-loop road would reduce trip length by 63%! The fact that mini-loop road reduces both the number of trips by 38% and trip lengths by 63% brings into question the accuracy of the impact those differences would actually have on noise and air-pollution, contrary to the FEIR assertion that eliminating the mini-loop road won’t create any new impacts. And given that the Dec. 8, 2021 and March 27, 2023 dated Noise peer review / FEIR comment letters from Mr. Pack revealed significant technically incorrect and incomplete Noise information was provided (at even the most basic level) in both the DEIR and FEIR, the accuracy of the noise assessments provided for the loop road (both with and without the mini-loop road addition) are unreliable.

Despite the fact that the mini-loop road component of the overall loop road configuration would significantly reduce both the number and frequency of vehicular trips on the main loop road next to neighbors’ homes (as explained above), the FEIR provides no information to substantiate removal of the mini-loop road.

To the contrary:

- Both the DEIR and FEIR explain that the mini-loop road would have enhanced HRS security, and “to prevent any parents from short-circuiting the perimeter Loop Road during peak hours, retractable barriers are will be erected to limit vehicles to using only the perimeter Loop Road or the mini-loop as appropriate” (DEIR 3-33 & FEIR 2-7). Raising and and lowering retractable barriers at the start and end of the 2 peak hours should not present significant operational difficulties.
- The FEIR also explains that “the mini-loop would not have required any additional construction other than construction of the Loop Road, and removal of the mini-loop idea does not involve any more or less construction.” (FEIR 2-8)

Insufficient information about proposed fence/sound wall provided in EIR:

The following pre-existing structures (from original 1941 construction) are located along the property line between my property and the proposed Head-Royce South Campus property:

- back wall of greenhouse structure which includes a brick fireplace and plumbing (faucet)
- side wall of shed (with electrical outlets, switches and a lighting fixture)
- back side of lathe house which includes plumbing (faucet)

While details provided in the EIR are generally vague and scant regarding the proposed fence (or sound wall) between the South Campus and the properties of neighboring residents, it appears as though the plan may be to build the fence directly on the property line. The EIR should provide information about the impacts of a fence along our property line to our pre-existing structures that are on the property line, including how it would impact our ability to access, maintain, repair and preserve those structures. Given that the school claims to have taken a thoughtful approach to their development plan and that it is designed to have a “light touch”, one must assume the school has considered how their plans would impact our structures. And yet clearly there would need to be either a substantial setback between the fence and our pre-existing structures on the property line or the school wishes to force that our structures be demolished, which could certainly result in a very significant environmental impact to our property. Nonetheless, my requests for additional information that were included in the DEIR comment I submitted were dismissed in the FEIR with a response that indicates there is no environmental impact that could be associated with this issue and that it’s simply a “zoning matter”. I ardently disagree that the direct impacts to multiple structures on my property that would result from implementing the school’s project plan should not require any disclosure whatsoever in the EIR. Both I and City decision makers deserve better.

The current version of the HRS Plan will be detrimental to the residential neighborhood surrounding it and to the student body whose safety is entrusted to the school they attend. Further review of the HRS Plan is needed and significant mitigation and restrictions should be implemented to address the deficiencies of the plan. I hope you will not certify the FEIR or approve the Head-Royce South Campus Plan, as currently drafted.

Sincerely,
Rod Thompson
4232 Lincoln Ave.
Oakland, CA 94602
(Oakland resident homeowner since 2002)

CC:
City of Oakland Planning Commission
Clark Manus <cmanusopc@gmail.com>
Jonathan Fearn <jfearnopc@gmail.com>
Tom Limon <tlimon.opc@gmail.com>
Sahar Shirazi <SShiraziOPC@gmail.com>
Vince Sugrue <vsugrueopc@gmail.com>
Jennifer Renk <jrenkopc@gmail.com>
Ron Jones <rjonesopc@gmail.com>

District 4 Councilmember Janani Ramachandran <District4@oaklandca.gov>

...

DONNA M. VENERUSO
LEILA H. MONCHARSH

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

April 18, 2023

Rebecca Lind
Re: PLN 18532-ER01

Dear Ms. Lind:

Please find attached expert reports from William Weisgerber (Wildfire prevention and evacuation), Jeff Pack (Sound), and Clearwater Hydrology (Drainage).

I represent NSC. Because we have had insufficient time to review all of the material, especially the voluminous documents released Friday (April 14), I will not be able to respond to all of it by tomorrow (April 19) when the Planning Commission will hold its hearing to consider your recommendation to certify the EIR and grant the PUD permit, as requested by Head Royce School. I am filing with this letter, besides the expert reports, Oakland Fire Department Records and a 2012 complaint with four volumes of evidentiary support. I will need time to supplement the rest of the records supporting the NSC's position that it opposes the project in its current condition and also opposes the certification of the EIR as it is deficient under CEQA.

A. The EIR's Analysis of Wildfire Safety and Evacuation Impacts Is Inadequate

The FEIR concedes that Mr. Weisgerber is a recognized expert on the topic of wildfire prevention and evacuation procedures: "Mr. Weisgerber clearly brings considerable expertise on the topic of emergency preparedness and evacuation planning." (FEIR, p. 3-11.) It then ignores most of what Mr. Weisgerber said about the emergent need for an evacuation plan. Instead, it asks that the decision-makers put off this requirement to some other, way down the road, after the first building is open for occupancy, time in the future to come up with one. This violates both CEQA and common sense.

The time to produce the evacuation plan is during the vetting of the project within the CEQA process, not waiting for questionable mitigation measures to kick in down the road. The EIR must show that the mitigation of an emergency evacuation plan will indeed mitigate the significant environmental impact of exacerbating emergency evacuation caused by increased enrollment and staff by 361 persons, including vulnerable children. Impermissible deferral of mitigation measures occurs under CEQA when the agency puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described. (Guideline, § 15126.4.)

The missing evacuation plan is the potential mitigation measure and the decision-makers have an obligation to review that plan and an analysis of why the plan will successfully mitigate the inability of the people uphill from the school, the school occupants, and the neighbors from safely evacuating from a wildfire in the VHFRZ. The FEIR proposal of waiting until later to come up with a plan improperly defers “the formulation of mitigation measures until after project approval; instead, the determination of whether a project will have significant environmental impacts, and the formulation of measures to mitigate those impacts, must occur *before* the project is approved. [Citation.]” (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906; see also CEQA Guidelines, § 15126.4, subd. (a)(1)(B).)

“[A]n exception to this general rule applies when the agency has committed itself to specific performance criteria for evaluating the efficacy of the measures to be implemented in the future, and the future mitigation measures are formulated and operational before the project activity that they regulate begins. [Citation.]” (*Center for Biological Diversity v. Department of Conservation, etc.* (2019) 36 Cal.App.5th 210, 239, 248 Cal.Rptr.3d 449.) Thus, “ “ ‘for [the] kinds of impacts for which mitigation is known to be feasible, but where practical considerations prohibit devising such measures early in the planning process ..., the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval.’ ” ” (*Oakland Heritage Alliance v. City of Oakland, supra*, at p. 906.)

“Conversely, “[i]mpermissible deferral of mitigation measures occurs when [the agency] puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described....” (*Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 280-281– quotation marks omitted.)

Here, there is no evidence that the risk of lost lives and property as people try to escape wildfire can be adequately mitigated by any evacuation plan. In its analysis, the EIR points to no study or modeling that supports its conclusion that an evacuation plan can reduce the admitted impact of increased students and staff to less than significant. As such, the EIR has failed to meet its obligation as an informational document. CEQA legally required that the EIR must analyze and show that an evacuation plan can satisfactorily reduce the impact to less than significant. (PRC (§§ 21002.1, subd. (a), 21100, subd. (b), *King And Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 851 (*King*).)

The EIR has failed to analyze through modeling what the evacuation of nearly 9,000 people would have on secondary and tertiary escape routes. Nor does it include any traffic study regarding what would happen in the event that there was a typical mix of vehicles and pedestrians of all ages trying to evacuate at the same time. There is no discussion in the EIR regarding the role of panic and chaos in determining whether it is even possible to safely evacuate so many people, including the additional 344 school-aged children during a mass evacuation from the VHFSHZ where HRS is located.

The EIR also does not provide baselines showing pre-project whether it would be possible to evacuate the current population at HRS and then “it should be of paramount importance to update the existing modeling for any proposed expansion such as the HRS South Campus—as part and parcel of due diligence.” (Weisberger letter, pp. 2-3.) The missing baseline from the EIR violates CEQA because establishing a baseline at the beginning of the CEQA process is a fundamental requirement so that changes brought about by a project can be seen in context and significant effects can be accurately identified. (*Save our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 125 [“baseline determination is the first rather than the last step in the environmental review process”]; see also *Communities for a Better Environment v. City of Richmond* (2010) 184

Cal.App.4th 70, 89.) When an EIR omits relevant baseline environmental information, the agency cannot make an informed assessment of the project's impacts. (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952.)

In *Vineyard Area Citizens For Responsible Growth, Inc. v. City Of Rancho Cordova* (2007) 40 Cal.4th 412, 442 (*Vineyard*), our Supreme Court stated:

The data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project. (*Ibid.* – quotation marks and cites omitted.)

The baseline modeling data regarding current possible evacuation conditions at HRS is completely missing. Actually, the only data from Mr. Wong's report and the City's fire department inspections shows that currently the North Campus would trap children inside due to the blocked gates and access points.

Page 3-6 of the FEIR basically says 'well, there's nothing stopping the City Council from making a policy decision that the project is appropriate for the proposed location.' It then says "However, the Project does present a very important concern pertaining to increasing the number of children that would be present within an area of very high fire hazard risk, and the Draft EIR does present sufficient information for City decision-makers to evaluate that risk when weighing the relative merits of the proposed project. . . ." It is strange to think that anyone would expect City Council members to sit there and weigh the so-called "merits of the proposed project" having a school for wealthy families against saving lives in the event of a likely wildfire. CEQA expects much more out of its City Council and so does the public.

Failing to go through CEQA's analysis and failing to provide baseline information does preclude the City Council from just rubber-stamping the project application. There is not enough information for decision-makers and the public to do anything more than speculate about whether some nonexistent evacuation plan might even work to save one, let alone potentially thousands of lives. (Weisgerber, pp. 3-4.) The only involved policy decision is whether the City Council wishes to take on the risk of

exacerbating the situation of already having an emergency evacuation problem, along with the financial liability.

The FEIR statement on page 3-9 that HRS would only be putting at risk evacuees 20% of the time is not accurate. The proposed conditions of approval provide a very liberal list of events and HRS is in use at least from 6:00 a.m. to 6:00 p.m. weekdays. In the past it has often operated 18 hours per day – all day during school and after-school activities and all evening for events. Further, its recent claim that it would not rent out its facilities for outside organizations does not solve the problem that the facilities will include four theaters along with other accessories consistent with an event center, not a school. It is a short jump to say that all of their events will belong to the school with no explanation why they would need four theaters unless they actually plan to use all of them and for fundraising of some sort. That use is going to overlap with school operations, nights, and weekends. So, 20% is an untruthful representation – and also an immoral approach to emergency evacuation.

The EIR does not analyze HRS' long history of failing or refusing to comply with its use permit. Following a neighborhood complaint to revoke or modify its use permit in 2012, the school agreed in 2016 to a modified use permit requiring it to prepare an emergency plan in 2016. The school ignored the condition and did not prepare or file with the planner any emergency plan until 2019 and only then, after the neighbors pointed out the violation. And then, it did not contain any evacuation plan. HRS is still in violation of the condition. (See current 2016 CUP for HRS.)

According to the fire department records, HRS has routinely failed to comply with vegetation management inspections. In 2018 alone it took four violation notices before HRS got into compliance with fire vegetation management regulations. It has repeatedly failed the first inspection and delayed correcting the violation until the start of the school year at the end of August, having skipped all of the summer. After August, it failed to maintain vegetation management when inspected the following spring. (Submitted Fire Department records.)

Further, even the EIR preparer's fire expert found that the gates were blocked, locked, or in some other way unusable for emergency exit. Those

observations were made after HRS submitted its application for the instant project. Certainly by the time Mr. Wong found the access points blocked in 2021 or thereabouts, HRS should have had down the concept of emergency evacuation.

Just acknowledging some of the problems with HRS's violations of fire regulations and ignoring the rest of the history does not comply with CEQA requirements. Those facts alone, as evidenced by the NSC 2012 Complaint with four volumes of evidence all the way to today should have caused the EIR preparer to realize the admitted impact of the project on evacuation could not be reduced to less than significant. The EIR failed to show how the mitigation of a future evacuation plan would even occur. It appears that the approach was 'just trust HRS because they are a wealthy private school and therefore, can be trusted.' HRS burned through that trust with the neighbors and city planners decades ago from repeated violations of their use permits. In contravention to CEQA's legal requirements, there is no evidence that the EIR has met its legal obligation to show that its proffered mitigation will reduce the vegetation management and evacuation impacts to less than significant. (PRC (§§ 21002.1, subd. (a), 21100, subd. (b), *King And Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 851 (*King*).

Further, the "mitigation measures discussed in the EIR should be feasible," meaning that they are "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (*King, supra*, 45 Cal.App.5th at p. 852.) The record evidence demonstrates that the evacuation plan was already necessary in 2016. There is nothing in the record to support the long future timeline for getting that plan completed now. Furthermore, the EIR does not fulfill its obligation to either mitigate the evacuation dangers or pursue another alternative.

The Supreme Court has described the alternatives and mitigation sections of CEQA as 'the core' of an EIR." (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 597-603 – cite omitted.) Also:

In furtherance of this policy, section 21081, subdivision (a), contains a substantive mandate requiring public agencies to refrain from approving projects with significant environmental

effects if there are feasible alternatives or mitigation measures that can substantially lessen or avoid those effects.

(*Ibid.* – quotation marks and cites omitted [appellate court upheld city’s refusal to grant demolition permit where there was no showing of infeasibility to preserving historic resource].)

Here, the EIR needed to either show that an evacuation plan would reduce the danger to the neighborhood, the school, and neighbors above highway 13 to less than significant or it needed to discuss alternatives to the project’s increase in enrollment. It did neither.

Mr. Weisgerber describes the expectations of the California Attorney General as to what should be analyzed in an EIR. (Weisgerber, p. 6.) The FEIR did not consider this laundry list of items that should have been provided as part of the analysis. CEQA requires agencies to analyze any significant environmental effects a project might cause or risk exacerbating by bringing development and people into the area affected. (14 CCR, § 15126.2(a); *Cal. Bldg. Indus. Assn.*, *supra*, 62 Cal.4th at 385.) This includes effects not only to flora, fauna, and other natural resources in the vicinity of the project, but also to *humans*. (Pub. Res. Code § 21083(b)(3) [agency must find impacts significant if project “will cause substantial adverse effects on human beings, either directly or indirectly”]; 14 CCR, § 15065 [project’s potential to cause “substantial adverse effects on human beings, either directly or indirectly” must be evaluated under CEQA].) The EIR violated this mandate by ignoring the Attorney General’s directive as to what should be analyzed in an EIR.

Put another way, the EIR does not contain “sufficient detail to enable those who did not participate in its preparation to understand and consider meaningfully” the Project’s impact on the ability of the campus and community to safely evacuate. (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502.) Nearby residents, parents, uphill neighbors and employees at HRS have a right to know the project’s impacts on evacuation. Without this crucial information, the EIR fails as an informational document. (*Id.* at 515.)

The FEIR makes a plethora of conclusory statements in responses to comments B-9 and B3-2, like that since HRS is located adjacent to Lincoln

Avenue, it presents a different situation than increasing density in the hills above highway 13 through increased proliferation of accessory dwelling units, a practice the City Fire Chief has criticized. The Fire Chief's concern about interfering with evacuation routes is no different because HRS is on Lincoln Avenue, an admitted fire escape route. There is no evidence to support the EIR's conclusion, such as modeling to show that Lincoln Avenue would remain serviceable as an escape route in the event of a wildfire, contrary to the FEIR response B-9.

Unsupported conclusory statements do not suffice to support the FEIR's position that somehow, being located adjacent to Lincoln Avenue, will reduce the chances of lost lives due to blocking this wildfire escape route. (Guidelines, § 15126.6, subds. (c), (f)(2)(B)), [unsupported conclusory statements do not suffice], (*Laurel Heights, supra*, 47 Cal.3d at p. 404.) The FEIR's assumptions, premised on ambiguous generalizations rather than analysis and evidence, "failed to serve the purpose of enabling informed decision-making and public discussion." (See *San Bernardino Valley Audubon Society, Inc. v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750-751.)

The EIR preparer could have chosen to obtain modeling of a probable wildfire evacuation situation but chose not. It also chose not to obtain an evacuation plan with supporting facts that would show it is possible to reduce the project's evacuation impacts to less than significant. It did none of that and probably for a good reason, e.g., that it is not possible to reduce the impact of the project to less than significant. At that point the FEIR was required to consider alternatives, such as the school opening a satellite school somewhere other than on Lincoln Avenue. (*Make UC A Good Neighbor v. Regents of University of California* (2023) 88 Cal.App.5th 656, 669.)

If there is no feasible mitigation or alternative available, the FEIR should have discussed overriding considerations. When an EIR has identified significant environmental effects that have not been mitigated, an agency may not approve the project unless it first finds additional mitigation infeasible due to "[s]pecific economic, legal, social, technological, or other considerations . . ." (Pub. Res. Code §21081(a)(3); see 14 CCR, §15091(a)(3).) An agency rejecting a mitigation measure as infeasible must be supported by substantial evidence in the record and "must explain in meaningful detail the reasons and facts supporting that conclusion." (*Marin Mun. Water Dist. v. KG Land Cal. Corp.* (1991) 235 Cal.App.3d 1652, 1664; see Pub. Res. Code,

§21081.5; 14 CCR, §15091(b).) Conclusory statements are inadequate. (*Village Laguna of Laguna Beach v. Bd. of Sups.* (1982) 134 Cal.App.3d 1022, 1034-1035.)

Yet, the EIR is totally silent as to why it is necessary to wait until the project is already constructed and right before occupancy before an evacuation plan is prepared. It does not say why it is infeasible to require an evacuation plan now when the plan can be vetted by experts, why an alternative is not viable, or why overriding considerations justify the City Council approving the project now with no evacuation plan. For these reasons, the EIR is deficient, and the City Council should not certify it.

In response to comment B3-8, the FEIR claims that OFD was consulted, but provides no opinions from OFD. Surely, something is missing! It is unheard of for an Oakland Fire Chief to remain muted on the topic of fire evacuation. The current chief was very outspoken about adding ADUs to the very high fire risk zone, despite political pressure to approve housing permits. It is hard to believe he has nothing to say on this topic of adding 361 people, including vulnerable students, into the middle of Lincoln Avenue.

The response to comment B3-13 again totally ignores that HRS has a long history of ignoring vegetation management requirements. As stated above, the EIR must show that a proposed mitigation will satisfactorily lessen an impact to less than significant. Just OFD and neighbors telling HRS repeatedly that they need to comply with fire codes, and HRS ignoring it all, does not equate to an adequate mitigation.

The response to comment B3-22 overlooks that it is HRS that is creating the evacuation problem, not the churches and the neighbors. Only HRS is located half-way down a very steep hill, has a main campus at the bottom of a steep canyon requiring children to climb out of it, insists on not providing sufficient onsite parking spots for all of its SOVs and busses, is constantly using public streets for parking, wants inconvenient tandem parking, and keeps expanding the number of students and staff that would need to be evacuated. The churches are located at the top of the Lincoln Avenue hill adjacent or very near highway 13 and its frontage road, provide an abundance of onsite parking to keep cars from blocking Lincoln Avenue during an emergency, have several escape routes, only operate in any large numbers on the weekend and not during HRS's hours, do not use public infrastructure for parking, and are not cheek and jowl next to houses. Their

staff and visitors can easily escape by foot or car. Ability Now is not located half way down the hill and has a very small number of persons using it, and again – plenty of onsite parking to avoid blocking Lincoln Avenue as an escape route. It also is not right next to housing.

As discussed above, the EIR also gave short shrift to analyzing emergency access both for people to escape a wildfire and for emergency vehicle access. We now know that one of the major problems during the 1991 wildfire that engulfed parts of Oakland and Berkeley was the lack of adequate means for simultaneous exit by fleeing residents and entry by fire personnel. Despite how important this issue has been in the past, and regardless of the dependence by fire personnel in the area above and through the Lincoln Avenue area having to rely on narrow winding roads with limited capacity, the EIR does not tell us its plan for solving that very problem. The public and decision makers lacked the information necessary to assess whether the project would result in inadequate emergency escape and emergency access. (See *County of Fresno, supra*, 6 Cal.5th at 516.)

The EIR’s so-called “objectives” to reduce the risk of wildfire emergencies are nothing more than wishes rather than analysis. It does not even inform us how many cars will likely be on the roads during a potential evacuation, the capacity of the roads to handle evacuation, and how long it will take for evacuation to occur. The EIR contains very little information, indicating that there was any thought put into the specifics of a possible evacuation plan. (*League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th 63, 134-143 [3DCA found adequate an EIR’s analysis and mitigations for wildfire safety and evacuation because it contained many specifics supporting its analysis and its mitigation plans].)

In sum, the EIR’s analysis of impacts on emergency response and evacuation plans contains only bare conclusions and opinions, with no reference to evidence or facts. CEQA requires more, and the City Council’s approval of such an inadequate EIR would violate CEQA as a matter of law. (See *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918 935-36 [EIR’s omission of essential information is a procedural violation subject to de novo review].)

Similarly, the EIR’s reliance on its compliance with various codes and regulations pertaining to fire prevention to justify the EIR’s less than significant determination also fails because compliance with applicable

regulations is not sufficient to conclude that a project will reduce a significant impact to less than significant. It does not relieve the EIR of its duty under CEQA to disclose project impacts. (*Kings County, supra*, 221 Cal.App.3d 692, 716-17; *Amador Waterways, supra*, 116 Cal.App.4th at 1108-09.) Finally, there is no explanation for why it would be necessary to wait, perhaps for decades, before HRS submits an evacuation plan that should have been included in an emergency plan – one that was already ordered in 2016 and ignored by HRS first by 2019 and now by 2023.

I will comment on the other two reports tomorrow morning. Thank you for considering my comments.

Sincerely,

Leila H. Moncharsh

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

Attachments previously emailed

cc: Client

March 20, 2023

William Weisgerber, President
Weisgerber Consulting
El Macero, CA 95618

Ms. Leila Moncharsh, Attorney at Law
5707 Redwood Rd., # 10
Oakland, CA 94619

Ms. Moncharsh:

At your request, Weisgerber Consulting has reviewed the Final EIR (FEIR) for the proposed expansion of the Head Royce School (HRS) Planned Unit Development (PUD). As President of Weisgerber Consulting, I am specifically responding to FEIR comments on the following areas of my professional expertise on mass evacuation, and contained in my earlier letter, dated December 7, 2021, regarding the Draft EIR (DEIR) for HRS:

- **Chapter 3**—*Master Response to Comments on Evacuation (pages 3-8 to 3-11)*
- **Chapter 4**—*Response to Comment Letter B – Law Offices of Veneruso & Moncharsh, Leila H. Moncharsh, December 20, 2021 (pages 4-17)*
- **Chapter 4**—*Response to Comment Letter B3 - Weisgerber Consulting, December 7, 2021 (pages 4-50 to 4-56)*

Professional Background: To reiterate the December 7, 2021, letter, my career qualifications consist of a professional fire service career spanning over 45 years, rising through the fire service ranks from firefighter and engine company officer to include over 30 years as a chief officer (Battalion Chief, Operations Chief, Fire Marshal, and Fire Chief). My responsibility within the chief officer ranks not only included fire administration and incident command, but also California Fire Code regulatory compliance and enforcement, oversight and direct management of local emergency services, local hazard mitigation planning (including emergency evacuation planning), and emergency/disaster response operations. I also have a proven background in interim chief and fire marshal service (post-retirement), as well as consulting on local hazard mitigation, emergency planning, and fire prevention bureau administration and operations.

FEIR Opinion Background: Among the mission critical life-safety issues insufficiently addressed in the FEIR review of the HRS PUD Project, is the non-existence of a realistic, on-going, and verifiable evacuation plan for the HRS campus site. Which is of primary concern.

WUI EVACUATION RESEARCH:

To this point, there has been a plethora of research published on the specific topic of WUI evacuation, compiled from a cohort of global experts, by the National Fire Protection Association (NFPA) Research Foundation (2021). This work introduces an evacuation modeling platform called **WUI-NITY: a platform for the simulation for the wildland-urban interface fire evacuation** (specifically concentrating on the WUI commu-NITY). The platform accounts for fire spread, pedestrian movement, and traffic; in consideration of situational awareness by responders and human behavior of residents *in evacuation scenarios under the life-threatening duress of an actual emergency and the dynamic evolution of the*

situation. Its credibility is furnished through rigorous testing (working closely with stakeholders to ensure the model is valid and valuable), by enhancing outputs to provide insights not ordinarily generated elsewhere (i.e., trigger buffer designs; vulnerability assessments, effects on traffic impact, panic, and life-safety values).

<https://www.nfpa.org/News-and-Research/Data-research-and-tools/Wildland-Urban-Interface/WUINITY-a-platform-for-the-simulation-of-wildland-urban-interface-fire-evacuation>

Additionally, in the wake of the 2018 Camp Fire disaster in Paradise, CA, there have been numerous high-profile engineering studies prepared specifically on modeling WUI Egress and Evacuation, including the following:

UCLA Engineering Department Study prepared for PG&E (2022);

https://static1.squarespace.com/static/54628adae4b0f587f5d3e03f/t/62543e3b217100425b1aff5f/1649688125299/GIRS-2022-03_Wildfire+Egress+Model.pdf

Caltrans Division of Research, Innovation and System Information (DRISI) (2021); <https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/preliminary-investigations/pi-0278-a11y.pdf>

American Society of Civil Engineers (ASCE) (2019). <https://ascelibrary.org/doi/10.1061/JTEPBS.0000221>

Furthermore, the **Readiness and Emergency Management for Schools (REMS) Technical Assistance (TA) Center** has prepared an 11-page Wildfire [Preparedness] Fact Sheet for K-12 schools and Institutes of Higher Learning (IHLs) (2018). https://rems.ed.gov/docs/WildfireFactSheet_508C.pdf

None of these innovative research products of advanced methodologies have been referenced or incorporated into the planning of this Project, the DEIR, or FEIR.

The preparers of the FEIR have anchored an HRS mass evacuation strategy to the viability of Lincoln Avenue as the primary route for the impact on capacity during a mass evacuation—experiencing a simultaneous convergence of the HRS and surrounding population in an uncontrolled manner. Moreover, there has been no consideration given toward modeling secondary and tertiary routes (essential elements to emergency planning). A strategy of this depth requires a mission critical proof-of-concept for accommodating the additional student and staff population (361) to the existing traffic and pedestrian load on campus; and in full consideration of the existing uphill population (estimated in the FEIR at only 50% of actual population and still totaling 8,945 people of myriad ages and abilities). Furthermore, it remains unconvincing that the FEIR suggests K-12 aged students (particularly lower primary grades) will be able to just calmly march down the street amidst the other frantic population trying to escape harm's way on foot, bicycle, or vehicle.

It is recommended that decision-makers for both the City of Oakland and HRS view the KTVU-2 raw news footage of the 1991 Oakland Hills Fire evacuation attempts, and evaluate the impact of “history repeating itself,” on the heels of this decision. The first 2-minutes of this 6-minute clip (link below) provides real-world, Oakland evidence, sufficient to give pause for further thoughtful consideration toward adding 344 school-aged children to the equation of mass evacuation from the VHFSHZ, in which HRS is located.

<https://www.youtube.com/watch?v=NseOhUqZAh0>.

The conclusions in this response to the HRS FEIR are anchored in the fact that the caliber of evacuation modeling referenced herein should—in any practical sense—already be in place for existing conditions at HRS. It then should be of paramount importance to update the existing modeling for any proposed expansion such as the HRS South Campus—as part and parcel of the due diligence.

CHAPTER 3—MASTER RESPONSE TO COMMENTS ON EVACUATION (pages 3-8 to 3-11)

[FEIR] Chapter 3, page 3-4—Project Impacts (excerpted):

“...public comments on the [DEIR] do not identify any reasons that the Project...would have any reasonable possibility of significantly increasing the risk of fire hazards in the area...the risk of existing wildfire hazards may affect the Project is not a CEQA threshold...”

OPINION: Regardless of the CEQA thresholds set for exacerbating existing conditions, the introduction and presence of an increased vulnerable population into the VHFSHZ, by definition, exacerbates the severity of the existing condition of the life-safety situation. In the absence of recognizing this level of life-safety impact—performing due diligence in advance of a decision—the only logical conclusion that decision-makers can reach is that this Project is not ready for approval.

[FEIR] Chapter 3, page 3-5—Existing Wildfire Risks vs. Exacerbation of Wildfire Risks (excerpted):

“... While not an impact of the Project, the Draft EIR certainly does not suggest that the risk of wildfire hazard that is present at the site and in the surrounding area is less than significant, but rather highlights the significance of the risk that is present...No public comments on the Draft EIR suggest that the Draft EIR did not identify this potential impact such that it represents a new impact not discussed in the Draft EIR, or that this impact is substantially greater than as described in the Draft EIR...”

OPINION: The CEQA process, in its current form, is unbending at every level in the face of introducing hundreds of additional vulnerable populations into the VHFSHZ, by excusing it away as not meeting CEQA thresholds for exacerbating existing conditions.

[FEIR] Chapter 3, page 3-6—Comments on Merits of the Project (excerpted):

“...That CEQA consideration does not preclude City decision-makers from considering, based on substantial evidence, whether the Project is appropriate at the location proposed...However, when considering the relative merits of the Project, the City can consider whether it is prudent to increase the number of people, especially student populations, in an area of high wildfire risk...”

OPINION: Fully concur that this remains a policy-level decision as to whether the Project is appropriate for the location. As there is substantial evidence that the HSR Project has not performed sufficient due diligence with respect to significant life-safety issues associated with the addition of 344 vulnerable population to the VHFSHZ. Moreover, it is not prudent to approve the Project in its current form.

[FEIR] Chapter 3, page 3-6—Comments on Merits of the Project (excerpted):

“...However, the Project does present a very important concern pertaining to increasing the number of children that would be present within an area of very high fire hazard risk, and the Draft EIR does present sufficient information for City decision-makers to evaluate that risk when weighing the relative merits of the proposed Project...”

OPINION: Fully concur that the Project does present a very important concern pertaining to increasing the number of children that would be present. However, strongly disagree that the Draft EIR does

present sufficient information for City decision-makers to evaluate that risk when weighing the relative merits of the proposed Project. To the contrary, it is the DEIR *comment letters* that present sufficient information for City decision-makers in this risk evaluation.

[FEIR] Chapter 3, page 3-8—Project Impacts (excerpted):

“...the CEQA threshold pertaining to emergency evacuation is whether the project would, “impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan...the City of Oakland does not have a publicly facing evacuation plan for the Oakland Hills and there are no specified public emergency evacuation routes to be followed...As such, the Project does not conflict with or interfere with any such plans...”

OPINION: The City of Oakland not having a publicly facing evacuation plan for the Oakland Hills does not mitigate, nor preclude, HRS from professionally developing their own campus safeguards for mass evacuation planning in a disaster.

[FEIR] Chapter 3, page 3-8—Exacerbation of Evacuation Congestion (excerpted):

“...Irrespective of the presence (or lack thereof) of a publicly facing evacuation plan, the hazards of a wildfire could be exacerbated by the Project, if the Project resulted in a condition whereby community residents were unable to evacuate safely due to increased traffic congestion on potential evacuation routes. As noted in a recent California Supreme Court decision (Center for Biological Diversity v. Lake County, Superior Court of the State of California, Case #CV42115, January 2020), “additional people competing for the same limited routes can cause congestion and delay in evacuation, resulting in increased wildfire related deaths. By bringing a significant number of people into the area, [the project] may significantly exacerbate existing environmental hazards, specifically, wildfires and their associated risks. Therefore, this is an issue that is required to be addressed under CEQA.” ...”

OPINION: Fully Concur

[FEIR] Chapter 3, page 3-9—Exacerbation of Evacuation Congestion (excerpted):

“...Under such a catastrophic scenario, as many as 8,945 people may be seeking to use Lincoln Avenue as an evacuation route to safe, downhill locations. Under a worst-case scenario that assumes Lincoln Avenue as the only evacuation route from the School, the Project could add as many as 361 more people (or an approximately 4 percent increase in people) using Lincoln during an evacuation. However, the School is not in full session year-round, is open only about 50 hours per week, and has a limited number of special evening events that are to be finished by 10:00 pm. These conditions effectively limit the School’s full operations to approximately 20 percent of the total hours of any given year, reducing the chances that full occupancy and operation at the School would occur at the same time as an emergency evacuation...”

OPINION: Disaster and emergency planning, particularly mass evacuation, must operate on the premise of worst-case scenario. To suggest that the chances of an emergency or disaster is reduced because HRS is only at full occupancy and operation 20% of the time is unconscionable. That is not the premise you would want planned for your airline, your elevator, your fire alarm, or sprinkler system. And it should be no less diligent for mass evacuation planning, training, and execution for a vulnerable school population located in the VHFSHZ.

[FEIR] Chapter 3, page 3-10—Evacuation Planning as Reasonable and feasible Mitigation (excerpted):

“...They also recommend developing a better mechanism to communicate directly with local officials and Incident Commanders; identifying primary and secondary destinations and routes for an evacuation, and effectively communicating these destinations to parent and guardians; and regularly practicing an evacuation in concert with the Oakland Fire Department...”

OPINION: Fully concur.

[FEIR] Chapter 3, page 3-10—Evacuation Planning as Reasonable and Feasible Mitigation (excerpted):

“...intended as a condition of approval for the Project’s PUD permit, requiring a detailed implementation plan as a precondition prior to issuance of a certificate of occupancy for the first building permit that would enable an increase of current student enrollment. It would serve to further increase student safety, rather than significantly exacerbating existing environmental hazards in the event of an extreme wildfire event...”

OPINION: To ensure full compliance with this crucial requirement of life-safety, disaster, and emergency planning, it would be most precise to require the approval of a complete emergency mass evacuation plan as part of the EIR, and *before granting any building permits* for the PUD. The FEIR language is ambiguous and open to broad (and detrimental) interpretation.

[FEIR] Chapter 3, page 3-11—Additional Mitigation (excerpted):

“...City decision-makers may believe that these recommendations require further evaluation and detail, or additional coordination with the OFD and the City’s Emergency Services Department, or that on-going City monitoring of the School’s implementation of these recommendations is warranted...”

OPINION: It is recommended that City decision-makers make this condition mandatory.

BEST PRACTICES FOR ANALYZING AND MITIGATING WILDFIRE IMPACTS OF DEVELOPMENT PROJECTS UNDER CEQA:

In 2022, the California Attorney General became active in local land use issues concerning rural development and wildfire risk, focusing on the capability of the CEQA documentation for projects in higher fire risk areas. The Attorney General also issued a CEQA “best practices” memorandum in October 2022. This Memorandum provides detailed recommendations for how local governments should be evaluating risk and mitigation in higher fire risk areas.

The California Attorney General’s letter is another resource the FEIR preparer should have studied and incorporated into its report. <https://oag.ca.gov/system/files/attachments/press-docs/Wildfire%20guidance%20final%20%283%29.pdf> (Attorney General of California, Rob Bonta, October 2022, pp. 10-11, 12).

Many of the variables that should be considered in analyzing a project’s impact on wildfire risk are in the following excerpts from the Attorney General’s memorandum, which outlines several key mass evacuation “best practices” for further deliberation under the CEQA review:

“...IV. C. Analyzing the project’s impact on evacuation and emergency access

Evacuation modeling and analysis should include the following:

- *Evaluation of the capacity of roadways to accommodate project and community evacuation and simultaneous emergency access.*
- *Assessment of the timing for evacuation.*
- *Identification of alternative plans for evacuation depending upon the location and dynamics of the emergency.*
- *Evaluation of the project's impacts on existing evacuation plans.*
- *Consideration of the adequacy of emergency access, including the project's proximity to existing fire services and the capacity of existing services.*
- *Traffic modeling to quantify travel times under various likely scenarios.*

In considering these evacuation and emergency access impacts, lead agencies may use existing resources and analyses, but such resources and analyses should be augmented when necessary. For example, agencies should:

- *Utilize information from the EIR's analysis of traffic/transportation impacts, but they should not limit themselves to that information, which may not reflect the impact of emergency conditions on travel times.*
- *Consult with local fire officials and ensure that assumptions and conclusions regarding evacuation risk are substantiated with sound facts. Emergency conditions may not allow for ideal evacuation scenarios—staggered, staged, or targeted evacuation in response to a wildfire may sometimes be possible, but human behavior is difficult to predict and wildfires can be erratic, unpredictable, and fast-moving.*
- *Consider impacts to existing evacuation plans, but recognize that, depending on the scope of an existing evacuation plan, additional analyses or project-specific plans may be needed. Community evacuation plans often identify roles and responsibilities for emergency personnel and evacuation routes, but do not necessarily consider the capacity of roadways, assess the timing for community evacuation, or identify alternative plans for evacuation depending upon the location and dynamics of the emergency.*
- *Avoid overreliance on community evacuation plans identifying shelter-in-place locations. Sheltering in place, particularly when considered at the community planning stage, can serve as a valuable contingency, but it should not be relied upon in lieu of analyzing and mitigating a project's evacuation impacts.*

IV. D. Mitigating wildfire risk, evacuation, and emergency access impacts

- *Enhanced communication to the project population about emergency evacuation plans and evacuation zones.*
- *Parking limitations to ensure access roads are not clogged with parked vehicles..."*

CHAPTER 4— RESPONSE TO COMMENT LETTER B – LAW OFFICES OF VENERUSO & MONCHARSH, LEILA H. MONCHARSH, DECEMBER 20, 2021 (pages 4-17)

[FEIR] Response to Comment B-9 (excerpted):

“...This comment cites statements made by the Oakland’s Fire Chief and Deputy Fire Chief about the dangers of increasing density and blocking evacuation routes in and below the hills. These statements were made during a public hearing on the merits and dangers of continuation of the Accessory Dwelling Unit provision of the City Planning Code within the Oakland Hills. These comments were not made in reference to Head-Royce School. Head-Royce School and the proposed South Campus have very different access conditions by being located adjacent to Lincoln Avenue, and the School would not include a full-time residential population....”

OPINION: This **FEIR Response to Comment B-9** makes a bright-line distinction between the impact of Accessory Dwelling Units and the HSR Project, when they are addressing the same phenomena of adding a significant number vulnerable population to a mass evacuation equation. The FEIR preparer’s contention that Lincoln Avenue has sufficient capacity is unfounded, as there has not been any credible modeling study on the impacts of this additional load on Lincoln Avenue’s capacity to remain serviceable for such an evacuation. This is a very dangerous assumption to make, absent any practical data from a realistic, on-going, verifiable plan that has been developed through a systematic modeling platform.

CHAPTER 4—RESPONSE TO COMMENT LETTER B3 - WEISGERBER CONSULTING, DECEMBER 7, 2021 (pages 4-50 to 4-56)

[FEIR] Response to Comment B3-2 (excerpted):

“...By introducing the pedestrian evacuation strategy, faculty and students from Head-Royce (including the additional population attributed to the Project) would not compete for the limited evacuation routes with residents in the surrounding area, and would not add additional vehicle congestion and delay, and this potentially significant impact would be reduced to less than significant levels. The recommended evacuation strategy identified in the Evacuation Planning Recommendations report (an Appendix to the Draft EIR) would serve to further increase student safety, rather than significantly exacerbating existing environmental hazards in the event of an extreme wildfire event. If required as conditions of Project approval, these recommendations would also serve to address cumulative emergency evacuation conditions throughout the Oakland Hills by reducing potentially conflicting evacuation conditions...”

OPINION: The FEIR response statements to **Comment B3-2** are unfounded, as there has been no bona fide modeling of a proposed mass evacuation plan to establish a proof-of-concept. The preparers of the FEIR envision the students calmly *walking* down the sidewalk under intense emergency conditions, when there is no practical or experiential point of reference such as is documented in raw news-video footage of the evacuation efforts during the wind-driven, 1991 Oakland Hills Fire.

<https://www.youtube.com/watch?v=NseOhUqZAh0>.

This footage represents the worst-case scenario, and which should be the benchmark for emergency planning of mass evacuation in the Oakland Hills. The circumstances in 1991 included: traffic stalled to a halt, public panic, residents *running* down the sides and middle of the street, burning material trapped under vehicles, and burning brands of fuel carried by winds at street level. Additionally, there is no data or reasonable conclusion to support the FEIR statements of “...not competing for limited evacuation routes...” “...reduction of significant impact to less than significant...”, nor “...increased student safety...”

[FEIR] Response to Comment B3-5 (excerpted):

“...As indicated in the Master Response to comments on Evacuation Planning, Head-Royce School shall be required to prepare a stand-alone Emergency Evacuation Plan for the School...This Emergency Evacuation Plan for the School shall be subject to review and approval by the Oakland Fire Department, with input from Emergency Services, OPD Traffic Division, and the Public Works’ Transportation Planning staff. This Plan shall consider the recommendation to subscribe to the AC Alert program...”

