



**NEIGHBORHOOD STEERING COMMITTEE ET AL.  
VERSUS HEAD ROYCE SCHOOL**

**COMPLAINT**

**AUGUST 8, 2012**



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**I. INTRODUCTION**

The Complaint is brought by the Neighborhood Steering Committee, a loosely formed organization representing neighbors of Head Royce School (HRS) and the greater neighborhood, including Whittle Ave., Lincoln, Alida St., Alida Court, Linnet, Charleston, Laguna, and Camellia in Oakland. Complainants also include individual neighbors: Drew Lau-Regent, Roberta Dempster, Josh Thieriot, and Leila H. Moncharsh, who reside near HRS and are negatively impacted by its poor traffic management.

NSC and the individual neighbors seek to have the City of Oakland (city) resume its prior process of holding a hearing regarding neighbors' contention that HRS is failing to comply with its use permits, including the mitigation measure.

**II. STATEMENT OF FACTS**

**A. Background Information**

**1. History of Relationship Between HRS and the Neighborhood Liaison Committee (NLC)**

In the late 1990s, HRS and its neighbors agreed to set up the Neighborhood Liaison Committee (NLC), to deal with various issues that typically arise from a school located in a densely populated neighborhood. The NLC consisted of school representatives and neighbor representatives. There were a few changes of neighborhood representatives over the years, but most of the original ones stayed on the NLC. By 2006, the NLC neighbor representatives were (and still are): Randy Morris, Hollis Matson, Don Dunning, Michael Thilgen, and Josh Theiriot.

In 2006, the city of Oakland (city) granted HRS' application for a planned unit development (PUD) for a three-phased expansion of the HRS physical campus and for enrollment additions that eventually would bring the school from an enrollment of 700 students to 880 students; the additions were to occur incrementally over the three phases.<sup>1</sup> Attached to the use permit were written neighborhood agreements that were drafted by the school and agreed to by the neighbors.<sup>2</sup> These neighborhood agreements were then incorporated into the use permit as Condition No. 33.

The 2006 use permit also contained other provisions relative to traffic controls. Under the California Environmental Quality Act (CEQA), the city required preparation of a mitigated negative declaration (MND) regarding traffic impacts. As a result of the MND, the city required the school to mitigate traffic impacts by controlling the length of the queue that backed up, along Lincoln Ave., from the school's front gate to its Lincoln Ave. driveway. (Condition No. 24.)

In March 2008, the city approved HRS' permit application to construct 20 tandem parking spaces.<sup>3</sup> At that time, the city included the same conditions of approval that applied to the 2006 PUD permit, with the exception of the conditions applicable to the PUD construction project that by 2008 had been pretty much completed. The numbering of the conditions changed somewhat between the 2006 PUD permit and the 2008 permit; for example, the traffic mitigation measure that is listed in Condition No. 24 for the 2006 permit is also listed in the 2008 permit, but as Condition No. 36.

According to the city planning department file, a dispute developed around 2008 between neighbors and HRS primarily because of traffic problems that neighbors associated with HRS' drop-off and pick-up operations. On behalf of the affected

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<sup>1</sup> Use permit approval letter, dated January 18, 2006 from city planner to HRS representative (1 NSD 1-11.) "NSD" refers to Neighbors Submitted Documents. "NSD" is preceded by the volume number and followed by the pages where the document appears in the record.

<sup>2</sup> Declaration of Randy Morris, paragraph 4. (3 NSD 215 - 297.)

<sup>3</sup> Approval letter, dated March 10, 2008. (1 NSD 27-44.)

neighbors, the NLC neighbors complained to the city, culminating in a meeting on July 28, 2009 involving the NLC, HRS, and city staff.

Heather Klein, the city planner assigned to handle the HRS 2006 and 2008 projects, wrote a letter to HRS on November 16, 2009 in which she confirmed the city's conclusions that had been discussed during the July 28, 2009 meeting.<sup>4</sup> Specifically, Ms. Klein informed HRS that city staff had looked into the neighbor complaints and concluded that: 1. the school was out of compliance with its 2006 and 2008 use permits in several regards; and 2. that the failure to comply with the permits was creating an unsafe traffic situation on Lincoln Ave.

Between November 16, 2009 and April 13, 2010, HRS and Ms. Klein traded several letters and emails in which Ms. Klein reiterated that HRS was out of compliance with its use permit conditions, including the traffic mitigation condition, but HRS' representative disagreed.<sup>5</sup> The city intended to refer the permit compliance matter to a hearing officer and schedule a formal abatement hearing.

According to the NLC neighbors, at the end of the 2010 school year, HRS' Head of School retired and Mr. Rob Lake was hired to fill that position. Rob Lake asked that the city staff hold off pursuing the hearing option so that he could try to resolve the neighbors' concerns. Presumably, he also intended to bring the school into compliance with the use permit. HRS made some improvements to the traffic problems, pursuant to requests from NLC neighbors, by posting additional security guards. HRS also posted signs on large cones, and in the summer had students hold signs to stop or at least reduce the number of u-turns on Alida St. and in driveways along Alida St. and Alida Court. HRS also made minor inroads toward reducing the general traffic chaos on Lincoln.

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<sup>4</sup> 1 NSD 66-70.

<sup>5</sup> Correspondence between Heather Klein and Peter Smith. (1 NSD 66-124.5; 2 NSD 125-127.)

During two years of negotiations involving the NLC, Rob Lake, and Martha Sellers (a trustee of HRS on their executive committee), the NLC neighbors continued to have many unresolved issues with the school, mostly regarding poor traffic management, but also dealing with other impacts that the neighborhood was experiencing due to poor management of the school's operation.

There were two primary concerns regarding the continual increase in the school's enrollment: 1. HRS has continually increased their enrollment, although they have not demonstrated an ability to handle the growing number of students. 2. HRS has refused to clarify and record their proposed solutions to the problems in a modified use permit for the school. Instead, the NLC neighbors viewed the discussions with Rob Lake and Martha Sellers as merely "talk" with no commitment to keep the then current corrections in place, and formulate new ones to deal with the ongoing problems.

Meanwhile Heather Klein was becoming concerned about the amount of time that was elapsing between her department's recommendation to have a hearing officer resolve the dispute with HRS as to whether they were in or out of compliance with the use permit. Further, she was not receiving any indication from HRS that they had agreed with the NLC upon specific modifications to the HRS use permit. Nor did she believe that HRS had been bringing, or attempting in good faith to bring, its operations into compliance with the 2006 and 2008 use permit conditions.<sup>6</sup>

## **2. History of Relationship Between Neighborhood Steering Committee (NSC) and HRS**

In March 2012, following nearly two years of less-than-successful negotiations between NLC neighbors and HRS, the neighbors living in the area of Lincoln Child Center (LCC) learned that HRS intended to further expand its operations in the neighborhood by purchasing LCC's eight-acre property, located on the other side of Lincoln Ave. and directly across from the HRS campus. HRS intended to further expand its enrollment, use the LCC property for parking, construct an Olympic-sized

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<sup>6</sup> Declaration of Randy Morris, paragraph 27. (3 NSD 215-297.)

swimming pool, a performing arts center, and a large football field, all of which would potentially have negative impacts for the neighbors residing around the LCC property.<sup>7</sup>

Further aggravating the LCC neighbors, they learned from the NLC neighbors members of the NLC that HRS had been a poor, overall unresponsive neighbor for years. They also learned that despite some improvements, there had been two years of less than successful negotiations towards abating the problems existing around the current HRS campus, caused by HRS' poor management of its operation. As a result of the proposed expansion, LCC neighbors joined the NSC to represent the entire neighborhood. The three LCC neighborhood representatives on the NSC are Drew Lau-Regent (Camellia), Roberta Dempster (Linnet), and Leila Moncharsh (Charleston).

#### **B. Current Status of Pending Issues**

During the last two months, the NSC learned from HRS' attorney at neighborhood meetings that under no circumstances would HRS agree to any changes to its use permit. Further, the NSC heard from Rob Lake that the school would not disclose to the neighbors their plans for the LCC property, although they had already disclosed their expansion plans to the newspapers and to the HRS parents.<sup>8</sup> Nor would they agree to stop increasing their enrollment and expanding their facilities; in fact, Rob Lake indicated his intention to continue turning HRS into a "community center where organizations from all over Oakland can come and use our facility."<sup>9</sup>

In May 2012, NSC member Randy Morris discovered from a casual contact in the street with an HRS parent that HRS had already signed contracts, again expanding their enrollment to add another kindergarten class and a 6th grade class, without ever informing the NLC neighbors about it. When Randy called Martha Sellers to verify the information, she told him that HRS had expanded their enrollment for fall 2012.<sup>10</sup>

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<sup>7</sup> News story, publication to parents. (2 NSD 149; 146-148.)

<sup>8</sup> Newspaper story and letter to parents. See above.

<sup>9</sup> Declaration of Drew Lau-Regent, paragraph 11. (4 NSD 396-399.)

<sup>10</sup> Declaration of Randy Morris, paragraph 30. (3 NSD 215-297.)

During neighborhood meetings, Rob Lake told neighbors that they should bring any of their complaints about the school's operation to the attention of Mary Fahey and/or him. As discussed, *infra*, the NSC provided a traffic report to HRS and Heather Klein in June 2012. For the last two months, neighbors have been emailing Rob and Mary about the ongoing nuisance problems emanating from the school during their summer camp sessions.

Rob Lake and Mary Fahey have responded to many of the complaint emails, but Rob began insisting that if neighbors wanted corrections, they had to speak with him personally rather than his responding in writing to the emailed complaints. When neighbors refused to make "phone appointments," he refused to write back to them or correct the problems. Overall, as shown by the email exchanges, HRS refused to discontinue the excessive noise during their summer camp sessions or fix the traffic problems due to summer camp parents failing to follow traffic rules. Rob did discontinue the nighttime soccer games, with children running around the campus, for which he had previously granted approval.<sup>11</sup>

Besides the issues involving constantly increasing enrollment and the refusal to agree that the use permit may be modified, the pending issues are just that – still pending. A list of them may be helpful to the hearing officer.

### **1. Current Issues That Have Not Been Corrected by HRS**

Below is a list of the problems that emanate from HRS and about which the neighbors have complained to HRS for many years. They have not been remedied:

- a. During the regular school session, there are long car queues in the two Lincoln Ave. travel lanes, twice a day, resulting from too many HRS parents dropping off or picking up students. These queues back up the hill and onto highway 13, significantly stalling business and resident access to Lincoln Avenue.

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<sup>11</sup> Declaration of Don Dunning, paragraph 6 and emails with Rob Lake, Exhibit A to the declaration. (4 NSD 318-360.)

- b. During drop-off and pick-up times, HRS parents double park on Lincoln, which pushes traffic over the double yellow line into oncoming traffic. There are simply too many cars and not enough space to accommodate all of them on Lincoln Avenue
- c. Jaywalking, children and adults walking around out of cars and in the street during pick-ups and drop-offs, and other related dangerous behaviors add to the chaos on Lincoln. These problems also slow down through traffic.
- d. The HRS parents block driveways and use residential streets all over the neighborhood to pick up or drop off students.
- e. The HRS parents continue to make u-turns on numerous streets throughout the neighborhood, and in private driveways.
- g. There is a lack of effective responsiveness by HRS to neighborhood complaints; HRS relies on a database of license plates related to HRS cars. However, the handling of the neighbor complaints and identification of the license plates does not lead to HRS reporting back to the neighbors indicating what corrective action was taken. While there has been improvement on some streets, rule breaking and dangerous driving continues, especially on Lincoln.
- h. The few monitors HRS does rotate into the neighborhood rarely "monitor"...they have been observed listening to music, texting, talking on the phone, or in one instance of a student monitor- making out with a boyfriend. HRS contended that placement of monitors was an effort on their part to respond to concerns, but the monitors are not effective.
- i. The summer camp program that Head Royce runs every year involves worse parking and traffic issues than the regular school year; there is also a higher volume of noise than normally occurs with a school.
- j. The school does not consistently respond to neighbor complaints about the summer camp and fix them in a timely manner. The database and complaint system is more problematic in the summer.
- k. Students are not sufficiently supervised on the HRS campus; some of them smoke pot and engage in other unacceptable behaviors next to the Whittle Ave. neighbors' properties.
- l. Parents, guests, vendors, and school staff park all over the greater neighborhood, instead of on the campus.

m. Huge trucks that do not legally belong on Lincoln Avenue, due to the four-and-a-half ton legal prohibition posted at the top of the hill, bring deliveries before 7:00 a.m. Delivery trucks often make so much noise that they wake up the neighbors or disturb them while they are at home. Some of the delivery trucks use noisy generators to refrigerate food and/or leave their loud engines idling. They sometimes vibrate the housing near the school from the noise.

n. Speeding trucks and cars, driving to and from HRS' back gate, endanger the residents and their pets on narrow Whittle Ave.

o. There is a lack of landscape maintenance on the Whittle Ave. side of the campus.

p. Although the school does a good job of fire prevention overall, there remains fire danger from the school allowing a "fire ladder" problem to develop on its property.

q. Over the last two years, there has been a dramatic increase in the number of events held by the school. These events are often unrelated to the school, create noise, bring congestion and safety problems deeper into the neighborhood, and routinely disrupt the quiet enjoyment of the neighborhood on evenings and weekends. Evening events routinely end late at night, causing noise from people returning to their cars.

r. An issue that did not come up at the NLC meetings, but was consistently raised with the school by the school's next-door neighbor, involved student driving behavior. Terry Tobey owns property above the HRS parking lot. She and her immediate neighbors suffer from students driving recklessly in the HRS parking lot, honking their horns, and spinning donuts in the school parking lot, which is unsupervised by any staff.

s. The city has repeatedly informed HRS that it is out of compliance with its use permit in a number of regards, some of which overlap the issues, above. The NSC incorporates those violations in their complaint.