OPINION: Fully concur with the requirement that an approved Emergency Evacuation Plan be a condition of the EIR approval for the Project, and that it be vetted *prior to granting any building permits.*

[FEIR] Response to Comment B3-8:

“City Planning staff and the EIR consultant team did discuss this project with OFD to obtain comments and source materials regarding existing evacuation plans for the area. OFD also reviewed the administrative Draft EIR prior to publication, but provided no additional comments.”

OPINION: The OFD was shown the administrative draft of the DEIR. However, there is no indication that the OFD has been afforded the opportunity to review and opine on the comment letters for the DEIR, and to give OFDs thoughts prior to the FEIR. This appears to be an egregious omission in the process.

[FEIR] Response to Comment B3-13 (excerpted):

“... Pursuant to this SCA, Head-Royce School would be required to submit a Vegetation Management Plan to the Oakland Fire Department for review and approval prior to approval of any construction-related permit, with ongoing monitoring and inspection by OFD prior to, during, and after construction of the Project...”

OPINION: An HSR Vegetation Management Plan needs to be fully vetted as part of CEQA , the EIR, and *prior to granting any building permits.* Fully concur with the requirement that HSR submit to the Oakland Fire Department for review and approval prior to issuance of any construction-related permits, with ongoing monitoring and inspection by OFD prior to, during, and after construction of the Project.

[FEIR] Response to Comment B3-15 (excerpted):

“...The DEIR does note that the ABAG Annex for Oakland and the City of Oakland Local Hazard Mitigation Plans are silent on a publicly facing emergency evacuation plan that would include HRS, and that without such a public-facing plan, Head-Royce School may have to be its own decision-maker in a wildfire.” However, the School should not be in the position of making its own decisions on this critical matter...”

OPINION: Absent a publicly-facing emergency mass evacuation plan—and while HRS should not have to make its own decisions on this critical matter—as matter of due diligence, HRS should maintain the responsibility to their campus and community to seek professional consultation on the proper elements of a well-designed mass evacuation plan for *their* part in an expanded impact to the influx of evacuees on Lincoln Avenue. As, when the emergency occurs, and HRS is ill-prepared, the question will remain, *“How could you let this happen?”*

[FEIR] Response to Comment B3-16:

“Staff fully concurs with the recommendation that a bona-fide mass evacuation plan be developed for the School, with training for students, staff, and parents. This Evacuation Plan is to be developed by a professional consultant who specializes in emergency planning and evacuation, subject to approval by

the OFD Fire prevention Bureau, with advice and input from Emergency Services, OPD Traffic Division, and the Public Works' Transportation Planning staff."

OPINION: Fully concur.

[FEIR] Response to Comment B3-22 (excerpted):

"...However, as is also noted in the Evacuation Planning Recommendations report, there is a broader issue (or shortcoming), in that there is no publicly facing emergency mass evacuation plan for the remainder of the Oakland Hills. This includes the surrounding neighborhoods, the LDS Temple, Immersion Preschool, Ascension Cathedral, Ability Now (with multiple wheelchair user clients), and the UCP Plant Exchange Event Center. Head-Royce School is not the responsible party, and this EIR is not the appropriate venue for establishing such a broader plan for the rest of the surrounding neighborhood and other nearby institutional uses..."

OPINION: See opinion on **[FEIR] Response to Comment B3-15 (excerpted)**, above.

Conclusions: The shortcomings of HRS's emergency mass evacuation planning remain glaringly apparent.

Once again, given the location (and large student census) HRS needs to have instilled in their leadership, a sense of urgency with which to have laser-focused attention on coordination with the OFD, OPD and Oakland Emergency Services regarding not only HRS, but also actively coordinating with the adjacent neighbors: LDS Temple, Immersion Preschool, Ascension Cathedral, Ability Now (with multiple wheelchair user clients), and the UCP Plant Exchange Event Center. Each component affects the dynamics for effecting mass evacuation of the campus and neighborhood.

Moreover—and this point cannot be emphasized strongly enough—there remains the highest degree of need for a bona fide mass evacuation plan to be *vetted* through the public safety community of the OFD (FPB and Emergency Services) in the same manner as a high-rise facility is required to. The OPD Traffic Division should review the plan for impact and conflict with other street evacuation protocols—and to insure it is incorporated and in compliance with existing OPD plans. Also, Oakland Public Works—Transportation Planning Division should review the plan for impacts on the existing Traffic Impact Analysis and established traffic service level rating(s) for the area. Once completed, the HRS Board should thoroughly review the plan before approval and adoption—and mandate that all faculty, staff, students, and parents be trained on the plan, with a minimum of semi-annual exercises (at least one observed by the OFD). Try to visualize 900-1200 students (plus faculty & staff) trying to simultaneously get onto the same streets as evacuating residents and businesses—without training.

The evacuation plan described in the DEIR has many unsupported conclusions, and a contrived approach to safety procedures without any measure of practical application or execution. The health and safety liability associated with this is not of an acceptable measure. A school organization that is responsible for over 1,000 people, daily, cannot write a mass evacuation plan in the absence of experiential expertise. To take this approach is a recipe for disaster in an emergency, holding increasingly significant potential for people (especially the vulnerable population of primary grade school-aged children, and the ADA at-risk population) to be lost, injured, or killed. And, once again, in the aftermath of such a disaster the public and the media will turn to HRS, the City, and OFD to ask, *"How could you let this happen?"*

Recommendations:

Given the demonstrative wildfire history evidence from the 1991 Oakland Hills Fire, the likelihood for a wildfire starting in the Oakland Hills and reaching HRS is of an extremely high and dangerous probability; and, as such, HRS should diligently plan accordingly.

To remedy the situation, *it is strenuously re-emphasized herein*, the primary recommendations contained in the December 7, 2021 opinion letter authored by Weisgerber Consulting. HRS should immediately move to execute a concentrated effort toward the following elements for an emergency mass evacuation plan:

A Bona Fide Written Emergency Plan:

- Develop a written campus mass evacuation plan and procedure, completed with the expertise of a professional consultant who specializes in evacuation; with some particular emphasis on routes, alternate routes, exit design calculations, pedestrian planning and flow rates, evacuee accountability, ADA compliance considerations, and designs for emergency movement via bus-shuttle systems. The plan should be written in cooperation with the OFD and City of Oakland Local Hazard Mitigation Plan, to include, but not be limited to:
- A decision-making process for initiating evacuation.
- A campus accountability system to ensure all persons are safely evacuated.

Campus Staff Training

- Training in supervising and managing a mass evacuation of students K-12, with ADA considerations for the campus population with mobility needs. Particularly in managing students walking distances of up to 1-mile to an assembly point.
- Pre-designated assembly points for parents or guardians. It is recommended that a new, thoroughly developed plan be written for adequately communicating emergency evacuation information, and instructions to parents or guardians, to reunify with their students.
 - The plan should contain a methodology for primary, secondary, and tertiary assembly sites—based on the circumstances; and not de facto reporting to one pre-designated location to await further instructions.

Coordinated Emergency Communications:

- A coordinated emergency communication plan for real time updates with the City of Oakland Emergency Operations Center (EOC) and/or OFD Operations Center (DOC).
- A planned interface relationship between a dedicated HRS representative and the Liaison Officer designated by the City of Oakland Emergency Operations Plan (EOP). This designee could request pre-authorization to report to the EOC, as do public schools.

Semi-annual Exercises:

- It is recommended that HRS **should absolutely** conduct semi-annual evacuation exercises with at least one being in coordination with OFD, to ensure that the campus is well-indoctrinated toward an emergency reflex response to a disaster.
- The role of exercises cannot be *over-stated* in preparing the campus for a wildfire.

Other notable assumptions in Appendix 16B that HRS :

These items should address immediately, as integral components to a written emergency plan, include:

- It is noted in DEIR, Appendix 16B, page 8 (Additional Notes and Observations), that the Oakland 2016-2021 Local Hazard Mitigation Plan and the Oakland Safety Plan do not have a publicly facing evacuation plan or response plan.
 - **This does not absolve HRS** from working diligently with the City, and HRS's own consultant, toward the best practices objectives of responsibly protecting their students, staff, and the neighborhood from the effects of a mass evacuation during a wildfire.
 - HRS staff should thoroughly review all pertinent documents in preparation for a bona fide plan to protect the population of the campus and the neighborhood.
- **Shelter-in-place should not be a protective action** under wildfire conditions, as this has extremely high potential for leading to injury or death.
 - It is strongly recommended that a dedicated HRS Liaison be designated to coordinate strong, direct lines of communication with City officials (OFD, OPD, Emergency Services) as paramount to an HRS emergency plan and decision-making process for initiating evacuation.
- It is recommended that **HRS make a capital investment in an emergency back-up power generator system** for the campus—to power essential functions during an emergency.

This concludes the analysis and opinion commentary of the FEIR Responses to the HRS DEIR comment letters, for expansion to a south campus. Do not hesitate to contact me with any questions.

Respectfully,

William Weisgerber

William Weisgerber
Weisgerber Consulting

Cc: file

JEFFREY K. PACK

ACOUSTICAL CONSULTANT

Curriculum Vitae

EDUCATION

Berklee College of Music, Boston, Massachusetts, 1984
Bachelor of Music; Professional Music

University of Southern California, Los Angeles, 1981
Bachelor of Science; Geological Sciences

West Valley College, Saratoga, California, 1979
Associate in Science; Science and Mathematics

EXPERIENCE

7/81 to Present President and Principal Consultant
Edward L. Pack Associates, Inc.
San Jose, California

Mr. Pack has experience in architectural, environmental, and industrial acoustics, including interior design of office buildings, hospitals, medical buildings, hotels, recording studios, auditoriums and residences, HVAC noise control, mechanical equipment enclosures, roadway and railroad noise barriers, transportation noise assessments and industrial facility noise control. Transportation noise assessments involve the analysis of automobile, truck, railroad and aircraft noise as they impact residential, commercial and industrial land uses. His responsibilities are involved with both the administrative and technical aspects of Edward L. Pack Associates and his duties also include presentations at public hearings, expert witness testimony, conducting seminars in acoustics, directing and monitoring construction corrective work in residential and commercial buildings and the design and construction direction of noise enclosures for mechanical equipment. Measurements, analyses, and evaluations are made to develop the specific recommendations required for the correction of noise and vibration problems.

He has extensive experience in the field of interior acoustics associated with auditoriums, multi-purpose rooms, gymnasiums, classrooms, churches, public meeting halls, TV and audio/visual recording studios, hospitals, and other acoustically critical spaces. Mr. Pack is an expert in architectural acoustics designing noise isolating walls, windows and floor/ceilings, particularly in multi-family housing for compliance with State and local building codes.

Jeffrey K. Pack, (cont'd)

5/86 to
5/94

President

The Techtonics Company
Sunnyvale, California

Mr. Pack designed, developed, and manufactured acoustic and electronic drum triggering devices, acoustic stringed instrument transducers, including piezoelectric pick-ups for guitars, violins, violas, cellos and basses from inception through final shipping. As President, duties included management of production personnel, purchasing, sales, marketing, and advertising. Retail stores and distributors carrying The Techtonics Company products are located worldwide.

2/93 to
3/94

Adjunct Professor

Cogswell Polytechnical College
Cupertino, California

Adjunct professor of acoustics, which included teaching noise control engineering, audio engineering, architectural acoustics, and sound reinforcement system design.

7/84 to
12/87

Owner

Mirage Music Technologies
San Jose and Hermosa Beach, California

Mr. Pack designed and constructed speaker cabinets, taught music, designed sound reinforcement systems, worked as a DJ for private and public events, worked as a performing musician.

His prior experience includes teaching assistant for Oceanography 210 at USC, 4 years as private drum and percussion instructor, conducting seminars in acoustics and noise control, and in music education as the South Bay Area Alumni Representative for the Berklee College of Music. Other engineering experience included geologic structure mapping, mineralogy, and geologic engineering.

AFFILIATIONS

Acoustical Society of America
American Institute of Physics
Audio Engineering Society
National Council of Acoustical Consultants
Sigma Gamma Epsilon Geological Society



EDWARD L. PACK ASSOCIATES. INC.

1975 HAMILTON AVENUE
SUITE 26
SAN JOSE, CA 95125

Acoustical Consultants

TEL: 408-371-1195
MOB: 408-921-4886
www.packassociates.com

March 27, 2023
Project No. 52-004-2

Leila H. Monscharsh, Esq.
Veneruso & Moncharsh
5707 Redwood Road
Suite 10
Oakland, CA 94602

Subject: Rebuttal to Responses to the Peer Review of the Final Environmental Impact Report, Head-Royce School Expansion, Lincoln Avenue, Oakland

Dear Ms. Monscharsh:

This report will provide you with our rebuttal to the responses to the peer review comments of the Noise Assessment Study prepared by Illingworth-Rodkin and the noise chapter of the Draft Environmental Impact Report (DEIR) for the planned expansion of the Head-Royce School along Lincoln Avenue in Oakland. The responses to our comments were provided by Lamphier-Gregory.

The responses to our comments were provided in two sections. The first section is a narrative of the overall responses to our comments with new analyses and data. The second section contains itemized responses to our comments.

The first part of our rebuttal is our comments on the overall narrative response by the respondent. The second part of our rebuttal is our comments on the itemized responses to our original comments. The narrative section begins on page 3-21 of the FEIR. Our rebuttal appears in order with the respondent's narrative.

I. Rebuttal to Respondent's Narrative

In terms of CEQA policies, the methodology is to determine the change in the noise environment based on the local jurisdictional thresholds. These are contained in the General Plan where the descriptor is in terms of the Day-Night Level.

The average ambient conditions for the receiver locations down slope and at greater distances from Lincoln Avenue are likely to have significantly lower ambient sound

levels or noise exposure (DNL). Thus, the limit on noise increases due to the project would be more stringent.

We acknowledge the difficulty with conducting noise measurements during the pandemic when traffic volumes were abnormally low and the school was closed. However, ambient noise conditions are currently close to normal so there is no justification for not obtaining adequate noise data.

We understand new noise measurements were conducted on site on March 10, 2022. This new analysis and new data were presented in the FEIR responses to comments.

The exact location (distance to centerline) of the new noise measurements along Lincoln Avenue was not reported. We can only assume that the new measurements were made at the 50 ft. distance previously used by Salter. The measurement location should be reported so that the new noise data can be compared to the previous data without having to make assumptions.

The ambient data in the DEIR response is 180 ft. from the centerline of Lincoln Avenue, which is 53 dB DNL. The new LT1 (long term) noise data were made at a distance of approximately 635 ft. from the centerline of Lincoln Avenue and with topographical differences. The new data indicate that the previous assumptions of the noise levels at the residences to the south and west were not correct and that there is a significant difference between the DEIR values and the new data. The ambient at the receiver locations behind Laguna Avenue are lower. Thus, the basis for the CEQA evaluation results in stricter project-generated noise limits.

The threshold of significance is the ambient + 5 dB. Therefore, the ambient + 4 dB would be considered less-than-significant. For example:

$$\text{Ambient} = 49 \text{ dB DNL}$$

$$\text{Acceptable} = 49 \text{ dB DNL} + 4 \text{ dB} = 53 \text{ dB DNL}$$

$$\text{Project-generated limit} = 53 \text{ dB DNL} - 49 \text{ dB DNL} = 51 \text{ dB DNL.}$$

The project-generated noise limit would be 51 dB DNL or the ambient + 2 dB.

Salter did not review the Illingworth-Rodkin noise thresholds. RGD Acoustics only opined on the comparison of football game noise versus indoor graduation event noise by Salter. We did not suggest that “permanent” noise thresholds be used instead. Our comment was to use both the standards contained in the City of Oakland Noise Ordinance and in the City of Oakland General Plan for all noise sources individually and combined.

Salter’s “report” mentioned in the responses was only two pages of data tables. There were no comments regarding Illingworth-Rodkin’s data or methodologies. See the DEIR footnote on page 13-30.

Salter and RGD did not review source noise of other operations. They reviewed only the graduation noise data as shown in Appendix 13 of the DEIR (Illingworth-Rodkin report). We agreed with RGD that the Salter graduation noise data are better for use than the Illingworth-Rodkin football game noise data.

Our comment regarding nonexistent data, inaccuracies or unqualified parties pertained to conclusions drawn without technical back up or the reporting of combined and cumulative noise levels not provided in the Illingworth-Rodkin report. All noise data, analyses, calculations, recommendations and conclusions should be obtained, prepared and reported by the qualified acoustician of the project. These analyses should be included in the environmental documents in their entirety for public and peer review.

CEQA uses both short term noise level compliance, e.g., the Noise Ordinance limits, and long term noise increases, e.g., the General Plan, to determine noise impacts. Both sets of standards need to be used for evaluation purposes.

Each noise source – drop-offs, loop road traffic, recess, outdoor classrooms, pick-ups, the PAC – need to be analyzed in relation to the Noise Ordinance (short-term noise). Sources that occur simultaneously should also be combined for Noise Ordinance compliance. Then, each source noise exposure (DNL) needs to be determined so that all of the noise source noise exposures can be combined to obtain the project-generated noise exposure. This noise exposure is then added to the ambient to obtain the cumulative noise exposure. The cumulative noise exposure is compared to the ambient to determine if an increase of 5 dB (threshold of significance) or more will occur.

We do not disagree that noise from the outdoor classroom under normal teacher speech conditions will be within the limits of the Noise Ordinance. However, we do disagree with the calculation methods. Harris, 1991, pg. 16-2 – Speech to Noise Ratio of 5-8 dB for outdoor environments. Voices are raised when the background noise levels reach 50 dBA. There is usually about a 3-6 dB increase in vocal level for every 10 dB increase in the background level above 50 dBA. In classrooms, this increase is typically on the order of 10 dB for every 10 dB increase in the background level.

We acknowledge the removal of the PAC loading dock from the project. No further comments regarding loading dock noise are necessary.

We concur with the operational adjustments to outdoor gatherings at the PAC.

The graduation noise level study, particularly the P.A. system levels, uses the L_{eq} as the noise descriptor. The City of Oakland Noise Ordinance does not use the L_{eq} for evaluation purposes. The L_{max} and the various L_n values need to be determined and reported. Since a graduation event will typically occur for more than a few minutes, the DNL should also be determined for inclusion into the overall project-generated noise analysis in terms of the DNL and the CEQA evaluation.

Similarly, the project traffic noise analysis used the L_{eq} , but the standards are not in terms of the L_{eq} . The project loop road noise analysis must include both the various L_n values of the Noise Ordinance and the noise exposure (DNL) for the General Plan/CEQA analysis.

The proposed wall along the loop road is not detailed adequately. The receiver locations are not described. A graphic showing the location of the barrier would be helpful. Will the barrier, if constructed to be acoustically-effective, reduce noise for second floor elevations of the homes or just the first floors? Does the 5-6 dB of noise reduction apply only to certain areas of backyards or at the house setbacks or both?

The project noise exposure (DNL) is used only for project traffic on Lincoln Avenue. Noise exposure analyses must be included for all noise sources.

The cumulative noise analysis was done incorrectly. Cumulative does not mean that the sources occur simultaneously. Cumulative infers that the total project noise levels/exposures are combined then added to the existing background or ambient conditions, similar to a traffic study. The total project-generated noise exposure is a sum of all project noise sources that occur over the 24-hour period, i.e., project traffic, the loop road, drop-offs, pick-ups, the PAC, etc.

The CEQA evaluation consists of determining if the project causes a substantial increase in the ambient noise levels. Thus, to determine that increase, the ambient level must be known. For example,

$$\begin{aligned}\Delta\text{dB} &= \text{cumulative} - \text{ambient} \\ &= (\text{ambient} + \text{project}) - \text{ambient}\end{aligned}$$

If, ambient = 43
 project = 50
 cumulative = 51
 $\Delta\text{dB} = 51 - 43 = 8$; the project adds 8 dB to the ambient

If, ambient = 43
 project = 42
 cumulative = 46
 $\Delta\text{dB} = 46 - 43 = 3$; the project adds 3 dB to the ambient

II. Rebuttal to Specific Responses

B2-1: The definition of “intensity” remains to be incorrect. Intensity is the amount of sound pressure over a given area in a specified direction. It is not merely the amplitude of a sound wave. Intensity should not be used to describe “loudness”.

B2-2: The CEQA thresholds contained in the DEIR are correct. We retract our comment.

B2-3: The comment was meant to identify each potential source of noise and their noise limits in terms of the Noise Ordinance and the General Plan/CEQA.

B2-4: Our comment was regarding the data used in the TNM not SoundPlan. The TNM model was used to determine the ambient noise levels at an inadequate number of receiver locations without regard to topography or intervening structures.

B2-5: Noted

B2-6: The Noise Ordinance (Planning Code) uses short term noise standards for various types of noise with limits based on the duration of the noise. The noise study does not identify all of the noise sources and their respective durations per hour for evaluation against the Noise Ordinance limits. Rather, the noise study more often used the L_{eq} to report a source's noise level. In addition, the noise exposure (DNL) for each source must be determined and ultimately combined for the comparison to the ambient, per the CEQA thresholds.

B2-7: We did not comment on the applicability of vibration criteria. We only noted that the City's policy for vibration uses the FTA's transportation descriptor for construction vibration rather than the FTA's descriptor. Our comment was for the noise study to provide both VdB and PPV to avoid confusion. This is for the sake of clarity. Our comment was not a critique on analytical methodology. Since the City of Oakland references the FTA vibration polices (for construction), the FTA guidelines for vibration limits should be addressed rather than the CalTrans criteria.

B2-8: Project traffic is not the only permanent noise source associated with the project. All daily school operations are also permanent. Temporary sources are things like construction. However, CEQA does address temporary and permanent increase in the ambient noise environment due to the project. Our comment did not suggest using an incorrect threshold for operational noise. Our comment suggested that all noise source standards be addressed for all noise sources.

The response to our comment regarding applying the General Plan standards to operational noise remains to be inadequate. The response claims to provide additional analyses for "informational purposes only". Why is this? The intent of the environmental document is for informational purposes.

The descriptions of the DNL and the operational sources “bullet” paragraph explanations on page 4-35 are well appreciated and this type of presentation should be the focus of the noise study. The ensuing tables of operational noise data for receiver locations R-3 and R-7 are exactly what the original noise study should have presented. Although we disagree with some of the data used in the analysis (the recess noise data, for instance, seems low compared to similar operational data in our database), the tables clearly show the effect of the project on two residential receiver locations in terms of the General Plan/CEQA. Now, this type of analysis and presentation should be prepared for the Noise Ordinance standards.

B2-9: Noted. Same rebuttal.

B2-10: Noted.

B2-11: Please provide some calculations showing the expected interior noise levels in the PAC, the sound transmission loss provided by the building shell with windows open and closed (if applicable) and the noise levels extrapolated to the residential receiver locations.

Unknown noise sources should be identified as “potentially significant” and the mitigation measure requiring subsequent analyses to prove compliance with the standards should be included.

B2-12: Table 13-11 of the DEIR (pg. 13-31) clearly shows that the graduation ceremony will exceed the L_{33} limit of the Noise Ordinance. However, the Noise Ordinance also contains limits for the L_{max} , L_2 and L_{17} . Since the graduation ceremony will have varying noise sources and vary sound levels, all of the Noise Ordinance standards should be addressed.

B2-13: Because the specifications for the outdoor mechanical equipment at the PAC are not yet available, this is a “potentially significant impact”. The mitigation measure must require a detailed noise analysis of the outdoor mechanical equipment under a conditional use permit.

B2-14: What are the daytime noise levels at the residences shown in Table 5 and on Figure 7 of the Noise Study?

B2-15: The “Harris” book speech sound levels are based on a “quiet” background environment, such as inside a classroom. Speaking in an outdoor environment with amplification will require speech sound levels to be in the range of 75-78 dBA at 3 ft.

B2-16: A recess noise level of 59 dBA at 50 ft. from the center of a play area is on the low side. In addition, 50 ft. from the center of the play area indicates that the play area was small or that the measurements were taken too close to the children playing. The analysis does not segregate student age groups. Some age groups will generate different levels of noise than others. Younger children running around screaming will generate the highest levels of noise while older children will occasionally shout, typical of an order during an athletic event or game or to gather another student’s attention. The types of recess activities should be discussed, such as ball usage on a hard court or asphalt surface compared to a turf surface. The use of more conservative noise data would result in exceedances of the Noise Ordinance standards.

B2-17: The new analysis is appreciated. This analysis needs to be included in a revised DEIR.

B2-18: Actually, parking lot activity, pick-ups, drop-offs, etc. will create varying noise levels of various durations. The various sources’ noise levels should be calculated for the L_{max} , L_2 , L_{17} and L_{33} .

The respondent has a grave misunderstanding of the L exceedance values. A 17 minute duration is not the L_{17} . The L_{17} is the level of noise exceeded for 17% or time or 10 minutes out of an hour. The hourly average noise level ($L_{eq(h)}$) is not used by the Noise Ordinance. It is used to calculate the DNL’s for General Plan/CEQA purposes. The L_{17} is also not the maximum sound level. The L_{max} is the maximum sound level. The respondent continues to mix up standards and values. This goes back to our previous comment regarding the qualifications of the responding party.

B2-19: The noise level created by the loop road traffic, drop-offs, pick-ups, etc., should be calculated based on both the Noise Ordinance and General Plan standards. The respondent is using “dBA” when describing noise exposure. The proper terminology is dB DNL (or L_{dn}). The General Plan and the Noise Ordinance are two entirely different documents and both need to be addressed, but separately.

B2-20: The response for B2-18 is technically incorrect. The respondent has a lack of understanding of basic acoustic principles.

B2-21: The noise exposures at the residence shall be reported in terms of the DNL (or L_{dn}) and not noted merely as “dBA”. Combined noise exposures are not “cumulative”. This term is reserved for background or ambient conditions plus the project’s contribution. All sources of noise must be combined for both short-term (simultaneous occurrences) and long term (dB DNL re: General Plan/CEQA).

B2-22: No rebuttal.

B2-23: The removal of the loading dock is appreciated. No further comment on this issue.

B2-24: The requirement of the construction noise and vibration management plan must be included as a mitigation measure.

B2-25: Both the City of Oakland and CEQA reference the guidelines of the Federal Transit Administration for construction noise and vibration. The FTA indicates a vibration limit of 0.2 in./sec. PPV for typical wood framed houses such as those surrounding the project. Nowhere are the less stringent CalTrans guidelines referenced. The FTA guidelines should be used throughout the noise study and environmental documents.

B2-26: No further comment.

B2-27: The City of Oakland General Plan Land Use Compatibility table indicates the use of either the CNEL or the DNL. Since the remainder of the City’s standards, goals and policies use the DNL, the DNL is the applicable descriptor.

B2-28: The loading dock has been removed. One part of the noise study indicates that PAC noise will be contained to the interior and will be inaudible. There is no quantification to this claim. Other parts of the noise study indicate that noise from attendees outdoors could generate noise in excess of the Noise Ordinance standards. As the FEIR indicates a change in the operations to preclude noise excesses, these changes should be incorporated into a revised DEIR.

B2-29: Noise sources do not have to occur simultaneously in order to be additive. DNL's from various sources that do not occur at the same time can be combined.

B2-30: As stated earlier, particularly regarding the misuse of the L exceedance values, we question the competence of the person preparing some of the information presented in these documents. All analytical work subsequent to the original noise study must be prepared by a qualified acoustician, with the analytical details provided in a technical document and included in a revised DEIR for recirculation for public comment and peer review. New data and analyses provided only in a response document are unacceptable.

B2-31: On the contrary. The comments were made to provide the reader with a list of shortcomings of the noise study and DEIR. See the title of this particular section of the comment letter.

B2-32: The list of issues presented in the comment letter should be addressed in their entirety. Many aspects of these requirements have not been adequately fulfilled. The EIR remains to be inadequate.


III. Conclusions

The Final Environmental Impact Report remains to be inadequate even though new data, analyses and the project description have changed. A revised Draft Environmental Impact Report should be prepared so that the public and other professionals have a chance to review and comment on the revised Draft prior to the Final version. There are still shortcomings in the noise section as certain noise standards are used improperly, some responses contain false information and much of the analysis is not complete.

This concludes our rebuttal to the responses to the comments on the *Noise Assessment Study* prepared by Illingworth-Rodkin and Chapter 13 of the Draft Environmental Impact Report for the planned Head-Royce School expansion along Lincoln Avenue in Oakland. If you have any questions or would like an elaboration on this report, please call me.

Sincerely,

EDWARD L. PACK ASSOC., INC.

A handwritten signature in blue ink, reading "Jeffrey K. Pack", is written over a horizontal line.

Jeffrey K. Pack
President



**CLEARWATER
HYDROLOGY**

Consultants in Hydrology
and Water Resources

Watershed Management

Stream and Wetland
Restoration

Wetland Delineation
and Permit Acquisition

Stormwater Drainage
and Flooding

2974 Adeline St.
Berkeley, CA 94703
Tel: 510 841 1836
Fax: 510 841 1610

April 15, 2023

To: Pam Claussen, Carl Boe, Anne Purcell.

From: William Vandivere, M.S., P.E., Principal

RE: Technical memorandum on hydrologic and engineering assessment and EIR documentation review- Head Royce School Planned Unit Development Permit Project, Oakland CA

Thank you for inviting Clearwater Hydrology (CH) to comment on the referenced project's FEIR and the Responses to Comments, in particular the responses to the technical memorandum I prepared in Dec. 2021 on the DEIR Hydrology and Water Quality section. This letter is identified as Letter B5 in the Responses. The five responses provided, B5-1 through B5-4, address the comments offered under my heading "Assessment of Proposed Stormwater Control Plan and Related Hydrologic Design for Head Royce PUD".

In addition to reviewing the responses to comments B5-1 through B5-4, I reviewed Figure 5.25 of a publically-distributed pamphlet on the project (c. 2022) and updated Erosion Control and Stormwater Control Plans (SOM/Sherwood Design Engineers Jan 2022), Plan Sheets CO. 11-12, 21-23 and C7 00-04. Figure 5.25 of the pamphlet implies that no changes have been made to the Project stormwater plan. The currently presented Stormwater Control Plan prepared by Sherwood Design Engineers shows bioretention/biotreatment areas, all to the north of the loop access road. There is no indication in any of the provided documentation that the previous plan for earthen bottom stormwater retention basins linked by open swale segments has been amended. The response to comment B5-4 restates a mitigation measure related to geology, yet does not spell out in detail what the mitigation entails, in contrast to the detail laid out in their responses to the other comments.

If the CEQA process results in the lining of the retention basins south of the loop road and piped linkages, or their omission, in recognition of the recommendations of the Project geotechnical engineering consultant (Rockridge Geotechnical), I feel that the remainder of the stormwater handling measures indicated on the current (2022) plans addresses all of our previously stated concerns. If this is not the case, let this letter reinforce my professional opinion that the Project will likely have a detrimental hydrologic impact (decreased slope stability due to increased soil porewater pressures) on the properties bordering the Project to the south, including those of Claussen and Boe.

Yours truly,

William Vandivere, M.S., P.E.
Principal

DONNA M. VENERUSO
LEILA H. MONCHARSH

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

April 19, 2023

Rebecca Lind
Re: PLN 18532-ER01

Dear Ms. Lind:

This is a continuation of the letter that I submitted shortly after midnight last night.

B. The Noise Portion of the FEIR Is Inadequate Because It Relies on Conclusionary Statements Without Factual or Expert Support and Without Baselines

Mr. Pack, NSC's acoustics expert, responds to the FEIR in his letter, dated March 27, 2023, where he notes that to comply with CEQA the EIR needed to set the baseline to understand the difference between pre- and post-project conditions. (Pack, pp. 1-2, 5.) As explained in Section A of our letter submitted last night, baselines must be established and this comparison analyzed in the EIR. There is no evidence that it was impossible for the EIR preparer to have done so.

Instead, the preparer waited until after the comment period in response to the DEIR had closed and then obtained some noise measurements on March 10, 2022, a month before the Planning Commission hearing. It failed to report the noise measurements along Lincoln Avenue, making it impossible to know the pre- and post- project sound conditions. As a result of this new information, we now know that the "the new data indicate that the previous assumptions of the noise levels at the residences to the south and west were not correct and that there is a significant difference between the DEIR and the new data." As a result, the "basis for the for the CEQA evaluation results in stricter project-generated noise limits." (Pack, p. 2.)

With admittedly using the wrong data for its conclusions, the preparer was required to do more than just make conclusory statements that the project sound impacts will be reduced to less than significant. Those statements are unsupported by evidence and amount to no more than opinions by nonexperts. (Guidelines, § 15126.6, subds. (c), (f)(2)(B)), [unsupported conclusory statements do not suffice], (*Laurel Heights, supra*, 47 Cal.3d at p. 404.) The FEIR's assumptions, premised on ambiguous generalizations rather than analysis and evidence, "failed to serve the purpose of enabling informed decision-making and public discussion." (See *San Bernardino Valley Audubon Society, Inc. v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750-751. The EIR needs to be redrafted with the correct data and recirculated for public comment.

The problem of missing data or incorrect data to support the EIR conclusions also applied to the handing around of the acoustics issue amongst three parties, Illingsworth-Rodkin, RGD Acoustics, and the EIR preparer. However, the preparer did not have the expertise to opine about the interpretation of the acoustics data or realize that data was missing. (Pack, p. 3.) There is no evidence that the preparer had any expertise in acoustics, and this was a topic that required an expert's handling. (Evidence Code section 702.) Due to the admittedly missing or incorrect data to support the less than significant conclusion, the EIR is not supported by evidence.

The problem of using the wrong standards for the P.A. system and evaluating traffic noise also requires a revised EIR and recirculation. (Pack, p. 4.) NSC objects to the use of any outdoor amplification of sound on the South Campus. The housing is just too close and the neighbors would become part of the audience for graduations, outdoor events, class presentations, etc.

Mr. Pack brings to the City's attention that the proposed sound wall is not detailed adequately. (Pack, p. 4.) This exact same problem occurred with the sound wall at Ability Now. HRS agreed to construct a sound wall for the field there and then did not provide one. Mr. Pack had to contact the planner and explain that the wall HRS had decided upon was absolutely not a sound wall. Here, there is nothing to show what HRS plans to use for materials and whether the fence will in fact serve as mitigation or just a decorative wall facing the school.

Overall, the work on the DEIR and FEIR fell way below what one would expect of a competent acoustics expert. (Pack, pp. 7-10.) The City Council should require that the noise section be redone in a DEIR by a reputable acoustics company that is provided with sufficient funding to complete the task. The two main issues with any school are traffic and noise. The noise from the South Campus will increase exponentially from the prior use when only, at most, 100 students were allowed on the property during the day and 50 in residence at night. HRS is contemplating greatly increasing the use of this property, including having up to 1,250 students, event guests, graduation ceremonies, and entertainment guests potentially all at the same time. The noise from this much increased activity on the site is going to negatively impact the adjacent housing.

C. Removal of the Mini-Loop and Changing the Use of the Loop Road From Only Peak Hour Use to All Day and Potentially Well into the Night Use Increased the Impacts on the Neighborhood

In neighbor Mr. Rodney Thompson's letter, he fully demonstrates how removal of the mini-loop will increase impacts on adjacent neighbors. Under CEQA, the FEIR should have addressed the increased impacts from removal of the mini-loop and extending the hours of use of the Loop Road.

The NSC opposes the Loop Road because it is one more way, over a long history, that HRS has pushed its negative impacts off its properties or near its boundaries and onto the neighborhood. The City has assumed that HRS has no driveways on its own two sides of Lincoln Avenue for unloading and loading students into cars and busses, which is untrue. It has multiple access driveways on both sides. The main driveway for the North Campus was the original way that parents dropped off and picked up their children onsite, not in the street. The former Lincoln Child Center used its own driveway for the same purpose other than for small busses that parked in front where a group of counselors met the students. Over the years, HRS has steadily pushed its impacts away from its properties and onto the public infrastructure that residential neighbors rely upon. The purpose is obvious – HRS offers little to no parking or transportation facilities for its customers and preserves the central area of each campus for further, future development beyond what it

already plans. It has also bought up housing adjacent to its properties for the same reasons.

The City Council should not allow HRS to continue the practice of supplying both too little onsite parking and unrealistic parking options. If it wishes to expand, it should be required to construct a parking garage as was required of the Greek Church. Instead, it does things to mask the amount of street parking it will need by claiming to have parking spaces elsewhere. For example, HRS says it has 16 parking spaces in the Greek church garage, when it fully well knows that the students will not park there due to auto break-ins and so they insist on parking along Lincoln Avenue. There are about 20 cars parked right below the Greek church on Lincoln Avenue every school day with youngsters getting in or out of them. That row of parked cars takes up a lane that could be used for emergency access.

As stated well by neighbors, the City Council needs to look with a jaundiced eye at the proposed conditions of approval for this project. They are extremely loose, especially given the long history of use permit noncompliance and they do not address the South Campus neighborhood's needs. Instead, the conditions reflect an assumption that the City should treat the South Campus, cheek and jowl adjacent to housing as the North Campus, located at the bottom of a steep canyon with housing located far above it and away from noise and traffic impacts.

D. It Is Unclear What the EIR Proposes for the Drainage That May Negatively Impact the Boe and Claussen Properties

Please see the letter from Clearwater Hydrology. The expert hydrologist and the neighbors have been unable to find a final drainage plan showing the changes referenced in the FEIR. Clearwater needs to know how the drainage near these two properties will be handled under the new drainage plan. Please provide an answer to their question.

Thank you for considering our comments.

Sincerely,

Leila H. Moncharsh

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

Attachments previously emailed

cc: Client

EXHIBIT A

December 7, 2021

William Weisgerber, President
Weisgerber Consulting
El Macero, CA 95618

Ms. Leila Moncharsh, Attorney at Law
5707 Redwood Rd., # 10
Oakland, CA 94619

Ms. Moncharsh:

At your request, I have reviewed the Draft EIR (DEIR) for a proposed expansion of the Head Royce School (HRS). I have specifically analyzed the following areas that fall under my professional expertise:

- **Chapter 16**—*Wildfire and Emergency Evacuation*,
- **Appendix 16A**— *Vegetation Management Plan and Fire Safety Phasing Plan for Defensible Space of the Head-Royce School*; and,
- **Appendix 16B**—*Evacuation Planning Recommendations for Head-Royce School*
- **Emergency Plan for Head Royce School**—*obtained from the City of Oakland and provided to me for review*

Professional Background: My background consists of a professional fire service career spanning over 45 years, rising through the fire service ranks from firefighter and engine company officer to include over 30 years as a chief officer (Battalion Chief, Operations Chief, Fire Marshal, and Fire Chief). My responsibility within the chief officer ranks not only included fire administration and incident command, but also California Fire Code regulatory compliance and enforcement, oversight and direct management of local emergency services, local hazard mitigation planning (including emergency evacuation planning), and emergency/disaster response operations. I also have a proven background in interim chief and fire marshal service (post-retirement), as well as consulting on local hazard mitigation, emergency planning, and fire prevention bureau administration and operations.

Current Wildfire Risks: The current risk of wildfires in Northern California, including the Bay Area, has increased dramatically over the past five years—due to unprecedented climate change and drought conditions. The dry fuel and extreme weather (summertime dry-lightning strikes, and record-high wind events) serve only to amplify conditions for extremely high fire danger. Historically, California Fire Season has lasted from mid-to-late May, through late October (or the first seasonal rains). However, in recent history, the California Fire Season has become a year-round event. Here are the salient points from the last three California Fire Seasons:

- **The 2019 California Fire Season** stretched from January 1 to December 19, burning over 259,823 California acres in 7,860 incidents, costing \$163M in suppression efforts (2019 USD).
- **The 2020 California Fire Season** ran from February 15 to December 31, and burned 4,397,809 California acres, causing over \$12.079B in damage (2020 USD) --the August Complex Fire alone, accounting for 1.03M acres.
- **The 2021 California Fire Season** started on January 14, and year-to-date has burned over 3,083,507 (and counting) Very High Fire Hazard Severity Zones acres from wildfires. *The 2021 Fire Season is not due to end until December 26th.*

(See CalFire Stats, Incidents-by-Year: <https://www.fire.ca.gov/incidents/2021/>)

However, wildfire destruction is not confined to fuels of the landscape, as there is tremendous risk to life and property where people live, work, and go to school in adjacent Wildland-Urban Interface areas. This is particularly poignant in the CalFire designated Very High Fire Hazard Severity Zones of the Lincoln Heights neighborhood of the Oakland Hills below Highway 13—where HRS is located. Moreover, available firefighting resources are spread more thinly, as the number and size of fires increases annually all over California —taxing resources of the State Master Mutual-Aid Agreement¹ to respond locally.