Neighbors are requesting that the city proceed with its original plan and appoint a hearing officer to consider the evidence presented with this complaint, all evidence presented before, and during the public hearing. They seek findings from the hearing officer that all of the allegations above and those made by the city staff are true. They also seek findings that each allegation, raised herein by the NSC, and each allegation raised by the city staff constitutes a violation of law and/or a violation of the conditional



use permit (CUP) for HRS, including the CEQA mitigation measure. They seek any and all remedies available for correction of the problems.

Below, the neighbors discuss their complaints, their legal contentions, and suggested corrections. They also offer legal authorities to support their legal contentions.

### **C. Basis for Each Complaint, Legal Contention, and Suggested Correction**

#### **1. Traffic Queues**

**Problem:** In May 2012, the NSC enlisted neighborhood volunteers to monitor and record traffic problems on Lincoln Ave. related to HRS's pick-up and drop-off procedures. They prepared logs, took still photos, and filmed the problems.<sup>12</sup> Then, they reduced the information into a traffic monitoring report, dated June 1, 2012.<sup>13</sup> This document was forwarded to Heather Klein and to HRS.

The collected data and the report demonstrated that during the morning drop-off period, the queue was backing up all the way from the school and onto Highway 13, where cars were stopped in the freeway travel lane as they tried to access Lincoln Ave. The drivers approaching the school created queues that, at times, became so long that resident, business and emergency vehicles could not get through Lincoln Ave. without substantial delays. Furthermore, the residents in the area reported that due to HRS traffic congestion, and the amount of time it takes to clear out, they have to use longer routes to access the freeways on their way to work. They cannot risk being late to work.<sup>14</sup>

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<sup>12</sup> Declaration from Victor Aelion. (3 NSD 309-310.) Traffic logs and photos. (2 NSD 192-206.) A DVD was also provided to the city and HRS; it requires Quick Time to view it and is attached to Volume 1 of the NSD documents in a separate envelope.

<sup>13</sup> 2 NSD 192-206.

<sup>14</sup> For examples, see Declarations of Judy Sigars, paragraphs 2-4 and Deborah Royal paragraphs 5-7. (2 NSD 207-209; 3 NSD 298-302.)

The backed-up queues along Lincoln Ave. prevent residents from accessing Lincoln from the side streets and from driveways. For example, when a driver approaches Lincoln Ave. from Alida, parents frequently block the intersection and he will have to wait until the parent drivers break the queue long enough for him to turn left or right onto Lincoln. The parents often are very slow to break the queues, leaving the resident waiting an excessive period of time to access Lincoln.<sup>15</sup> When the drop-off or pick-up queues prevent access out of private driveways, they also prevent the residents from getting into their own driveways.<sup>16</sup> The queues potentially can also stall emergency access to these streets because Lincoln is a main thoroughfare with narrow streets feeding into it.

**Legal Violations:** Neighbors incorporate Heather Klein's correspondence regarding violations of the use permit with respect to allowing the queues to back up and create traffic problems.<sup>17</sup> On July 26, 2012, city staff wrote to HRS' attorney: "It is still staff's determination that HRS has not made significant efforts to lessen the traffic queue. Furthermore, staff has seen little progress on the preparation and implementation of a Traffic Demand Management Program, as previously discussed with HRS, to reduce traffic impacts and comply with the COA and Mitigation Measure."<sup>18</sup> The excessively long queue during the afternoon pick-up time violates the mitigation measure under the California Environmental Quality Act (CEQA.) (Condition 24, mitigation measure TRAF-1.

Furthermore, the cars parked along Lincoln are located in front of three fire hydrants spread out at intervals along Lincoln. When the traffic is heavy, the cars that are parked in front of the fire hydrants or within 15 feet of them cannot immediately move out of the way, which is a violation of California Vehicle Code, § 22514. The

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<sup>15</sup> Declaration of Deborah Royal, paragraph 6. (3 NSD 298-302.)

<sup>16</sup> Declarations of Terry Tobey (paragraphs 2-4.) and Brian Petraska (paragraphs 4-7.) (4 NSD 376-392 369-375.)

<sup>17</sup> Letters from H Klein. (1 NSD 66-77; 113-117; 124.1-124.5.)

<sup>18</sup> Letter, undated from Anne Mudge, reply from Mr. Miller, dated July 26, 2012, pg. 2. (2 NSD 162-168.)

violation is the result of HRS' system for handling its student pick-up operation and thus, emanates from the school.

By unreasonably blocking ingress and egress to Lincoln Ave., HRS has created a public nuisance for those wishing to use the public street. The traffic congestion during these two periods is clearly emanating from HRS since the neighbors' DVD film shows little traffic when HRS is not engaged in its drop-off and pick-up operations.<sup>19</sup> The nuisance negatively impacts the entire neighborhood rather than just a few people.

**Suggested solution:** The school's excessive enrollment and its poor management are the two driving forces behind the queue problems. The enrollment needs to be reduced from 880 students back to 700 students, which is the number allowed under the 1995 use permit.<sup>20</sup> At the 700 number, HRS still had problems managing its traffic load on Lincoln Ave., but the problems definitely escalated after the enrollment was increased in 2006.<sup>21</sup>

The parking lot on the HRS property should be cleared of parking spaces for staff and student drivers, with the exception of the parking that can only be accessed from Whittle Ave. and for handicapped parking. The parking lot should be used for drop-off and pick-up for K-5<sup>th</sup> grade students, only. The school should find an off-site location, subject to city staff's approval, that is not on Lincoln Ave., nor in a neighborhood street, where its staff and student drivers can park. From that parking site the school should be required to operate a shuttle bus service to and from the school for its staff and student drivers.

As to all students who are in 6th–12th grade, the school should designate off-site pick-up and drop-off locations that meet city staff's approval and provide a shuttle service to and from those locations. These locations should not be on Lincoln Ave. or

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<sup>19</sup> The DVD is attached in the envelope to the NSD and can be viewed using Quick Time.

<sup>20</sup> Conditional Use Permit – May 24, 1995, which incorporates portions of the 1988 permit. (1 NSD 1-11.)

<sup>21</sup> Declaration of Randy Morris, paragraphs 34-36. (3 NSD 215-297.)

streets that feed into Lincoln as that arrangement of handling the school's traffic needs on Lincoln, and the nearby residential streets, has been a dismal failure. The Dowling report suggests several possible offsite locations where students can meet and wait for the shuttle bus to take them to school and drop them off at the end of the day.

Alternatively, the school should require that at least 75 percent of the students in the 6th-12th grade group arrive and leave school by public transportation, private bus service, and carpool (with at least three students in each car.) The remaining 25 percent would be dropped off or picked up in the HRS parking lot.

Neighbors considered two other options: 1. Allowing for an incremental reduction of enrollment back to the 700 student level over several years, and 2. resolving the traffic queue with no enrollment reduction. Given the immediate safety issues created, in part, by the queues, giving HRS several years to get into compliance with a 700 student enrollment would not reduce the safety hazards in a timely manner. Without an enrollment reduction, HRS would continue to have problems due to poor management. It is much more complicated to add conditions that require better management than it would be to reduce enrollment to a number HRS can better handle. Neighbors do not believe that, even with traffic rule enforcers, the school could manage the traffic so as to remove the extended queues, without an enrollment reduction.

Furthermore, the school's poor traffic management is conspicuous in their daily handling of the drop-off and pick-up operations, but in other ways as well. For example, the head of the school has often commented that his "heart goes into my throat" and that he "turns gray" every time he watches the pick-up and drop-off processes at HRS.<sup>22</sup> Yet, he has done little in two years to fix the problems. Nor has he applied any of the suggestions from the school's own retained traffic engineers, who discussed numerous options for solving the traffic problems in their report.<sup>23</sup>

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<sup>22</sup> Declaration of Randy Morris, paragraph 21. (3 NSD 215-297.)

<sup>23</sup> Dowling draft traffic report, dated December 19, 2011. (2 128-145.)

As to the costs of reducing the enrollment and paying for the cost of operating a shuttle service, neighbors reviewed the public tax returns for HRS for the last four years. They show that in 2007 HRS had over \$2 million dollars, and in 2009, over \$5 million dollars, in revenue after expenses. The business has consistently generated between \$20 million and \$24 million in income over the last four years. Also, Rob Lake has told the neighbors that HRS can afford to finance an \$11 million indebtedness to purchase LCC. Therefore, it should be able to afford an enrollment reduction and adequate bus shuttle services. Further, the school could charge the parents for the additional cost to run the shuttle services, since the parents are saving on gas and time from not driving their children to school.

### **3. Cars Pushed Into Oncoming Traffic by Double- Parked Cars**

**Problem:** As shown in the neighbors' traffic memo of June 1, 2012 and in the DVD film, the cars that arrive for drop-off and pick-up, park along the curb in front of the school and across the street from it.<sup>24</sup> Most of the traffic is heading down the hill towards the school as parents exit highway 13. The parents park in a queue that extends up Lincoln, but because there are fire hydrants and the HRS back driveway, often parents will leave small spaces between cars in the queue. Eventually, as the queue fills up, drivers pull the front of their cars into these little spaces, leaving the back-end of their cars in the northside travel lane. Then, the cars traveling in the travel lane, heading downhill towards the school, go around these cars over the double-yellow line into the south travel lane and towards oncoming traffic.

**Legal Violations:** Same as for Section 2 above because the queues at, and above, the school's Lincoln Ave. driveway cause the problem to begin with. Additionally, the safety hazard further exacerbates the public nuisance created by the school.

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<sup>24</sup> 2 NSD 192-206 and DVD in envelope attached to NSD volumes.

**Suggested solution:** Same as for Section 2, above. Further, there should be trained monitors at the end of the queue to make sure that this scenario is not repeated under any circumstances, including for school events. Two monitors should be posted at the back driveway, on both sides of Lincoln, to prevent bad parking behavior by drivers, who park there for events or who try to park there in violation of the rule that drop-offs and pick-ups are to be conducted on school property or at the off-site locations. We would also suggest a traffic “rule enforcer,” to be chosen by the city staff, and paid for by the school. The enforcer would make unannounced visits and prepare reports to the city staff, with a copy to the school and to the NLC.

#### **4. Unsafe Behaviors by Children and Adults During Drop-off and Pick-up times**

**Problem:** Adding to the chaos on Lincoln Ave. are students jaywalking to or from their parents’ cars, parked across the street from the school. Also, students and adults do not appreciate that Lincoln Ave. is an unsafe area during drop-offs and pick-ups. As a result, the parents get out of their cars or open their car doors into moving traffic. Students also approach their parents’ cars from the street side, as opposed to staying on the sidewalk side of the car. In a couple of the last scenes of the DVD film, the chaos is particularly evident.

**Legal Violations:** Same as section 2, above. The unsafe pedestrian and driver behaviors further add to the public nuisance. Much of the reason for parents and children to be on Lincoln Ave. is related to the school failing to provide enough offsite parking for its institutional staff. As a result, too few parents can access the HRS parking area to drop-off or pick-up their children since the space is being used for staff parking.

The school entered into a five-year contract with Lincoln Child Center for extra parking spaces.<sup>25</sup> However, HRS discontinued the lease after only one year in violation of Condition 46, neighborhood agreement 1. Further, HRS

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<sup>25</sup> Lease agreement between LCC and HRS. (1 NSD 65.)

violated Condition 46, neighborhood agreement 5 by failing to enforce the school's "Big Ten" traffic rules – number 1 and 7.<sup>26</sup>

**Suggested Solution:** Same as sections 2 and 3, above. Regardless of the corrections, there should be trained monitors directing students and parents to prevent bad driving and pedestrian habits. Besides the two monitors at the driveway, there should be at least another two monitors on each side of Lincoln between the gate and the back driveway.

### **5. Parents Blocking Private Driveways and Using Residential Streets for Drop-off and Pick-up Purposes**

**Problem:** Although HRS tells parents not to block driveways and to drop their children off in front of the school, there are so many students coming to the school in cars, that they do not fit within the school's loading zone. As a result, the parents park all over the neighborhood, including in private driveways. HRS' drop-off and pick-up operation has now spread around the neighborhood for blocks. Anyone with a residence within a five to six block radius around the school has found that their street and driveway are now part of the HRS school traffic drop-off and/or pick-up operation.

A problem related to the residents' inability to use their own driveways to get out is that there is also no way to enter the driveways during the school's drop-off and pick-up operations. Terry Tobey explains in her declaration, that her Lincoln Ave. driveway leading to her house is long.<sup>27</sup> She is an asthmatic, older woman, who needs to be able to access medical emergency services. Because her driveway is blocked for a substantial period of time during the school drop-off and pick-up operation, she may not be able to obtain medical assistance in a timely fashion.

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<sup>26</sup> The "Big Ten" Traffic rules are in the HRS Handbook, given to parents. (1 NSD 61.)

<sup>27</sup> Declaration of Terry Tobey, page, paragraph 4. (4 NSD 376-392.)

**Legal Violations:** Same as section 2. Moreover, the nuisance of having the street and private driveways blocked extends to the entire neighborhood around HRS. The school is in violation of Condition 46, neighborhood agreement 5 by failing to use good faith efforts to enforce the Big Ten Safety Rules, specifically rules 1 and 5.