Historical California Wildfire References²:

- July 7-17, 1985: The Lexington Fire (Los Gatos CA). 13,800 acres burned. At the time, the largest fire mutual-aid effort in U.S. history, involving over 200 responding agencies.
- October 19-23, 1991: The Oakland East Bay Hills Firestorm (*The Tunnel Fire*) (Oakland, CA). 1500 acres burned, 2800 structures destroyed, (\$1.5B of damage in 1991 USD), 25 fatalities. (*This was the 3rd deadliest, and 3rd most destructive fire in California history*). **400 engines, and 1,500 personnel, from 250 agencies responded. Only Contra Costa County is chronicled in the FEMA Report, Appendix-D (21 strike Teams from 16 agencies). A Strike Team is 5 engines and 1 Battalion Chief.** Strike Teams also responded from Marin, Santa Clara, San Mateo, and San Francisco counties. <https://www.usfa.fema.gov/downloads/pdf/publications/tr-060.pdf>
- October 8-31, 2017: The Tubbs Fire (Sonoma County, CA). 38,807 acres burned, 2,834 structures destroyed³ (\$1.3B of damage in 2017 USD), 22 fatalities. (*The 4th deadliest, and 2nd most destructive fire in California history*).
- November 8-25, 2018: The Camp Fire (Paradise/Chic, CA), CA. 153,336 acres burned, 18,804 structures destroyed (\$16.65B of damage in 2018 USD), and 88 fatalities. (*The deadliest, and most destructive fire in California history*).
- August 16 –November 12, 2020: The August Complex Fire (Glenn, Lake, Mendocino, Tehama, Trinity, and Shasta Counties, CA). 1,032,648 acres, 935 structures destroyed, (>\$319.8 million of damage in 2020 USD), 1 fatality.
- July 13 – October 25, 2021: The Dixie Fire (Butte, Plumas, Lassen, Shasta, and Tehama Counties, CA). 963,309 acres burned, 1,329 structures destroyed, 1 fatality. *The Dixie Fire resulted in the most expensive fire-suppression effort in California history. By mid-October, three months into the fire, fire suppression costs had exceeded \$610M.*

¹ The California Master Mutual Aid Agreement has been in effect since 1950 (and includes all 58 counties and nearly every City and Special District as signatories), to provide mutual-aid emergency response—statewide—upon request. [https://www.caloes.ca.gov/FireRescueSite/Documents/CalOES - Fire and Rescue - Mutual Aid Plan.pdf](https://www.caloes.ca.gov/FireRescueSite/Documents/CalOES_-_Fire_and_Rescue_-_Mutual_Aid_Plan.pdf)

² CalFire Stats and Events

Top 20 Most Destructive California Fires: https://www.fire.ca.gov/media/t1rdhizr/top20_destruction.pdf

Top 20 Deadliest California Fires: https://www.fire.ca.gov/media/lbfd0m2f/top20_deadliest.pdf

California Wildfires/Acres all Jurisdictions: <https://www.fire.ca.gov/media/11397/fires-acres-all-agencies-thru-2018.pdf>

Suppression Costs: <https://www.fire.ca.gov/media/px5lnaaw/suppressioncostsonepage1.pdf>

³ Sonoma County has four "historic wildfire corridors...New homes in the fire zones are required to meet building code requirements for fire-resistant materials for siding, roofing, and decks, with protected eaves to keep out windblown embers Those measures made little difference in the Tubbs Fire. For example, **despite a 100-foot fire break** that ringed much of the Fountaingrove II subdivision, [of the Coffey Park neighborhood] which consisted of 600 upscale homes in the same path as the **1964 Hanly Fire, virtually the entire subdivision was destroyed by the Tubbs Fire.**

It is worth noting that the 1991 East Bay Oakland Hills Firestorm (The Tunnel Fire) is both the 3rd deadliest, and 3rd most destructive fire in California history⁴. Moreover, the conditions of a Very High Fire Hazard Severity Zone (VHFHSZ) and the topography, combined with ever increasing wind and fire danger causing the number of “extreme fire and weather danger” days to rise annually, presents a case for the weather and fire danger situation *not improving* in the Lincoln Heights neighborhood over time.

Quite to the contrary, the HRS proposed increase in student census (344) of a vulnerable population in the neighborhood (K-12—particularly the primary grades; not to mention ADA considerations) only serves to exacerbate the existing challenging circumstances for a safe, successful mass evacuation of students, faculty, and staff—in concert with local residents—during a wildfire, earthquake or other life-safety or panic emergency. This is a *significant impact*.

With the existence of a very real threat from all the dangers associated with wildfires in the Oakland Hills, including the Lincoln Heights neighborhood, the DEIR should have specifically analyzed how the project would include adequate mass evacuation for the school *and* the neighborhood residents *simultaneously*. However, the DEIR does not consider this analysis at all.

Response to the DEIR and Appendices:

DEIR Fire Safety and Fire Management Plans:

The DEIR Chapter 16, pages 16-12, 16-13 cites the four key fire safety and fire management plans in effect for Alameda County, since the 1991 Oakland East Bay Hills Firestorm: (ALCO Community Wildfire Protection Plan; CalFire/Santa Clara Unit Strategic Fire Plan; EBRPD East Bay Hills Wildfire Hazard Reduction, Resource Management Plan and EIR; and Fire Hazard Mitigation Program & Fuel Management Plan for the East Bay Hills. Oakland and Berkeley have also applied for FEMA Pre-Disaster Mitigation funding (PDMs) comprising six projects over 359 acres, under the FEMA Hazardous Fire Risk Reduction Project. *However, these critical projects have not been funded.*

Opinion:

These programs are comprehensive and serve to mitigate the fire danger in the East Bay Hills. And, while the Oakland Fire Department (OFD) Vegetation Management Unit (VMU) is one of the best of its kind, anywhere, there is no program or combination of programs that will entirely mitigate the catastrophic, worst-case scenario disaster (e.g., evidenced by the recent California Wildfire History).

In the DEIR, Chapter 16, page 16-14 there is much discussion about the elements of planning an evacuation. However, the DEIR does not address HRS adding 344 additional students (+staff) to an already limited (and over-burdened) evacuation route scenario. That is why it is so very critical to manage the effects of human actions and minimize exposure of the at-risk population to the threat of fire, by not crowding more people into a vulnerable area with limited egress. The best contribution an organization can make is to not add to the complexities of the problem, but to present solutions of a manageable number of people and a comprehensive emergency action plan (including a mass evacuation planning component), as part of the organization’s best business practices.

DEIR State Emergency Response Plan--Evacuation Planning:

The DEIR Chapter 16, pages 16-13, 16-14 discusses the State Emergency Response Plan--Evacuation Planning, with several references to early information. Mr. Stephen Wong cites (the DEIR Appendix 16B, pages 5, 6) the unlikely guidance provided from local officials in an extreme wildfire event.

⁴ CalFire Stats and Events

- Top 20 Most Destructive California Fires: https://www.fire.ca.gov/media/t1rdhizr/top20_destruction.pdf
- Top 20 Deadliest California Fires: https://www.fire.ca.gov/media/lbfd0m2f/top20_deadliest.pdf

Opinion:

The Emergency Management System provides for a liaison relationship between HRS and City Emergency Operations. HRS should move immediately to avail themselves of this emergency response connection. Additionally, Alameda County has a no-cost county-wide public alerting system provided by Everbridge (called *AC Alert*). Oakland first-responders have access to this technology to broadcast incident-specific messages for any event. The HRS Safety Officer should be made aware of this, and key decision-makers (if not all staff) in the HRS emergency plan command staff should be subscribers.

AC Alert can be accessed online in just a few minutes and can be customized by the subscriber to receive alerts via: voice, text, email, or all three. See link:

<https://www.acgov.org/emergencysite/documents/ACAlertSignUp.pdf>

DEIR Wildfire Impact and Significance:

The DEIR, Chapter 16 concludes on page 16-17 that the impact of a wildfire hazardous situation for students, employees, and neighbors is “less than significant.”

Opinion:

I strenuously disagree with this premise, as a localized vegetation management program alone will not mitigate the worst-case scenario in the VHFHSZ (e.g., 1991 Oakland East Bay Hills Firestorm; 2017 Tubbs Fire in which the Coffey neighborhood of 600 homes—with a 100-foot firebreak perimeter, fire safe building components and green-belting defensible space—was completely destroyed by fire, down to the foundations. (See footnote-3 on page 2)

The very nature of an evolving severity in the California Wildfire Season, weather and fire danger, and Wildland-Urban Interface (WUI) threat impacts, renders the DEIR statements (page 16-__) as to the “...*impact of the hazardous situation...being less than significant*” as completely unfounded. When in fact, for all the reasons cited herein, the risk is at an all-time high and without any significant mitigation measures demonstrated in the DEIR.

DEIR Emergency Evacuation Plans:

The DEIR, chapter 16, page 16-22 concludes that, “*The Project would not impair the implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan [as] (Less than significant)*”

The DEIR goes on to say (same page reference) that “...*the City’s Local Hazard Mitigation Plan encourages development of plans, in conjunction with the fire jurisdictions...*”

The DEIR further concludes, (same page reference) “*With a Diablo wind event and favorable fire conditions (including long range fire spotting) a wildfire that begins in the Oakland Hills could reach Head-Royce School within 15-30 minutes.*”

Opinion:

I disagree with the “*Less than significant*” conclusion, as the DEIR in no way addresses the effect of an additional 344 students (+staff)—an increase of 38% in the student census—in the capacity of a pedestrian emergency mass evacuation during a wildfire.

Moreover, it is clearly indicated throughout DEIR Chapter 16, and Appendix 16B, that HRS has not interacted with the City of Oakland regarding emergency planning, mass evacuations, or emergency communications. And, it is only mentioned on page 16-22, that, “...*the City’s Local Hazard Mitigation Plan encourages development of plans, in conjunction with the fire jurisdictions...*” There is no mention

or reference in the DEIR that HRS has initiated any such effort to coordinate with the OFD in this regard—made evident by the analysis of Mr. Stephen Wong, regarding the HRS emergency evacuation plan, detailed in Appendix 16B.

The third DEIR reference on page 16-22, is that of a Diablo wind-driven wildfire event in the Oakland Hills being able to reach HRS in 15-30 minutes. This further punctuates the urgent need for a more thorough emergency evacuation plan, that is realistic, on-going, and verifiable.

DEIR Mitigation Measures:

The DEIR Chapter 16, page 16-25, concludes regarding mitigation measures: “None required. The Project will not limit emergency access, impede emergency response or create hazardous conditions for the public related to emergency access or evacuation, and the impact would be less than significant.” The DEIR goes on to say that “...the Project will not make a significant contribution to this cumulative effect...”

Opinion:

The DEIR conclusion relies heavily upon the elements of the localized vegetation management plan, the HRS emergency plan, and OFD Fire Code enforcement (e.g., annual vegetation management inspections). As stated previously, the OFD VMU is one of the best of its kind, anywhere. However, this is a once annual inspection, and HRS has no demonstrable track record for the capacity necessary to implement a maintenance of effort for all of the prescribed elements contained of the vegetation management plan contained in DEIR Chapter 16, Appendix 16B.

Additionally, the HRS Emergency Plan lacks serious content. The missing salient points being:

- The absence of a realistic, on-going, and verifiable emergency mass evacuation plan that addresses:
 - Obstacles to viable egress pathways, (gates, stairs, hills), gate openings, (narrow, locked, unmarked, absence of emergency back-up power).
- No student and staff accountability procedures.
- No procedures for managing primary grade children (K-6).
- No ADA compliance.
- No established evacuation training and exercise plan (students, staff, parents) for effectiveness during emergencies.

DEIR Evidence Before the Oakland City Council:

With all recent California fire history evidence to the contrary, the City Council should not be satisfied to continue treating the threat of fire danger to HRS as “...very unlikely...” (to quote Mr. Stephen Wong, Appendix 16B, page 7)

Opinion:

In view of all that has been done, and all that will be done, to mitigate the threat of another Oakland East Bay Hills Firestorm, the HRS campus remains in the VHFHSZ. Moreover, HRS already introduces a highly vulnerable portion of the population into an environment that is extremely difficult to evacuate properly. HRS should not be considered for an expanded facility that adds 344 more students to the situational equation, until such time as HRS can satisfactorily implement a realistic, ongoing, and verifiable emergency plan, in conjunction with a well-established implementation of the prescriptive vegetation management plan as thoroughly outlined in Appendix 16A.

Head-Royce School Vegetation Management Plan (WRM Prescription):

In appendix 16A, the Wildland Resource Management’s prescriptive vegetation management plan document is exactly correct.

However, outside of the annual OFD vegetation management inspection, this mission critical plan component for defensible space and evacuation route safety has been relegated to a maintenance of effort that is incumbent upon HRS for self-guided compliance. The successful effectiveness of the vegetation management plan lies primarily with this HRS self-monitoring system—for which HRS has no track-record, as the plan has not been implemented.

Even under the best of circumstances, a prudent regulatory approach to compliance by the FPB does not (and should not) award self-inspection privileges to any entity with less than 5-years of a successful “no violations” history. Otherwise, there is no basis for a proven record of compliance upon which to sustain a “self-inspection” designation privilege.

Head-Royce School--Ability to Evacuate In Case of Wildfire:

DEIR Appendix 16B makes a very strong case *against* HRS expansion (regarding mass evacuation planning). Additionally, as noted in DEIR Chapter 16 as well as Appendix 16B, both the Association of Bay Area Governments (ABAG) Annex for Oakland and the City of Oakland Local Hazard Mitigation Plans (LHMP) remain silent on a publicly facing emergency evacuation plan that would include HRS.

Therefore, according to DEIR Appendix 16B, page 8, “...*the lack of [Oakland LHMP] planning specifically for evacuation response and preparedness indicates that Head-Royce School will likely have to be its own decision-maker in a wildfire...*” Again, the crux of any modicum of success for the mission critical plan component of an emergency mass evacuation plan is incumbent upon HRS for a self-guided system—with only infrequent testing of the system (and self-reporting) with no written mechanism for validation by any entity of the public safety operations community (Fire, Police, or Public Works).

Recommendations for a Bona Fide Mass Evacuation Plan:

It is recommended that a bona fide mass evacuation plan be developed immediately, with real training for students, staff, and parents (not one based on conceptual actions of teachers taking a moment to review the plan in an emergency, and then be expected to immediately execute a safe and effective mass evacuation plan in a self-organized fashion of priorities & purpose). By then it is too late. The mass evacuation plan should be developed with a legitimate consultant who specializes in emergency planning & evacuation—in conjunction with a vetting process through:

- OFD FPB
- Emergency Services
- OPD Traffic Division
- Public Works—Transportation Planning

The mass evacuation plan should absolutely be part and parcel of a larger HRS emergency plan—as it stands. However, the complexity and uniqueness of evacuating a 900 (current) student population (and 1250 students with the proposed expansion)—along with faculty and staff, into a populated neighborhood, poses extraordinary challenges for safety and success, and raises myriad questions that have not been addressed in the DEIR:

Appendix 16B:

Mr. Stephen Wong concludes in the DEIR, Appendix 16B, page 2 that the “...*concerted effort to outline and define key communications processes and protective actions with an evacuation plan is commendable...*”

Opinion:

The HRS evacuation plan is altogether ineffective, as written. Moreover, it does not address the basic tenets of accommodating a mass evacuation situation affecting school-aged children, and the ADA. Mr. Wong continues in DEIR Appendix 16B to outline multiple egress obstacles for an evacuation from the campus, which amplify the inadequacies of the HRS emergency mass evacuation plan:

Opinion:

Campus Layout and Egress (DEIR Appendix, 16B pages 2, 3):

- The nine-gate system of egress from the campus is fraught with obstacles to any acceptable standard of mass evacuation—particularly for K-6 students. Moreover, none of the identified means of egress are ADA compliant
- All means of egress involve either narrow stairs (Main Gate, Middle Gate exits), steep inclines (Solar Panel Stairs), or both (Main Gate Side Stairs). There are no sidewalks on roadways (Tennis Court exit—Whittle Rd.). Pedestrians and vehicles share the same egress roadway (Funston Place exit)—mixing dozens of vehicles with hundreds of vulnerable pedestrians in the same emergency mass evacuation egress pathway. Even under non-emergency situations this is a dangerous and unsafe situation.
- One gate is unmarked and leads to a dirt path overgrown with vegetation (Side Funston Place exit).
- Electric vehicle gates (Upper Gate, Funston Place Exit) have no emergency back-up power source and no adjacent pedestrian exit way.
 - If there were an adjacent pedestrian exit way—based on the inadequacy of the other HRS gates in the system, it is questionable these would be sufficient to accommodate a mass evacuation—thus easily lending itself to a crowd-panic scenario in which people could become crushed at the narrow gate “choke-point.”
 - The hallmark case-study of life safety/panic disasters is the *December 3, 1979, Cincinnati Riverfront Coliseum concert* in which **11 people were crushed to death** when inadequate doors were opened to let concertgoers *into* the venue.⁵
- In an emergency mass evacuation scenario, when hundreds of people (in the case of HRS, many between the ages of 5-11) are escaping a dangerous situation, the current HRS emergency exit plan only serves to exacerbate the seriousness of the danger to human life. For this case-in-point, a picture is worth a thousand words (see: unedited KTVU/Fox news footage of 1991 Oakland East Bay Hills Firestorm, evacuation here: <https://www.youtube.com/watch?v=NseOhUqZAh0>)

Transportation and Evacuation from the Neighborhood (DEIR Appendix, 16B pages 4, 5):

This section successfully outlines the elements of HRS’s inability to effectively evacuate the campus, and observes the HRS evacuation situational shortcomings, as it exists today. Mr. Stephen Wong discusses three obvious modes of mass evacuation: pedestrian, vehicular, and cycling.

With the current campus census of 906 students and 200 staff, and a proposal for an additional 344 students (+additional staff) under the HRS expansion, that makes for 1440+ people (many under the age of 12) trying to execute a mass evacuation under an emergency fire and panic situation.

⁵ “...It caused what an expert consulted by the task force later called a “crowd craze,” in which an “induced sense of urgency” sends a group into a bottleneck. With so many people packed together, research engineer John J. Fruin [wrote to the task force in February 1980](#), “the crowd became an almost fluid mass.” Waves coursed through it, the small movement of one person sending ripples to the next....” --Washington Post, 11/ 9/2021. <https://www.washingtonpost.com/history/2021/11/09/the-who-concert-tragedy/>

Pedestrian Evacuation (DEIR Appendix 16B, page 4): The Plan proposes an estimated 1400 persons walking down the road in a calm, organized fashion under emergency mass evacuation circumstances.

Opinion:

This concept has not been thoroughly vetted, as there is not a developed component of how the campus population will be organized. And it raises more questions than provides solutions. Such as:

- What is the span of control for supervisory accountability between staff and students?
- How are staff and students accounted for through each step of the process (classroom “all clear,” rally points, along the travel route (some up to 1-mile), and at the designated evacuation assembly points)?
- How does HRS propose to safely manage students of multiple ages along the roadway, in traffic, under emergency mass evacuation conditions?
- Have the assembly points been approved by the property owners?
- Have the assembly points been vetted for conflict with any other City emergency plans?

For all intents and purposes the designated HRS mass evacuation gates and exits provide no viable emergency evacuation egress points from campus. This is not a legitimate plan for an emergency mass evacuation of several hundred people—some as young as 5-years old. This is unacceptable. The mass evacuation plan also has no ADA accommodations component to it, directing evacuees to multiple narrow sets of stairs—some with an uphill emergency exit path of travel for pedestrians.

Multiple gates are non-functional for pedestrian egress, and are either designed for vehicular traffic only, are electrically actuated with no back-up power system (or both), and one is padlocked (Side Funston Place Exit—Appendix 16B, page 3). The California Fire Code prescribes that all **exit doors**, including manually operated horizontal sliding **doors**, shall be openable from the inside **without** use of a key or any **special knowledge** or effort ([Chapter 10: Means of Egress, California Fire Code 2019](#)).

Vehicular Evacuation (DEIR Appendix 16B, page 4):

This section (DEIR Appendix 16B, ages 4, 5) analyzes two possible options for a vehicular evacuation mode: buses and private vehicles—which also connotes by virtue of a “suggestive” nature, that there is nothing developed in an HRS written emergency plan, for this mode.

Buses:

While this is a good option for moving large numbers of people at once, the six available buses only accommodate 1/3 of the campus at once. And, while there is potential of shuttling people off-campus with several runs, there is no apparent written plan for activating this bus system in a timely fashion, with qualified drivers, in an emergency. There is also *not* a planned design-system for accommodating a shuttle service, nor has a shuttle system been vetted for conflicts with City emergency plans for traffic, during an evacuation situation. There is also *not* an accountability component for the bus mode, to insure no one is left behind. This element should be fully pre-planned for this resource to even be a viable option—and this element has not been pre-planned.

Vehicular Evacuation:

I agree with Mr. Stephen Wong in that use of student and staff private vehicles to evacuate themselves and others would require an extraordinary amount of pre-planning [and training] and would expose HRS to a significant liability concern.

Cycling Evacuation:

I agree with Mr. Stephen Wong’s assessment that students attempting to evacuate via bicycle presents a danger to themselves and to others under an emergency mass evacuation condition. This option should be

prohibited (to the extent possible)—which begs the “emergency mass evacuation accountability” question, once again.

Conclusions:

Mr. Stephen Wong makes several observations and recommendations in DEIR Appendix 16B in which the shortcomings of HRS’s emergency mass evacuation planning become glaringly apparent.

Granted HRS is a private entity. However, given the location (and large student census) it is vexing how little attention has been given to coordination with the OFD, OPD and Oakland Emergency Services regarding not only HRS, but also the adjacent LDS Temple, Immersion Preschool, Ascension Cathedral, Ability Now (with multiple wheelchair user clients), and the UCP Plant Exchange Event Center—all affecting the dynamics for mass evacuation of the campus and neighborhood.

The DEIR does not, at any point, address an evacuation plan and procedure component for the *newly proposed south campus and it’s proposed 344 new students (plus staff)*. This increase in students and staff population only serves to further magnify the deficiencies of the HRS emergency mass evacuation plan. Thus, placing even more emphasis and urgency on the need to resolve the inadequacies of the schematically skeletal mass evacuation plan discussed in the DEIR.

Moreover, there is a high degree of need that a bona fide mass evacuation plan should be *vetted* through the public safety community of the OFD (FPB and Emergency Services) in the same manner as a high-rise facility is required to. The OPD Traffic Division should review the plan for impact and conflict with other street evacuation protocols—and to insure it is incorporated and in compliance with existing OPD plans. Also, Oakland Public Works—Transportation Planning Division should review the plan for impacts on the existing Traffic Impact Analysis and established traffic service level rating(s) for the area. Once completed, the HRS Board should thoroughly review the plan before approval and adoption—and mandate that all faculty, staff, students, and parents be trained on the plan, with a minimum of semi-annual exercises (at least one observed by the OFD). Try to visualize 900-1200 students (plus faculty & staff) trying to simultaneously get onto the same streets as evacuating residents and businesses—without training.

The evacuation plan described in the DEIR has many unsupported conclusions, and a contrived approach to safety procedures without any measure of practical application or execution. The health and safety liability associated with this is not of an acceptable measure. A school organization that is responsible for over 1,000 people on a daily basis, cannot write a mass evacuation plan in the absence of experiential expertise. To take this approach is a recipe for disaster in an emergency, holding increasingly significant potential for people (especially the vulnerable population of primary grade school-aged children, and the ADA at-risk population) to be lost, injured, or killed. In the aftermath of such a disaster the public and the media will turn to HRS, the City, and OFD to ask, “*How could you let this happen?*”

Recommendations:

I am in disagreement with Mr. Stephen Wong’s assumption that “*It is also highly unlikely (but not improbable) that a wildfire would reach this [HRS] destination...*” (DEIR Appendix 16B, page 7). Quite to the contrary, as all the wildfire history evidence presented herein demonstrates, the likelihood for a wildfire starting in the Oakland Hills and reaching HRS is of an extremely high and dangerous likelihood; and, that HRS should in all due diligence plan accordingly—which all evidence in the DEIR indicates HRS has not done sufficiently.

To remedy this situation, HRS should immediately move to execute a concentrated effort toward the following elements for an emergency mass evacuation plan:

A Bona Fide Written Emergency Plan:

- Develop a written *campus mass evacuation plan and procedure*, completed with the expertise of a professional consultant who specializes in evacuation; with some particular emphasis on routes, alternate routes, exit design calculations, pedestrian planning and flow rates, evacuee accountability, ADA compliance considerations, and designs for emergency movement via bus-shuttle systems. The plan should be written in cooperation with the OFD and City of Oakland Local Hazard Mitigation Plan, to include, but not be limited to:
- A decision-making process for initiating evacuation.
- A campus accountability system to ensure all persons are safely evacuated.

Campus Staff Training

- Training in supervising and managing a mass evacuation of students K-12, with ADA considerations for the campus population with mobility needs. Particularly in managing students walking distances of up to 1-mile to an assembly point.
- Pre-designated assembly points for parents or guardians. It is recommended that a new, thoroughly developed plan be written for adequately communicating emergency evacuation information, and instructions to parents or guardians, to reunify with their students.
 - The plan should contain a methodology for primary, secondary, and tertiary assembly sites—based on the circumstances; and not de facto reporting to one pre-designated location to await further instructions.

Coordinated Emergency Communications:

- A coordinated emergency communication plan for real time updates with the City of Oakland Emergency Operations Center (EOC) and/or OFD Operations Center (DOC).
- A planned interface relationship between a dedicated HRS representative and the Liaison Officer designated by the City of Oakland Emergency Operations Plan (EOP). This designee could request pre-authorization to report to the EOC, as do public schools.

Semi-annual Exercises:

- It is recommended that HRS **should absolutely** conduct semi-annual evacuation exercises with at least one being in coordination with OFD, to ensure that the campus is well-indoctrinated toward an emergency reflex response to a disaster.
- The role of exercises cannot be *over-stated* in preparing the campus for a wildfire.

Other notable assumptions in Appendix 16B that HRS :

These items should address immediately, as integral components to a written emergency plan, include:

- It is noted in DEIR, Appendix 16B, page 8 (Additional Notes and Observations), that the Oakland 2016-2021 Local Hazard Mitigation Plan and the Oakland Safety Plan do not have a publicly facing evacuation plan or response plan.
 - **This does not absolve HRS** from working diligently with the City, and HRS's own consultant, toward the best practices objectives of responsibly protecting their students, staff, and the neighborhood from the effects of a mass evacuation during a wildfire.
 - HRS staff should thoroughly review all pertinent documents in preparation for a bona fide plan to protect the population of the campus and the neighborhood.
- **Shelter-in-place should not be a protective action** under wildfire conditions, as this has extremely high potential for leading to injury or death.
 - It is strongly recommended that a dedicated HRS Liaison be designated to coordinate strong, direct lines of communication with City officials (OFD, OPD, Emergency Services) as paramount to an HRS emergency plan and decision-making process for initiating evacuation.

- It is recommended that **HRS make a capital investment in an emergency back-up power generator system** for the campus—to power essential functions during an emergency.

Interim Mitigation Actions:

In addressing the lack of an acceptable mass evacuation plan for HRS, it is recommended that interim mitigation actions be taken, immediately. As to do nothing towards mitigation is a strategy that exposes students, staff, and the neighborhood residents to an extremely high-risk during an emergency.

Until such time as a bona fide mass evacuation plan is completed, it is strenuously recommended (with OFD enforcement) that on any extremely high fire and weather day, a strict Fire Watch provision should be in place at HRS, to conduct classes at full-capacity occupancy

During Red Flag Days⁶ (extremely high fire and weather danger) in lieu of cancelling classes HRS should comply with strict Fire Watch measures imposed by the Oakland Fire Marshal. Otherwise, to “do nothing,” or adopt a “wait and see” position until there is a wildfire or other emergency will only result in exposure of the students, staff, and neighborhood to an extraordinary health and safety risk.

Interim Mitigation Actions recommended to include, at a minimum:

- On-site, professionally trained fire watch personnel (qualifications, number, and type to be approved by the OFD FPB) for coordinating the execution of a mass evacuation.
- A radio/cell communications plan in place, capable of coordinating with Oakland Emergency Services Liaison Officer (as established in the California State-adopted SEMS⁷ organizational chart).
- Establish and implement a Red Flag Day “bus readiness” plan, complete with qualified drivers at the ready and a comprehensive shuttle service plan, to be in place for rapid deployment in case an emergency mass evacuation is required.

Extreme Interim Mitigation Actions:

Absent effective Interim Mitigation Actions and a viable mass evacuation plan approved for implementation (given the HRS location, and the absence of viable egress to safely mass evacuate campus to safety, simultaneously with the neighborhood) the following extreme compliance measures are recommended to include, but not limited to:

More-to-most severe interim mitigation actions to include:

- Reduce campus census by relocating or cancelling primary grade classes (K-6) on Red Flag Days.

⁶ A Red Flag Warning is issued for weather events which may result in extreme fire behavior that will occur within 24 hours. A Fire Weather Watch is issued when weather conditions could exist in the next 12-72 hours. A Red Flag Warning is the highest alert. During these times extreme caution is urged by all residents, because a simple spark can cause a major wildfire. A Fire Weather Watch is one level below a warning, but fire danger is still high. See CalFire link: <https://www.fire.ca.gov/programs/communications/red-flag-warnings-fire-weather-watches/>

⁷ As a result of the Oakland East Bay Hills Firestorm of 1991, California State Senator Nicolas Petris introduced SB 1841. Subsequently, the Standardized Emergency Management System (SEMS) was adopted by California in 1993 under the Emergency Services Act. A primary function of SEMS is Multi-jurisdictional Coordination. California Office of Emergency Services. The Liaison Officer position in the command structure, is the point-of-contact for other agencies. <https://www.caloes.ca.gov/cal-oes-divisions/planning-preparedness/standardized-emergency-management-system> California Department of Social Services <https://www.cdss.ca.gov/dis/res/13Supplemental%20NIMS%20PG.pdf>

- Red Tag (close) the campus on Red Flag Days (similar to that of an east coast snow day), until a bona fide evacuation plan can be *properly* implemented.

This concludes my analysis, and commentary of top 20 recommendations, in response to the HRS DEIR for expansion to a south campus. Do not hesitate to contact me with any questions.

Respectfully,

William Weisgerber

William Weisgerber
Weisgerber Consulting

Cc: file

March 20, 2023

William Weisgerber, President
Weisgerber Consulting
El Macero, CA 95618

Ms. Leila Moncharsh, Attorney at Law
5707 Redwood Rd., # 10
Oakland, CA 94619

Ms. Moncharsh:

At your request, Weisgerber Consulting has reviewed the Final EIR (FEIR) for the proposed expansion of the Head Royce School (HRS) Planned Unit Development (PUD). As President of Weisgerber Consulting, I am specifically responding to FEIR comments on the following areas of my professional expertise on mass evacuation, and contained in my earlier letter, dated December 7, 2021, regarding the Draft EIR (DEIR) for HRS:

- **Chapter 3**—*Master Response to Comments on Evacuation (pages 3-8 to 3-11)*
- **Chapter 4**—*Response to Comment Letter B – Law Offices of Veneruso & Moncharsh, Leila H. Moncharsh, December 20, 2021 (pages 4-17)*
- **Chapter 4**—*Response to Comment Letter B3 - Weisgerber Consulting, December 7, 2021 (pages 4-50 to 4-56)*

Professional Background: To reiterate the December 7, 2021, letter, my career qualifications consist of a professional fire service career spanning over 45 years, rising through the fire service ranks from firefighter and engine company officer to include over 30 years as a chief officer (Battalion Chief, Operations Chief, Fire Marshal, and Fire Chief). My responsibility within the chief officer ranks not only included fire administration and incident command, but also California Fire Code regulatory compliance and enforcement, oversight and direct management of local emergency services, local hazard mitigation planning (including emergency evacuation planning), and emergency/disaster response operations. I also have a proven background in interim chief and fire marshal service (post-retirement), as well as consulting on local hazard mitigation, emergency planning, and fire prevention bureau administration and operations.

FEIR Opinion Background: Among the mission critical life-safety issues insufficiently addressed in the FEIR review of the HRS PUD Project, is the non-existence of a realistic, on-going, and verifiable evacuation plan for the HRS campus site. Which is of primary concern.

WUI EVACUATION RESEARCH:

To this point, there has been a plethora of research published on the specific topic of WUI evacuation, compiled from a cohort of global experts, by the National Fire Protection Association (NFPA) Research Foundation (2021). This work introduces an evacuation modeling platform called **WUI-NITY: a platform for the simulation for the wildland-urban interface fire evacuation** (specifically concentrating on the WUI commu-NITY). The platform accounts for fire spread, pedestrian movement, and traffic; in consideration of situational awareness by responders and human behavior of residents *in evacuation scenarios under the life-threatening duress of an actual emergency and the dynamic evolution of the*

situation. Its credibility is furnished through rigorous testing (working closely with stakeholders to ensure the model is valid and valuable), by enhancing outputs to provide insights not ordinarily generated elsewhere (i.e., trigger buffer designs; vulnerability assessments, effects on traffic impact, panic, and life-safety values).

<https://www.nfpa.org/News-and-Research/Data-research-and-tools/Wildland-Urban-Interface/WUINITY-a-platform-for-the-simulation-of-wildland-urban-interface-fire-evacuation>

Additionally, in the wake of the 2018 Camp Fire disaster in Paradise, CA, there have been numerous high-profile engineering studies prepared specifically on modeling WUI Egress and Evacuation, including the following:

UCLA Engineering Department Study prepared for PG&E (2022);

https://static1.squarespace.com/static/54628adae4b0f587f5d3e03f/t/62543e3b217100425b1aff5f/1649688125299/GIRS-2022-03_Wildfire+Egress+Model.pdf

Caltrans Division of Research, Innovation and System Information (DRISI) (2021); <https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/preliminary-investigations/pi-0278-a11y.pdf>

American Society of Civil Engineers (ASCE) (2019). <https://ascelibrary.org/doi/10.1061/JTEPBS.0000221>

Furthermore, the **Readiness and Emergency Management for Schools (REMS) Technical Assistance (TA) Center** has prepared an 11-page Wildfire [Preparedness] Fact Sheet for K-12 schools and Institutes of Higher Learning (IHLs) (2018). https://rems.ed.gov/docs/WildfireFactSheet_508C.pdf

None of these innovative research products of advanced methodologies have been referenced or incorporated into the planning of this Project, the DEIR, or FEIR.

The preparers of the FEIR have anchored an HRS mass evacuation strategy to the viability of Lincoln Avenue as the primary route for the impact on capacity during a mass evacuation—experiencing a simultaneous convergence of the HRS and surrounding population in an uncontrolled manner. Moreover, there has been no consideration given toward modeling secondary and tertiary routes (essential elements to emergency planning). A strategy of this depth requires a mission critical proof-of-concept for accommodating the additional student and staff population (361) to the existing traffic and pedestrian load on campus; and in full consideration of the existing uphill population (estimated in the FEIR at only 50% of actual population and still totaling 8,945 people of myriad ages and abilities). Furthermore, it remains unconvincing that the FEIR suggests K-12 aged students (particularly lower primary grades) will be able to just calmly march down the street amidst the other frantic population trying to escape harm's way on foot, bicycle, or vehicle.

It is recommended that decision-makers for both the City of Oakland and HRS view the KTVU-2 raw news footage of the 1991 Oakland Hills Fire evacuation attempts, and evaluate the impact of “history repeating itself,” on the heels of this decision. The first 2-minutes of this 6-minute clip (link below) provides real-world, Oakland evidence, sufficient to give pause for further thoughtful consideration toward adding 344 school-aged children to the equation of mass evacuation from the VHFSHZ, in which HRS is located.

<https://www.youtube.com/watch?v=NseOhUqZAh0>.

The conclusions in this response to the HRS FEIR are anchored in the fact that the caliber of evacuation modeling referenced herein should—in any practical sense—already be in place for existing conditions at HRS. It then should be of paramount importance to update the existing modeling for any proposed expansion such as the HRS South Campus—as part and parcel of the due diligence.

CHAPTER 3—MASTER RESPONSE TO COMMENTS ON EVACUATION (pages 3-8 to 3-11)

[FEIR] Chapter 3, page 3-4—Project Impacts (excerpted):

“...public comments on the [DEIR] do not identify any reasons that the Project...would have any reasonable possibility of significantly increasing the risk of fire hazards in the area...the risk of existing wildfire hazards may affect the Project is not a CEQA threshold...”

OPINION: Regardless of the CEQA thresholds set for exacerbating existing conditions, the introduction and presence of an increased vulnerable population into the VHFSHZ, by definition, exacerbates the severity of the existing condition of the life-safety situation. In the absence of recognizing this level of life-safety impact—performing due diligence in advance of a decision—the only logical conclusion that decision-makers can reach is that this Project is not ready for approval.

[FEIR] Chapter 3, page 3-5—Existing Wildfire Risks vs. Exacerbation of Wildfire Risks (excerpted):

“... While not an impact of the Project, the Draft EIR certainly does not suggest that the risk of wildfire hazard that is present at the site and in the surrounding area is less than significant, but rather highlights the significance of the risk that is present...No public comments on the Draft EIR suggest that the Draft EIR did not identify this potential impact such that it represents a new impact not discussed in the Draft EIR, or that this impact is substantially greater than as described in the Draft EIR...”

OPINION: The CEQA process, in its current form, is unbending at every level in the face of introducing hundreds of additional vulnerable populations into the VHFSHZ, by excusing it away as not meeting CEQA thresholds for exacerbating existing conditions.

[FEIR] Chapter 3, page 3-6—Comments on Merits of the Project (excerpted):

“...That CEQA consideration does not preclude City decision-makers from considering, based on substantial evidence, whether the Project is appropriate at the location proposed...However, when considering the relative merits of the Project, the City can consider whether it is prudent to increase the number of people, especially student populations, in an area of high wildfire risk...”

OPINION: Fully concur that this remains a policy-level decision as to whether the Project is appropriate for the location. As there is substantial evidence that the HSR Project has not performed sufficient due diligence with respect to significant life-safety issues associated with the addition of 344 vulnerable population to the VHFSHZ. Moreover, it is not prudent to approve the Project in its current form.

[FEIR] Chapter 3, page 3-6—Comments on Merits of the Project (excerpted):

“...However, the Project does present a very important concern pertaining to increasing the number of children that would be present within an area of very high fire hazard risk, and the Draft EIR does present sufficient information for City decision-makers to evaluate that risk when weighing the relative merits of the proposed Project...”

OPINION: Fully concur that the Project does present a very important concern pertaining to increasing the number of children that would be present. However, strongly disagree that the Draft EIR does

present sufficient information for City decision-makers to evaluate that risk when weighing the relative merits of the proposed Project. To the contrary, it is the DEIR *comment letters* that present sufficient information for City decision-makers in this risk evaluation.

[FEIR] Chapter 3, page 3-8—Project Impacts (excerpted):

“...the CEQA threshold pertaining to emergency evacuation is whether the project would, “impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan...the City of Oakland does not have a publicly facing evacuation plan for the Oakland Hills and there are no specified public emergency evacuation routes to be followed...As such, the Project does not conflict with or interfere with any such plans...”

OPINION: The City of Oakland not having a publicly facing evacuation plan for the Oakland Hills does not mitigate, nor preclude, HRS from professionally developing their own campus safeguards for mass evacuation planning in a disaster.

[FEIR] Chapter 3, page 3-8—Exacerbation of Evacuation Congestion (excerpted):

“...Irrespective of the presence (or lack thereof) of a publicly facing evacuation plan, the hazards of a wildfire could be exacerbated by the Project, if the Project resulted in a condition whereby community residents were unable to evacuate safely due to increased traffic congestion on potential evacuation routes. As noted in a recent California Supreme Court decision (Center for Biological Diversity v. Lake County, Superior Court of the State of California, Case #CV42115, January 2020), “additional people competing for the same limited routes can cause congestion and delay in evacuation, resulting in increased wildfire related deaths. By bringing a significant number of people into the area, [the project] may significantly exacerbate existing environmental hazards, specifically, wildfires and their associated risks. Therefore, this is an issue that is required to be addressed under CEQA.” ...”

OPINION: Fully Concur

[FEIR] Chapter 3, page 3-9—Exacerbation of Evacuation Congestion (excerpted):

“...Under such a catastrophic scenario, as many as 8,945 people may be seeking to use Lincoln Avenue as an evacuation route to safe, downhill locations. Under a worst-case scenario that assumes Lincoln Avenue as the only evacuation route from the School, the Project could add as many as 361 more people (or an approximately 4 percent increase in people) using Lincoln during an evacuation. However, the School is not in full session year-round, is open only about 50 hours per week, and has a limited number of special evening events that are to be finished by 10:00 pm. These conditions effectively limit the School’s full operations to approximately 20 percent of the total hours of any given year, reducing the chances that full occupancy and operation at the School would occur at the same time as an emergency evacuation...”

OPINION: Disaster and emergency planning, particularly mass evacuation, must operate on the premise of worst-case scenario. To suggest that the chances of an emergency or disaster is reduced because HRS is only at full occupancy and operation 20% of the time is unconscionable. That is not the premise you would want planned for your airline, your elevator, your fire alarm, or sprinkler system. And it should be no less diligent for mass evacuation planning, training, and execution for a vulnerable school population located in the VHFSHZ.