**Suggested Solution:** Same as sections 2 and 3. Furthermore, trained monitors should be posted throughout the neighborhood to make sure that drivers do not use residential streets at all for drop-off and pick-up purposes.

#### **6. Lack of Responsiveness to Neighborhood Complaints Combined With Non-functioning Database of License Plates Related to HRS.**

**Problem:** HRS is not always responsive when neighbors complain about problems with the traffic and parking violations. The school maintains a database of vehicle license plates for the school year and possibly for the summer. A copy of the school year database is given to the neighbors, who then have to contribute to policing the violations. (The neighbors do not receive the summer database, if one exists.) Numerous times, the database does not have a license plate for a car related to HRS or if they do have it, there is no report back to the complaining neighbors as to the result. This gives the neighbors the impression that the rule breaking goes uncorrected.

**Legal Violations:** By failing to effectively respond to neighborhood traffic complaints after agreeing to use the database for tracking rule violators, HRS violated Condition 49, and Condition 46, neighborhood agreement 5 and 7.

**Suggested Solution:** As discussed below in section 8, neighbors are requesting that the school discontinue the summer camp. If HRS offers summer school, HRS should have adequate adult monitors as described elsewhere in this Complaint.



To remove neighbors from the task of policing the problems, the school monitors should be trained and be present during school hours and event hours on every street surrounding the school, and Alida, Alida Court, Linnet, Whittle Ave., Funston, Laguna, Charleston, Tiffin, and Lincoln Ave. It would be the job of the monitors to prevent HRS drivers from parking on any of these streets, stopping bad driver behavior and u-turns, and avoiding a queue of more than 6 cars from backing up below or above the HRS main gate.

The school should permanently invest in a full-time ombudsman position to manage neighbor complaints. If a neighbor complains to the ombudsman (who will need to be identified by the school) in writing, by either email or letter, the ombudsman should follow-up the complaint and report to the neighbor in writing: 1. The results of the investigation into the problem; 2. The steps taken to correct the problem; and 3. The steps taken to prevent the same problem from recurring. The response from the school should be forthcoming within 48 hours of receiving the written complaint. A log of these neighbor complaints should be kept and provided to the City and neighbors to ensure compliance with these expectations.

If the neighbor lodges a complaint by phone, the school should respond by phone within 24 hours with the same information as listed above.

Each semester, HRS should notify parents, student drivers, vendors, staff, and guests that they are not to park on Lincoln Ave., Whittle Ave., Funston, Alida, Linnet, Alida Court, Charleston, Tiffin, or Laguna. If the driver is at HRS for short periods of time, he or she should go down the driveway and park in the available empty parking spaces, not on the residential streets.

HRS should continue to pay for the two-hour parking restrictions on Alida and Alida Court regardless of the cost charged by the city because the two-

hour parking restriction also dissuades drivers from using these two streets as a parking lot for the school.

### **7. There Are Too Few Monitors, They Are Not Trained, Are Ineffective, and Sometimes They Are School Students**

**Problem:** There has been a continuous problem with HRS not having a sufficient number of monitors to control traffic problems. Even if the school is ordered to use offsite parking and its own campus for K-5<sup>th</sup> grade drop-off and pick-up, there will still need to be monitors. Otherwise, parents will continue to use residential streets for parking. Some of these monitors appear to be school children.<sup>28</sup> Whether adults or adolescents, the monitors do little to stop bad driving habits or prevent rule-breaking while it is occurring. They also do not make notes, take photos, and follow-up with corrective action when bad driving habits occur in front of them.

**Legal Violations:** Same as section 2. Further, HRS is in violation of Condition 46, neighborhood agreement 5.

**Suggested Solution:** The city should require that the school only use monitors, who are over 21 years of age, are paid for their services, and are trained and supervised by a traffic engineering company. The rule enforcer (discussed below) would make unannounced visits and monitor compliance with this requirement.

There should be at least 14 monitors between the hours of 7:45 a.m. and 9:30 a.m. and between 2:00 p.m. and 4:00 p.m. The Whittle Ave. gate monitor would be posted at this location from 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. The monitors would be positioned as follows:

2 monitors on the driveway, one on each side of Lincoln Ave.

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<sup>28</sup> Declaration of Brian Petraska, paragraph 7. 4 NSD 369-375.)

2 monitors between the main gate and the back driveway, one on each side of Lincoln

2 monitors at the front gate, one on each side of Lincoln

2 monitors on Alida St., one each side of the street

1 monitor at Alida Court

1 monitor at the intersection of Alida and Laguna

1 monitor on Tiffin

1 monitor on Whittle Ave., Tiffin to Funston

1 monitor on Whittle Ave., Funston to end of street

1 monitor at the Whittle Ave. gate

The monitors' duties would include:

- i. Wearing a red vest and for the Whittle Ave. monitors, also carrying and using a standard SLOW sign; the Lincoln monitors at the gate and driveway would carry and use standard STOP signs. The Alida, Alida Court, and Laguna monitors would carry and use NO-UTURN signs that are the same size and configuration as the other two signs
- ii. Stopping drivers from making u-turns in the street or in driveways if they attempt to do so
- iii. Preventing HRS drivers from parking on the residential streets, directing them to the driveway for HRS for drop-off and pick-up or for short-term parking
- iv. Preventing drivers from speeding through the residential streets
- v. Directing deliveries down the Lincoln driveway into the HRS campus and preventing trucks from sitting on residential streets
- vi. Stopping adults and children from exiting their cars on Lincoln Ave., or any other residential street

In the event that an HRS driver did not comply with the driving rules in the HRS handbook, in this use permit, or violated any of the directions of the monitors, the monitors would take down the identifying information and report it directly to the ombudsman.

On a first violation, the head of school would call the rule breaker. On a second violation, the head of school would require the rule breaker to meet with him or her in a conference and would warn the rule breaker that any further violation would result in cancellation of the school contract. A third violation would require cancellation of the contract.

## **8. Summer Camp Noise and Traffic Problems**

**Problem:** The neighbors are very familiar with the summer camp that HRS runs every year. While it has traditionally offered some classes in the morning, it is a summer day camp, not a summer school. The parking and traffic problems are worse than the regular school year.

The summer camp is open to the public and anyone who has the fee can pay to leave their child at HRS from about 7:30 a.m. until about 6:00 p.m. Some parents pick up their children before 6:00 p.m. depending on the parents' schedules.

Basically, while other schools go quiet for the summer, HRS becomes even more chaotic than the regular school year. The parents have no idea about safe driving rules and since there are multiple sessions over the summer, they never learn them. The persons in charge of the camp use adolescents as counselors and traffic monitors with poor results.