[FEIR] Chapter 3, page 3-10—Evacuation Planning as Reasonable and feasible Mitigation (excerpted):

“...They also recommend developing a better mechanism to communicate directly with local officials and Incident Commanders; identifying primary and secondary destinations and routes for an evacuation, and effectively communicating these destinations to parent and guardians; and regularly practicing an evacuation in concert with the Oakland Fire Department...”

OPINION: Fully concur.

[FEIR] Chapter 3, page 3-10—Evacuation Planning as Reasonable and Feasible Mitigation (excerpted):

“...intended as a condition of approval for the Project’s PUD permit, requiring a detailed implementation plan as a precondition prior to issuance of a certificate of occupancy for the first building permit that would enable an increase of current student enrollment. It would serve to further increase student safety, rather than significantly exacerbating existing environmental hazards in the event of an extreme wildfire event...”

OPINION: To ensure full compliance with this crucial requirement of life-safety, disaster, and emergency planning, it would be most precise to require the approval of a complete emergency mass evacuation plan as part of the EIR, and *before granting any building permits* for the PUD. The FEIR language is ambiguous and open to broad (and detrimental) interpretation.

[FEIR] Chapter 3, page 3-11—Additional Mitigation (excerpted):

“...City decision-makers may believe that these recommendations require further evaluation and detail, or additional coordination with the OFD and the City’s Emergency Services Department, or that on-going City monitoring of the School’s implementation of these recommendations is warranted...”

OPINION: It is recommended that City decision-makers make this condition mandatory.

BEST PRACTICES FOR ANALYZING AND MITIGATING WILDFIRE IMPACTS OF DEVELOPMENT PROJECTS UNDER CEQA:

In 2022, the California Attorney General became active in local land use issues concerning rural development and wildfire risk, focusing on the capability of the CEQA documentation for projects in higher fire risk areas. The Attorney General also issued a CEQA “best practices” memorandum in October 2022. This Memorandum provides detailed recommendations for how local governments should be evaluating risk and mitigation in higher fire risk areas.

The California Attorney General’s letter is another resource the FEIR preparer should have studied and incorporated into its report. <https://oag.ca.gov/system/files/attachments/press-docs/Wildfire%20guidance%20final%20%283%29.pdf>) (Attorney General of California, Rob Bonta, October 2022, pp. 10-11, 12).

Many of the variables that should be considered in analyzing a project’s impact on wildfire risk are in the following excerpts from the Attorney General’s memorandum, which outlines several key mass evacuation “best practices” for further deliberation under the CEQA review:

“...IV. C. Analyzing the project’s impact on evacuation and emergency access

Evacuation modeling and analysis should include the following:

- *Evaluation of the capacity of roadways to accommodate project and community evacuation and simultaneous emergency access.*
- *Assessment of the timing for evacuation.*
- *Identification of alternative plans for evacuation depending upon the location and dynamics of the emergency.*
- *Evaluation of the project's impacts on existing evacuation plans.*
- *Consideration of the adequacy of emergency access, including the project's proximity to existing fire services and the capacity of existing services.*
- *Traffic modeling to quantify travel times under various likely scenarios.*

In considering these evacuation and emergency access impacts, lead agencies may use existing resources and analyses, but such resources and analyses should be augmented when necessary. For example, agencies should:

- *Utilize information from the EIR's analysis of traffic/transportation impacts, but they should not limit themselves to that information, which may not reflect the impact of emergency conditions on travel times.*
- *Consult with local fire officials and ensure that assumptions and conclusions regarding evacuation risk are substantiated with sound facts. Emergency conditions may not allow for ideal evacuation scenarios—staggered, staged, or targeted evacuation in response to a wildfire may sometimes be possible, but human behavior is difficult to predict and wildfires can be erratic, unpredictable, and fast-moving.*
- *Consider impacts to existing evacuation plans, but recognize that, depending on the scope of an existing evacuation plan, additional analyses or project-specific plans may be needed. Community evacuation plans often identify roles and responsibilities for emergency personnel and evacuation routes, but do not necessarily consider the capacity of roadways, assess the timing for community evacuation, or identify alternative plans for evacuation depending upon the location and dynamics of the emergency.*
- *Avoid overreliance on community evacuation plans identifying shelter-in-place locations. Sheltering in place, particularly when considered at the community planning stage, can serve as a valuable contingency, but it should not be relied upon in lieu of analyzing and mitigating a project's evacuation impacts.*

IV. D. Mitigating wildfire risk, evacuation, and emergency access impacts

- *Enhanced communication to the project population about emergency evacuation plans and evacuation zones.*
- *Parking limitations to ensure access roads are not clogged with parked vehicles..."*

CHAPTER 4— RESPONSE TO COMMENT LETTER B – LAW OFFICES OF VENERUSO & MONCHARSH, LEILA H. MONCHARSH, DECEMBER 20, 2021 (pages 4-17)

[FEIR] Response to Comment B-9 (excerpted):

“...This comment cites statements made by the Oakland’s Fire Chief and Deputy Fire Chief about the dangers of increasing density and blocking evacuation routes in and below the hills. These statements were made during a public hearing on the merits and dangers of continuation of the Accessory Dwelling Unit provision of the City Planning Code within the Oakland Hills. These comments were not made in reference to Head-Royce School. Head-Royce School and the proposed South Campus have very different access conditions by being located adjacent to Lincoln Avenue, and the School would not include a full-time residential population....”

OPINION: This **FEIR Response to Comment B-9** makes a bright-line distinction between the impact of Accessory Dwelling Units and the HSR Project, when they are addressing the same phenomena of adding a significant number vulnerable population to a mass evacuation equation. The FEIR preparer’s contention that Lincoln Avenue has sufficient capacity is unfounded, as there has not been any credible modeling study on the impacts of this additional load on Lincoln Avenue’s capacity to remain serviceable for such an evacuation. This is a very dangerous assumption to make, absent any practical data from a realistic, on-going, verifiable plan that has been developed through a systematic modeling platform.

CHAPTER 4—RESPONSE TO COMMENT LETTER B3 - WEISGERBER CONSULTING, DECEMBER 7, 2021 (pages 4-50 to 4-56)

[FEIR] Response to Comment B3-2 (excerpted):

“...By introducing the pedestrian evacuation strategy, faculty and students from Head-Royce (including the additional population attributed to the Project) would not compete for the limited evacuation routes with residents in the surrounding area, and would not add additional vehicle congestion and delay, and this potentially significant impact would be reduced to less than significant levels. The recommended evacuation strategy identified in the Evacuation Planning Recommendations report (an Appendix to the Draft EIR) would serve to further increase student safety, rather than significantly exacerbating existing environmental hazards in the event of an extreme wildfire event. If required as conditions of Project approval, these recommendations would also serve to address cumulative emergency evacuation conditions throughout the Oakland Hills by reducing potentially conflicting evacuation conditions...”

OPINION: The FEIR response statements to **Comment B3-2** are unfounded, as there has been no bona fide modeling of a proposed mass evacuation plan to establish a proof-of-concept. The preparers of the FEIR envision the students calmly *walking* down the sidewalk under intense emergency conditions, when there is no practical or experiential point of reference such as is documented in raw news-video footage of the evacuation efforts during the wind-driven, 1991 Oakland Hills Fire.

<https://www.youtube.com/watch?v=NseOhUqZAh0>.

This footage represents the worst-case scenario, and which should be the benchmark for emergency planning of mass evacuation in the Oakland Hills. The circumstances in 1991 included: traffic stalled to a halt, public panic, residents *running* down the sides and middle of the street, burning material trapped under vehicles, and burning brands of fuel carried by winds at street level. Additionally, there is no data or reasonable conclusion to support the FEIR statements of “...not competing for limited evacuation routes...” “...reduction of significant impact to less than significant...”, nor “...increased student safety...”

[FEIR] Response to Comment B3-5 (excerpted):

“...As indicated in the Master Response to comments on Evacuation Planning, Head-Royce School shall be required to prepare a stand-alone Emergency Evacuation Plan for the School...This Emergency Evacuation Plan for the School shall be subject to review and approval by the Oakland Fire Department, with input from Emergency Services, OPD Traffic Division, and the Public Works’ Transportation Planning staff. This Plan shall consider the recommendation to subscribe to the AC Alert program...”

OPINION: Fully concur with the requirement that an approved Emergency Evacuation Plan be a condition of the EIR approval for the Project, and that it be vetted *prior to granting any building permits.*

[FEIR] Response to Comment B3-8:

“City Planning staff and the EIR consultant team did discuss this project with OFD to obtain comments and source materials regarding existing evacuation plans for the area. OFD also reviewed the administrative Draft EIR prior to publication, but provided no additional comments.”

OPINION: The OFD was shown the administrative draft of the DEIR. However, there is no indication that the OFD has been afforded the opportunity to review and opine on the comment letters for the DEIR, and to give OFDs thoughts prior to the FEIR. This appears to be an egregious omission in the process.

[FEIR] Response to Comment B3-13 (excerpted):

“... Pursuant to this SCA, Head-Royce School would be required to submit a Vegetation Management Plan to the Oakland Fire Department for review and approval prior to approval of any construction-related permit, with ongoing monitoring and inspection by OFD prior to, during, and after construction of the Project...”

OPINION: An HSR Vegetation Management Plan needs to be fully vetted as part of CEQA , the EIR, and *prior to granting any building permits.* Fully concur with the requirement that HSR submit to the Oakland Fire Department for review and approval prior to issuance of any construction-related permits, with ongoing monitoring and inspection by OFD prior to, during, and after construction of the Project.

[FEIR] Response to Comment B3-15 (excerpted):

“...The DEIR does note that the ABAG Annex for Oakland and the City of Oakland Local Hazard Mitigation Plans are silent on a publicly facing emergency evacuation plan that would include HRS, and that without such a public-facing plan, Head-Royce School may have to be its own decision-maker in a wildfire.” However, the School should not be in the position of making its own decisions on this critical matter...”

OPINION: Absent a publicly-facing emergency mass evacuation plan—and while HRS should not have to make its own decisions on this critical matter—as matter of due diligence, HRS should maintain the responsibility to their campus and community to seek professional consultation on the proper elements of a well-designed mass evacuation plan for *their* part in an expanded impact to the influx of evacuees on Lincoln Avenue. As, when the emergency occurs, and HRS is ill-prepared, the question will remain, *“How could you let this happen?”*

[FEIR] Response to Comment B3-16:

“Staff fully concurs with the recommendation that a bona-fide mass evacuation plan be developed for the School, with training for students, staff, and parents. This Evacuation Plan is to be developed by a professional consultant who specializes in emergency planning and evacuation, subject to approval by

the OFD Fire prevention Bureau, with advice and input from Emergency Services, OPD Traffic Division, and the Public Works' Transportation Planning staff."

OPINION: Fully concur.

[FEIR] Response to Comment B3-22 (excerpted):

"...However, as is also noted in the Evacuation Planning Recommendations report, there is a broader issue (or shortcoming), in that there is no publicly facing emergency mass evacuation plan for the remainder of the Oakland Hills. This includes the surrounding neighborhoods, the LDS Temple, Immersion Preschool, Ascension Cathedral, Ability Now (with multiple wheelchair user clients), and the UCP Plant Exchange Event Center. Head-Royce School is not the responsible party, and this EIR is not the appropriate venue for establishing such a broader plan for the rest of the surrounding neighborhood and other nearby institutional uses..."

OPINION: See opinion on **[FEIR] Response to Comment B3-15 (excerpted)**, above.

Conclusions: The shortcomings of HRS's emergency mass evacuation planning remain glaringly apparent.

Once again, given the location (and large student census) HRS needs to have instilled in their leadership, a sense of urgency with which to have laser-focused attention on coordination with the OFD, OPD and Oakland Emergency Services regarding not only HRS, but also actively coordinating with the adjacent neighbors: LDS Temple, Immersion Preschool, Ascension Cathedral, Ability Now (with multiple wheelchair user clients), and the UCP Plant Exchange Event Center. Each component affects the dynamics for effecting mass evacuation of the campus and neighborhood.

Moreover—and this point cannot be emphasized strongly enough—there remains the highest degree of need for a bona fide mass evacuation plan to be *vetted* through the public safety community of the OFD (FPB and Emergency Services) in the same manner as a high-rise facility is required to. The OPD Traffic Division should review the plan for impact and conflict with other street evacuation protocols—and to insure it is incorporated and in compliance with existing OPD plans. Also, Oakland Public Works—Transportation Planning Division should review the plan for impacts on the existing Traffic Impact Analysis and established traffic service level rating(s) for the area. Once completed, the HRS Board should thoroughly review the plan before approval and adoption—and mandate that all faculty, staff, students, and parents be trained on the plan, with a minimum of semi-annual exercises (at least one observed by the OFD). Try to visualize 900-1200 students (plus faculty & staff) trying to simultaneously get onto the same streets as evacuating residents and businesses—without training.

The evacuation plan described in the DEIR has many unsupported conclusions, and a contrived approach to safety procedures without any measure of practical application or execution. The health and safety liability associated with this is not of an acceptable measure. A school organization that is responsible for over 1,000 people, daily, cannot write a mass evacuation plan in the absence of experiential expertise. To take this approach is a recipe for disaster in an emergency, holding increasingly significant potential for people (especially the vulnerable population of primary grade school-aged children, and the ADA at-risk population) to be lost, injured, or killed. And, once again, in the aftermath of such a disaster the public and the media will turn to HRS, the City, and OFD to ask, *"How could you let this happen?"*

Recommendations:

Given the demonstrative wildfire history evidence from the 1991 Oakland Hills Fire, the likelihood for a wildfire starting in the Oakland Hills and reaching HRS is of an extremely high and dangerous probability; and, as such, HRS should diligently plan accordingly.

To remedy the situation, *it is strenuously re-emphasized herein*, the primary recommendations contained in the December 7, 2021 opinion letter authored by Weisgerber Consulting. HRS should immediately move to execute a concentrated effort toward the following elements for an emergency mass evacuation plan:

A Bona Fide Written Emergency Plan:

- Develop a written campus mass evacuation plan and procedure, completed with the expertise of a professional consultant who specializes in evacuation; with some particular emphasis on routes, alternate routes, exit design calculations, pedestrian planning and flow rates, evacuee accountability, ADA compliance considerations, and designs for emergency movement via bus-shuttle systems. The plan should be written in cooperation with the OFD and City of Oakland Local Hazard Mitigation Plan, to include, but not be limited to:
- A decision-making process for initiating evacuation.
- A campus accountability system to ensure all persons are safely evacuated.

Campus Staff Training

- Training in supervising and managing a mass evacuation of students K-12, with ADA considerations for the campus population with mobility needs. Particularly in managing students walking distances of up to 1-mile to an assembly point.
- Pre-designated assembly points for parents or guardians. It is recommended that a new, thoroughly developed plan be written for adequately communicating emergency evacuation information, and instructions to parents or guardians, to reunify with their students.
 - The plan should contain a methodology for primary, secondary, and tertiary assembly sites—based on the circumstances; and not de facto reporting to one pre-designated location to await further instructions.

Coordinated Emergency Communications:

- A coordinated emergency communication plan for real time updates with the City of Oakland Emergency Operations Center (EOC) and/or OFD Operations Center (DOC).
- A planned interface relationship between a dedicated HRS representative and the Liaison Officer designated by the City of Oakland Emergency Operations Plan (EOP). This designee could request pre-authorization to report to the EOC, as do public schools.

Semi-annual Exercises:

- It is recommended that HRS **should absolutely** conduct semi-annual evacuation exercises with at least one being in coordination with OFD, to ensure that the campus is well-indoctrinated toward an emergency reflex response to a disaster.
- The role of exercises cannot be *over-stated* in preparing the campus for a wildfire.

Other notable assumptions in Appendix 16B that HRS :

These items should address immediately, as integral components to a written emergency plan, include:

- It is noted in DEIR, Appendix 16B, page 8 (Additional Notes and Observations), that the Oakland 2016-2021 Local Hazard. Mitigation Plan and the Oakland Safety Plan do not have a publicly facing evacuation plan or response plan.
 - **This does not absolve HRS** from working diligently with the City, and HRS's own consultant, toward the best practices objectives of responsibly protecting their students, staff, and the neighborhood from the effects of a mass evacuation during a wildfire.
 - HRS staff should thoroughly review all pertinent documents in preparation for a bona fide plan to protect the population of the campus and the neighborhood.
- **Shelter-in-place should not be a protective action** under wildfire conditions, as this has extremely high potential for leading to injury or death.
 - It is strongly recommended that a dedicated HRS Liaison be designated to coordinate strong, direct lines of communication with City officials (OFD, OPD, Emergency Services) as paramount to an HRS emergency plan and decision-making process for initiating evacuation.
- It is recommended that **HRS make a capital investment in an emergency back-up power generator system** for the campus—to power essential functions during an emergency.

This concludes the analysis and opinion commentary of the FEIR Responses to the HRS DEIR comment letters, for expansion to a south campus. Do not hesitate to contact me with any questions.

Respectfully,

William Weisgerber

William Weisgerber
Weisgerber Consulting

Cc: file

Oakland Fire Department, Fire Prevention & Support Services Bureau
250 Frank H. Ogawa Plaza, Ste. 3341
Oakland, CA 94612-2032

www.oaklandnet.com/WildfirePrevention



(510) 238-7388
TTY (510) 238-6884

Vegetation Management Inspection Report

Date 6/1/2017

HEAD ROYCE SCHOOLS

4315 LINCOLN AVE.

OAKLAND, CA 94602-2528

District:

Sta: 25

Location 4315 LINCOLN AV APN 029A136700404

On 6/1/2017 your property was found Non-Compliant with the Oakland Fire Code. Items marked 'unsatisfactory' shall be immediately corrected. Should one or more of the items remain during the reinspection, an inspection fee of \$303.00 will be assessed, and the City will begin contract abatement proceedings. All fees incurred by the City to perform abatement activities will be billed to the owner of record.

DEFICIENCY <i>Corrective Action</i>	DISPOSITION <i>Location</i>
CFC 4907.2 - Maintain a 30-ft fuel reduction zone around all buildings and neighboring structures	Unsatisfactory <i>PROPERTY LINE PERIMETER</i>
CFC 4907.1, CGC 51182(a)(2) - Remove dead/dying vegetation from property	Unsatisfactory <i>ENTIRE HILL SIDE</i>
CFC 4907.3.1.3 - Remove all tree limbs within 6-ft of the ground, or 1/4 the height of the tree	Unsatisfactory <i>ENTIRE HILL SIDE</i>
CFC 304.1.1 - Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible/flamable waste or rubbish not permitted to remain on parcel	Unsatisfactory <i>ENTIRE HILL SIDE</i>
CFC 304.1.2 - Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises	Unsatisfactory <i>ENTIRE SLOPE</i>

A reinspection will be conducted on or after 6/30/2017.

Should you have any questions, please call (510) 238-7388

Sincerely,
Oakland Fire Department

Inspection Ref # 2017-36195



Oakland Fire Department, Fire Prevention Bureau
250 Frank H. Ogawa Plaza, Ste. 3341
Oakland, CA 94612-2032



(510) 238-3851
TTY (510) 238-6884

Report of Fire Inspection

Date 6/1/2017

Facility / Site Location

HEAD ROYCE SCHOOLS

4315 LINCOLN AV

4315 LINCOLN AVE.

OAKLAND CA 94602

OAKLAND, CA

94602-2528

Pursuant to OMC Sec. 15.12, a Vegetation inspection was conducted on 6/1/2017 at the site location which found the facility to be **Non-Compliant** with City of Oakland fire regulations. In accordance with CFC 104.5 you are hereby ordered to immediately correct all upon receipt of this notice. Failure to comply with this lawful order may result in a citation to appear in Municipal Court, plus additional fees and civil penalties.

Deficiency Corrective Action	Deficiency Status Location
01 - CFC 4907.2_30 CFC 4907.2 - Maintain a 30-ft fuel reduction zone around all buildings and neighboring structures	Unsatisfactory <i>PROPERTY LINE PERIMETER</i>
10 - CFC 4907.1, CG CFC 4907.1, CGC 51182(a)(2) - Remove dead/dying vegetation from property	Unsatisfactory <i>ENTIRE HILL SIDE</i>
09 - CFC 4907.3.1.3 CFC 4907.3.1.3 - Remove all tree limbs within 6-ft of the ground, or 1/4 the height of the tree	Unsatisfactory <i>ENTIRE HILL SIDE</i>
12 - CFC 304.1.1 CFC 304.1.1 - Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible/flammable waste or rubbish not permitted to remain on parcel	Unsatisfactory <i>ENTIRE HILL SIDE</i>
13 - 304.1.2 CFC 304.1.2 - Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises	Unsatisfactory <i>ENTIRE SLOPE</i>

An inspection has been scheduled to determine if you have complied with this order on **June 30, 2017 12:00 am**. The inspection/permit fees will be invoiced at a later date. If any violations are found during the reinspection, additional inspection fees and penalties will be charged.

Should you have any questions, please call (510) 238-3851

Sincerely,

McCain, Katherine, Administrator
Oakland Fire Department

Inspection Ref # 2017-36195

Inspections List (by Scheduled)

<u>Scheduled</u> <u>Address</u> <u>Parcel</u> <u>Comments</u>	<u>Completed</u>	<u>Inspection Type</u> <u>Business Name</u> <u>Contact Name</u>	<u>Reason</u> <u>Contact Phone</u>	<u>Assigned To</u> <u>Result</u>
2011-10-01 00:00 4315 LINCOLN AV 029A136700404 school referred to prevention	2011-12-22 10:10	Commercial HEAD ROYCE SCHOOLS	Annual	2565A, Referred 2011-29849
2012-07-19 10:00 4315 LINCOLN AV 029A136700404 sprinkler hydro approved OK to cover.	2012-07-19 00:00	Construction HEAD ROYCE SCHOOLS	Acceptance Test y	Gervasoni,Edward Approved 2012-36199
2017-05-01 00:00 4315 LINCOLN AV 029A136700404	2017-06-01 08:36	Vegetation HEAD ROYCE SCHOOLS	Annual	VMD3, Non-Compliant 2017-36195
2017-06-30 00:00 4315 LINCOLN AV 029A136700404	2017-06-30 08:39	Vegetation HEAD ROYCE SCHOOLS	Reinspection	VMD3, Non-Compliant 2017-36199
2017-07-10 00:00 4315 LINCOLN AV 029A136700404	2017-07-11 11:30	Vegetation HEAD ROYCE SCHOOLS	3rd Inspection	VMD3, Non-Compliant 2017-36201



Oakland Fire Department, Fire Prevention Bureau
250 Frank H. Ogawa Plaza, Ste. 3341
Oakland, CA 94612-2032



(510) 238-3851
TTY (510) 238-6884

Report of Fire Inspection

Date 4/18/2018

HEAD ROYCE SCHOOLS
 4315 LINCOLN AVE.
 OAKLAND, CA 94602-2528

Facility / Site Location
 4315 LINCOLN AV
 OAKLAND CA 94602

Pursuant to OMC Sec. 15.12, a Fire/Life Safety inspection was conducted on 4/18/2018 at the site location which found the facility to be **Non-Compliant** with City of Oakland fire regulations. In accordance with CFC 104.5 you are hereby ordered to immediately correct all upon receipt of this notice. Failure to comply with this lawful order may result in a citation to appear in Municipal Court, plus additional fees and civil penalties.

Deficiency

Deficiency Status

Corrective Action

Location

105.6.36

105.6.36 Places of assembly. An operational permit is required to operate a place of assembly.

Unsatisfactory

ASSEMBLY PERMIT REQUIRED ANNUALLY FOR ALL PLACES OF ASSEMBLY ON PROPERTY. INCLUDING GYM, CAFE, COMMUNITY ROOM, AUDITORIUM, AND MUSIC ROOM.

PLACES OF ASSEMBLY

105.6.25

105.6.25 Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 30.

Unsatisfactory

ANNUAL PERMIT NEEDED FOR KILN OPERATION.

KILN

[BE] 1010.

[BE] 1010.1.9 Door operations. Except as specifically permitted by this section, egress doors shall be readily openable from the egress side without the use of a key or special knowledge or effort.

Unsatisfactory

GYMNASIUM EXIT DOORS

1031.2

1031.2 Reliability. Required exit accesses, exits and exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency where the building area served by the means of egress is occupied. An exit or exit passageway shall not be used for any purpose that interferes with a means of egress.

Unsatisfactory

KEEP CLEAR AT ALL TIMES

STAIRWELL AND WALKWAY BY GYMNASIUM

906.1

906.1 Where required. Portable fire extinguishers shall be installed in all of the following locations:

Unsatisfactory

In new and existing Group A, B, E, F, H, I, L, M, R-1, R-2, R-2.1, R-3.1, R-4 and S occupancies.

EACH CLASSROOM SHALL HAVE EXTINGUISHERS

CLASSROOMS

22 - CFC 906.2

CFC 906.2 - Service fire extinguishers annually, or when gauge indicated services required

Unsatisfactory

CLASS K IN KITCHEN & IN MAINTNENCE BUILDING

403.5.1.1

403.5.1.1 Emergency Pre-Fire Planning. Each school principal, district superintendent or day nursery manager shall, in cooperation with the enforcing agency, prepare procedures to be followed in case of fire or other emergency. They should include the following:

Unsatisfactory

Posting of the telephone number of the fire department in the office and/or at the main switchboard.

Assignment of a responsible person to call the fire department upon notification of any fire or activation of the alarm system for any reason other than fire drills.

Posting in a conspicuous place in each classroom or assembly area a plan showing paths of travel to evacuate the room in case of emergency and including an alternate route.

Posting in each classroom instructions to be followed by the teacher. These should include:

Maintaining of order during evacuation.

Removal of roll call book and calling of roll when designated evacuation area is reached.

CLASSROOMS

05 - CFC 315.2.1

CFC 315.2.1 - Storage shall be maintained 2 ft. or more below the ceiling in non-sprinkled areas of the buildings or a minimum of 18" below sprinkler deflectors

Unsatisfactory

ALL PLACES OF STORAGE

906.7

906.7 Hangers and brackets. Hand-held portable fire extinguishers, not housed in cabinets, shall be installed on the hangers or brackets supplied. Hangers or brackets shall be securely anchored to the mounting surface in accordance with the manufacturer's installation instructions.

Unsatisfactory

[California Code of Regulations, Title 19, Division 1, §567.3] Installation.

Portable fire extinguishers other than wheeled types shall be securely installed on the hanger or in the bracket supplied or placed in cabinets or wall recesses. The hanger or bracket shall be securely and properly anchored to the mounting surface in accordance with the manufacturer's instructions. Wheeled-type fire extinguishers shall be located in a designated location.

[California Code of Regulations, Title 19, Division 1, §567.4] Brackets.

Extinguishers installed under conditions where they are subject to dislodgement shall be installed in brackets specifically designed to cope with this problem.

[California Code of Regulations, Title 19, Division 1, §567.6] Mounting.

Fire extinguishers having a gross weight not exceeding 40 pounds (18.14 kg) shall be installed so that the top of the fire extinguisher is not more than 5 feet (1.53 m) above the floor. Fire extinguishers having a gross weight greater than 40 pounds (18.14 kg) (except wheeled types) shall be so installed that the top of the fire extinguisher is not more than 3 1/2 feet (1.07 m) above the floor. In no case shall the clearance between the bottom of the extinguisher and the floor be less than 4 inches (10.2 cm).

CLASS K IN KITCHEN

[BE] 1013.

[BE] 1013.3 Illumination. Exit signs shall be internally or externally illuminated.

Unsatisfactory

REPLACE BATTERY BACK-UPS WHERE NEEDED

EXIT SIGNS

[BE] 1008.

[BE] 1008.2 Illumination required. The means of egress serving a room or space shall be illuminated at all times that the room or space is occupied.

Unsatisfactory

REPLACE BATTERY BACK-UPS WHERE NEEDED

EMERGENCY LIGHTS

28 - CFC 904.11.6.4

CFC 904.11.6.4 - Service automatic fire extinguishing systems every 6 months, and after activation of the system

Unsatisfactory

HOOD AND DUCT SYSTEM IN KITCHEN

509.1.1

509.1.1 Utility identification. Where required by the fire code official, gas shutoff valves, electric meters, service switches and other utility equipment shall be clearly and legibly marked to identify the unit or space that it serves. Identification shall be made in an approved manner, readily visible and shall be maintained.

Unsatisfactory

ELEVATOR ROOM

31 - CFC 605.5

CFC 605.5 - Extension cords and flexible cords shall not be used as a substitute for permanent wiring

IF EXTENSION CORDS ARE BEING USED DAILY, ADDITIONAL ELECTRICAL OUTLETS NEED TO BE INSTALLED.

Unsatisfactory

THROUGHOUT PROPERTY

An inspection has been scheduled to determine if you have complied with this order on **June 22, 2018 9:30 am**. The inspection/permit fees will be invoiced at a later date. If any violations are found during the re-inspection, additional inspection fees and penalties will be charged.

Should you have any questions, please call (510) 238-2388

Sincerely,

Ball, Adam, Inspector
Oakland Fire Department

Inspection Ref # 2018-29349

1. Picture of Front (A side) of property

STATUS : Yes

COMMENT : INSPECTOR COMMENT:

LOCATION: N/A

CFC REFERENCE: Photos of Front, Left, Rear and Right sides of property are not necessarily indicative of violations. They should be used as a frame of reference to help identify areas of non-compliance from the perspective of the inspector.

FDV21-19677-20210628103755_1 -

Mon, 28 Jun 2021 - 10:37 AM



FDV21-19677-20210628103756_2 -

Mon, 28 Jun 2021 - 10:37 AM



10.360 Degree Access

STATUS : Yes

COMMENT : INSPECTOR COMMENT:

LOCATION: N/A

CFC REFERENCE: (null)

Fire-Photos-Vegetation Annual-Non-Compliant-FDV21-19677-029A136700404 - 4315 LINCOLN AVE-20210628110751-18905919 - 18905919

Mon, 28 Jun 2021 - 11:07 AM

11. Picture of left (B side) of property

STATUS : Yes

COMMENT : INSPECTOR COMMENT:

LOCATION: N/A

CFC REFERENCE: Photos of Front, Left, Rear and Right sides of property are not necessarily indicative of violations. They should be used as a frame of reference to help identify areas of non-compliance from the perspective of the inspector.

FDV21-19677-20210628103813_1 -

Mon, 28 Jun 2021 - 10:38 AM



12. Picture of rear (C side) of property

STATUS : Yes

COMMENT : INSPECTOR COMMENT:

LOCATION: N/A

CFC REFERENCE: Photos of Front, Left, Rear and Right sides of property are not necessarily indicative of violations. They should be used as a frame of reference to help identify areas of non-compliance from the perspective of the inspector.

FDV21-19677-20210628105422_1 -

Mon, 28 Jun 2021 - 10:54 AM



FDV21-19677-20210628105431_2 -

Mon, 28 Jun 2021 - 10:54 AM



13. Picture of Right (D side) of property.

STATUS : Yes

COMMENT : INSPECTOR COMMENT:

LOCATION: N/A

CFC REFERENCE: Photos of Front, Left, Rear and Right sides of property are not necessarily indicative of violations. They should be used as a frame of reference to help identify areas of non-compliance from the perspective of the inspector.

FDV21-19677-20210628105834_1 -

Mon, 28 Jun 2021 - 10:58 AM



FDV21-19677-20210628105838_2 -

Mon, 28 Jun 2021 - 10:58 AM



51. Tree crowns extending to within 10 feet of any structure shall be pruned to maintain a minimum horizontal clearance of 10 feet. (CFC 4907.3.1.1)

STATUS : Non-Compliant

COMMENT : INSPECTOR COMMENT: Trim tree branches that are in contact with lower school building grades 3 to 4 on eaves corners or wherever documented where tree branches are touching the roof
Cut branches in contact with structure across from cafeteria and upper school building on north west corner
Cut back branches on Japanese meatball ornamental tree adjacent to dumpster that is in contact with roofline of building
Cut back our tree branches as documented that are in contact with structures on campus parcel
Cut back branches and vines that are in contact with cyclone fence encompassing photovoltaic emergency shut off off

LOCATION: When facing the front of the property, the violation is on the Left, Right of the property.

CFC REFERENCE: Cut back all portions of trees to provide 10 foot clearance from roof line to create as much "cold-air" space as possible between the structure and vegetation. It is not necessary to remove entire trees. See our website for more information.

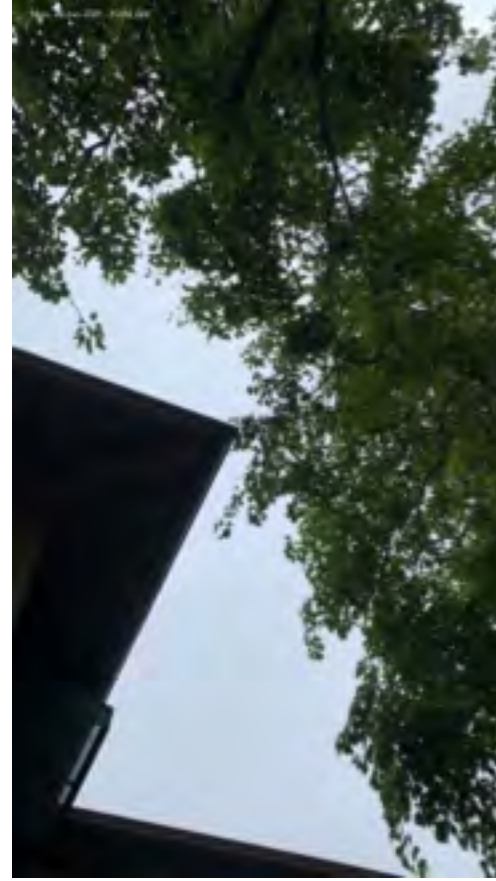
FDV21-19677-20210628104108_1 - (CFC 4907.3.1.1)

Mon, 28 Jun 2021 - 10:41 AM



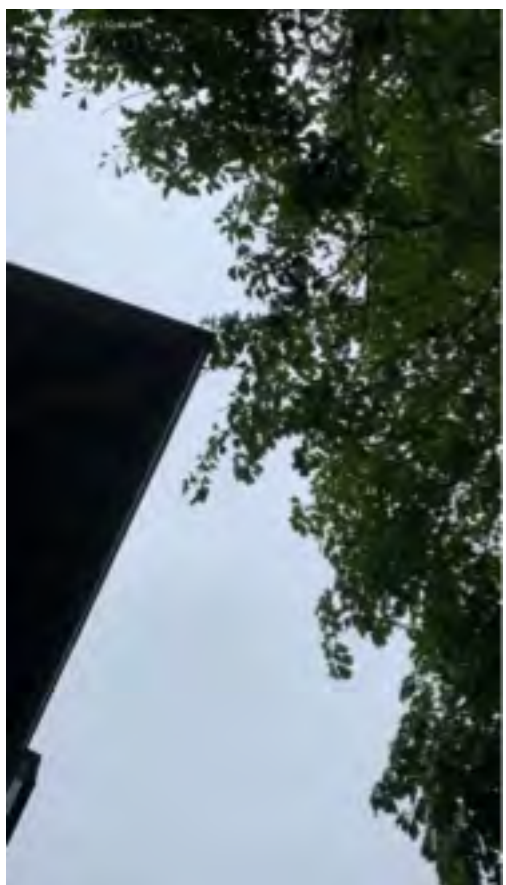
FDV21-19677-20210628104621_2 - (CFC 4907.3.1.1)

Mon, 28 Jun 2021 - 10:46 AM



FDV21-19677-20210628104623_3 - (CFC 4907.3.1.1)

Mon, 28 Jun 2021 - 10:46 AM



70. Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth.
(CFC 304.1.2)

STATUS : Non-Compliant

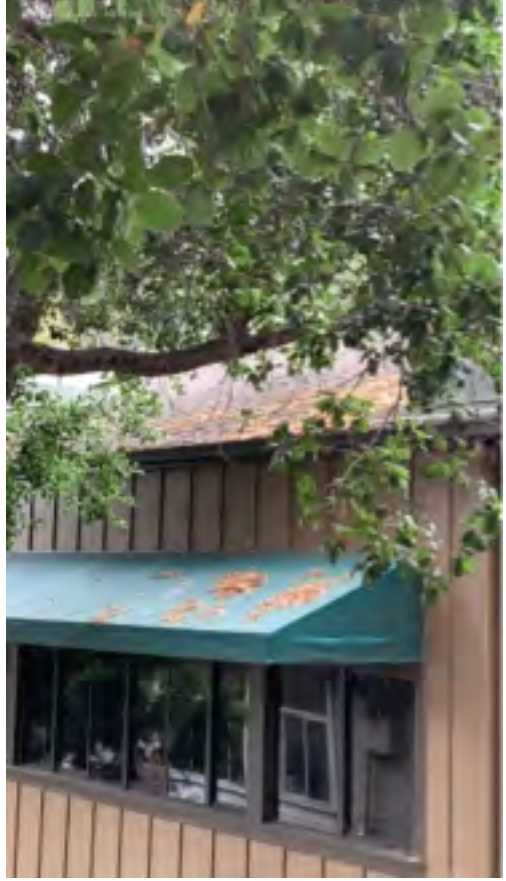
COMMENT : INSPECTOR COMMENT: Remove tree litter from roofline and gutter as to mitigate the spread of a fire

LOCATION: When facing the front of the property, the violation is on the Rear, Right of the property.

CFC REFERENCE: Clear roof of combustible materials and vegetation. Roof and rain gutters shall be maintained regularly, especially after periods of heavy winds.

FDV21-19677-20210628103958_1 - (CFC 304.1.2)

Mon, 28 Jun 2021 - 10:39 AM



FDV21-19677-20210628104005_2 - (CFC 304.1.2)

Mon, 28 Jun 2021 - 10:40 AM



FDV21-19677-20210628104007_3 - (CFC 304.1.2)

Mon, 28 Jun 2021 - 10:40 AM



Signature Responsible Party:

Name: Jerry Mullaney

Signature Inspector:

Name: VMD 3

A handwritten signature in black ink, consisting of a stylized, cursive 'M' shape with a horizontal tail extending to the right.

VMD 3



Oakland Fire Department, Fire Prevention Bureau
 250 Frank H. Ogawa Plaza, Ste. 3341
 Oakland, CA 94612-2032



**NOTICE OF NON-COMPLIANCE
 VEGETATION ANNUAL**

Date: 6/28/2021

Facility / Site Location

HEAD ROYCE SCHOOLS
 4315 LINCOLN AVE
 OAKLAND CA, 94602-2528

4315 LINCOLN AVE
 OAKLAND CA
 STA: 25

On 6/28/2021 your property was inspected and found to be **Non-Compliant** with the Oakland Fire Code (Chapter 15.12 of the Oakland Municipal Code). Violations indicated below should be corrected immediately. A re-inspection of your property will be conducted no sooner than **45** days from the date of this letter. Following the first inspection, Inspection fees will be assessed for **ANY** re-inspection as well as any subsequent inspections in conformance with Oakland's Master Fee Schedule ordinance. The City of Oakland, Fire Prevention Bureau may also begin contract abatement proceedings if you do not correct the violations indicated below. All expenses incurred by the City to perform abatement activities will be billed to the owner of record.

DESCRIPTION OF VIOLATION(S)

Tree crowns extending to within 10 feet of any structure shall be pruned to maintain a minimum horizontal clearance of 10 feet. (CFC 4907.3.1.1)

- Comment: INSPECTOR COMMENT: Trim tree branches that are in contact with lower school building grades 3 to 4 on eaves corners or wherever documented where tree branches are touching the roof
- Cut branches in contact with structure across from cafeteria and upper school building on north west corner
- Cut back branches on Japanese meatball ornamental tree adjacent to dumpster that is in contact with roofline of building
- Cut back our tree branches as documented that are in contact with structures on campus parcel
- Cut back branches and vines that are in contact with cyclone fence encompassing photovoaic emergency shut off off

LOCATION: When facing the front of the property, the violation is on the Left, Right of the property.

CFC REFERENCE: Cut back all portions of trees to provide 10 foot clearance from roof line to create as much "cold-air" space as possible between the structure and vegetation. It is not necessary to remove entire trees. See our website for more information.

Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth. (CFC 304.1.2)

Comment: INSPECTOR COMMENT: Remove tree litter from roofline and gutter as to mitigate the spread of a fire

LOCATION: When facing the front of the property, the violation is on the Rear, Right of the property.

CFC REFERENCE: Clear roof of combustible materials and vegetation. Roof and rain gutters shall be maintained regularly, especially after periods of heavy winds.

HOW TO CORRECT THE VIOLATIONS NOTED ABOVE AND AVOID PAYING THE RE-INSPECTION FEE:

To avoid the re-inspection fee, please submit proof of correction within 45 days of the date of this letter. Acceptable proof of correction include photos of the correction and receipt for work completed, along with any other documentation you may have. Submit proof of correction to wildfireprevention@oaklandca.gov.

Proof of correction must be received within 45 days or a re-inspection fee will be charged as permitted in the Oakland Master Fee Schedule, regardless of the re-inspection results.

Register for a Fire ACA (Accela Citizen Access) account to obtain detailed information to your Fire inspection records. The registration provides transparent access to all your Fire records. See scheduled inspections, inspection results and photos taken during the inspections. You can also access and save/print inspection letters. Please visit <https://aca.accela.com/oakland> to register.

Visit <https://www.oaklandca.gov/services/wildfire-district-inspections> for more information. Vegetation inspection questions can also be directed to wildfireprevention@oaklandca.gov or 510-238-7388.

Questions about ACA registration can be directed to fireacasupport@oaklandca.gov

Sincerely,

Oakland Fire Department
Office of the Fire Marshal

APN: 029A136700404
Inspector Name: VMD 3
Inspection Reference #: 18905919
Record #: FDV21-19677

In accordance with the California Fire Code Section 104.5 you are hereby ordered to correct all violations marked Non-Compliant immediately upon receipt of this notice. Failure to comply with this lawful order may result in additional enforcement action, plus additional fees and civil penalties. An inspection fee will be invoiced for re-inspections in accordance with the City's Master Fee Schedule. City of Oakland invoices not paid within the specified time given will be forwarded to collections for action up to/and including judgement for collections and/or property liens.

**EXHIBIT B - FIRE DEPARTMENT RECORDS
SENT BY DROPBOX**

EXHIBIT C

**FINAL HEAD ROYCE CONDITIONS OF APPROVAL
CASE FILE: REV13-003**

Redlined version – June 7, 2016

Modifications to the conditions of approval as directed by the City Planning Commission at the **November 4, 2015** are indicated in underlined type for additions and ~~cross-out~~ type for deletions. Modifications made as part a resolution between Head Royce School and the Neighborhood Steering Committee withdrawing Appeal REV13-003-A01 on June 6, 2016 and subsequent administrative approval of the modifications (revised conditions of approval) by the Development Planning Manager on **June 7, 2016**, are indicated in underlined type for additions and ~~cross-out~~ type for deletions.

1. Approved Use.

Ongoing

The project shall be constructed and operated in accordance with the authorized use as described in the application materials, attached staff report, the preliminary PUD plans approved January 4, 2006, final PUD approved plans dated October 29, 2007, the approved plans dated July 28, 2009, and the plans submitted on September 11, 2014 to correct striping and make other minor improvements on existing parking spaces. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval.

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

Final Revised Conditions of Approval

- e) This approval does not permit Community Assembly or Group Assembly uses as defined in the planning code or use of the school facilities as a venue for hire by outside organizations. Notwithstanding the foregoing, this prohibition does not include, and the school shall be entitled to use of the school facilities for, all of the following: (i) any events in the normal operation of a school that include students, prospective students, parents, prospective parents, faculty, administration, staff and/or alumni; (ii) any school-related events in which outside organizations are invited to participate with members of the school community, such as league athletic events, shared testing days, school dances, performances, counseling or instruction by outside organizations for the school community, educational meetings for faculty or staff, neighborhood safety meetings, professional faculty and staff development, alumni events, fund raising events, or similar normal and customary school-related events, (iii) any shared use of the school's parking lots, field or gymnasium by the school's institutional neighbors (limited only to the Greek Orthodox Church, the Church of Latter Day Saints, all located on Lincoln Avenue), and (iv) use of school facilities on the weekends by neighbors with key cards.
- f) The Conditions of Approval for REV13-003 supersede the previous Conditions of Approval for PUD04-400, PUDF07-520 and DS09-224.

2. Effective Date, Expiration.

Ongoing

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

3. Scope of This Approval; Major and Minor Changes.

Ongoing

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

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

Ongoing

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60 days of approval, unless an earlier date is specified elsewhere, or the

applicant demonstrates to the satisfaction of the Planning Director that abatement requires more than 60 days to implement.

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

5. Signed Copy of the Conditions/Mitigation Measures.

With submittal of a demolition, grading, and building permit

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

6. Compliance with Conditions of Approval.

Ongoing

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

7. Indemnification.

Ongoing

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, Oakland City Council, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss, (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (**collectively called "Action"**) against the City to attack, set aside, void or annul, (1) this approval or (2) implementation of this approval. The City shall promptly notify the project applicant of any claim, action or proceeding. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorney's fees.
- b) Within ten (10) calendar days of the filing of any Action as specified in subsection a above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

8. Severability.

Ongoing

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

9. Subsequent Conditions or Requirements.

Ongoing

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

10. Compliance Review and Matrix

Within 1 year of implementation of the revised Conditions.

Planning staff shall submit a compliance status report to the Planning Commission one year after implementation of the revised Conditions with the exact date to be agreed upon between the two parties (School and neighborhood).

Ongoing. On October 1 of each year, the project applicant shall submit to the Planning and Zoning Division and the Building Services Division a Conditions/ Mitigation Measures compliance matrix that lists each condition of approval and mitigation measure, including those addressing the summer program, the City agency or division responsible for review, and how/when the project applicant has met or intends to meet the conditions and mitigations. The applicant will sign the Conditions of Approval attached to the approval letter and submit that with the compliance matrix for review and approval.

11. Mitigation Monitoring and Reporting Program.

Ongoing

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

TRAFFIC AND CIRCULATION

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

Mitigation T1: The project sponsor shall monitor the morning drop-off and afternoon pick-up queue during the school year as well as during any summer program operations. The procedures and monitoring forms are included in the TDM Plan. The project sponsor shall implement the monitoring procedures by either: 1) retaining a qualified independent traffic consultant to

monitor the extent of the queue along Lincoln Avenue or 2) hire a qualified independent traffic consultant, approved by the Bureau of Planning, to train at least two (2) supervising monitors to implement and supervise the monitoring procedures. Any new supervising monitor must be trained directly by the independent traffic consultant. If the school's drop-off or pick-up queue extends for more than 60 seconds in any single monitoring period (excluding delays due to extenuating circumstances such as a traffic accident) past the school's upper driveway and the red "no parking" zone above the driveway along the north side of Lincoln Avenue and extending into the "Keep Clear" zone, the school shall implement as many of the following actions and continue to implement these actions as would be necessary to accomplish the necessary reduction in the length of the queue:

- Implement staggered morning drop-off and afterschool pickup times.
- Stagger the afterschool bus pick-up times so that the buses are loaded and leave prior to the start of pickup.
- Discourage early arrival for pickup within the Transportation Policy Guide and during an annual back to school traffic presentation.
- Increase public and private bus ridership in addition to those already in effect at the time of the queuing violation.
- If the previous measures do not reduce the queue, work with the City to restrict on-street parking during morning drop-off and afternoon pickup on Lincoln Avenue to allow for a longer queue. The School shall retain a qualified traffic consultant to prepare an analysis of the queue extension for review by the City's Transportation Services and Oakland Police Department Traffic Safety Divisions. The School shall pay any required review fee. The City may decline to restrict on-street parking to allow a longer queue, in which case other measures noted above must be pursued.

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

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

Final Conditional of Approval

periods referenced above eight (8) days each year (two days during each of the four (4) monitoring weeks) for a total of sixteen (16) video clips.

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

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

Monitoring and Reporting Responsibility: Head Royce School
Monitoring and Reporting Review: Bureau of Planning

12. School Grades/Enrollment / Verification.

Ongoing

- a) Head Royce School is permitted to operate a K-12 Community Education Facility.
- b) The School is permitted to increase its enrollment to 875 students with this approval. Enrollment may increase by up to 15 students each year The City met with the School in 2010 and agreed to stay enforcement proceedings if the School would come into compliance with its conditions of approval and submit a TDM program. The School hired a traffic consultant in 2011 to look at ways it could implement improvements to drop off and pick up operations and develop a TDM program. The maximum school enrollment at Head Royce School is 906 students. No enrollment fluctuation resulting in enrollment above 906 students is allowed.
- c) The school shall submit the enrollment numbers to the Bureau of Planning no later than October 15th each year.
- d) In accordance with state law, the school shall also submit its enrollment figures to the California Department of Education no later than October 15th of each year.

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

Ongoing

The project applicant may be required to cover the full costs of independent technical review and other types of peer review, monitoring and inspection, including without limitation, inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

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

Ongoing

Head Royce School's hours of operation, which include academic, childcare and afterschool programs, are from 7:00 a.m. to 6:30 p.m. Monday through Friday. Athletic practices, including outdoor practices, may commence at 6:30 a.m. on weekdays. Outdoor athletic practices and games shall end by 7:30 p.m. or sundown, whichever is earlier. Indoor activities involving only School students, faculty, staff and members of the board of trustees such as play rehearsals, standardized testing, band practices, and meetings of student organizations, faculty committees

Final Conditional of Approval

and meetings of the board of trustees are not considered Special Events as defined in Condition 16 and may occur after 6:30 p.m. on weekdays and between 8:00 a.m. and 6:00 p.m. on weekends. No field-wide lighting may be installed on the athletic field.

15. Summer Program Enrollment / Operations.

Ongoing

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

16. Number of Special Events / Days and Hours of Operation.

Ongoing

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

- a) A "Special Event" is defined as a gathering in which visitors (including parents) are invited to the campus in conjunction with a School or Summer Program-sponsored event or activity such as a Back to School night, a performance (play or musical), athletic event, dance, walk-a-thon, guest speaker, school fair, Admissions Open House, promotion or graduation ceremony, associated and carried out by the school (not hosted by an outside group or organization) and for which 50 or more visitor vehicles are expected. If more than one Special Event occurs on a single day, each Special Event shall count as a separate event. Parking rules for Special Events are outlined in Condition 23. A Special Event does NOT include indoor activities involving only School students, faculty, staff and members of the board of trustees such as play rehearsals, standardized testing, band practices, and meetings of student organizations, faculty committees and meetings of the board of trustees. In addition, neighborhood meetings required or requested to be held on campus as a condition of this permit or otherwise by the City are not considered to be Special Events.
- b) The school shall post an annual calendar on its website and provide the website link to the Neighborhood Committee described in Condition 24 at the beginning of the School year listing all Special Events and the anticipated number of visitor vehicles that will be generated for each event. The School is permitted an additional ten (10) total weekday evening events that are not on identified on the annual calendar, provided that the Neighborhood Committee is provided a 30-day notice of such addition and those events shall not take place during weekends or the summer.
- c) During school academic, childcare and afterschool program hours of operation, Mondays through Fridays, the School is permitted an unlimited number of Special Events. However, those events for which 50 or more visitor vehicles are expected must follow Condition 23 procedures for Special Events.

- d) The school shall be permitted a maximum of 85 evening Special Events per school year during the hours of 7:00 p.m. -9:30 p.m. All Special Event participants shall have left the campus and the lot locked by 10:00 p.m. School dances shall end by 10:30 p.m. with all participants leaving by 11:00 p.m.
- e) The school shall be permitted a maximum of 55 Saturday daytime Special Events per school year during the hours of 9:00 a.m. to 6:00 and 10 Saturday evening Special Events per school year during the hours of 6:00 p.m. to 9:30 p.m. The school shall be permitted a maximum of ~~ten (10)~~ eight (8) Sunday Special Events per school year during the hours of 9:00 a.m. - 6:00 p.m. The school shall be permitted a maximum of ten (10) single day summer Special Events during the hours of 9:00 a.m. - 6:00 p.m. ~~and only on weekdays.~~ One summer Special Event may take place on Saturday. There shall be no Sunday summer Special Events.
- f) No events shall be held that have not been published on the school calendar or a 30 day in advance or emailed to immediate neighbors one month in advance. The school is not permitted to rent or loan out any of its facilities.
- g) All Special Events shall be monitored by the School per the Condition of Approval.

17. Total Number of Employees.

Ongoing

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

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

Ongoing

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

19. Operational Noise General.

Ongoing

Noise levels from the activity, property, or any mechanical equipment on site or as a result of school operations shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction

measures have been installed and compliance verified by the Planning and Zoning Division and Building Services. No outdoor amplified sound equipment shall be used on the campus without a permit from the City Manager's office. For the purposes of this permit, "amplified sound equipment" includes bull horns, air horns, or loud speakers.

20. Parking Requirement and Shared Parking

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

21. Whittle and Lincoln Avenue Properties.

Ongoing

The properties located at 4200, 4220, ~~and~~ 4180 and 4286 Whittle Avenue and 4233 Lincoln Avenue shall be limited solely to permitted residential uses as defined in the Oakland Planning Code and the School will not merge the lot without obtaining an amendment to the PUD as a Major Change. The school shall maintain the residential character and uses of these houses and ensure that the houses maintain their structural integrity. These properties shall not be used for additional School parking, School staging of materials or equipment, School storage (including storage of maintenance equipment) or school deliveries or student pick-up or drop-off. The gate in the existing fence between 4200 and 4220 Whittle and the School property shall be posted with a No Trespassing sign and locked (with keys provided only to residents of these properties), except a push bar or similar unlatching system may be installed on the School side of the gate only to allow for exit in an emergency.

22. Whittle Gate Access.

Ongoing

Access to the school through Whittle Gate shall be limited as follows: Deliveries to the School shall be directed to Whittle Gate in accordance with Condition 25. The project applicant may provide *pedestrian* card access to the Whittle Gate to students or employees who walk or bike to School and to neighbors who have been given card access keys. The 20 School employees that parked on Clemons Avenue are prohibited from receiving pedestrian access cards for the Whittle Gate. The School may provide up to 22 *vehicle* access cards to faculty, staff or disabled visitors to park in the parking spaces in the School's lower parking lot. Disabled students may be dropped off at Whittle gate. Each year, the School shall deactivate the cards and issue new cards. Monitoring of Whittle Gate shall take place in accordance with Condition 23, below. The number of pedestrian and vehicle passes distributed each year shall be submitted to the Planning and Zoning Division. The School shall install signs identifying the appropriate access points and access restrictions, if any, to the School.

23. Transportation Demand Management.

Ongoing

The applicant shall maintain a TDM plan attached as Exhibit A to these conditions during both the regular school year and during the Summer Program. Among other things, the TDM

implements Conditions 23 a-g as set forth below. The Conditions are the governing and enforceable conditions of approval.

a) Traffic Circulation and Management

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

- i. Continuation of before and after-school childcare programs to reduce the number of peak vehicles arriving and departing the campus.
- ii. Maintenance of detailed, written instructions of the vehicle pick-up and drop-off process for the purpose of increasing efficiency in the pick-up and drop-off operation. These procedures, which will be incorporated into a Transportation Policy Guide (Guide), shall include, but are not limited to, how to access the vehicle drop-off/pick-up lane from each direction (~~loops~~), a map showing the specific area where vehicle drop-off and pick-up is permitted, rules regarding safe practices for entering and exiting vehicles, and the area that queue cannot exceed. The School shall actively discourage and communicate the dangers of picking-up students on streets other than the designated drop-off area, as part of the Guide, parent meetings, Back to School nights and other means. The Guide shall specifically discourage early arrival for afternoon pickup. The summer program shall follow the Transportation Policy Guide.
- iii. Compliance with Mitigation Measure Mitigation T1 and Condition 11.
- iv. Mormon Temple Staging Area and Alternative: If the Mormon Temple Staging Area becomes unavailable for use during the pick up or drop off process, the School shall promptly institute one of the alternative means of maintaining the queue in compliance with these conditions as set forth in Condition 11. If an off-site staging area continues to be the preferred method to control the queue, the School shall institute that alternative within 30 days of the unavailability of the Mormon Temple in consultation with City staff. Alternative potential staging areas could include the parking lot of the Greek Orthodox Church, the Cerebral Palsy Center and/or the School's property at 4368 Lincoln,
- v. Circulation Assistants: During morning drop-off and afternoon pick-up periods, the project applicant shall assign 5 adults in the morning and 8 adults in the afternoon to assist with the efficient flow of pick-up and drop-off traffic in approximately the locations listed below, subject to refinement per discussion with the City planning staff. The circulation assistants shall be distinct from the traffic safety monitors.

Morning assistants:

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

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5. One circulation assistant at the top of queue on the north side of Lincoln

Afternoon circulation assistants:

Same as morning with additional circulation assistants as follows:

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

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

b) Parking management strategies

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

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

- vi. In its Transportation Policy Guide, the School shall define “single occupancy vehicle” as a vehicle with the one driver and one non-driving student or child.

c) Auto Trip Reduction Program

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

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

d) Special Events

- i. The project applicant shall establish transportation procedures for Special Events to 1) ensure that Special Events are managed efficiently and effectively; and 2) minimize traffic and parking in the neighborhood. The project sponsor shall anticipate the attendance of Special Events and note this on the school’s calendar. At least two weeks prior to a Special Event, the School shall confirm the anticipated number of vehicles and distribute the appropriate parking locations and restrictions to the attendees and Neighborhood Liaison Committee. For all Special Events, the school shall direct visitors not to park on neighborhood streets and instead encourage them to park in off-street lots or on either side of Lincoln Avenue above the gatehouse.

- ii. For single or cumulative Special Events on the same day that will generate between 50 and 150 people, the School shall provide sufficient parking either at the main campus, 4368 Lincoln Ave. or Lincoln Ave. above the gatehouse. For single events or cumulative events on the same day expected to be between 150 and 400 people, the School shall provide sufficient parking on-site, at 4368 Lincoln Avenue, on Lincoln Avenue above the gatehouse, the Mormon Temple, the Greek Orthodox Church and/or Cerebral Palsy Center. For events exceeding 400 people, an off-site alternative, with a shuttle or valet system, is required.
- iii. Traffic Monitors during Special Events: The purpose of traffic monitors during Special Events is to direct cars away from neighborhood streets and into off-street parking or onto Lincoln Avenue above the gatehouse. Single or cumulative events with 50 or fewer visitor vehicles people are not considered Special Events per Condition 16 and do not require a traffic monitor. However, parking signs shall be posted along Lincoln Avenue. Single or cumulative events with 50-150 people shall require one monitor along Lincoln Avenue at the corner of Lincoln and Alida and another monitor at the Whittle Gate. Single or cumulative events between 50 and 200 people shall require four (4) monitors. Monitors will be stationed at the following streets to direct cars to parking provided for the event: Whittle Gate, Lincoln Avenue south of the gate house, Alida Street between Lincoln and Laguna Avenue, and Alida Court. Single or cumulative events over 200 people shall require six (6) monitors, unless an off-site shuttle service is used. In addition to the streets listed above, the monitors will be stationed at the following streets: Tiffin Avenue between Whittle and Lincoln Avenue, and Burlington Street.

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

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

e) Communication

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

- i. Traffic Safety Rules: The TDM contains a list of Traffic Safety Rules that are designed specifically to increase safety of the school community and the neighborhood. The TDM also includes a list of "Good Neighbor Rules" designed to decrease impacts to neighbors.
- ii. The project applicant shall continue to maintain a Transportation Policy Guide. The Guide shall include, but not be limited to the following: Vehicle drop-off and pick-up procedures designed to promote an efficient operation; bus loading procedures; Traffic Safety Rules; "Good Neighbor Rules" including blocking driveways, u-turns in

neighbor's driveways; Transit Subsidy Program; Special Event Traffic and Parking Rules; and consequences for violations. If necessary to reflect the updated TDM Plan, the Transportation Policy Guide shall be submitted to Bureau of Planning, Transportation Services Divisions, and OPD-Traffic Safety for review. The project applicant shall distribute the Transportation Policy Guide to each student's parent/guardian. Each student's parent/guardian will need to provide written acknowledgement of receipt of the Policy Guide, and acceptance of its policies as a condition of enrollment. The School shall submit a record of each family's acknowledgement of receipt in a form acceptable to the City if requested. The project applicant shall hold a parent meeting at the beginning of each school year to discuss the traffic and parking. If rules change significantly, as determined by the Director of the Bureau of Planning, after the beginning of the school year, the project applicant shall hold another meeting. A City staff member may attend. The project applicant shall annually review the Transportation Policy Guide and submit the Transportation Policy Guide for review by the Bureau of Planning, Transportation Services Division, and OPD-Traffic Safety staff.

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

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

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

g) Compliance Reporting

- i. The project applicant shall hire a qualified traffic consultant, (based on at least three recommendations from the Bureau of Planning), approved by the Director of Planning or designee, to monitor compliance with the traffic-related conditions in the Conditions of Approval and the approved TDM. Specifically, the independent monitors shall verify compliance by:
 - Counting the number of traffic assistants and monitors present during drop-off and pick-up periods.
 - Observing the drop-off and pick-up traffic flow and recommending measures to ensure smooth operations to the City.
 - Reviewing the length of the queue and check if it extends above the upper driveway.
 - Collecting the number of violations that have been reported from Head Royce's database and recommending measures to reduce violations.

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- Recording parking occupancy in all Head Royce parking lots.
 - Monitoring Whittle Avenue and Alida for School –related parking.
 - Auto Trip Reduction Program and related documents as determined satisfactory by the Director of Planning, to meet the alternative transportation mode percentage.
- ii. The independent monitor (which shall be chosen by the School based on at least three recommendations from the Bureau of Planning), shall monitor the school’s compliance with the traffic-related conditions of approval as implemented by the TDM four times per year: once each semester, once during the Summer Program and once during a Special Event involving over 100 cars. The independent traffic consultant shall submit a written report within two weeks of the monitoring summarizing the results of the monitoring session. The reports shall include recommendations to remedy potential infractions of the traffic-related conditions of approval, if appropriate to the Bureau of Planning. Such measures proposed by the independent traffic consultant must be approved by the City of Oakland prior to implementation. The City of Oakland shall have one week to review and approve the submitted measures. Upon City of Oakland approval of enhanced or additional TDM measures, the project applicant shall be given four weeks after the approval to implement the recommended measures.
- iii. The School shall have one semester to cure any traffic-related violations of the conditions of approval. If after invoking enhanced or additional TDM measures the School still does not meet its traffic-related conditions of approval based on the independent monitors reports submitted to the City of Oakland, the Bureau of Planning may refer the matter to the City of Oakland Planning Commission for scheduling of a compliance hearing to determine whether the School’s approvals should be revoked, altered, or additional conditions of approval imposed. This could include a permanent reduction in enrollment. The City of Oakland can also impose penalties on a per infraction fee pursuant to the City’s Master Fee Schedule based on the observations of city officials, the Oakland Police Department, or the independent monitors. In determining whether reduced enrollment or other remedies are appropriate, the City of Oakland shall consider if the School has demonstrated a good faith effort to comply with the traffic-related conditions of approval. It will be up to the School to provide evidence to the City of Oakland of good faith efforts for review.

24. Neighborhood Liaison Committee /Point of Contact/Complaints.

Ongoing

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

meetings if determined to be necessary by City Bureau of Planning staff. School shall provide notice of these meetings to City staff who may attend.

No later than 30 days after this approval and ongoing

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

25. Deliveries.

Ongoing

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

26. Emergency Management Plan.

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

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

a) Fire Protection Bureau Occupancy Review

Ongoing

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

b) Emergency Preparedness Plan

With 6 months and Ongoing

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

c) Fire Department Site Visits

The project applicant shall coordinate with the Oakland Fire Marshal's Office to make periodic unannounced visits to the school (the frequency, timing, and types of visits should be

at the Fire Marshal's discretion based on need for visits and compliance by the school) to verify that adequate emergency vehicle access is being maintained during peak pick-up and drop-off periods. The Fire Marshal should consult with the School to identify modifications to the circulation rules, if emergency access problems are identified.

Applicant and/or Contractor Statement

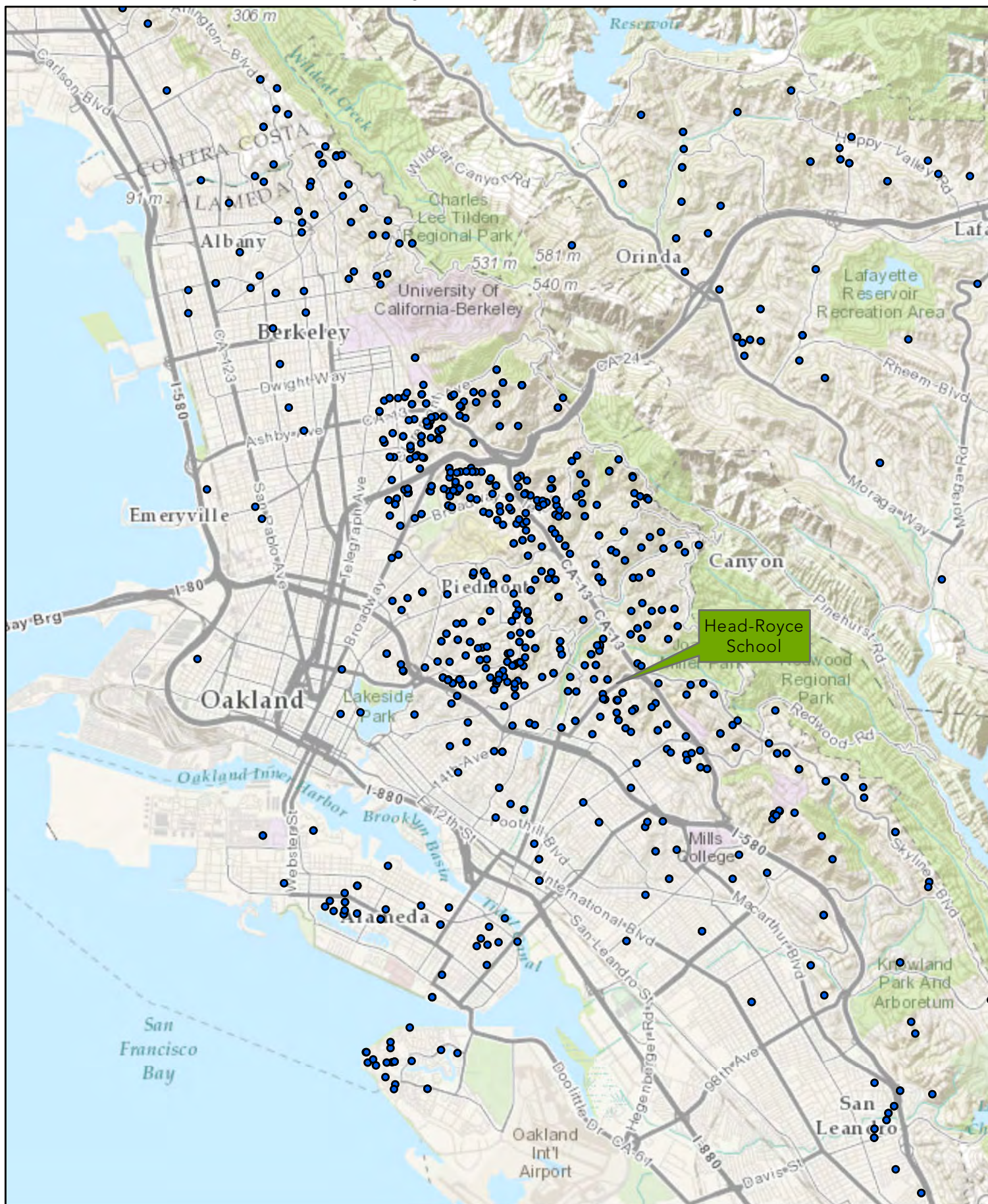
I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission actions on _____ and all previous actions. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant:

(date)

EXHIBIT D

Head-Royce School - Student Home Locations Albany to San Leandro



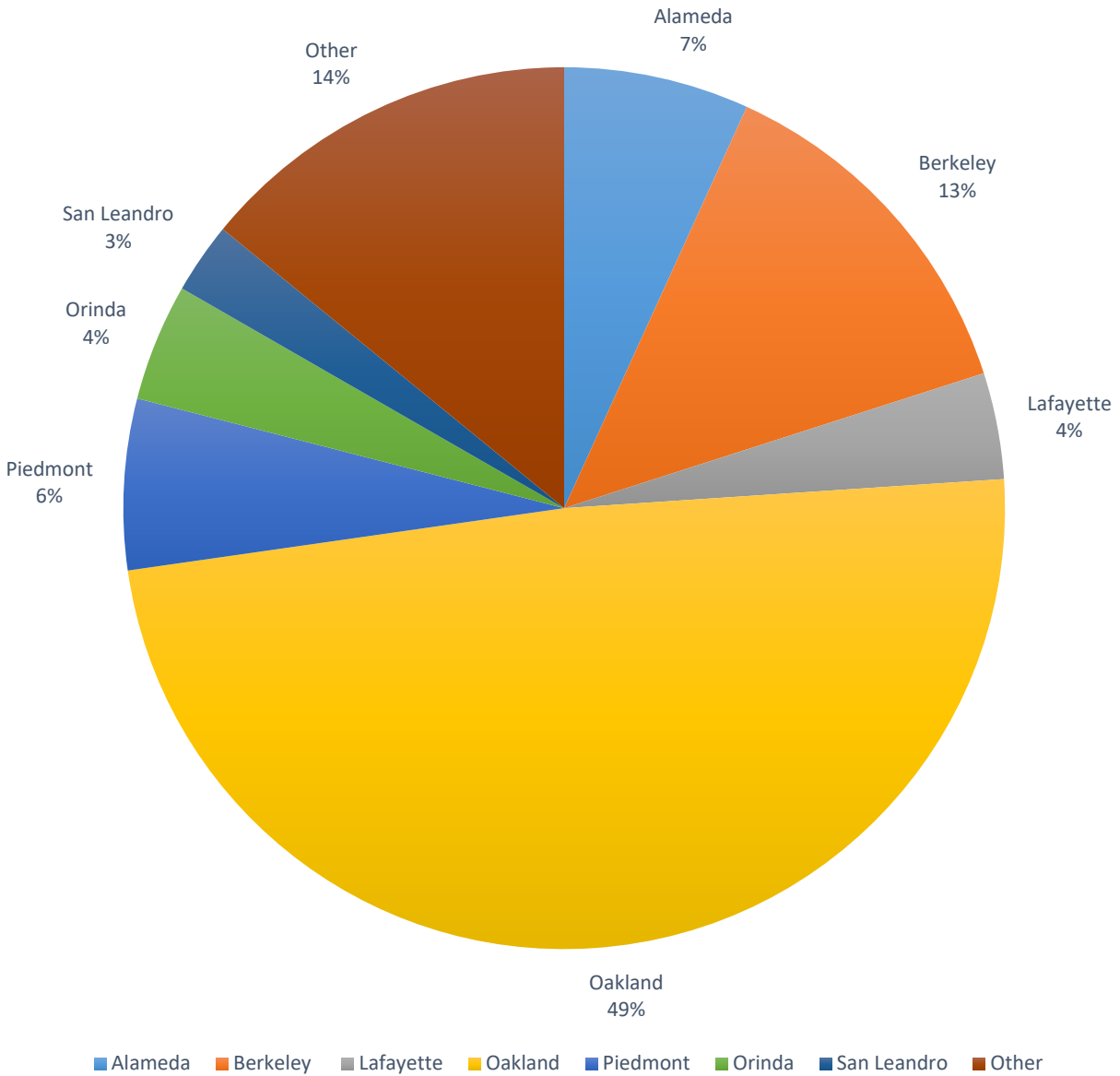
● Student Home Locations
** 879 total student home locations;
this map shows only locations in select cities.



Source: ESRI ArcGIS Online map service;
Veneruso & Moncharsh
May 2013

EXHIBIT E - GRAPH AND LIST

Cities Where HRS Students Reside 2015-2016



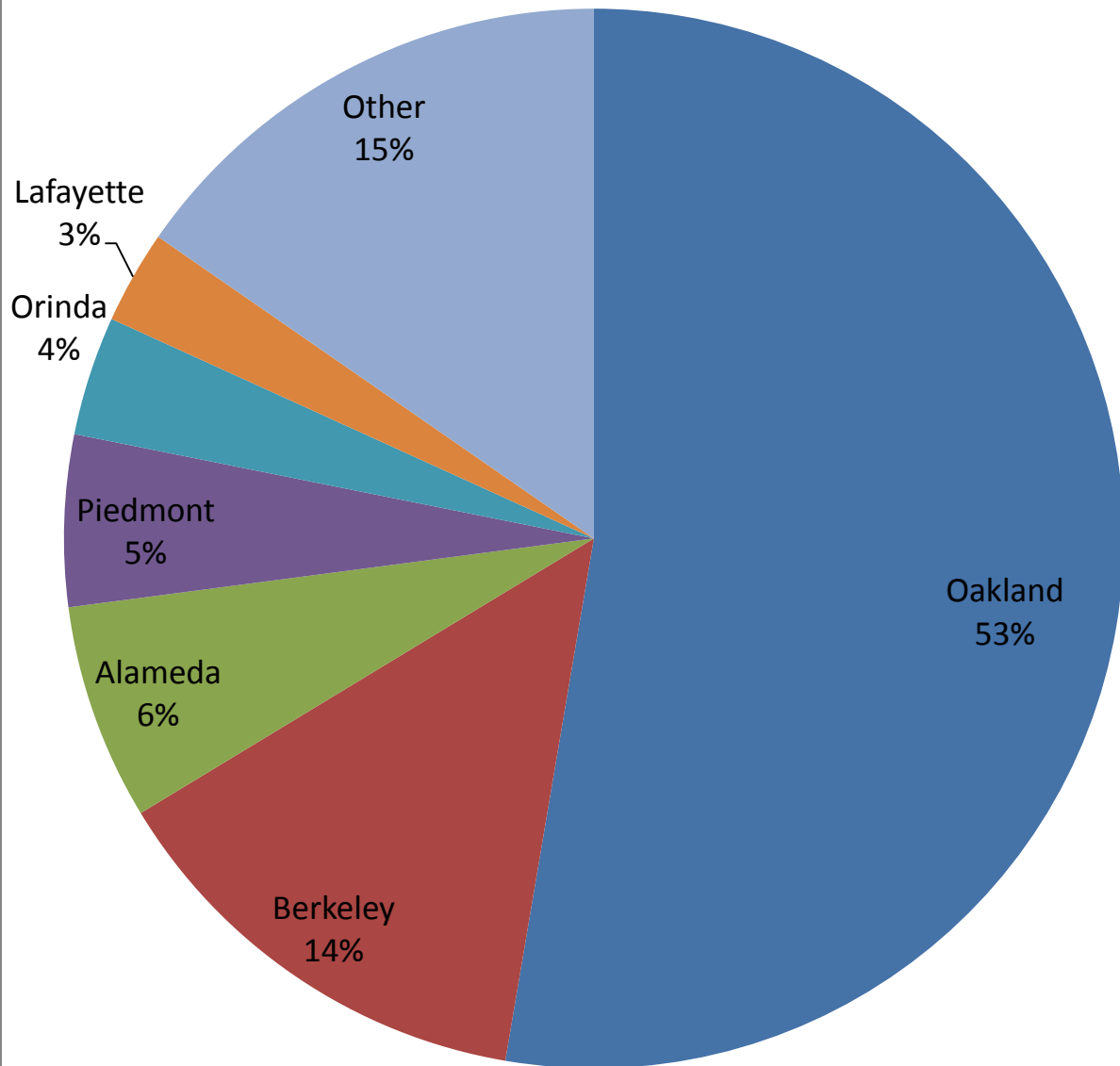
Based on 2015-2016 HRS Directory

DATA RELIED ON FOR THE PIE CHART – OCTOBER 22, 2019

BASED ON 2015-2016 HRS DIRECTORY

City	%	Num.		
Alameda	6.8%	57	Alameda	6.8%
Alamo	0.8%	7	Berkeley	13.3%
Albany	0.1%	1	Lafayette	3.9%
Berkeley	13.3%	112	Oakland	48.8%
Albany	0.1%	1	Piedmont	6.3%
Castro Valley	1.8%	15	Orinda	4.3%
Concord	0.2%	2	San Leandro	2.6%
Danville	1.2%	10	Other	14.1%
El Cerrito	0.5%	4	Total	100.0%
El Sobrante	0.1%	1		
Fremont	0.1%	1		
Hayward	2.6%	22		
Hercules	0.2%	2		
Kensington	1.1%	9		
Lafayette	3.9%	33		
Moraga	0.6%	5		
Oakland	48.8%	412		
Orinda	4.3%	36		
Piedmont	6.3%	53		
Pinole	0.1%	1		
Pittsburgh	0.1%	1		
Pleasant Hill	0.2%	2		
Pleasanton	0.6%	5		
Richmond	0.2%	2		
Rodeo	0.1%	1		
San Francisco	0.8%	7		
San Leandro	2.6%	22		
San Lorenzo	0.2%	2		
San Pablo	0.1%	1		
San Rafael	0.1%	1		
San Ramon	0.8%	7		
Union City	0.2%	2		
Walnut Creek	0.8%	7		
Total	100.0%	844		
Total No. Students		848		

Percentages of Students from Different Cities



Based on Head Royce Directory 2012-2013.