The noise during the summer camp sessions is much different from a typical school. Counselors tell students to engage in "group chants," which are screaming sessions, heard all over the neighborhood. The counselors use amplifiers for routine communications with the campers and that noise also

resonates around the neighborhood. Because the school facility is located in a canyon, the noise reverberates all around the neighborhood housing.<sup>29</sup>

Furthermore, it is difficult to get the neighbor complaints resolved in a timely manner during the summer camp.

**Legal Violations:** Condition No. 1 (a) requires HRS to obtain a new use permit for a summer camp: “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.” There is nothing mentioned in any staff report, set of plans, application, or other documents submitted by HRS that it wanted to run a summer camp.

The amplified noise requires a permit under Oakland’s Noise Ordinance; otherwise it is illegal. (Oakland Mun. Code, § 12.56.020.) The excessive noise violates Oakland Mun. Code, § 8.18.010 (A) (B), subsection (1).

The traffic, parking, and noise problems affect a large number of people throughout the neighborhood and constitute a public nuisance.

**Suggested Solution:** Neighbors are requesting that the hearing officer discontinue the summer camp. The HRS tax returns show that the school generates enough income to withstand the loss of the summer camp. If HRS wishes to run a summer camp, the school should find a more appropriate location for it than in a densely populated neighborhood.

If the school wishes to run a traditional summer school, Neighbors request that the school be restricted to typical summer school hours of 8:30 a.m. to 12:00 p.m. The school should be limited to 50 students and the activities

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<sup>29</sup> Declaration of Inma Linero, paragraphs 3-8. (3 NSD 303-308.)

limited to the classroom setting. Staff parking and the drop-off and pick-up procedures would be the same as during the regular school year.

## **9. Lack of Supervision of HRS Students While They Are on Campus**

**Problem:** The neighbors have observed that HRS not only has a very lax attitude about supervising its students while they are getting out of or into cars, but also while they are on the school campus. Students use a cement path to access the upper area of the campus above the soccer field and tennis courts, immediately adjacent to neighbors' residences on Whittle Ave. They then locate themselves and use the area along a steep hillside to smoke pot and cigarettes, and engage in other unacceptable behaviors.

**Legal Violation:** The failure to supervise the students in the residential streets and on the campus negatively impacts numerous neighbors at the same time. The students' jaywalking, approaching cars from the travel lanes, smoking pot and engaging in unacceptable behaviors affects the neighbors' quiet enjoyment of their own homes and constitute a public nuisance.

**Suggested Solution:** Neighbors have previously discussed monitoring the streets. As to the smoking pot and other behaviors, this could be prevented by erecting a fence on top of the wooden wall that already goes along the running path above the playing field. It should be eight feet in height, go around the area of the parking lot, and be secured with a locked gate at either end. A monitor should be assigned to watch this hillside during times when students are not in their classrooms, such as lunch time or recesses. If students are found on the hillside, they should be redirected back to class. Once, every half hour on a changeable schedule, a monitor should walk the area below the hillside and determine if any students are cutting class and using this area of the campus.

The gate should be kept locked at all times and only opened for emergencies and for maintenance.

#### **10. Parents, Guests, Vendors, and School Staff Park All Over the Greater Neighborhood, Instead of on the Campus**

**Problem:** The 2008 990 tax return for HRS indicates that at that time there, were 427 employees and 246 volunteers.<sup>30</sup> The 2010 990 tax return reflected that there were 432 employees and 360 volunteers.<sup>31</sup> The HRS staff directory on its website only contains approximately 153 employees and that is about the number of parking spaces provided by HRS. (Presumably, some of the total number of employees and volunteers work in the summer camp, but there are many fewer campers than regular students.)

During the regular school year and during the summer camp, there is insufficient available parking on the school campus for all of the employees, let alone parents, guests, and vendors. The school also has opened a café for students and guests, which also increases the need for more parking spaces. As a result, the excess number of cars park all over the greater neighborhood, which adds congestion to the residential streets when people are trying to get to work, blocks driveways, and results in far fewer cars parked around the neighborhood. As demonstrated in several declarations, the HRS school spreads itself all over the neighborhood until the residents feel like they are just one more part of the HRS operation.

**Legal Violations:** HRS failed to arrange offsite parking options beyond the first year of their lease with Lincoln Child Center, which violates Condition 46, neighborhood agreement 3. The café, open to parents and guests is also not a permitted use under the use permit, which violates Condition 1 (a).

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<sup>30</sup> 2008 990 tax return, pg. 1, lines 5 and 6. (4 NSD 420-451.)

<sup>31</sup> 2009 99 tax return, pg. 1, lines 5 and 6. (4 NSD 452-492.)

**Suggested Solution:** Neighbors are asking that the city close the summer camp due to the excessive noise and traffic problems. Even if the city allows a summer school at this location, the parking demand should be handled offsite with a shuttle service. The parking lot would then become available for guests, parents, handicapped parking, and vendors.

### **11. Deliveries at Unusually Early Hours, Creating Excessive Noise and Vibrations**

One of the problems that has occurred more frequently with the increased enrollment and the opening of an on-campus cafe is the use of very large trucks to deliver food and supplies to HRS. With students and staff numbering well over 1,000, the school constantly needs to have deliveries made on an almost daily basis.

Lincoln Ave. has a sign at the top of the hill, near highway 13, prohibiting trucks that are in excess of four-and-a-half tons from descending the hill. However, vendors delivering to HRS routinely violate the sign. The delivery trucks are very large and consistent with what one would find delivering to Safeway or in the warehouse district. These trucks are not intended for residential deliveries.

The trucks arrive at various times of the day and many of them have generators for refrigerating food and very large, noisy engines. The drivers keep the generators and engines running until they unload the food. The unloading process involves dropping a metal ramp into the asphalt, pulling out metal rolling devices and then unpacking a number of boxes from the truck. All of that unloading process further adds to the noise.

Particularly annoying is that the drivers often arrive as early as 4:30 a.m. and then sit outside the HRS main gate running their engines and generators until someone shows up at HRS to accept the delivery at least three hours later. Meanwhile, the residents across the street are awakened at variable hours and have to listen to the noise until the HRS employees show up to take the deliveries. Also, some of the trucks cause



vibrations that rock windows. One truck that is particularly noisy is the mulch truck that shoots material into the school. It results in vibrating all of the housing near it.<sup>32</sup>

The school has contended that it has no control over its vendors and that their deliveries in the early morning hours cannot be controlled.

**Legal Violations:** The truck problems, described above, annoy the neighboring residents and constitute a public nuisance. The larger trucks violate the city weight restriction, which is posted at the top of the hill on Lincoln. Further, running the generators before 7:00 a.m. violates Oakland Planning Code, § 17.120.050. The delivery truck vibrations violate Oakland Planning Code, § 17.120.03 (I). The truck loading and unloading before 6:00 a.m. violates Oakland Mun. Code, § 8.18.010 (A) and (B), subsection 8. The idling of the truck engines and/or generator engines constitutes a nuisance and violates Oakland Mun. Code, § 8.18.020 (B).