Table of HRS Students' Home Locations 2012-2013

Oakland	463	52.7%
Berkeley	120	13.7%
Alameda	58	6.6%
Piedmont	46	5.2%
Orinda	32	3.6%
Lafayette	25	2.8%
San Leandro	18	2.0%
Hayward	17	1.9%
Castro Valley	12	1.4%
Kensington	10	1.1%
San Ramon	10	1.1%
Danville	9	1.0%
El Cerrito	9	1.0%
Pleasanton	7	0.8%
Walnut Creek	7	0.8%
Union City	6	0.7%
Moraga	5	0.6%
Alamo	3	0.3%
Albany	3	0.3%
Concord	3	0.3%
Hercules	3	0.3%
Emeryville	2	0.2%
Fremont	2	0.2%
Pinole	2	0.2%
Richmond	2	0.2%
San Lorenzo	2	0.2%
Benicia	1	0.1%
Palo Alto	1	0.1%
San Francisco	1	0.1%
Total	879	100.0%

Based on 2012-2013 HRS Directory

EXHIBIT F - EXCEL SHEETS

DEIR Comment Letters in Support-residency data_fin.xlsx

	<u># of letters</u>	<u>% of total letters</u>	
Total Letters:	213		
Letters from Oakland residents:	107	50%	
Oakland Zipcodes			
94602	25	11.74%	Nearly half are for addresses located far from the school (by Park Blvd, Redwood Rd. or North of Hwy 13).
94601	2	0.94%	
94605	10	4.69%	
94606	2	0.94%	
94607	1	0.47%	
94608	1	0.47%	
94609	1	0.47%	
94610	18	8.45%	Crocker Highlnds (affluent neighborhood adjacent to Piedmont)
94611	18	8.45%	Oakland Hills (North of Hwy 13) and Piedmont
94618	20	9.39%	Piedmont
94619	6	2.82%	
94621	1	0.47%	
94705	1	0.47%	
94707	1	0.47%	
	107	50%	

Zipcodes for cities			
outside Oakland	# of letters	% of total letters	
Alameda	94501	7	3.29%
Berkeley	94705	31	14.55%
Castro Valley	94546	2	0.94%
Castro Valley	94552	1	0.47%
Concord	94518	1	0.47%
Danville	94526	1	0.47%
El Cerrito	94530	1	0.47%
Fremont	94536	1	0.47%
Hayward	94542	3	1.41%
Hayward	94541	1	0.47%
Kensington	94708	2	0.94%
Lafayette	94549	9	4.23%
Moraga	94556	5	2.35%
Orinda	94563	8	3.76%
Piedmont	94611	21	9.86%
Pleasanton	94588	2	0.94%

Zipcodes for cities

	outside Oakland	# of letters	% of total letters
Richmond	94804	1	0.47%
Richmond	94805	1	0.47%
Richmond	94806	1	0.47%
San Leandro	94557	2	0.94%
San Lorenzo	94580	1	0.47%
San Ramon	94583	2	0.94%
San Ramon	94582	1	0.47%
Walnut Creek	95957	2	0.94%
			50%

Non-Oakland Residents - Grouping Subtotals:

East Bay (San Ramon, Walnut Creek, Pleasanton, Concord, Danville)	4%
Piedmont, Berkeley, Kensington, Alameda	29%
Orinda, Lafayette, Moraga	10%
Others (Castro Valley, Hayward, Fremont, San Leandro San Lorenzo, Richmond, El Cerrito)	7%

Letter Number (public records request)	Head Royce Faculty, Staff or Trustee	Notes	Date Sent	First Name	Last Name	Street Address	City	ZIP	Home values recap (see rows 228-233)	Home value	Source
1		Vice President of the Head-Royce Parents' Associatiion	12/04/21	Laurie	Schrager	1951 Bywood Drive	Oakland	94602		2,589,700	Zillow
2			12/05/21	Lis	Kopelnik	25610 Crestfield Dr	Castro Valley	94552		1,926,800	Zillow
3			12/03/21	Ran	Wei	6276 Acacia Ave	Oakland	94618		2,763,600	Zillow
4			12/04/21	Michelle	Abeyta	3235 Brunell Dr	Oakland	94602		2,652,300	Zillow
5		1 of 2 letters from this residence (#5 & #91).	12/05/21	Rebecca G	Worley	5133 Saddle Brook Dr	Oakland	94619		1,693,300	Zillow
6			12/07/21	Robert	Einspruch	1701 Carter Street	Oakland	94602		1,880,800	Zillow
7	Director of Advancement at Head Royce School		12/03/21	Jocelyn	Robinson	3146 Bona Street	Oakland	94601		1,337,942	Redfin
8	JV Head Coach at Head-Royce School		12/03/21	William	Kasoff	1685 Arch Street, Suite 2	Berkeley	94709		580,646	Redfin
9			12/04/21	Jinee	Tao	56 Gypsy Lane	Berkeley	94705		3,283,900	Zillow
10			12/03/21	Tai	Voong	5763 Florence Terrace	Oakland	94611		1,327,800	Zillow
11			12/03/21	Burcin Can	Metin	57 Davis Rd	Orinda	94563		2,119,400	Zillow

Letter Number (public records request)	Head Royce Faculty, Staff or Trustee	Notes	Date Sent	First Name	Last Name	Street Address	City	ZIP	Home values recap (see rows 228-233)	Home value	Source
12			12/07/21	Alison McKinley	Jefferson	840 Santa Ray Ave	Oakland	94610		2,098,100	Zillow
13			12/03/21	Julia	Valente	1575 Capistrano Ave	Berkeley	94707		2,211,700	Zillow
14			12/03/21	Bianka	Ahuja	50 Ridge Crest Ct	Lafayette	94549		2,747,100	Zillow
15			12/05/21	Stephanie	Rafanelli	235 Mountain Ave	Piedmont	94611		5,774,700	Zillow
16			12/05/21	Kay	Bradley	13155 Clairepointe Way	Oakland	94619		1,560,700	Zillow
17			12/03/21	China	McKay	2536 McGee Ave	Berkeley	94703		1,063,586	Redfin
18			12/08/21	Leslie Manace	Brenman	987 Longridge Road	Oakland	94610		2,919,800	Zillow
19	Facility Director at Head-Royce School		12/06/21	Luis	Reyes	4504 Thompson St	Oakland	94601		593,000	Zillow
20			12/03/21	Matthew	Franklin	258 Yale Ave	Kensington	94708		2,158,800	Zillow
21			12/08/21	David	Kirshman	651 Vistamont Ave	Berkeley	94708		2,319,200	Zillow
22			12/09/21	Edward	Hieatt	605 Woodmont Ave	Berkeley	94708		4,263,100	Zillow
23	Spanish teacher at Head-Royce		12/04/21	Christina	Masson	208 Pala Ave	Piedmont	94611		2,368,000	Zillow
24	Board of Trustees - Head Royce		12/14/21	Jeffrey	Lee	3915 Happy Valley Rd	Lafayette	94549		10,340,300	Zillow
25			12/04/21	Dara	Torgerson	2807 Steimetz way	Oakland	94602		1,955,200	Zillow
26			12/06/21	Elana	Rodan Schuldt	200 Crocker Ave	Piedmont	94610		5,650,145	Zillow
27	History teacher at Head-Royce		12/07/21	Madeline	Richards	276 Beach Rd	Alameda	94502		1,163,900	Zillow
28	Science teacher and 7th grade dean at Head- Royce		12/06/21	Ryan	Garrity	6 Baltusrol St	Moraga	94556		1,171,400	Zillow
29	Director of Communications at Head-Royce		11/16/21	Sarah	Holliman	5235 Proctor Ave	Oakland	94618		1,757,400	Zillow
30			11/06/21	Zach	Scott	6842 Chambers Dr	Oakland	94611		1,796,100	Zillow
31			12/03/21	Ken	El-Sherif	9501 Velvetleaf Circle	San Ramon	94582		2,553,400	Zillow
32			12/03/21	Suzanne	Lynch	161 Brookside Pl	Danville	94526		2,541,600	Zillow
33			12/12/21	Caitlin	Whitaker	1076 Mandana Blvd	Oakland	94610		2,570,000	Zillow

Letter Number (public records request)	Head Royce Faculty, Staff or Trustee	Notes	Date Sent	First Name	Last Name	Street Address	City	ZIP	Home values recap (see rows 228-233)	Home value	Source
34			12/03/21	Elizabeth	Bailey	1865 Yosemite Road	Berkeley	94707		2,474,600	Zillow
35	Board of Trustees - Head Royce		12/11/21	Murali	Naidu	13625 Campus Dr	Oakland	94605		2,844,000	Zillow
36			12/3/21	Marissa	Silva	3394 Springhill Road	Lafayette	94549		3,074,700	Zillow
37			12/04/21	Eddie	Johnson	2842 Adeline Street	Oakland	94608		369,800	Zillow
38			11/30/21	Eli	Schuldt	345 Hampton Rd	Piedmont	94611		7,610,500	Zillow
39			11/24/21	Charlotte	Tai	1045 Keith Avenue	Berkeley	94708		2,300,100	Zillow
40	Science teacher at Head Royce. Home is owned by Head Royce School.	This home is owned by Head- Royce. HRS owns 4180 Whittle, 4200 Whittle, 4220 Whittle, 4274 Whittle, 4286 Whittle, 4309 Whittle and 4233 Lincoln Ave	12/04/21	Kristin	Dwellely	4200 Whittle Ave	Oakland	94602		1,173,700	Zillow
41			11/29/21	Linsey	Morrison	1053 Sunnyhills Rd	Oakland	94610		2,775,500	Zillow
42			12/05/21	Kerryn	Pincus	5656 Weaver Place	Oakland	94619		2,392,600	Zillow
43			12/04/21	Amy	Boxer	5840 Heron Dr	Oakland	94618		4,053,700	Zillow
44			12/03/21	Christina L	Greenberg	3385 Herrier St	Oakland	94602		1,410,500	Zillow
45	Director of Human Resources a Head Royce		11/19/21	Marya	Davis	7658 Leviston Ave	El Cerrito	94530		1,453,100	Zillow
46			11/20/21	Ed	Gatdula	3741 Canon Ave	Oakland	94602		1,173,800	Zillow
47		One of 14 members of Alumni Council - Head Royce School (class of 2008)	12/13/21	Ariane	Chee	67 Jersey Street	San Francisco	94114		1,268,700	Zillow
48	Chinese language teacher at Head Royce School		12/07/21	Yubin	Gong	3760 Trenery Dr	Pleasanton	94588		3,783,900	Zillow
49		A separate letter was submitted by spouse Suzanne Lynch	12/03/21	Dan	Lynch	161 Brookside Pl	Danville	94526		duplicate address	Zillow
50	Sustainability Director at Head- Royce School		12/06/21	Eugene	Vann	6580 Oakwood Dr	Oakland	94611		1,794,800	Zillow
51			12/03/21	Gagan	Pabla	3063 Ashbourne Circle	San Ramon	94583		3,276,000	Zillow
52			12/03/21	Daniel	Dornbusch	50 Lane Ct	Oakland	94611		2,918,900	Zillow
53			11/18/21	Trang	La	6031 Acacia Avenue	Oakland	94618		3,241,900	

Letter Number (public records request)	Head Royce Faculty, Staff or Trustee	Notes	Date Sent	First Name	Last Name	Street Address	City	ZIP	Home values recap (see rows 228-233)	Home value	Source
54	Director of Athletics at Head- Royce School		12/08/21	Brendan	Blakeley	551 Santa Rosa Ave	Berkeley	94707		1,837,800	Zillow
55	Learning Specialist - Head Royce School		12/03/21	Sabina	Aurilio	1507 Martin Luther King Jr	Berkeley	94709		1,545,500	Zillow
56			12/04/21	Martin	Reese	6205 Westwood Way	Oakland	94611		2,229,000	Zillow
57			12/03/21	David	Ragones	10 Monte Ave	Piedmont	94611		3,461,100	Zillow
58	Board of Trustees / PA President at Head Royce School		12/02/21	Emily	Sah	38338 Glenview Dr	Fremont	94536		2,386,800	Zillow
59			12/14/21	Robert	Phillips	233 Estates Drive	Piedmont	94611		3,696,300	Zillow
60			12/03/21	Theresa	Utibe-Ukim	6260 Stoneridge Mall Rd A2	Pleasanton	94588		641,600	RealtyProbe
61			12/03/21	Elsa	Cardona	1033 Filbert Street	Oakland	94607		694,100	Zillow
62			12/03/21	Dave	Rapson	318 San Carlos Ave	Piedmont	94611		3,045,900	Zillow
63			12/04/21	Natalie	Henrich	935 Mountain Blvd	Oakland	94611		2,325,700	Zillow
64			12/04/21	Gabe	Stephenson	28 Merrill Circle South	Moraga	94556		2,844,800	Zillow
65			12/04/21	Ritu	Rai	4720 Proctor Ave	Oakland	94618		2,748,700	Zillow
66			12/03/21	Alex	Navarro	1970 42nd Ave	Oakland	94601		722,300	Zillow
67			12/08/21	Will	Drewery	1959 Mulberry Street	Alameda	94501		1,277,500	Zillow
68			12/04/21	Colin	Boyle	18 Agnes St	Oakland	94618		2,742,100	Zillow
69			12/03/21	Asia	Hersi	1606 11th Ave Apt 14	Oakland	94606		N/A	
70			12/03/21	Kunal	Nagpal	280 Perkins Street	Oakland	94610		1,643,200	Zillow
71	Head of School - Head Royce School		11/18/21	Crystal	Land	3815 Greenwood Ave	Oakland	94602		2,030,486	Zillow
72			12/03/21	Nir	Goldman	919 Alma Place	Oakland	94610		1,543,000	Zillow
73			12/04/21	Douglas J	Devine	12 Keefer Ct	Piedmont	94610		3,173,200	Zillow
74			12/07/21	Andreja	Stevanovic	5884 Estates Drive	Piedmont	94611		2,816,736	Redfin
75	Board of Trustees (Secretary) - Head Royce School		12/06/21	Sara	Malan	3018 California St	Oakland	94602		1,245,936	Redfin
76			12/03/21	Kristine	Wyndham	1379 El Centro Ave	Oakland	94602		1,213,200	Zillow
77			12/03/21	John H	Chipman	1424 San Jose Ave	Alameda	94501		1,981,900	Zillow
78			12/03/21	Elisa	Lee	233 Estates Drive	Piedmont	94611		3,696,300	Zillow
79			12/04/21	Yan	Chin	338 Bryant Ave	Alameda	94501		1,780,800	Zillow
80			12/05/21	Anlie	Reichel	6125 Fairlane Drive	Oakland	94611		1,711,900	Zillow

Letter Number (public records request)	Head Royce Faculty, Staff or Trustee	Notes	Date Sent	First Name	Last Name	Street Address	City	ZIP	Home values recap (see rows 228-233)	Home value	Source
81		One of 14 members of Alumni Council - Head Royce School (class of '96). Comments labeled 81 and 82 are the same letter	12/03/21	Michelle Tajirian	Shoffner	809 Mandana Blvd	Oakland	94610		1,901,300	Zillow
82			Duplicated by #81								
83			12/03/21	Gary	Kushner	33 Via Callados	Orinda	94563		2,241,300	Zillow
84			12/08/21	Matthew	Levy	445 Mountain Ave	Piedmont	94611		8,162,600	Zillow
85			12/09/21	Jith	Jayaratne	161 Vicente Road	Berkeley	94705		3,377,700	Zillow
86			12/03/21	Stefan	DeCota	57 Bellevue Ave	Piedmont	94611		4,130,900	Zillow
87			12/03/21	James	Jim	4400 Evans Ave	Oakland	94602		1,867,900	Zillow
88	Instructor at Head-Royce School		12/03/21	Hilary	Bond	6140 Park Ave	Richmond	94805		1,525,800	Zillow
89			12/06/21	Diana	Sonne	5577 Taft Ave	Oakland	94618		2,848,600	Zillow
90			12/04/21	Samuel	Ernst	628 Santa Barbara Rd	Berkeley	94707		2,824,500	Zillow
91			Duplicate address (letter #5 Rebecca Worley is from same address).								
92			12/03/21	Thomas	Wang	462 Fernwood Drive	Moraga	94556		2,455,500	Zillow
93	Board of Trustees (Board Chair) - Head Royce School		12/08/21	Peter	Smith	5223 Proctor Ave	Oakland	94618		1,952,846	Redfin
94		Address provided is her business address (Grand Lake Veterinary in Oakland). Home address is not public.	12/03/21	Elizabeth	MacDonald	3331 Grand Ave	Oakland	94610		N/A	
95			12/06/21	Ilya	Letuchy	58 Evergreen Dr	Orinda	94563		2,148,200	Zillow
96			12/03/21	Lara	Farnham	1341 El Centro Ave	Oakland	94602		1,161,900	Zillow
97			12/03/21	Jean G	Banker	3446 Rubin Dr	Oakland	94602		1,913,400	Zillow
98	Board of Trustees - Head Royce School		12/04/21	Eva	Camp	98 Sea View Ave	Piedmont	94611		5,257,600	Zillow
99			12/04/21	Junaid	Mohiuddin	15 Merrill Dr	Moraga	94556		2,989,100	Zillow
100			12/04/21	Samantha	Langer	2812 Buena Vista Way	Berkeley	94708		3,061,900	Zillow
101	Board of Trustees - Head Royce School		12/14/21	Alastair	Mactaggart	70 Sotelo Ave	Piedmont	94611		11,288,323	Redfin


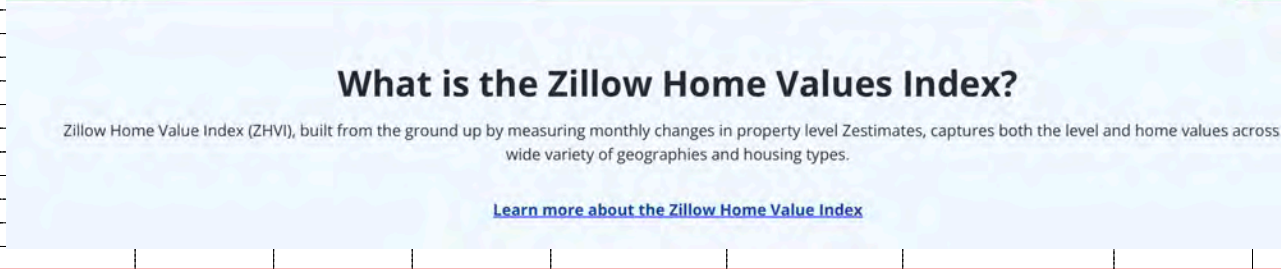
Letter Number (public records request)	Head Royce Faculty, Staff or Trustee	Notes	Date Sent	First Name	Last Name	Street Address	City	ZIP	Home values recap (see rows 228-233)	Home value	Source
102		A Co-Chair (volunteer) of the "Annual Fund" for Head Royce School.	12/03/21	Mike	Evans	120 Laura Way	Orinda	94563		2,675,400	Zillow
103			12/03/21	Shawn	Badlani	25 Paintbrush Lane	Orinda	94563		3,296,700	Zillow
104		Apartment	12/05/21	Alexander	Umegboh	5530 Harvey Avenue APT A	Oakland	94621		N/A	
105			12/03/21	Elizabeth	High	66 Manor Drive	Piedmont	94611		3,302,900	Zillow
106			12/03/21	Laura	Furstenthal	722 St Marys Rd	Lafayette	94549		1,420,800	Zillow
107			12/03/21	Matthew	Franklin	258 Yale Ave	Kensington	94708		2,158,800	Zillow
108			12/03/21	Christa	Pennacchio	6427 Pinehaven Rd	Oakland	94611		1,733,000	Zillow
109			Duplicate address (letter #102 Mike Evans is from same address).								
110			12/03/21	Peter	Ross	390 Elysian Fields	Oakland	94605		1,787,800	Zillow
111			12/03/21	Katherne	Naidu	12 Starview Dr	Oakland	94618		1,672,800	Zillow
112			12/03/21	Joaquin	Clay	6248 Manoa St	Oakland	94618		1,788,500	Zillow
113	Board of Trustees - Head Royce School		11/30/21	Tamara (Tammy)	Spencer	133 Vicente Road	Berkeley	94705		2,830,900	Zillow
114			12/03/21	Ami	Dodson	3286 Sweet Drive	Lafayette	94549		2,204,700	Zillow
115			12/03/21	Jiajia	Sun	21 W Hill Way	Orinda	94563		2,534,700	Zillow
116			12/06/21	Kirsty	Gumina	4352 Bennett Pl	Oakland	94602		1,485,800	Zillow
117			12/03/21	Gautam	Borooah	5333 James Ave	Oakland	94618		2,525,250	Zillow
118			12/03/21	Eric	Au	137 Rheem Blvd	Orinda	94563		1,708,300	Zillow
119	Board of Trustees - Head Royce School		11/17/21	Jason	Langkammerer	4159 CanyonRd	Lafayette	94549		2,862,300	Zillow
120			12/03/21	Amanda & Brian	Peeters	2006 Leimert Blvd	Oakland	94602		1,487,400	Zillow
121	Director of Technology - Head Royce School		11/19/21	Dave	Levin	2613 San Mateo Street	Richmond	94804		1,152,400	Zillow
122	Dean of Academics and Community - Head Royce School		12/02/21	Shahana	Sarkar	2306 Leimert Blvd	Oakland	94602		1,922,900	Zillow
123			12/03/21	John	Hebda	2080 Rosecrest Dr	Oakland	94602		3,031,500	Zillow
124	Asst. Head of Lower School - Head Royce School		12/04/21	Leslie Price	Powell	1511 Mound St	Alameda	94501		1,031,600	Zillow
125	Accountant - Head Royce Schol		12/03/21	Deidre	Williams	8801 Seneca St	Oakland	94605		589,600	Zillow
126			12/05/21	Nancy	Lam	675 Moraga Rd	Lafayette	94549		2,920,400	Zillow
127	School Nurse - Head Royce School		12/08/21	Jodi	Biskup	616 Boulevard Way	Oakland	94610		1,845,100	Zillow
128			12/04/21	Marisa	Guerra	829 Rodney Drive	San Leandro	94577		1,216,498	Zillow

Letter Number (public records request)	Head Royce Faculty, Staff or Trustee	Notes	Date Sent	First Name	Last Name	Street Address	City	ZIP	Home values recap (see rows 228-233)	Home value	Source
129			12/03/21	Vanessa	Maren	2840 Claremont Blvd	Berkeley	94705		6,194,700	Zillow
130			12/05/21	Sandra	Doi	80 Evergreen Lane	Berkeley	94705		2,113,486	Redfin
131			12/05/21	Chad	Gallagher	5656 Weaver Place	Oakland	94619		2,392,600	Zillow
132			12/03/21	Laurie Kathleen	Durousseau	6986 Paso Robles Drive	Oakland	94611		1,678,000	Zillow
133			12/06/21	Laszlo	Muhl	18 Cornwall Court	Oakland	94611		1,867,000	Zillow
134			12/05/21	Alesia Barrett	Singer	81 Skyway Ln	Oakland	94619		3,166,400	Zillow
135			12/09/21	Maiga	Alhousseini	5335 Gallery Ct	Richmond	94806		765,400	Zillow
136			12/05/21	Ayana	Curry	6449 Mokelumne Ave	Oakland	94605		1,169,600	Zillow
137			12/03/21	Rebecca	Nikolic	8 Woodside Glen Ct	Oakland	94602		1,893,900	Zillow
138			12/03/21	Abbey	Barrera	6280 View Crest Drive	Oakland	94619		1,995,800	Zillow
139	Teacher & Middle School Dean of Equity and Inclusion at Head-Royce School		12/06/21	Emily	Miller	9529 Golf Links Rd	Oakland	94605		968,000	Zillow
140	Math Teacher at Head-Royce School		12/09/21	Milly B	Stern	658 Santa Ray Ave	Oakland	94610		1,860,100	Zillow
141			12/05/21	Cindy	Xu	110 Olive Ave	Piedmont	94611		1,735,100	Zillow
142			12/08/21	Andy	Neary	889 Longridge Rd	Oakland	94610		2,773,900	Zillow
143			12/04/21	David	Hird	12 Ascot Place	Oakland	94611		1,599,500	Zillow
144			Letter #144 is a duplicate of #143 (from David Hird)								
145			12/03/21	Xi	Yang	1045 Keith Avenue	Berkeley	94708		2,300,100	Zillow
146			12/05/21	Beau	Davidson	18074 Center Street	Castro Valley	94546		1,763,400	Zillow
147			12/03/21	Sarah	Choi	4011 China Court	Hayward	94542		3,753,700	Zillow
148	Board of Trustees - Head Royce School		11/19/21	Coley	Florance	5581 Lawton Ave	Oakland	94618		2,969,300	Zillow
149			12/03/21	Michelle	Berolzheimer	1223 Upper Happy Valley R	Lafayette	94549		4,780,364	Redfin
150			12/04/21	Yvonne	Walker	2460 Damuth St	Oakland	94602		994,100	Zillow
151			12/06/21	Jay	Evans	1423 Walnut Ave	Berkeley	94709		637,100	Zillow
152			12/05/21	Shawnte	Mitchell	35 Stirling Way	Hayward	94542		2,197,900	Zillow
153	Board of Trustees - Head Royce School		12/07/21	Carla	Foster	6841 Estates Drive	Oakland	94611		2,673,300	Zillow
154			12/03/21	Ravi	Dalal	923 Mountain Boulevard	Oakland	94611		2,326,600	Zillow
155			12/05/21	Tushar	Ranchod	7 Oakvale Ave	Berkeley	94705		2,230,800	Zillow
156	Teacher at Head- Royce School		12/04/21	Paul	Scott	1948 Marin Ave	Berkeley	94707		2,404,700	Zillow
157			12/04/21	Tom	Yu	398 Fernwood Dr	Moraga	94566		2,930,400	Zillow
158	Senior Associate Director of Admissions at Head-Royce School	Apartment	12/03/21	Michael	Heyward	718 Clay Street apt 402	Oakland	94707		N/A	
159		Multi-family building	12/08/21	Robin	Smith	921 East 28th St	Oakland			N/A	
160		Apartment	12/04/21	Eileen	McPeake	7011 Sunne Ln, Apt 336	Walnut Creek	94597		N/A	

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161			12/03/21	Susan	Cline	5425 Thomas Avenue	Oakland	94618		2,183,000	Zillow
162			12/03/21	Dawn	Fregosa	1220 Begier Ave	San Leandro	94557		1,426,200	Zillow
163			12/11/21	Mina	Mangewala	3131 Kelly Street	Hayward	94541		912,100	Zillow
164	Board of Trustees (Alumi Council President) - Head Royce School		11/30/21	Harris	Brody	702 San Luis Road	Berkeley	94707		3,833,200	Zillow
165		This home is owned by Head- Royce. HRS owns 4180 Whittle, 4200 Whittle, 4220 Whittle, 4274 Whittle, 4286 Whittle, 4309 Whittle and 4233 Lincoln Ave	11/17/21	Mary	Fahey	4233 Lincoln Ave	Oakland	94602		967,500	Zillow
166	Science teacher - Head Royce. Home is owned by Head Royce School.	This home is owned by Head- Royce. HRS owns 4180 Whittle, 4200 Whittle, 4220 Whittle, 4274 Whittle, 4286 Whittle, 4309 Whittle and 4233 Lincoln Ave	12/12/21	Jennifer	Brakeman	4309 Whittle Ave	Oakland	94602		1,689,400	Zillow
167			12/04/21	Peter	Oishi	35 Contra Costa Pl	Oakland	94618		2,829,700	Zillow
168			12/06/21	Jennifer	Harrison	1951 Hoover Ave	Oakland	94602		2,214,900	Zillow
169			12/16/21	David	Harris	6920 Norfolk Rd	Berkeley	94705		2,430,200	Zillow
170			12/03/21	Nan	Guo	49 Sonia Street	Oakland	94618		1,993,300	Zillow
171			Duplicated by #104 (Alexander Umegboh)								
172	Teacher at Head- Royce School		12/03/21	David	Enelow	1606 Rose St	Berkeley	94703		1,483,700	Zillow
173			12/05/21	Kathleen	Grinold	608 Boulevard Way	Piedmont	94610		3,069,700	Zillow
174			12/09/21	Blaine I	Green	870 Longridge Road	Oakland	94610		3,289,200	Zillow
175			12/03/21	Kulsum	Arif	317 Whitcliff Ct	San Ramon	94583		2,899,999	Zillow
176			12/03/21	Brandon	Currie	1317 Bay St	Alameda	94501		2,511,300	Zillow
177			Duplicated by #120 (Amada Peeters - submission by husband Brian Peeters)								
178			12/04/21	Sharon	Eisenhauer	5721 Hermann St	Oakland	94609		2,585,100	Zillow
179	Administrator & Teacher at Head Royce School		12/03/21	Saya	McKenna	18005 Joseph Dr	Castro Valley	94546		1,375,000	Zillow

Letter Number (public records request)	Head Royce Faculty, Staff or Trustee	Notes	Date Sent	First Name	Last Name	Street Address	City	ZIP	Home values recap (see rows 228-233)	Home value	Source	
180		Apartment	12/03/21	Samir	Shah	2576 Oak Rd Apt. 208	Walnut Creek	94597		N/A		
181			12/04/21	John	Oh	6765 Skyview Dr	Oakland	94605		1,804,400	Zillow	
182	Board of Trustees (Assistant Secretary) - Head Royce School		11/30/21	Scott	Verges	1269 Grand View Dr	Oakland	94705		3,480,732	Redfin	
183			12/03/21	Nair	Flores	25 Crest Road	Piedmont	94611		4,634,600	Zillow	
184			12/03/21	Kimi	Kean	4153 Fruitvale Ave	Oakland	94602		1,474,600	Zillow	
185	Homeroom Teacher at Head Royce School		12/06/21	Priscilla W	Hine	1806 Prince Street	Berkeley	94703		1,126,300	Zillow	
186			12/03/21	Bobby	Brenman	987 Longridge Rd	Oakland					
187			12/03/21	Ashley	Stevanovic	5884 Estates Drive	Oakland	94611		2,253,500	Zillow	
188		One of 14 members of Alumni Council - Head Royce School (class of '95)	12/10/21	Heather	Erickson	689 Arimo Ave	Oakland	94610		2,392,900	Zillow	
189			12/03/21	Jeff	Friedman	59 Yorkshire Drive	Oakland	94618		4,241,800	Zillow	
190			12/07/21	Alison	King	1926 El Dorado Ave	Berkeley	94707		2,413,800	Zillow	
191			Duplicated by #12d									
192			12/04/21	Jennifer	Arnest	2370 Scout Rd	Oakland	94611		1,558,500	realtor.com	
193			12/04/21	Malinda	Longphre	5383 Hilltop Crescent	Oakland	94618		3,546,700	Zillow	
194			12/04/21	Terry	Wit	1279 Weber Street	Alameda	94501		2,470,500	Zillow	
195			12/03/21	Ana	Sivtsova	12 Perth Place	Berkeley	94705		2,409,900	Zillow	
196			12/03/21	Wynee	Sade	706 Mandana Blvd	Oakland	94610		2,118,600	Zillow	
197			12/04/21	Arcelia	Gonzalez	15972 Via Paro	San Lorenzo	94580		831,100	Zillow	
198			Duplicated by #44 Christina Greenberg									
199			12/03/21	Madeline	Stone	12 Monte Avenue	Piedmont	94611		3,720,600	Zillow	
200			12/08/21	Julie	Wayman	2501 Alida St	Oakland	94602		1,140,100	Zillow	
201	Security Supervisor at Head Royce School	Apartment	12/09/21	Rhonda	Gipson	6638 Macarthur Blvd #12	Oakland	94605		N/A		
202			Duplicated by #58 (Alexander Sah - submission by spouse Emily Sah, Board of Trustees PA President at Head-Royce)									
203			12/04/21	Michelle	Sicula	824 Cleveland Street	Oakland	94606		1,317,600	Zillow	
204			12/06/21	Ben	Ladue	3039 California Street	Oakland	94602		1,188,300	Zillow	
205			12/03/21	Elisa	Brasil	3020 58th Avenue	Oakland	94605		847,300	Zillow	
206			12/08/21	Ranjit	Ghate	7015 Pinehaven Rd	Oakland	94611		1,210,300	Zillow	
207	Board of Trustees - Head Royce School		12/08/21	Ann	Perrin	274 St James Drive	Piedmont	94611		7,423,900	Zillow	
208	Head of Middle School at Head Royce School	Apartment	11/19/21	Daniel	Scuderi	2466 Hilgard Ave #202	Berkeley	94709		N/A		

Letter Number (public records request)	Head Royce Faculty, Staff or Trustee	Notes	Date Sent	First Name	Last Name	Street Address	City	ZIP	Home values recap (see rows 228-233)	Home value	Source
209	Lower School Head at Head-Royce School		11/19/21	Lea	Van Ness	1071 Clarendon Crescent	Oakland	94610		2,581,400	Zillow
210			12/03/21	Edward	Sweet	160 Stonewall Rd	Berkeley	94705		1,435,800	Zillow
211	Head of Upper School at Head-Royce School		11/18/21	Richard	Lapidus	924 Arlington Ave	Berkeley	94707		2,953,900	Zillow
212	Assoc. Director of College Counseling at Head-Royce School		12/06/21	Hayley	Shapland	2710 Waltrip Ln	Concord	94518		901,300	Zillow
213			12/03/21	Trang	Vu	4 Pala Ave	Piedmont	94611		3,039,100	Zillow
214			12/03/21	Zeenat	Khan	5547 Thornhill Drive	Oakland	94611		1,830,500	Zillow
215			12/03/21	Casey	Keller	6210 Broadway Terrace	Oakland	94618		2,415,800	Zillow
216	Board of Trustees - Head Royce School		12/04/21	Tejal	Patel	18 Cornwall Court	Oakland	94611		1,867,000	Zillow
217			12/03/21	Gregory Yu	Chin	6001 Contra Costa Rd	Oakland	94618		2,651,200	Zillow
218			12/10/21	Niki	Mehan	543 Kenmore Ave	Oakland	94610		1,989,500	Zillow
219			12/03/21	Michael	Carlson	1580 Grand View Dr	Berkeley	94705		3,019,100	Zillow
220			Duplicated by #12 Alison McKinley								
221			12/03/21	Vinny	Poddatoori	59 Cedar Terrace Road	Orinda	94563		3,034,200	Zillow
222			Duplicated by #2 Lis Koelnik								
223			12/03/21	Sara	Mechanic	5405 Bacon Rd	Oakland	94619		3,084,600	Zillow
224			12/04/21	Marcilie Smith	Boyle	18 Agnes St	Oakland	94618		2,742,100	Zillow
225			Duplicated by #30 Zach Scott (submission by spouse Kari Scott).								
(2)			12/20/21	Mehdi	Sadeghi	13533 Campus Drive	Oakland	94605		3,510,800	Zillow
Average Oakland Home Values from Zillow.com:									Total of Home Values	492,946,575	
									Count of addresses**:	213	
									Average Home Value for HRS Population***:	\$2,314,303	
									**Note: This includes 9 addresses with \$0 home value included (8 apartments and 1 commercial building)		

Letter Number (public records request)	Head Royce Faculty, Staff or Trustee	Notes	Date Sent	First Name	Last Name	Street Address	City	ZIP	Home values recap (see rows 228-233)	Home value	Source
 <p>The average Oakland home value is \$803,985, down 10.3% over the past year and goes to pending in around 26 days.</p> <p>↓ 10.3% 1-yr</p>									***Excludes duplication of home values for multiple letters submitted from the same address.		
 <h3>What is the Zillow Home Values Index?</h3> <p>Zillow Home Value Index (ZHVI), built from the ground up by measuring monthly changes in property level Zestimates, captures both the level and home values across wide variety of geographies and housing types.</p> <p>Learn more about the Zillow Home Value Index</p>											

**EXHIBIT G - 2012 COMPLAINT AND
SUPPORTING DOCUMENTS
SENT BY DROPBOX**

EXHIBIT H - PUBLIC RECORDS ACT REQUEST

From: John Prestianni <jprestianni@yahoo.com>
To: Monscharsh Leila H. <101550@msn.com>;
Sent: Thursday, March 9, 2023 at 11:09:01 AM PST
Subject: Re: New PRA request to City of Oakland

Leila: I made two requests, one to Planning and the other to Fire. A response is due by March 20. However, here is the external reply I received:

Thank you for contacting the City of Oakland. Due to a cyberattack that began on February 8, 2023, the City is currently unable to make a search for the records you have requested and we are thus unable to determine whether your request seeks disclosable public records at this time. (Gov. Code 7922.535(a).) The City will produce all responsive records that are not subject to any applicable exclusions under the California Public Records Act once the City's access to records has been fully reestablished. (Gov. Code 7922.535(b).) We appreciate your patience as the City works around the clock to restore City services.

Here is the request to Planning:

1. Regarding the Final Environmental Impact Report (FEIR) on the planned Head Royce expansion development at <https://www.oaklandca.gov/documents/head-royce-school-pud-project-final-eir>, please provide:

- a. any and all records and documents, plans, correspondence, reports, peer review reports, evaluations, and communications (including but not limited to letters, emails, voicemails, and notes) that were used or relied on in drafting the Final version of the FEIR. This, and all requests under #1 do not require the administrative drafts of the DEIR or FEIR.
- b. any and all records and documents, including but not limited to: all plans, topographical maps, drainage plans, expert reports from any source (including peer review reports), outside expert letters, communications between the City Planning Department and Head Royce School, and City communications with its engineering department regarding the Drainage plan in the FEIR. This, and all requests under #1 do not require the administrative drafts of the DEIR or FEIR.
- c. any and all records and documents, including but not limited to: all plans, source materials, outside expert letters, peer review reports, communications between the City Planning Department,

and City communications with its traffic engineering department and with its DOT regarding the plans for the Traffic plan as described in the FEIR. This, and all requests under #1 do not require the administrative drafts of the DEIR or FEIR.

d. any and all records and documents, including but not limited to: all evacuation plans, all emergency plans, all documents including but not limited to expert letters, peer review reports, all communications including letters, emails, voicemails, notes source materials, communications between the City Planning Department, and City Fire Department regarding the wildfire evacuation issues as described in the FEIR. This, and all requests under #1 do not require the administrative drafts of the DEIR or FEIR.

e. any and all records and documents, including but not limited to: all plans, topographical maps, drainage plans, expert reports from any source (including peer review reports), outside expert letters, peer review reports, communications between the City Planning Department and Head Royce School, and City communications with its engineering department regarding Noise and Acoustics in the Noise Impact plan in the FEIR. This, and all requests under #1 do not require the administrative drafts of the DEIR or FEIR.

2. Please also provide any and all correspondence (including but not limited to emails, letters, voicemails and notes) regarding the Head Royce expansion development since January 1, 2022. The correspondence records should include any communications from members of the public, from Head Royce School or its representatives, consultants and employees, as well as any responses from any City of Oakland department to such correspondence.

And here is the request to Fire:

Please provide any photos, photographic records, reports, and letters from the Oakland Fire Department from January 1, 2022 to present, regarding compliance by Head Royce School with fire prevention regulations, including vegetation management.

--John

On March 21, I sent a follow-up. No response Ms. Lind or Ms. Shupe.

John Prestianni <jprestianni@yahoo.com>

To:oaklandca_23-1960-requester-
notes@inbound.nextrequest.com,RLind@oaklandca.gov,cbrown@oaklandca.gov,Dena
Shupe

Tue, Mar 21 at 12:12 PM

Good afternoon:

Respectfully, may I request expedited fulfillment of this request? Our neighborhood residents would like to prepare and respond to the FEIR issued by the City, regarding the planned Head Royce expansion development, well in advance of the public hearing of the Oakland Planning Commission on Wednesday, April 19, 2023.

I and my neighbors are very appreciative of any efforts that can be made to provide me with the requested records as soon as possible.

Thank you for your consideration and assistance,

--John Prestianni

Here is the auto-reply with link:

Oakland CA Public Records <messages@nextrequest.com>

To:jprestianni@yahoo.com

Thu, Mar 9 at 11:36 AM

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

Oakland, CA Public Records

**The due date for record request #23-
1960 has been changed to:**

April 03, 2023

[View Request 23-1960](https://oaklandca.nextrequest.com/requests/23-1960)

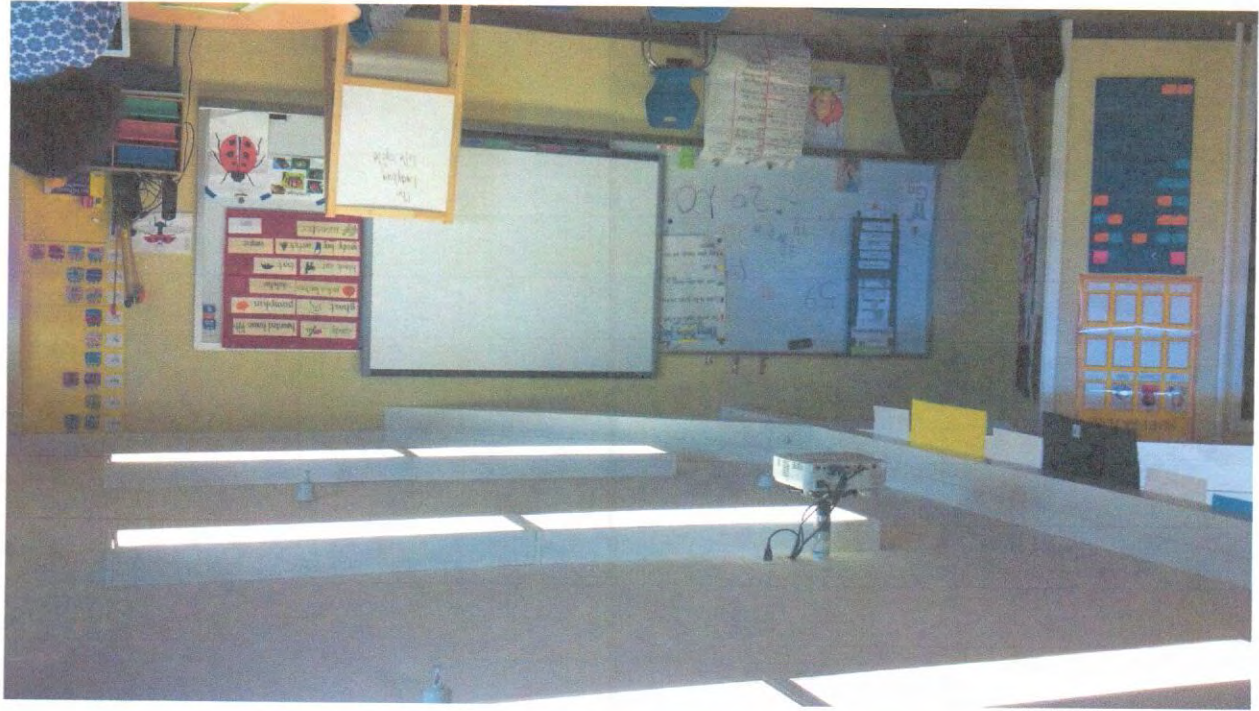
<https://oaklandca.nextrequest.com/requests/23-1960>

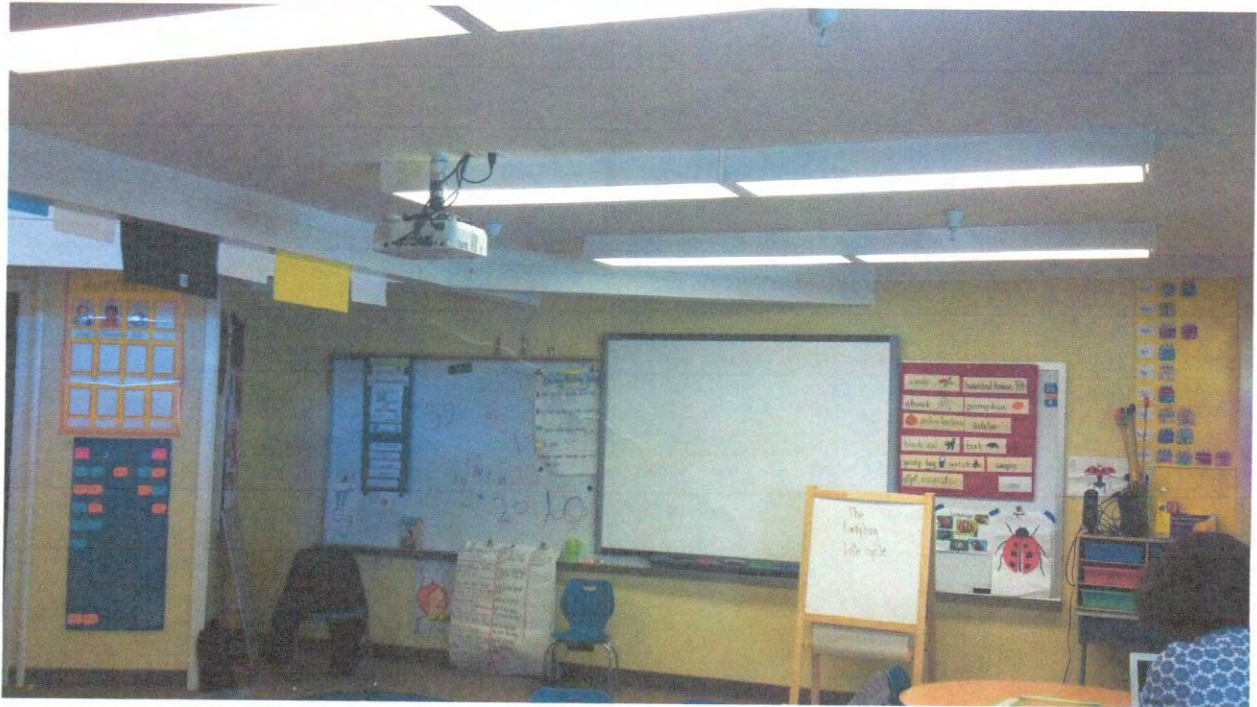
4315 Lincoln Ave
Oakland ca

Bldg Permit
B1201741



Luis Reyes
504 504 3484







Ground Fault

All Signals Bypassed

Elevator Bypassed

Door Holder Bypassed

Duct/AHU Bypassed

Piezo Bypassed

M2-56-3
STGND CIRCUIT
OPEN CKT TRIP

ALARMS

Fire Alarm Priority 2 Alarm

Fire Alarm Ack

Priority 2 Ack

SYSTEM WARNINGS

Supervisory

Trouble

Supv Ack

Trouble Ack

Alarm Silenced

Alarm Silence

AC Power

System Reset

Event Time

More Info

Enable

On Arm

Disable

Off Disarm

Auto

Lamp Test

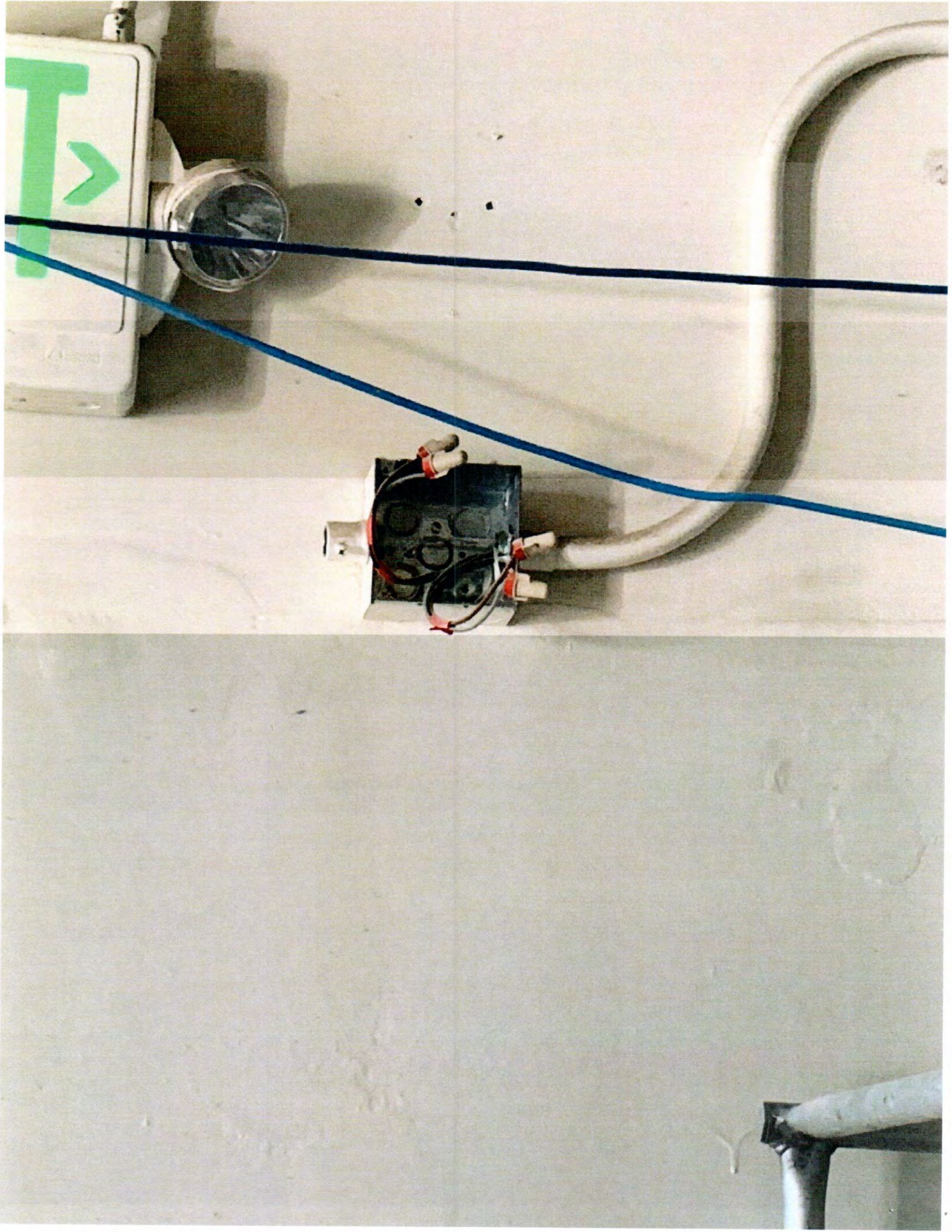
Menu

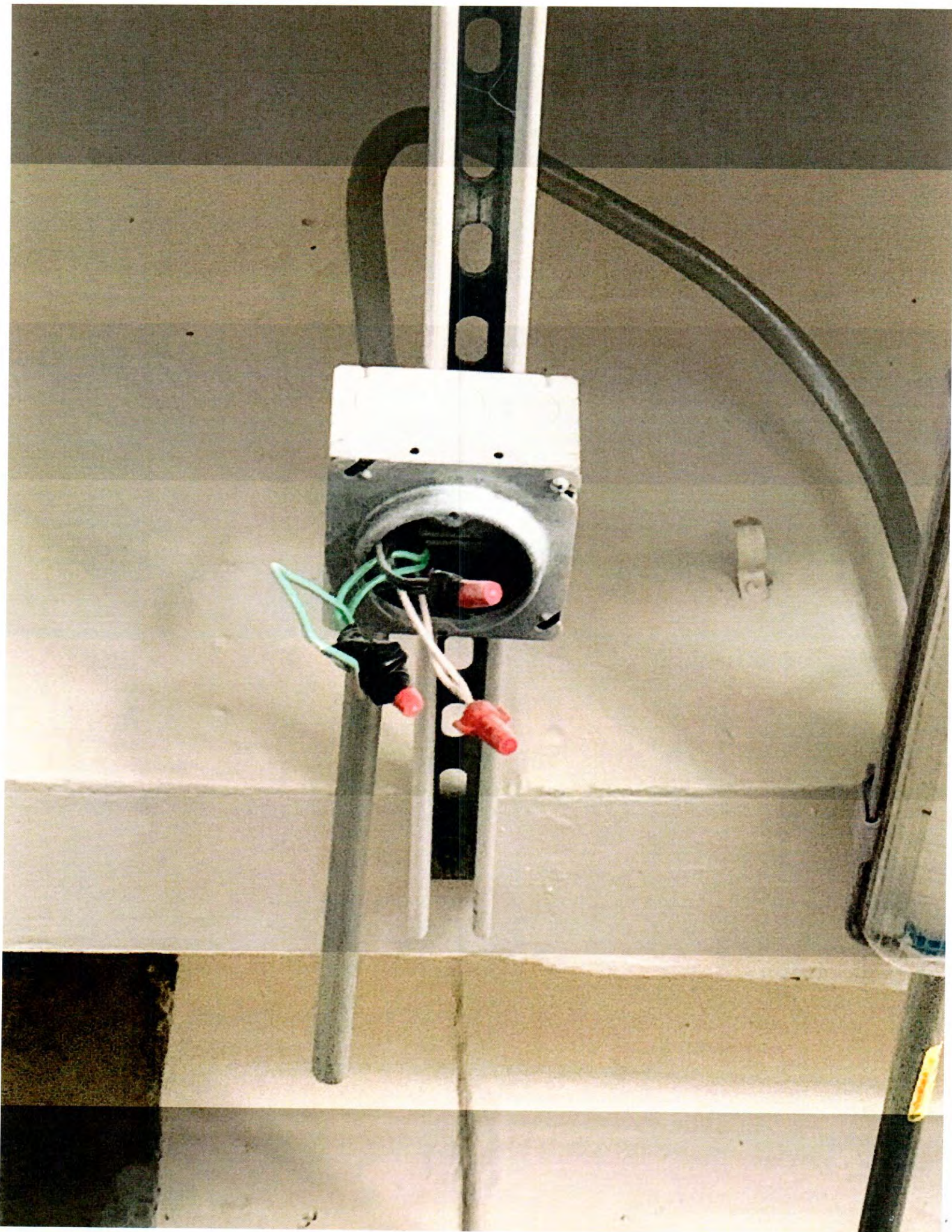
Previous

Next

ABC ZONE 1
JKL FB 4
P 7
NET
DEF SIG 2
MNO 10 5
VWX

Operating Instructions







EXIT

THIS LOT WILL
BE CLOSED AT



Inspections

Showing 1-8 of 8

<input type="checkbox"/>	Record #	Street #	Street Name	Type	Unit #	Inspection Type	Inspection Status	Record Status	Scheduled	Inspector	Inspected	Result Comment	Application Name
<input type="checkbox"/>	FDV-23386	4368	LINCOLN	AVE		Vegetation Annual	Non-Compliant	In Compliance	07/18/2018	VMD 3	08/10/2018	Edgar Molina Perez	029 100900600
<input type="checkbox"/>	FDV-23386	4368	LINCOLN	AVE		Vegetation Re-inspection	Compliant	In Compliance	09/18/2018	VMD 3	09/28/2018	Edgar Molina Perez	029 100900600
<input type="checkbox"/>	FDV19-22297	4368	LINCOLN	AVE		Vegetation Annual	Non-Compliant	In Compliance	05/21/2019	VMD 3	05/24/2019	Andrew Markarian	029 100900600 - 4368
<input type="checkbox"/>	FDV19-22297	4368	LINCOLN	AVE		Vegetation Re-inspection	Compliant	In Compliance	07/02/2019	VMD 3	07/17/2019	Andrew Markarian	029 100900600 - 4368
<input type="checkbox"/>	FDV20-19912	4368	LINCOLN	AVE		Vegetation Annual	Compliant	In Compliance	06/10/2020	VMD 3	08/14/2020	James Stone	029 100900600 - 4368
<input type="checkbox"/>	FDV21-19912	4368	LINCOLN	AVE		Vegetation Annual	Rescheduled	In Compliance	06/08/2021	VMD 3			029 100900600 - 4368
<input type="checkbox"/>	FDV21-19912	4368	LINCOLN	AVE		Vegetation Annual	Non-Compliant	In Compliance	06/02/2021	VMD 3	06/08/2021	Olinge Lotane-Makalani	029 100900600 - 4368
<input type="checkbox"/>	FDV21-19912	4368	LINCOLN	AVE		Vegetation Re-inspection	Compliant	In Compliance	07/26/2021	VMD 3	07/30/2021	Olinge Lotane-Makalani	029 100900600 - 4368

Page 1 of 1

FDV-23386 | **STATUS** > 09/28/2018 by VMD 5 | **LOCATION** > 4368 LINCOLN AVE OAKLAND, CA 94602 | **CONTACT** > Jerry Mullaney | **WORKFLOW** > 1 total Task ● 0 completed ○ 0 active

- Summary
- Record
- Address (1)
- Contacts (1)
- Custom Fields
- GIS FIRE
- ASIT (0)
- Inspections (2)
- Workflow
- Fee (0)
- Payment
- Documents (10)
- Comments (0)
- Communications (0)
- Parcel (1)
- Owner (1)
- GIS (1)
- Related Records
- Status
- Status History (2)

Menu Help

Application Type: Fire Vegetation Property
File Date: 05/04/2018
Address: 4368 LINCOLN AVE
Parcel No: 029 100900600
Application Name: 029 100900600

Description of Work:
Application Status: In Compliance

Contact Info:	Name	Organization Name	Contact Type	Address	Status
	Jerry Mullaney	Head-Royce School	Applicant	4315 Lincoln Av...	Active

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Status				

Owner Name: HEADROYCE SCHOOL
Owner Address: 4315 LINCOLN AVE, OAKLAND CA

Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments
	Vegetation Re-inspection	09/28/2018	VMD 3	Compliant	Edgar Molina Perez
	Vegetation Annual	08/10/2018	VMD 3	Non-Compliant	Edgar Molina Perez

Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments

Application Comments:

View ID	Comment	Date

Custom Fields:

Fire Vegetation Parcel Type	Property Type	Property Use Educational	Occupancy Type E - Educational
Assigned To Prevention	VMD 3	Battalion 4 Station 4 Shift	Annual Inspection Date 9/28/2019
Polygon 65A	Still District 25	Previous Record	Override Inspection Date
Lot Acres	Protected Waterway	Reason Parcel can not be inspected	
Building Spans multiple parcels		Multiple Parcels with same site address?	
Parcel numbers building crosses into		Parcel numbers with same site address	

FDV19-22297

STATUS

> 07/17/2019 by VMD 3

LOCATION

> 4368 LINCOLN AVE
OAKLAND, CA 94602

CONTACT

> Jerry Mullaney

WORKFLOW

> 1 total Task
● 0 completed ○ 0 active

Summary

Record

Address (1)

Contacts (1)

Custom Fields

GIS FIRE

ASIT (0)

Inspections (2)

Workflow

Fee (0)

Payment

Documents (17)

Comments (0)

Communications (0)

Parcel (1)

Owner (1)

GIS (0)

Related Records

Status

Status History (2)

Menu Help

Application Type: Fire Vegetation Property

File Date: 04/24/2019

Address: 4368 LINCOLN AVE

Parcel No: 029 100900600

Application Name: 029 100900600 - 4368 LINCOLN AVE

Description of Work:

Application Status: In Compliance

Contact Info:	Name	Organization Name	Contact Type	Address	Status
	Jerry Mullaney	Head-Royce School	Applicant	4315 Lincoln Av...	Active

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Status				

Owner Name: HEADROYCE SCHOOL

Owner Address: 4315 LINCOLN AVE, OAKLAND CA

Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments
	Vegetation Re-inspection	07/17/2019	VMD 3	Compliant	Andrew Markarian
	Vegetation Annual	05/24/2019	VMD 3	Non-Compliant	Andrew Markarian

Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments

Application Comments:	View ID	Comment	Date

Custom Fields: Fire Vegetation Parcel Type

Property Type	Property Use Educational	Occupancy Type E - Educational

Assigned To Prevention	VMD 3	Battalion 4	Station	Shift B	Annual Inspection Date 05/21/2019

Polygon 65A	Still District 25	Previous Record	Override Inspection Date

Lot Acres	Protected Waterway	Reason Parcel can not be inspected

Building Spans multiple parcels Multiple Parcels with same site address?

Parcel numbers building crosses into Parcel numbers with same site address

FDV19-22297 STATUS > 07/17/2019 by VMD 3 LOCATION > 4368 LINCOLN AVE OAKLAND, CA 94602 CONTACT > Jerry Mullaney WORKFLOW > 1 total Task
● 0 completed ○ 0 active

Menu | Manage Inspection | Delete | Search | Edit Flow | View Log | Reports | Help

- Summary
- Record
- Address (1)
- Contacts (1)
- Custom Fields
- GIS FIRE
- ASIT (0)
- Inspections (2)
- Workflow
- Fee (0)
- Payment
- Documents (..)
- Comments (0)
- Communications (0)
- Parcel (1)
- Owner (1)
- GIS (0)
- Related Records
- Status

Record Inspections Related Records Inspections

<input type="checkbox"/>	Inspection Type	Scheduled	Inspector	Status	Inspected	Result Comment	Request Comment	Inspection Ref	Required/Optional	system #
<input type="checkbox"/>	Vegetation Re-inspection	07/02/19	VMD 3	Compliant	07/17/19	Andrew Markarian	Scheduled Via Script6	16241711	Optional	19HSS-00000-00
<input type="checkbox"/>	Vegetation Annual	05/21/19	VMD 3	Non-Compliant	05/24/19	Andrew Markarian	Scheduled Via Annual Inspect...	16138768	Optional	19HSS-00000-00

FDV20-19912

STATUS

> 08/14/2020 by VMD 3

LOCATION

> 4368 LINCOLN AVE
OAKLAND, CA

CONTACT

> Jerry Mullaney

WORKFLOW

> 1 total Task
● 0 completed ○ 0 active

Summary

Record

Address (1)

Contacts (1)

Custom Fields

GIS FIRE

ASIT (0)

Inspections (1)

Workflow

Fee (0)

Payment

Documents (6)

Comments (0)

Communications (0)

Parcel (1)

Owner (1)

GIS (1)

Related Records

Status

Status History (1)

Menu Help

Application Type: Fire Vegetation Property

File Date: 05/19/2020

Address: 4368 LINCOLN AVE

Parcel No: 029 100900600

Application Name: 029 100900600 - 4368 LINCOLN AVE

Description of Work:

Application Status: In Compliance

Contact Info:	Name	Organization Name	Contact Type	Address	Status
	Jerry Mullaney	Head-Royce School	Applicant	4315 Lincoln Av...	Active

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Status				

Owner Name: HEADROYCE SCHOOL

Owner Address: 4315 LINCOLN AVE, OAKLAND, CA 946022528

Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments
	Vegetation Annual	08/14/2020	VMD 3	Compliant	James Stone

Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments

Application Comments:	View ID	Comment	Date

Custom Fields:	Fire Vegetation Parcel Type	Property Type	Property Use	Occupancy Type
	Improved	Private	Educational	E - Educational
	Assigned To Prevention	VMD 3	Battalion 4 Station 25 Shift A	Annual Inspection Date 05/26/2020
	Polygon 65A	Still District 25	Previous Record FDV19-22297	Override Inspection Date 06/03/2020
	Lot Acres	Protected Waterway	Reason Parcel can not be inspected	

Building Spans multiple parcels Multiple Parcels with same site address?

Parcel numbers building crosses into Parcel numbers with same site address

FDV20-19912 **STATUS** > 08/14/2020 by VMD 3 **LOCATION** > 4368 LINCOLN AVE OAKLAND, CA **CONTACT** > Jerry Mullaney **WORKFLOW** > 1 total Task
● 0 completed ○ 0 active

Menu | Manage Inspection | Delete | Search | Edit Flow | View Log | Reports | Help

- Summary
- Record
- Address (1)
- Contacts (1)
- Custom Fields
- GIS FIRE
- ASIT (0)
- Inspections (1)**
- Workflow
- Fee (0)
- Payment
- Documents (..)
- Comments (0)
- Communications (0)
- Parcel (1)
- Owner (1)
- GIS (1)
- Related Records
- Status

"Record Inspections" Related Records Inspections

<input type="checkbox"/> Inspection Type	Scheduled	Inspector	Status	Inspected	Result Comment	Request Comment	Inspection Ref	Required/Optional	system #
<input type="checkbox"/> Vegetation Annual	06/10/20	VMD 3	Compliant	08/14/20	James Stone	Scheduled Via Annual Inspect...	18533998	Optional	20HHS-00000-00

FDV21-19912
 029 100900600 - 4368 LINCOLN AVE
 STATUS > In Compliance
 07/30/2021 by VMD 3
 LOCATION > 4368 LINCOLN AVE
 OAKLAND, CA
 CONTACT > Jerry Mullaney
 WORKFLOW > 1 total Task
 ● 0 completed ○ 1 active

Summary

Record

Address (1)

Contacts (1)

Custom Fields

GIS FIRE

ASIT (0)

Inspections (3)

Workflow

Fee (0)

Payment

Documents (50)

Comments (1)

Communications (0)

Parcel (1)

Owner (1)

GIS (1)

Related Records

Status

Status History (2)

Menu Help

Application Type: Fire Vegetation Property

File Date: 04/09/2021

Address: 4368 LINCOLN AVE

Parcel No: 029 100900600

Application Name: 029 100900600 - 4368 LINCOLN AVE

Description of Work:

Application Status: In Compliance

Contact Info:	Name	Organization Name	Contact Type	Address	Status
	Jerry Mullaney	Head-Royce School	Applicant	4315 Lincoln Av...	Active

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Status				

Owner Name: HEADROYCE SCHOOL

Owner Address: 4315 LINCOLN AVE, OAKLAND CA

Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments
	Vegetation Re-inspection	07/30/2021	VMD 3	Compliant	Olinge Lotane-Makalani
	Vegetation Annual	06/08/2021	VMD 3	Non-Compliant	Olinge Lotane-Makalani

Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments

Application Comments:	View ID	Comment	Date
	OLOTANE-M...	Proof of corrections submitted via email. Photo...	07/30/2021

Custom Fields:	Fire Vegetation	Parcel Type	Property Type	Property Use	Occupancy Type
	Improved	Private	Educational	E - Educational	
	Assigned To	VMD	Battalion	Station	Shift
	Prevention	3	4	25	A
				Annual Inspection Date	05/26/2021
	Polygon	Still District	Previous Record	Override Inspection Date	06/08/2021
	65A	25	FDV20-19912		
	Lot Acres	Protected Waterway	Reason Parcel can not be Inspected		
	Building Spans multiple parcels	Multiple Parcels with same site address?			

FDV21-19912 STATUS > In Compliance 07/30/2021 by VMD 3

029 100900600 - 4368 LINCOLN AVE LOCATION > 4368 LINCOLN AVE OAKLAND, CA

CONTACT > Jerry Mullaney

WORKFLOW > 1 total Task
● 0 completed ○ 1 active

Menu | Manage Inspection | Delete | Search | Edit Flow | View Log | Reports | Help

- Summary
- Record
- Address (1)
- Contacts (1)
- Custom Fields
- GIS FIRE
- ASIT (0)
- Inspections (3)**
- Workflow
- Fee (0)
- Payment
- Documents (..)
- Comments (1)
- Communications (0)
- Parcel (1)
- Owner (1)
- GIS (1)
- Related Records
- Status

Record Inspections Related Records Inspections

<input type="checkbox"/> Inspection Type	Scheduled	Inspector	Status	Inspected	Result Comment	Request Comment	Inspection Ref	Required/Optional	system #
<input type="checkbox"/> Vegetation Re-inspection	07/26/21	VMD 3	Compliant	07/30/21	Olinge Lotane-M...	Scheduled Via Script6	18944652	Optional	21CAP-00000-32
<input type="checkbox"/> Vegetation Annual	06/02/21	VMD 3	Non-Compliant	06/08/21	Olinge Lotane-M...	Scheduled Via Annual Inspect...	18941336	Optional	21CAP-00000-32
<input type="checkbox"/> Vegetation Annual	06/08/21	VMD 3	Rescheduled			Scheduled Via Annual Inspect...	18904620	Optional	21CAP-00000-32

- 4315 LINCOLN AV (Land)
 - 4315 LINCOLN AV (Building)
 - HEAD ROYCE SCHOOLS
 - HEAD ROYCE SCHOOL-Lower
 - Head Royce School - applicant Crystal Land

Attachments

Address	Occupancy	Date Added	Filename	User	Comments
4315 LINCOLN AV	HEAD ROYCE SCHOOLS	4/19/2018	2018-29349.pdf	Ball,Adam	2018-29349
4315 LINCOLN AV	HEAD ROYCE SCHOOLS	4/19/2018	Report_of_Fire_Inspection.rtf	Ball,Adam	2018-29349
4315 LINCOLN AV	HEAD ROYCE SCHOOLS	6/22/2018	2018-30188.pdf	Ball,Adam	2018-30188
4315 LINCOLN AV	HEAD ROYCE SCHOOLS	6/26/2018	Operational_Fire_Permit.rtf	Ball,Adam	
4315 LINCOLN AV	HEAD ROYCE SCHOOLS	6/26/2018	Operational_Fire_Permit.rtf	Ball,Adam	
4315 LINCOLN AV	HEAD ROYCE SCHOOLS	6/19/2019	2018-31931.pdf	Ball,Adam	2018-31931
4315 LINCOLN AV	HEAD ROYCE SCHOOLS	9/13/2019	Inspection-3073809_(1).pdf	Ball,Adam	
4315 LINCOLN AV	HEAD ROYCE SCHOOLS	1/6/2020	4315_Lincoln_Ave_Alarm_Complaint.pdf	Lara,Rolando	
4315 LINCOLN AV	HEAD ROYCE SCHOOLS	10/27/2020	4315_Lincoln_Ave_Head_Royce_850_Form.pdf	Lara,Rolando	2020-41626
4315 LINCOLN AV	HEAD ROYCE SCHOOLS	1/22/2021	4315_Lincoln_Ave.Head_Royce_School_2021-00...	Ferrouge,Christopher	
4315 LINCOLN AV	HEAD ROYCE SCHOOLS	3/4/2021	4315_Lincoln_Ave_Head_Royce_School_2021-0...	Ferrouge,Christopher	2021-00363

- Address
- Occupancy
- Contacts
- Systems
- Inspections
- Permits
- Plan Review
- Billing
- Attachments
- Locations
- Incidents
- Legal
- Loads
- Hydrants
- Alerts
- Search
- Code Reference
- Reports
- Setup





Fri, 24 May 2019, 08:52 AM



Fri, 24 May 2019 - 08:53 AM





Wed, 17 Jul 2019 - 11:07 AM







Mon, 17 Jun 2019 - 11:13 AM

Mon, 17 Jun 2019 - 11:13 AM



Mon, 17 Jun 2019 - 11:13 AM



Mon, 17 Jun 2019 - 11:21 AM



Mon, 03 Aug 2020 - 03:20 PM



Mon, 03 Aug 2020 - 03:22 PM



Fri, 14 Aug 2020 - 10:44 AM



Fri, 14 Aug 2020 - 10:46 AM





Fri, 14 Aug 2020 - 10:48 AM



Mon, 28 Jun 2021 - 10:38 AM



Monday, 28 Jun 2021 - 10:39 AM





Mon, 28 Jun 2021 - 10:46 AM



Mon, 22 Jul 2021 - 10:07 AM



Nov 28 Jul 2021 - 10:18 AM



May 23, 2021 - 10:48 AM







Mon, 28 Jun 2021 - 10:51 AM







Nov. 28 Jan 2021 - 10:57 AM



Mon, 28 Jun 2021 - 11:00 AM



Mon, 28 Jun 2021 - 11:00 AM



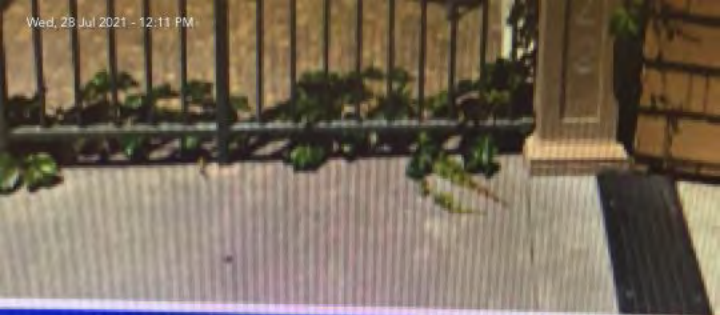
Mon, 28 Jun 2021 - 11:00 AM

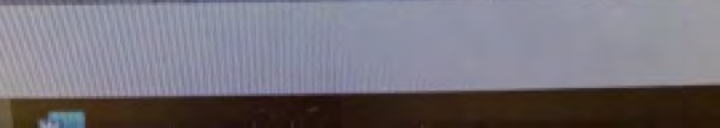






Wed, 28 Jul 2021 - 12:11 PM







Tue, 08 Jun 2021 - 10:47 AM









Tue, 08 Jun 2021 - 10:32 AM



Tue, 08 Jun 2021 - 10:54 AM







Tue, 08 Jun 2021 - 10:59 AM



Tue, 08 Jun 2021 - 10:57 AM









Tue, 08 Jun 2021 - 11:06 AM



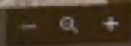




Tue, 08 Jun 2021 ~ 11:16 AM













9.JPG ✓

45.JPG ✓

05.JPG ✓

061.JPG ✓

Ave







Fri, 10 Aug 2018 - 09:53 AM



Fri, 10 Aug 2018 - 09:51 AM





Fri, 10 Aug 2018 - 09:25 AM





Fri, 10 Aug 2018 - 09:29 AM









Fri, 10 Aug 2013 - 09:38 AM



Fri, 10 Aug 2018 - 09:35 AM



Fri, 28 Sep 2018 - 10:43 AM



Fri, 28 Sep 2018 - 10:44 AM



Fri, 28 Sep 2018 - 10:45 AM



Fri 8 Sep 2018 - 10:46 AM



Fri, 28 Sep 2018 - 10:46 AM



Fri, 28 Sep 2018 - 10:48 AM



Fri, 28 Sep 2018 - 10:45 AM



Citizen Contact

STATUS : Yes

COMMENT : Luis, head groundskeeper

Fire-Photos-FDV19-22711-20190617112205-16219356 - 16219356

Mon, 17 Jun 2019 - 11:22 AM

360 Degree Access

STATUS : Yes

COMMENT :

Fire-Photos-FDV19-22711-20190617112205-16219356 - 16219356

Mon, 17 Jun 2019 - 11:22 AM

Member Performing Inspection.

STATUS : Andrew Markarian

COMMENT : Andrew Markarian

Fire-Photos-FDV19-22711-20190617112205-16219356 - 16219356

Mon, 17 Jun 2019 - 11:22 AM

Picture of Front (A side of property)

FDV19-22711-20190617111339_2 -
Mon, 17 Jun 2019 - 11:13 AM



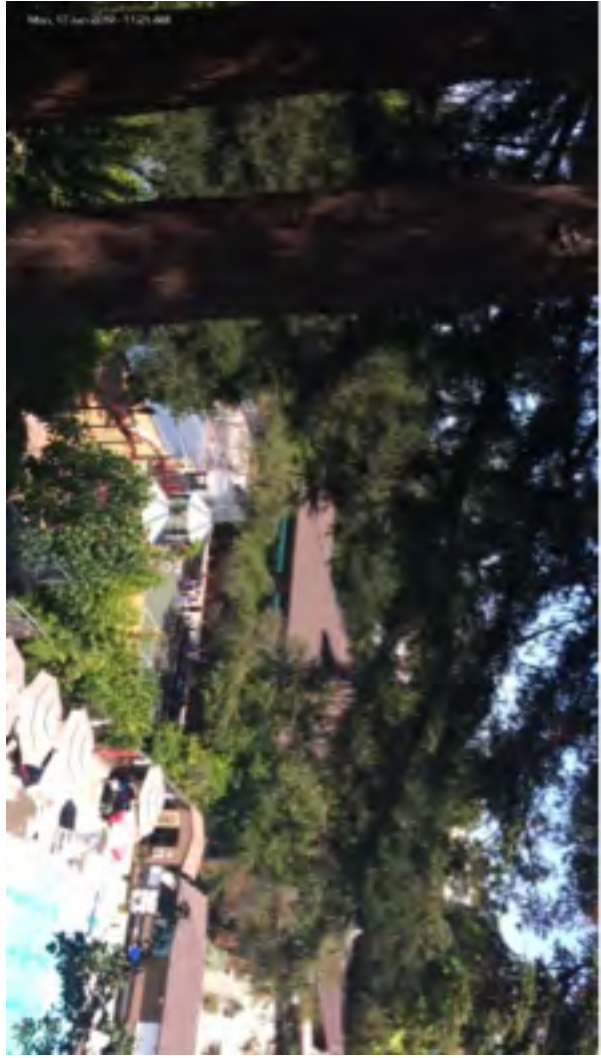
FDV19-22711-20190617111337_1 -
Mon, 17 Jun 2019 - 11:13 AM



Picture of left (B side) of property

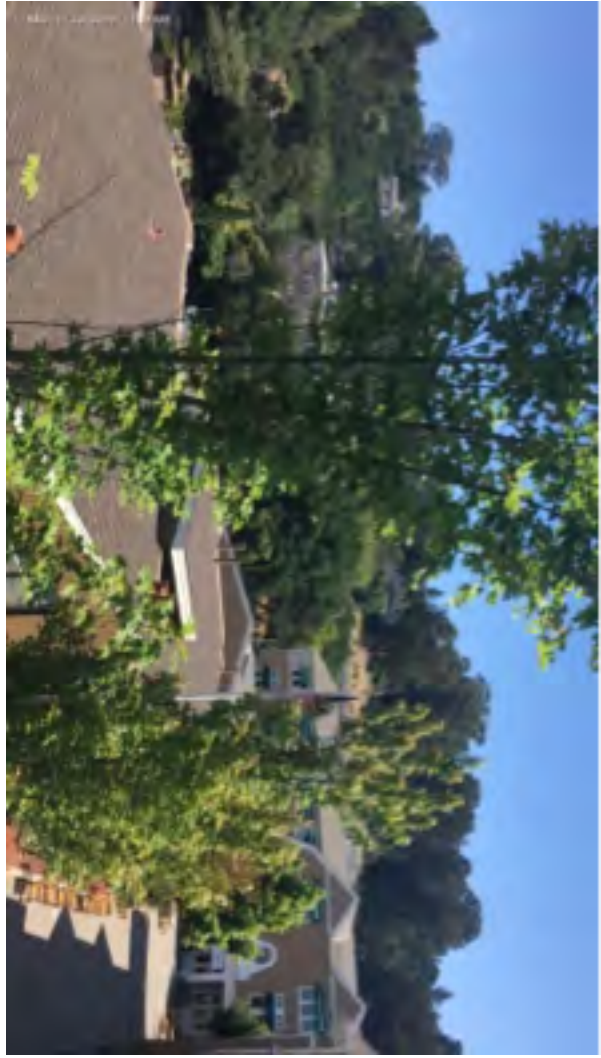
FDV19-22711-20190617112125_1 -

Mon, 17 Jun 2019 - 11:21 AM



Picture of rear (C side) of property

FDV19-22711-20190617112134_2 -
Mon, 17 Jun 2019 - 11:21 AM

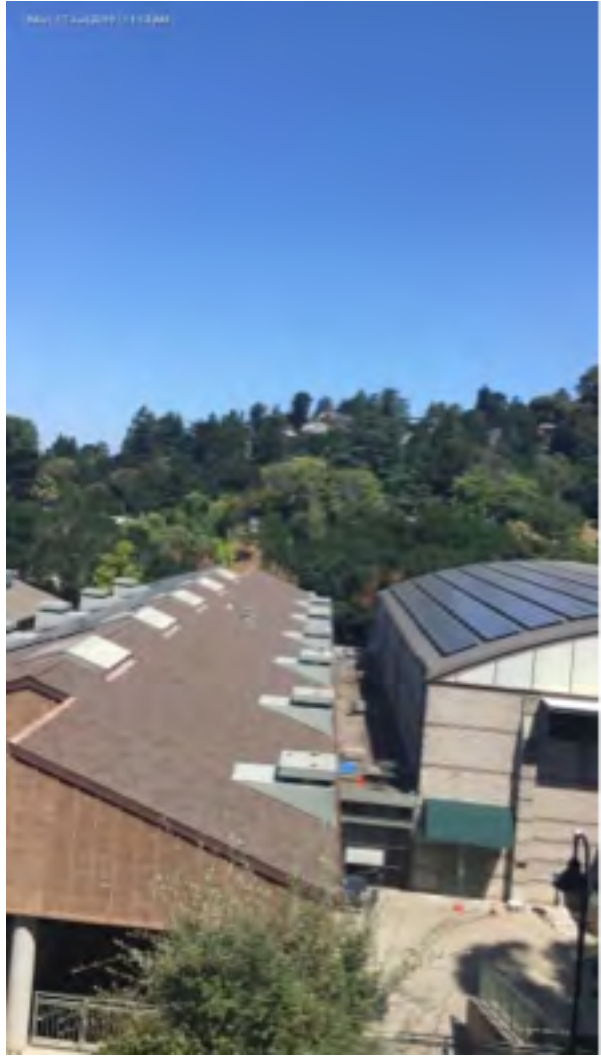


FDV19-22711-20190617112132_1 -
Mon, 17 Jun 2019 - 11:21 AM



Picture of Right (D side) of property.

FDV19-22711-20190617111358_2 -
Mon, 17 Jun 2019 - 11:13 AM



FDV19-22711-20190617111358_1 -
Mon, 17 Jun 2019 - 11:13 AM





Oakland Fire Department, Fire Prevention Bureau
250 Frank H. Ogawa Plaza, Ste. 3341
Oakland, CA 94612-2032



CERTIFICATE OF COMPLIANCE

Date: 6/17/2019

Facility / Site Location

HEAD ROYCE SCHOOLS
4315 LINCOLN AVE
OAKLAND CA, 94602-2528

4315 LINCOLN AVE
OAKLAND CA 94602

We have inspected your property for Vegetation Management compliance at:
4315 LINCOLN AVE on 6/17/2019

It has been determined that your property is Compliant at the time of inspection with the City of Oakland's Municipal Code and Chapter 49 of the 2016 California Fire Code for defensible space requirements.

Thank you for your cooperation in providing a fire safe environment for yourself and the Oakland community.

Sincerely,

Oakland Fire Department

APN: 029A136700404
Inspector Name: VMD 3
Inspection Reference #: 16219356
Record #: FDV19-22711



Oakland Fire Department, Fire Prevention Bureau
250 Frank H. Ogawa Plaza, Ste. 3341
Oakland, CA 94612-2032



NOTICE OF INSPECTION VEGETATION RE-INSPECTION

Date: 7/28/2021

Facility / Site Location

HEAD ROYCE SCHOOLS
4315 LINCOLN AVE
OAKLAND CA, 94602-2528

4315 LINCOLN AVE
OAKLAND CA

We have inspected your property for Vegetation Management compliance at:
4315 LINCOLN AVE on 7/28/2021

It has been determined that your property is **Compliant** at the time of inspection with the City of Oakland's Municipal Code and Chapter 49 of the 2019 California Fire Code for defensible space requirements.

Thank you for your cooperation in providing a fire safe environment for yourself and the Oakland community.

NOTE: All re-inspections will be charged an inspection fee as permitted in the Oakland Master Fee Schedule, regardless of the inspection results.

Register for a Fire ACA (Accela Citizen Access) account to obtain detailed information to your Fire inspection records. The registration provides transparent access to all your Fire records. See scheduled inspections, inspection results and photos taken during the inspections. You can also access and save/print inspection letters. Please visit <https://aca.accela.com/oakland> to register.

Visit <https://www.oaklandca.gov/services/wildfire-district-inspections> for more information.

Vegetation inspection questions can also be directed to wildfireprevention@oaklandca.gov or 510-238-7388.

Questions about ACA registration can be directed to fireacasupport@oaklandca.gov

Sincerely,

Oakland Fire Department
Office of the Fire Marshal

APN: 029A136700404
Inspector Name: VMD 3
Inspection Reference #: 18955494
Record #: FDV21-19677



Oakland Fire Department, Fire Prevention Bureau
250 Frank H. Ogawa Plaza, Ste. 3341
Oakland, CA 94612-2032



CERTIFICATE OF COMPLIANCE

Date: 6/17/2019

Facility / Site Location

HEAD ROYCE SCHOOLS
4315 LINCOLN AVE
OAKLAND CA, 94602-2528

4315 LINCOLN AVE
OAKLAND CA 94602

We have inspected your property for Vegetation Management compliance at:
4315 LINCOLN AVE on 6/17/2019

It has been determined that your property is Compliant at the time of inspection with the City of Oakland's Municipal Code and Chapter 49 of the 2016 California Fire Code for defensible space requirements.

Thank you for your cooperation in providing a fire safe environment for yourself and the Oakland community.

Sincerely,

Oakland Fire Department

APN: 029A136700404
Inspector Name: VMD 3
Inspection Reference #: 16219356
Record #: FDV19-22711



Oakland Fire Department, Fire Prevention Bureau
250 Frank H. Ogawa Plaza, Ste. 3341
Oakland, CA 94612-2032



INSPECTION REPORT

Date: 5/24/2019

Facility / Site Location

HEADROYCE SCHOOL
4315 LINCOLN AVE
OAKLAND CA, 94602-2528

4368 LINCOLN AVE
OAKLAND CA 94602
STA:

On 5/24/2019 your property was inspected and found to be **Non-Compliant** with the Oakland Fire Code. Items marked 'unsatisfactory' below should be corrected immediately. A re-inspection of your property will be conducted no sooner than 30 days from the original inspection date. If there are violations found during the re-inspection, you will be charged an inspection fee as permitted in the current City of Oakland Master Fee Schedule. The City may also begin contract abatement proceedings. All expenses incurred by the City to perform abatement activities will be billed to the owner of record.

DESCRIPTION OF VIOLATION(S)

Maintain 10-ft of horizontal clearance for all trees from any structure. (CFC 4907.3.1.1)

Comment: Location: When facing the front of the property, the violation is on the Right of the property.

Please cut back trees to have 10' of clearance from all sides of structure that are not ornamental (dead/dying)

Remove dead/dying vegetation from property. (CFC 4907.1)

Comment: Location: When facing the front of the property, the violation is on the Rear of the property.

Cut down and remove dead/dying vegetation on property)

Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. (CFC 304.1.2)

Comment: Location: When facing the front of the property, the violation is on the Rear of the property.

Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises.

A re-inspection of your property will be conducted on or after 7/2/2019.

Should you have any questions, please call the Oakland Fire Department, Vegetation Management Unit at (510) 238-7388.