**Suggested Solution:** Neighbors have noticed that the actual amount of food boxes or supplies delivered to HRS is very small compared with the size of the trucks. It is obvious that these large trucks are delivering to a number of locations, not just HRS. The amount of boxes unloaded from the truck would fit within a typical van or three-quarter ton truck.

The city should require that the school only accept deliveries that can be made by vehicles, no greater than one ton, and that can be safely driven down HRS' main driveway. Alternatively, HRS would rent an offsite location in a warehouse or other commercial space that can accommodate refrigeration. The trucks would go to that site, use a code to access the warehouse or offsite space, and make the deliveries. HRS would then have their employees periodically pick up the supplies or food and deliver them via the main driveway. That way, the perishable food would not be at risk and the large trucks would not be idling in front of the school.

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<sup>32</sup> Declaration of Brian Petraska, paragraphs 10-13. (4 NSD 369-375.)

The mulch truck that shoots material onto the campus would be discontinued and its material delivered by smaller trucks and the school would provide sufficient personnel to spread it by hand.

## **12. Speeding Trucks and Cars on Whittle Ave.**

Whittle Ave. is located on the backside of HRS and is very narrow. HRS has a gate located there and uses it for some deliveries and some limited staff parking. Some of the trucks and staff cars that use the Whittle Ave. gate come through the neighborhood at a high rate of speed, endangering the residents and their pets. HRS fails to monitor and control the speed of these vehicles.<sup>33</sup>

**Legal Violations:** The school is in violation of Condition 46, neighborhood agreement 3 because it required obtaining parking spaces offsite. Had this been complied with, there should have been enough room on the campus parking lot for short-term parking and deliveries. The speeding vehicles constitute a public nuisance.

**Suggested Solution:** Neighbors incorporate section 11 and suggest that all truck deliveries be handled through the main driveway on Lincoln and by no vehicle larger than a one ton truck and that can be driven safely down the driveway. From year to year, the same staff people should be assigned parking spots in the Whittle Ave. side parking lot. They should be warned not to drive fast, exceeding the speed limit through the neighborhood, and upon any violation that they will lose their right to park on the HRS campus. Those individuals who violate the rule would then park in the off-site parking lot.

## **13. Poor Landscape Maintenance**

Up until about three years ago, HRS maintained its landscaping on Whittle Ave., but then canceled the service. When there was a gardening service they trimmed the ivy

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<sup>33</sup> Declaration of Marianne Newman, paragraph 5. (4 NSD 400-401.)

along the back fence on Whittle Ave. Avenue, and around the back driveway. As a result of no maintenance, the ivy is very overgrown and growing over the curb onto the already narrow road. Also it is climbing on the tree trunks and all over the canopy of some of the trees. The same applies to the oaks facing Lincoln, close to the school's main entrance.<sup>34</sup>

**Legal Violations:** The failure to maintain the landscaping violates Condition 43.

**Suggested Solution:** The school should be required to hire a landscape architect, the choice of whom would be subject to the planning department's approval. The landscape architect would act as a rule enforcer by reviewing the condition of the landscaping every quarter, making recommendations for corrections, and preparing a report to the planning department with a copy to HRS and the NLC. The school would be required to follow the recommendations.

#### **14. Fire Danger from Vegetation Ladder**

**Problem:** The school brings in goats once a year to clear the overgrowth on the hillside as part of fire prevention. However, there is an area on the campus where the school does not clear broom, Eucalyptus debris, and other vegetation that forms a fire ladder from the play field to the housing and next to the property of Terry Tobey.<sup>35</sup>

**Legal Violation:** The failure to provide safe landscaping violates Condition 43. HRS is located in Oakland's Fire District. (Oakland Mun. Code, § 15.12.) It is required to clear its campus of brush that could contribute to the formation of a "fire ladder."

**Suggested Solution:** The school facilities manager should meet once a year with Ms. Tobey to review the vegetation next to her property. The landscape architect

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<sup>34</sup> Email complaint from Inma Linaro, paragraph 9. (3 303-308.)

<sup>35</sup> Declaration of Terry Tobey, paragraphs 12-13. (4 NSD 376-392.)

rule enforcer should review the reduction of vegetation to prevent fires and make any needed recommendations.

### **15. Events Escalating in Number and Nuisances**

HRS has exponentially increased the number of events that occur on its premises. The head of the school explained that he wanted HRS to be a “community center” where the whole community could come and use HRS’ facilities. He claimed that he was “lending” out the school, but was not charging for the rental of the facility.<sup>36</sup>

These events involve everything from soccer games in the early evening to major gatherings that do not end until close to 11:00 p.m. or midnight.<sup>37</sup> The neighbors routinely are disturbed during dinner time or when trying to sleep at night. The late night noise often involves attendees socializing on Lincoln Ave. as they leave their event. Furthermore, the traffic from the larger events presents the same problems for neighbors as the ones that occur when school is in session. However, while sometimes the event sponsors use valet services, often they do not. The parking problems also are exacerbated by these events.

When HRS puts on events, they generally involve the same nuisance problems that occur during the school drop-off and pick-up times. Parking and noise issues are actually worse, given most neighbors are home during evening and weekend times. The parked car queue goes back beyond the school’s Lincoln Ave. driveway with people double parking to let out passengers, private driveways are blocked, and attendees park all over the neighborhood due to a lack of parking spaces.

Sometimes, the school does make arrangements with the Greek church for overflow parking, but that does not occur often enough to avoid creating a nuisance for the neighbors.

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<sup>36</sup> Declaration of Drew Lau-Regent, paragraph 11. (4 NSD 396-399.)

<sup>37</sup> Declaration of Brian Petraska, paragraph 8. (4 369-375.)

**Legal Violations:** The permit does not authorize a “community center” or other non-school related use. Therefore, the use of the property as a community center violates Condition 1 (a). The late night noise from attendees returning to their cars and the uncontrolled traffic and parking problems constitute a public nuisance.

**Suggested Solution:**

Neighbors request that the following condition be added to the HRS use permit:

The school shall be permitted to hold events at its campus in the accordance with the following:

- a) The school shall be permitted a maximum of 20 evening events per school year during the hours of 6:00 p.m.-9:00 p.m.
- b) The school shall be permitted a maximum of 10 Saturday events per school year during the hours of 9:00 a.m.- 6:00 p.m. No Sunday events are permitted.
- c) The school shall be permitted a maximum of two single day summer events per year during the hours of 8:00 a.m.-6:00 p.m. and only on weekdays.
- d) The school is not permitted to hold summer camp, sports, daycare, or any other activity during the summer, with the exception of summer school from the hours of 8:30 a.m. to 12:00 noon and on weekdays only. The summer school will include classroom instruction, only
- e) The school is not permitted to rent out, loan out, partner, or in other way provide its facility for any use.