Sincerely,

Oakland Fire Department

APN: 029 100900600

Inspector Name: VMD 3

Inspection Reference #: 16138768

Record #: FDV19-22297

In accordance with the California Fire Code Section 104.5 you are hereby ordered to correct all violations marked Non-Compliant immediately upon receipt of this notice. Failure to comply with this lawful order may result in additional enforcement action, plus additional fees and civil penalties. An inspection fee will be invoiced for re-inspections in accordance with the City's Master Fee Schedule. City of Oakland invoices not paid within the specified time given will be forwarded to collections for action up to/and including judgement for collections and/or property liens.

- 4368 LINCOLN AV (Building)
- LINCOLN CHILD CENTER GROUP HOME
- LINCOLN CHILD CENTER, INC.
- Head Royce School
- Lisa Follman
- Golden Gate Tank Removal Inc

Inspections

Address	Occupancy	Type	Assigned To	Reason	Reference	Scheduled	Completed	Result
4368 LINCOLN AV	LINCOLN CHILD CENTER, INC.	Vegetation	WMD3,	Annual	2012-07141	6/15/2012	9/28/2012	Non-Compliant
4368 LINCOLN AV	LINCOLN CHILD CENTER, INC.	Vegetation	WMD3,	Reinspection	2012-34312	10/12/2012	3/13/2015	Compliant
4368 LINCOLN AV	LINCOLN CHILD CENTER GROUP...	Fire/Life Safety	Crudele,Vincent	Annual	2012-35877	11/5/2012	11/5/2012	Compliant
4368 LINCOLN AV	LINCOLN CHILD CENTER GROUP...	Fire/Life Safety	Crudele,Vincent	Annual	2012-36350	11/4/2013	10/23/2013	Approved
4368 LINCOLN AV	LINCOLN CHILD CENTER, INC.	Vegetation	WMD3,	Annual	2013-28833	5/13/2013	9/23/2013	Compliant
4368 LINCOLN AV	LINCOLN CHILD CENTER GROUP...	Fire/Life Safety	Garrett,Flanoy	Fire Clearance	2013-34275	10/23/2013	10/23/2013	Approved
4368 LINCOLN AV	Head Royce School	Vegetation	WMD3,	Annual	2014-25639	5/13/2014	8/21/2014	Compliant
4368 LINCOLN AV	LINCOLN CHILD CENTER, INC.	Vegetation	WMD3,	Annual	2015-04615	5/1/2015	10/30/2015	Cancelled
4368 LINCOLN AV	Head Royce School	Vegetation	WMD3,	Annual	2015-08600	5/1/2015	10/8/2015	Compliant
4368 LINCOLN AV	Lisa Follman	Plan Review		Other	2017-26987			
4368 LINCOLN AV	Head Royce School	Vegetation	WMD3,	Annual	2017-39611	10/11/2017	10/11/2017	Non-Compliant
4368 LINCOLN AV	Head Royce School	Vegetation	WMD3,	Reinspection	2017-39732	11/13/2017	11/2/2017	Compliant
4368 LINCOLN AV	Head Royce School	Schools		Annual	2018-32686			
4368 LINCOLN AV	LINCOLN CHILD CENTER GROUP...	Schools	Garrett,Flanoy	Annual	2018-33180	6/27/2018	6/27/2018	Fac Closed
4368 LINCOLN AV	Golden Gate Tank Removal Inc	Plan Review	Skilern,Sheryl	Tanks	2021-01493		4/12/2021	Completed

- Address
- Occupancy
- Contacts
- Systems
- Inspections
- Permits
- Plan Review
- Billing
- Attachments
- Locations
- Incidents
- Legal
- Loads
- Hydrants
- Alerts
- Search
- Code Reference
- Reports
- Setup

File Save Cancel
Icons

- 4368 LINCOLN AV (Building)
- LINCOLN CHILD CENTER GROUP HOME
- LINCOLN CHILD CENTER, INC.
- Head Royce School
- Lisa Follman
- Golden Gate Tank Removal Inc

Inspection Detail

Created	Inspection Type
11/13/2012 11:00 PM	Fire/Life Safety
Scheduled	Assigned To
11/4/2013 9:00 AM	Crudele, Vincent
Started	Priority
10/23/2013 9:00 AM	0
Completed	Completed By
10/23/2013 10:00 PM	Garrett, Flanoy
Rescheduled	
Result Type	Hours
Approved	1

Comments

10-23-13 As of this date no fire or life safety deficiency found. annual fire clearance approved. fg

Reason

Annual

Referral Agency

Add Attachment Other

Reference

2012-36350

Made Contact (Y/N)

Y

Signature

Clear

Signed By

- Address
- Contacts
- Inspections
- Plan Review
- Billing
- Locations
- Legal
- Hydrants
- Search
- Code Reference
- Reports
- Setup

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- Permits
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- Loads
- Alerts

Deficiencies

Billing

Print

4368 LINCOLN AV LINCOLN CHILD CENTER GROUP HOME

File Save Cancel
Icons

- 4368 LINCOLN AV (Building)
- LINCOLN CHILD CENTER GROUP HOME
- LINCOLN CHILD CENTER, INC.**
- Head Royce School
- Lisa Follman
- Golden Gate Tank Removal Inc

Inspection Detail

Created	Inspection Type
5/3/2013 1:21 PM	Vegetation
Scheduled	Assigned To
5/13/2013 8:00 AM	VMD3,
Started	Priority
9/23/2013 12:00 AM	
Completed	Completed By
9/23/2013 12:00 AM	Pinto, Manuel
Rescheduled	
Result Type	Hours
Compliant	0

Comments

Reason

Annual

Referral Agency

Add Attachment Other

Reference

2013-28833

Made Contact (Y/N)

N

Signature

Clear

Signed By

- Address
- Contacts
- Inspections
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- Loads
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Deficiencies

Billing

Print

File Save Cancel
Icons

- 4368 LINCOLN AV (Building)
- LINCOLN CHILD CENTER GROUP HOME
- LINCOLN CHILD CENTER, INC.
- Head Royce School
- Lisa Follman
- Golden Gate Tank Removal Inc

Inspection Detail

Created	Inspection Type
10/7/2013 10:36 AM	Fire/Life Safety
Scheduled	Assigned To
10/23/2013 9:00 AM	Garrett,Flanoy
Started	Priority
10/23/2013 9:00 AM	
Completed	Completed By
10/23/2013 10:00 AM	Garrett,Flanoy
Rescheduled	
Result Type	Hours
Approved	1

Comments

Annual Fire Clearance, Spence, 510-867-1041. Paid \$158.00. hro 10-23-13 all fire life safety systems approved.fg permit issued

Reason
Fire Clearance

Referral Agency

Add Attachment Other

Reference
2013-34275

Made Contact (Y/N)
Y

Signature

Clear

Signed By

Address

Contacts

Inspections

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Locations

Legal

Hydrants

Occupancy

Systems

Permits

Attachments

Incidents

Loads

Alerts

Search

Code Reference

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Setup

4368 LINCOLN AV LINCOLN CHILD CENTER GROUP HOME

File Save Cancel
Icons

- 4368 LINCOLN AV (Building)
- LINCOLN CHILD CENTER GROUP HOME
- LINCOLN CHILD CENTER, INC.
- Head Royce School
- Lisa Follman
- Golden Gate Tank Removal Inc

Inspection Detail

Created	Inspection Type
4/29/2014 12:00 AM	Vegetation
Scheduled	Assigned To
5/13/2014 8:00 AM	VMD3,
Started	Priority
8/21/2014 2:06 PM	
Completed	Completed By
8/21/2014 2:06 PM	Dieffenback,Eric
Rescheduled	
Result Type	Hours
Compliant	0

Comments

Reason
Annual

Referral Agency

Add Attachment Other

Reference
2014-25639

Made Contact (Y/N)

Signature

Clear

Signed By

- Address
- Contacts
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- Loads
- Alerts

Deficiencies

Billing

Print

4368 LINCOLN AV Head Royce School

File Save Cancel
Icons

- 4368 LINCOLN AV (Building)
- LINCOLN CHILD CENTER GROUP HOME
- LINCOLN CHILD CENTER, INC.
- Head Royce School
- Lisa Follman
- Golden Gate Tank Removal Inc

Inspection Detail

Created	Inspection Type
5/19/2015 10:57 AM	Vegetation
Scheduled	Assigned To
5/1/2015 8:00 AM	VMD3,
Started	Priority
10/8/2015 10:16 AM	
Completed	Completed By
10/8/2015 10:16 AM	Davis,David
Rescheduled	
Result Type	Hours
Compliant	0

Comments

Reason
Annual

Referral Agency

Add Attachment Other

Reference
2015-08600

Made Contact (Y/N)

Signature

Clear

Signed By

- Address
- Contacts
- Inspections
- Plan Review
- Billing
- Locations
- Legal
- Hydrants
- Search
- Code Reference
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- Occupancy
- Systems
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- Attachments
- Incidents
- Loads
- Alerts

Deficiencies

Billing

Print

4368 LINCOLN AV Head Royce School

File Save Cancel
Icons

- 4368 LINCOLN AV (Building)
- LINCOLN CHILD CENTER GROUP HOME
- LINCOLN CHILD CENTER, INC.
- Head Royce School
- Lisa Follman
- Golden Gate Tank Removal Inc

Inspection Detail

Created	Inspection Type	Reason	Annual
10/11/2017 11:21 AM	Vegetation	Referral Agency	
Scheduled	Assigned To	Add Attachment	Other
10/11/2017 12:00 AM	VMD3	Reference	2017-39511
Started	Priority	Made Contact (Y/N)	Y
10/11/2017 2:16 PM		Signature	<div style="border: 1px solid gray; height: 40px; width: 100%;"></div>
Completed	Completed By	Signed By	<div style="border: 1px solid gray; height: 20px; width: 100%;"></div>
10/11/2017 2:17 PM	Davis, David	Clear	
Rescheduled	Result Type	Hours	
11/13/2017 12:00 AM	Non-Compliant	0.02	

Comments

10/19/2017 - Received call from Jerry Mullaney, Director of Operations at Head Royce School, 510-531-2649. Requested copy of inspection. Faxed copy to Mr. Mullaney. DD

9/13/2017 - Made contact with Facilities Manager, Antonio Gallegos (510-504-4106). Sent notice of violation via US Mail. DD

510-504-3484- Luis Reyes facility director wants copy of the inspection report

Address Occupancy

Contacts Systems

Inspections Permits

Plan Review

Billing Attachments

Locations Incidents

Legal Loads

Hydrants Alerts

Search

Code Reference

Reports

Setup

Deficiencies

Billing

Print

4368 LINCOLN AV Head Royce School

File Edit Cancel

- 4368 LINCOLN AV (Building)
- LINCOLN CHILD CENTER GROUP HOME
- LINCOLN CHILD CENTER, INC.
- Head Royce School**
- Lisa Follman
- Golden Gate Tank Removal Inc

Deficiencies

Code	Deficiency	Abated	Severity
06 - CFC 4907.3.1.1	CFC 4907.3.1.1 - Maintain 10-ft of horizontal clearance for all trees from any structure		Unsatisfactory
08 - CFC 4907.3.1.4	CFC 4907.3.1.4 - Maintain trees adjacent to or overhanging any structure. Keep free of fallen ...		Unsatisfactory
09 - CFC 4907.3.1.3	CFC 4907.3.1.3 - Remove all tree limbs within 6-ft of the ground, or 1/4 the height of the tree		Unsatisfactory
10 - CFC 4907.1, CGC 51182(a)(2)	CFC 4907.1, CGC 51182(a)(2) - Remove dead/dying vegetation from property		Unsatisfactory
CFC 4907.1.2	CFC 4907.1.2 Properties greater than 1/2 acre 100-foot clearance from bldg.		Unsatisfactory

- Address
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- Occupancy
- Systems
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- Attachments
- Incidents
- Loads
- Alerts

Record 1 of 5

Current System: Reference:

4368 LINCOLN AV Head Royce School

File Save Cancel
Icons

- 4368 LINCOLN AV (Building)
- LINCOLN CHILD CENTER GROUP HOME
- LINCOLN CHILD CENTER, INC.
- Head Royce School
- Lisa Follman
- Golden Gate Tank Removal Inc

Inspection Detail

Created	Inspection Type
10/13/2017 11:00 PM	Vegetation
Scheduled	Assigned To
11/13/2017 12:00 AM	VMD3,
Started	Priority
11/2/2017 10:48 AM	1
Completed	Completed By
11/2/2017 11:48 AM	Crudele, Vincent
Rescheduled	
Result Type	Hours
Compliant	0

Comments

11/02/2017 - walked entire parcel with Luis Reyes, all hazards abated and parcel is compliant - VC

Reason
Reinspection

Referral Agency

Add Attachment Other

Reference
2017-39732

Made Contact (Y/N)
Y

Signature

Clear

Signed By

- Address
- Contacts
- Inspections
- Plan Review
- Billing
- Locations
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- Setup

- Occupancy
- Systems
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- Deficiencies
- Billing
- Print

File Edit Cancel

- 4368 LINCOLN AV (Building)
- LINCOLN CHILD CENTER GROUP HOME
- LINCOLN CHILD CENTER, INC.
- Head Royce School**
- Lisa Follman
- Golden Gate Tank Removal Inc

Deficiencies

Code	Deficiency	Abated	Severity
06 - CFC 4907.3.1.1	CFC 4907.3.1.1 - Maintain 10-ft of horizontal clearance for all trees from any structure	11/2/2017 12:00 AM	Satisfactory
08 - CFC 4907.3.1.4	CFC 4907.3.1.4 - Maintain trees adjacent to or overhanging any structure. Keep free of fallen ...	11/2/2017 12:00 AM	Satisfactory
09 - CFC 4907.3.1.3	CFC 4907.3.1.3 - Remove all tree limbs within 6-ft of the ground, or 1/4 the height of the tree	11/2/2017 12:00 AM	Satisfactory
10 - CFC 4907.1, CGC 51182(a)(2)	CFC 4907.1, CGC 51182(a)(2) - Remove dead/dying vegetation from property	11/2/2017 12:00 AM	Satisfactory
CFC 4907.1.2	CFC 4907.1.2 Properties greater than 1/2 acre 100-foot clearance from bldg.	11/2/2017 12:00 AM	Satisfactory

- Address
- Contacts
- Inspections
- Plan Review
- Billing
- Locations
- Legal
- Hydrants
- Search
- Code Reference
- Reports
- Setup

- Occupancy
- Systems
- Permits
- Attachments
- Incidents
- Loads
- Alerts

Record 1 of 5

Current System: Reference:

4368 LINCOLN AV Head Royce School

File Save Cancel

4368 LINCOLN AV (Building)
 LINCOLN CHILD CENTER GROUP HOME
 LINCOLN CHILD CENTER, INC.
 Head Royce School
 Lisa Follman
 Golden Gate Tank Removal Inc

Attachments

Address	Occupancy	Date Added	Filename	User	Comments
4368 LINCOLN AV	Golden Gate Tank Removal Inc	4/17/2021	4368_Lincoln_Ave_stamped.pdf	Skillem,Sheryl	
4368 LINCOLN AV	Golden Gate Tank Removal Inc	4/17/2021	Operational_Fire_Permit_4368_Lincoln.tif	Skillem,Sheryl	

Address Occupancy
 Contacts Systems
 Inspections Permits
 Plan Review
 Billing Attachments
 Locations Incidents
 Legal Loads
 Hydrants Alerts

Search
 Code Reference
 Reports
 Setup

Record 1 of 2

4368 LINCOLN AV Head Royce School



Fire Inspection Report (Cont.)



For Official Use Only
 Start Time: 9:30am End Time: 10:30am
 Occ Class _____ Batt. # _____
 Company # _____ Total Job Time: _____

Narrative/Additional Comments

Residential Commercial

Address: 4315 Lincoln Ave Ste _____ Business Name: HEAD Royce School

Contact Name: Antonio Gallegos Tech Owner / Mgr Bus. Phone # 510-504-4106 Fax# _____

Billing Address: _____ Ste _____ City: _____ State: _____

Contact Name: _____ Phone # _____ Fax# _____ Email Address: _____

Insp.: 1st 2nd 3rd Other _____ Insp. Date: 1/6/2020 Insp. Type: Alarm Follow Up Insp. Ref. #: 2020-00078
 Contact Made/Inspection Permission Granted: Yes No

Code	Deficiency/Comment
	* FIRE ALARM Follow - Up *
	Conducted a follow-up from a letter by Bay Alarm (system not communicating); arrived on scene met with Maintenance Technician Antonio Gallegos found [Signal Circuit - Battery Fault] New Building.
	Maintenance Technician will contact Simplex or Troubleshoot problem.
	- Please send picture or work order all systems -
	NORMAL

In accordance with the California Fire Code Section 104.5 you are hereby ordered to correct all above noted violations immediately upon receipt of this notice. An inspection to determine if you have complied with this order will be conducted on or about ____/____/____. Failure to comply with this lawful order may result in a citation to appear in Municipal Court, plus additional fines, fees, and civil penalties. If you have questions, contact the undersigned inspector.

Owner/Mgr Name (print): Antonio Gallegos Signature: [Signature] Date: 1/6/2020

Inspector Name (print): Rolando Lara Inspector Signature: [Signature] Contact No. 510-517-5605



CORPORATE OFFICE
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DIRECT: 925-935-1100 • FAX: 925-947-1020

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www.bayalarm.com
Sales: (800) 610-1000
Service: (800) 470-1000

December 20, 2019

OAKLAND FIRE DEPT
150 FRANK H OGAWA PLAZA #3341
OAKLAND, CA 94612

Attention: Fire Marshal

Mailing Address:

HEAD ROYCE SCHOOL
4315 LINCOLN AVE
OAKLAND, CA 94602
Account #: 10391320

System Address:

HEAD ROYCE SCHOOL
4315 LINCOLN AVE
OAKLAND, CA 94602

Dear Chief,

Pursuit to Section 907.6.5 of the California Fire Code, this letter is to inform you that effective 12/20/19, Bay Alarm Company will no longer be monitoring the fire alarm system at the above referenced system address due to the following reason(s):

- Customer requested cancellation
- System not communicating
- Temporarily cancelled monitoring due to remodel
- Customer does not have a valid contract

If the system is Underwriters Laboratories certified, the certificate may also be cancelled.

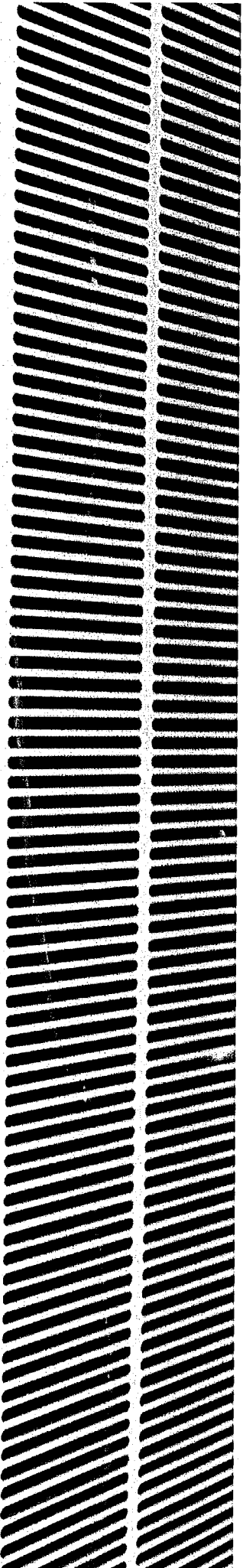
Bay Alarm Company will assume no responsibility in regard to any fire emergency that may occur after the above mentioned date.

If circumstances should change, we will inform you. If you have any questions regarding this matter, please call (800) 470-1000.

Sincerely,

Bay Alarm Company

CC: HEAD ROYCE SCHOOL



Ground Fault

All Signals Bypassed

Elevator Bypassed

Door Holder Bypassed

Duct/AHU Bypassed

Piezo Bypassed

ALARMS

Fire Alarm Priority 2 Alarm

Fire Alarm Ack

Priority 2 Ack

SYSTEM WARNINGS

Supervisory

Supv Ack

Trouble

Trouble Ack

Alarm Silenced

Alarm Silence

AC Power

System Reset

Event Time

More Info

Enable

On Arm

Disable

Off Disarm

Auto

Lamp Test

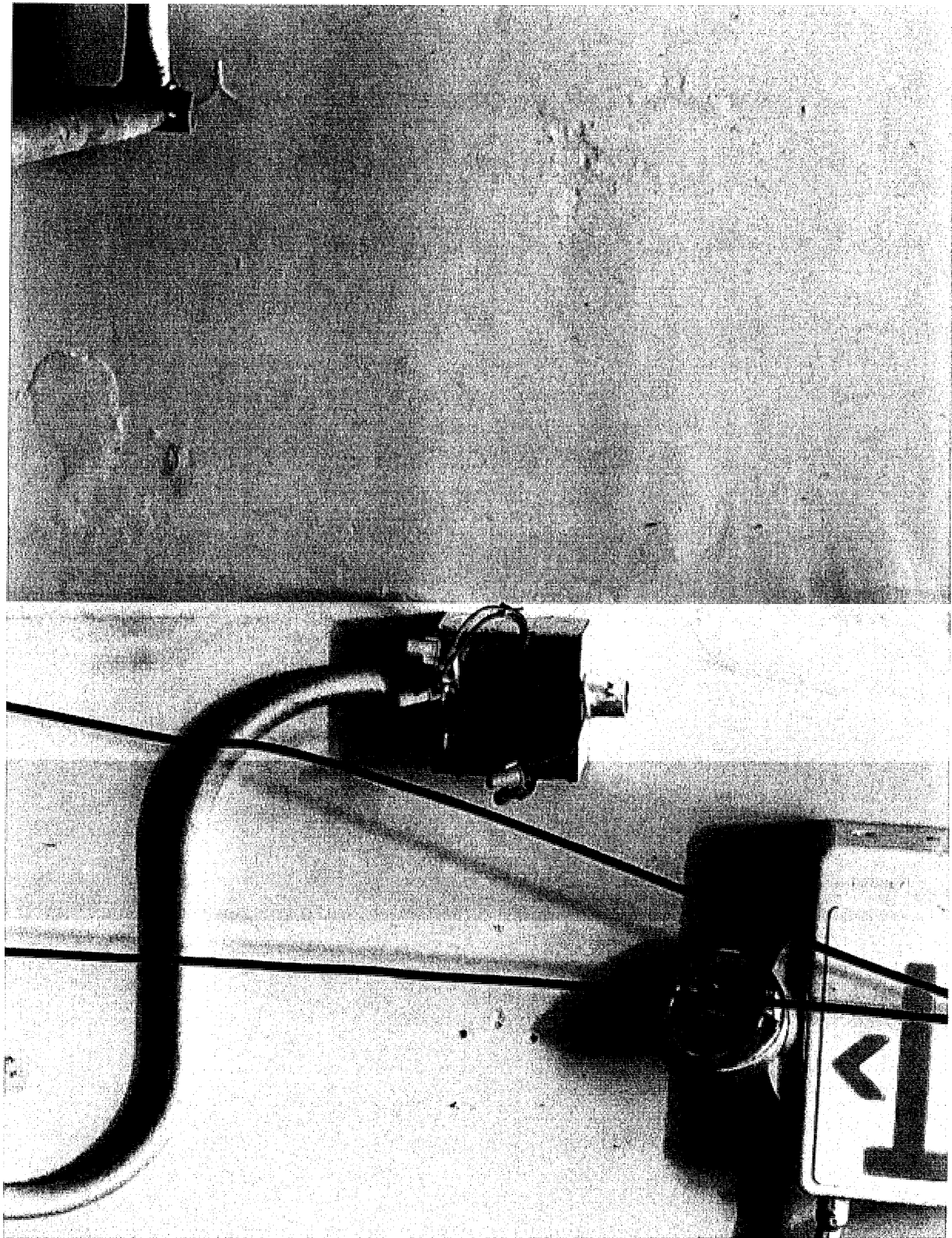
Menu

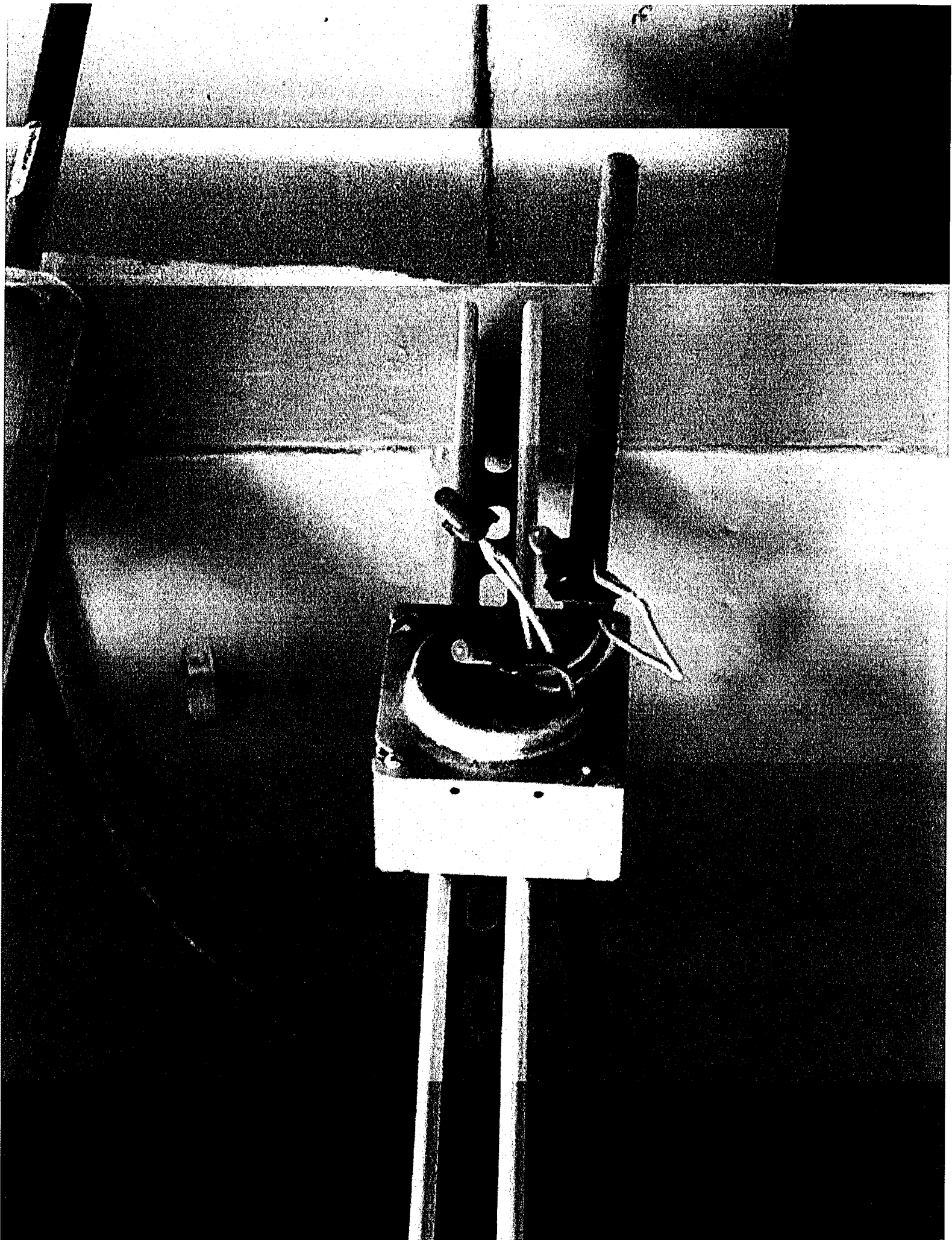
Previous

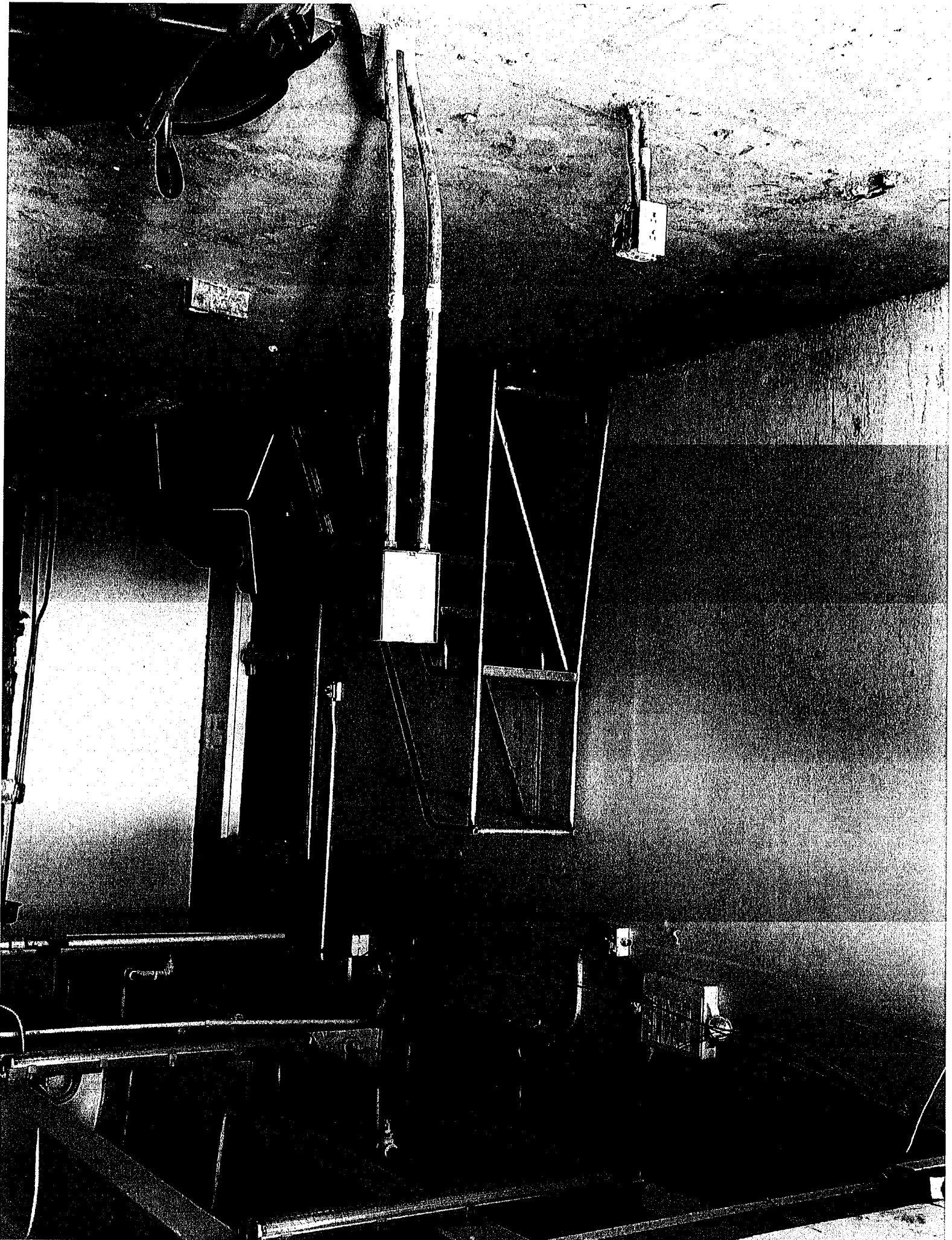
Next

ABG ZONE 1
DEF SIG 2
JKL 4
MNO 5
PQR 6
STU 7
VWX 8
YZ 9
SP () NET _

Operating Instructions









Oakland Fire Department
 Fire Prevention Bureau
 Frank H. Ogawa Plaza, Ste 3341
 Oakland, CA 94612
 510-238-3851



Fire Inspection Report (Cont.)
 Narrative/Additional Comments
 Residential
 Commercial



For Official Use Only
 Start Time: 9:30
 End Time: 10:15
 Batt. #: 9
 Company #: 101

Address: 4315 Lincoln Ave
 Business Name: Hagan-Royce School
 Owner/Mgr: Luis Reyes
 Bus. Phone #: 510-3484
 Fax #: 510-3484

Billing Address: Mrs
 City: Oakland
 State: CA 94602

Contact Name: Mrs
 Phone #:
 Fax #:
 Email Address:
 Insp.: 1st 2nd 3rd Other
 Insp. Date: 6/22/18
 Insp. Type: Annual
 Insp. Ref. #:
 Contact Made/Inspection Permission Granted: Yes No

Code	Deficiency/Comment
	Follow-up with persons with water damage of school grounds. All previous deficiencies have been addressed. Annual fire/life safety inspection has passed. Annual occupancy permit + industrial area permits (for kind) will be granted no later than 7/3/2018. Inspector will inform school when permits are ready.
	INSPECTION: PASSED.

In accordance with the California Fire Code Section 104.5 you are hereby ordered to correct all above noted violations immediately upon receipt of this notice. An inspection to determine if you have complied with this order will be conducted on or about Failure to comply with this lawful order may result in a citation to appear in Municipal Court, plus additional fines, fees, and civil penalties. If you have questions, contact the undersigned inspector.

Owner/Mgr Name (print): Luis Reyes
 Signature: [Signature]
 Date: 6/22/18
 Inspector Name (print): A. Bon
 Signature: [Signature]
 Contact No.: 238-2388
 Page 1 of 1

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Oakland Fire Department
Fire Prevention Bureau
250 Frank H. Ogawa Plaza, Ste 3341
Oakland, CA 94612
510-238-3851



Fire Inspection Report
Narrative/Additional Comments



For Official Use Only
Start Time: 10:30 / End Time: 11:00
Occ Class: E Batt. # 2
Company # 24 Total Job Time: 0.5

Residential Commercial
School

Address: 4315 Lincoln Ave. Ste _____ Business Name: Head Royce School

Contact Name: Luis Reyes Owner / Mgr Bus. Phone # _____ Fax# _____

Billing Address: _____ Ste _____ City: _____ State: _____

Contact Name: _____ Phone # _____ Fax# _____ Email Address: _____

Insp.: 2nd 3rd Other _____ Insp. Date: 2/3/2021 (Insp. Type Reinspection for FLS) Insp. Ref. #: 2021-00363
Contact Made/Inspection Permission Granted: Yes No

Code	Deficiency/Comment
	* Re-Inspection Follow-Up for Annual FLS.*
	- Original FLS Inspection: 2021-00006
	5 year Sprinkler inspection still current until August 2021
	- 5 year already scheduled with Superior Automatic for July 2021.
	- Quarterly sprinkler inspection done circa 1/14/2020 visual by Superior Automatic.
	* SEE PREVIOUS INSPECTION REPORT for additional positives
	* All negative issues from first inspection have been mitigated and witnessed via walk-through
	- Standpipe hose cabinets in ^{Memorial} Auditorium have been had hoses replaced and were serviced, however they need SF Marshal stickers.
	Pass/Approved FLS Inspection ✓

In accordance with the California Fire Code Section 104.5 you are hereby ordered to correct all above noted violations immediately upon receipt of this notice. An inspection to determine if you have complied with this order will be conducted on or about _____. Failure to comply with this lawful order may result in a citation to appear in Municipal Court, plus additional fines, fees, and civil penalties. If you have questions, contact the undersigned inspector

Owner/Mgr Name (print): Luis Reyes Signature: _____ Date: 2/3/2021
Inspector Name (print): Christopher Ferrage Inspector Signature: _____ Contact No. (510) 326-0050
Page 1 of 1

Superior Automatic- Sprinkler Inspections

1 message

Matt Canepa <mcanepa@superior-fire.com>
To: Luis Reyes <lreyes@headroyce.org>

Thu, Jan 14, 2021 at 3:53 PM

Hi Luis,

Your inspections are scheduled as follows-

- January- Quarterly visuals only- TBD
- April- Quarterly Visuals April 14th
- July-Annual/ 5 year July 12-14th - Last completed August 2016
- October-Quarterly Visuals October 6th

Thank you!

Matt Canepa

Service and Inspections



We've Moved!

4378 Enterprise Street

Fremont, CA 94538

408-946-7272 Main

408-690-5571 Cell

mcanepa@superior-fire.com

*We've moved! Please note our new address

Head Royce Fire Sprinkler Budget 2021

1 message

Rob Canepa <rcanepa@superior-fire.com>
To: Luis Reyes <lreyes@headroyce.org>
Cc: Matt Canepa <mcanepa@superior-fire.com>

Tue, Dec 8, 2020 at 10:48 AM

Hi Luis,

Please see attached for the budget for next year for the fire sprinkler system. The 5 year is due in the summer next year, so it is good we are reviewing now. So there would be no annual cost next year as the annual would be completed under the 5 Year.

Item #1 is the quarterly visits – 3 of them.

Item #2 is the budget for the 5 Year – it is due in August but the annual is due in July and August gets too close to school starting, so if it can be done in July that is best.

Item #3 has 3 items-an allowance for service calls-this is not used unless you call us for leaks or something, and this is not a hard number, just a number to include in the budget so you have some amount considered. There seems to be a couple of service calls there a year.

The 2nd item under #3 is an added consideration for something that we may find during the more extensive 5 year work. This also is not a hard number just a budget amount.

The 3rd item is for outdated heads. We did the survey in the past and our list does not show any heads due for testing next year. We replaced a bunch of heads this year that were outdated, and we tested some others. So I did not put a budget amount under this item. We need to look at this each year, as heads come due over time.

Please review and contact me with any questions,

Have a good and safe holiday for you and the Head Royce Family.

Thank you very much for the work this year and contact me with any questions,

Rob

Robert Canepa

Service and Inspections



Fire Inspection Report (Cont.)

Narrative/Additional Comments

Residential Commercial



For Official Use Only

Start Time: 9:05 End Time: 11:30

Occ Class _____ Batt. # _____

Company # _____ Total Job Time: _____

Address: 4315 Lincoln Ave Ste _____ Business Name: HEAD-Royce School

Contact Name: Luis Reyes Owner / Mgr Bus. Phone # 510-504-3484 Fax# _____

Billing Address: Same Ste _____ City: Oakland State: CA 94602

Contact Name: _____ Phone # _____ Fax# _____ Email Address: _____

Insp.: 1st 2nd 3rd Other _____ Insp. Date: 4/18/18 Insp. Type: Annual School Insp. Ref. #: 29349

Contact Made/Inspection Permission Granted: Yes No

Code	Deficiency/Comment
105.6	Annual occupancy permit needed for places of assembly, (49 or + people) - Gym (1600) / - CAFE (123 seated + 265 standing) / community room (418) - Auditorium (412) / music room (67)
	⇒ Permit needed annually for use of kids in APT room
1010	Fix doors (EXIT) in gym from sticking.
1031	Keep paths of egress clear (stair well by gym) + music room.
T-19/906	Extinguishers needed in each classroom (at path to egress)
	⇒ service extinguisher at 4306 Lincoln + class in kitchen
403	Evacuation map needed in each classroom
315	Keep all storage 18" from ceilings
906	Mount class in extinguisher
	RE-INSPECTION: 6/22/2018 9:30 AM.

In accordance with the California Fire Code Section 104.5 you are hereby ordered to correct all above noted violations immediately upon receipt of this notice. An inspection to determine if you have complied with this order will be conducted on or about 6/22/18. Failure to comply with this lawful order may result in a citation to appear in Municipal Court, plus additional fines, fees, and civil penalties. If you have questions, contact the undersigned inspector.

Owner/Mgr Name (print): Luis Reyes Signature: [Signature] Date: 4/18/18

Inspector Name (print): A. Ban Inspector Signature: [Signature] Contact No. 238-2388



Fire Inspection Report (Cont.)

Narrative/Additional Comments

Residential Commercial



For Official Use Only

Start Time: 9:00 End Time: 11:30

Occ Class _____ Batt. # _____

Company # _____ Total Job Time: _____

Address: 4315 LINCOLN AVE Ste _____ Business Name: HEAR ROYCE SCHOOL

Contact Name: Luis Reyes Owner / Mgr Bus. Phone # 510-507-3484 Fax# _____

Billing Address: same Ste _____ City: _____ State: _____

Contact Name: _____ Phone # _____ Fax# _____ Email Address: _____

Insp.: 1st 2nd 3rd Other _____ Insp. Date: 4/18/18 Insp. Type: Annual School Insp. Ref. #: 2018-29249

Contact Made/Inspection Permission Granted: Yes No

Code	Deficiency/Comment
1013/1008	→ REPLACE DEAD BATTERIES IN EXIT signs + emergency lights.
904	→ HOOD + DUCT SYSTEM IN KITCHEN NEEDS CERTIFICATION EVERY 6 MONTHS.
509	→ sign needed on (1) ELEVATOR room. DOOR.
605	→ EXTENSION CORDS SHALL NOT BE USED FOR permanent wiring.
RE-INSPECTION = 6/22/2018 9:30A	

In accordance with the California Fire Code Section 104.5 you are hereby ordered to correct all above noted violations immediately upon receipt of this notice. An inspection to determine if you have complied with this order will be conducted on or about 6/22/18. Failure to comply with this lawful order may result in a citation to appear in Municipal Court, plus additional fines, fees, and civil penalties. If you have questions, contact the undersigned inspector.

Owner/Mgr Name (print): Luis Reyes Signature: [Signature] Date: 4/18/18

Inspector Name (print): A. Dan Inspector Signature: [Signature] Contact No. 238-2388