**16. Student Drivers Engaging in Reckless Driving in the HRS Parking Lot**

**Problem:** Terry Tobey’s property is located directly above the HRS parking lot where students park their cars. There is no supervision of this parking lot and as a result, Terry and her immediate neighbors suffer from students driving recklessly in the HRS

parking lot, honking their horns, and spinning donuts in the school parking lot. She has complained to the school administration about this and other problems in the past, but without any correction of the problems.<sup>38</sup>

**Legal Violations:** The city should find that the dangerous driving problems on the HRS campus constitute a public nuisance.

**Suggested Solution:** The parking for student drivers should be moved to an offsite location and the school should be required to provide adequate supervision of that location.

### **III. LEGAL ANALYSIS**

#### **A. The Hearing Officer Has the Legal Authority to Revoke or Modify the Use Permit Under Oakland's Planning Code**

##### **1. General Provisions**

The Oakland Planning Code authorizes the city to revoke or modify a use permit. Any member of the public:

... may file a complaint with the City Planning Department and request that revocation proceedings be commenced under this Chapter to revoke or amend any land-use related approval granted, or land-use permit held or issued, including subdivisions.

B. All revocation complaints shall identify the property that is the subject of the complaint and shall state facts and circumstances which justify commencement of revocation proceedings.

(Oakland Planning Code, § 17.152.070.)

Upon the planning department's decision that there is sufficient evidence contained in the complaint to proceed with a revocation hearing, the hearing officer has the authority to remedy any public nuisance and/or violations of the use permit conditions:

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<sup>38</sup> Declaration of Terry Tobey, paragraph 6 (second 6). (4 NSD 376-392.)

In the event the Hearing Officer . . . determines there has been a violation of any provisions of the Zoning Regulations, or upon evidence that there has been a failure to comply with any prescribed condition of approval, or a determination is made that a public nuisance exists on or is emanating from the property that is the subject of the revocation proceedings, the Hearing Officer . . . may amend or revoke any zoning permit associated with the property, add additional conditions of approval, abate the public nuisance, impose fines and/or penalties and/or issue any other reasonable remedial order to address the violations, failures and/or public nuisance . . .

(Oakland Planning Code, § 17.152.140.)

Complainants have demonstrated through their submitted declarations and documents that HRS has failed to comply with various of its use permit conditions. Neighbors have also shown that many of the problems, caused or emanating from HRS legally fall within the definition of a public nuisance. Therefore, the hearing officer should provide remedies that in his or her conclusion will prevent further violations.

Under applicable state law, the city has the authority to revoke HRS' permits for failing to comply with its use permits. It legally can revoke or modify the permits because HRS is creating a public nuisance in the specific ways, described above. The city can modify or revoke the permits because HRS is failing to comply with the CEQA mitigation measure.

**B. The City Legally Can Revoke or Modify the Use Permit for HRS' Failure to Comply with the Permit Conditions**

HRS obtained the 2006 and 2008 permits and, in reliance on those permits, invested money in constructing its projects and running its increased school operation. As such, it has a vested property right in those permits. However, that vested right does not mean that the school is free to do whatever it chooses, in violation of its use permit conditions:

When a permittee has acquired such a vested right it may be revoked if the permittee fails to comply with reasonable terms or conditions expressed in the permit granted [citations.] or if there is a compelling public necessity.

*(O'Hagen v. Board of Zoning Adjustment (1971) 19 Cal.App.3d 131, 158.)*

The school's failure to comply with the permit conditions regulating parking, traffic monitoring and control, the parking queue during the afternoon pick-up, and use of the property as a school all support revocation or modification of the use permit.

**B. The Hearing Officer Has the Authority to Revoke or Modify the Use Permit as to HRS' Violations of its Use Permit and as to its Activities That Constitute a Nuisance**

The Planning Code authorizes the hearing officer to make a determination whether HRS is causing a public nuisance:

In addition to the penalties provided elsewhere in the Zoning Regulations, any public nuisance, use or condition caused or permitted to exist in violation of any, city, state or federal law or regulation shall be considered a public nuisance and a violation of the Zoning Regulations, if a permit has been issued pursuant to any of the sections referenced in Section 17.152.070 to allow any activity or facility to be established or conducted on the property on which said public nuisance, use or condition exists. . . . [The] city's Hearing Officer . . . shall be authorized to abate said public nuisances pursuant to the procedures set forth in Sections 17.152.060 through 17.152.170 of these regulations and/or pursuant to any other authorized procedure.

*(Oakland Planning Code, § 17.152.190.)*

Civil Code, § 3479 defines a nuisance as:

Anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a nuisance.

Civil Code, Section § 3480 describes a "public nuisance as: one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal."



*O'Hagen, supra*, is a First District decision. (the First District Court of Appeal has jurisdiction over Oakland.) In that case, the court held that a compelling public necessity may exist for revocation of a permit for a lawful business:

... where the conduct of that business constitutes a nuisance. [Citation.] The principle underlying this rule is that if such a business constitutes a nuisance it can be removed under the police power of a municipality to prohibit and enjoin nuisances. This right is given as a protection against the improper conduct of any lawful business by acts constituting a nuisance.

(*O'Hagen* at pp. 158-159.)

The *O'Hagen* court relied upon the California Supreme Court case, *Jones v. City of Los Angeles* (1930) 211 Cal. 304, 312-315. In *Jones*, the court held that "... the city[] still has the right to enjoin acts which constitute a private or public nuisance and this right is given as a protection against the improper conduct of any lawful business. (*Jones*, at p. 315.) The court further held:

And here the distinction between the power to prohibit nuisances and the power to zone is exceedingly important. The power over nuisances is more circumscribed in its objects; but once an undoubted menace to public health, safety, or morals is shown, the method of protection may be drastic. Private businesses may be wholly prohibited, where their danger is sufficiently great; and other businesses, no matter how well established and how great the resulting loss, may be excluded from certain districts where, by reason of the circumstances, their maintenance has become a public nuisance in those districts. In these cases, the public welfare demands even the destruction of existing property interests.

(*Jones, supra*, at p. 316.)

The *O'Hagen* court cautioned, however, that "in order to justify the interference with the constitutional right to carry on a lawful business it must appear that the interests of the public generally require such interference and that the means are reasonably necessary for the accomplishment of the purpose, and not unduly oppressive upon individuals. (19 Cal.App.3d at p. 159.)

Here, HRS' blocking city streets and with them, many private driveways for its lengthy, drop-off and pick-up operations, and that extend all over the neighborhood, constitute a public nuisance. In another First District Court of Appeal decision, the court provided the history of the long-standing rule that property owners abutting a public street have an easement or right of way into that street:

[I]t is a familiar and well-established principle that the owner of a lot abutting on a street has an easement or right of way over it, which in the strictest sense of the word is property. [Citations.] Impairment of that property right constitutes both a private and a public nuisance. [Citation.]

(*Zack's, Inc. v. City of Sausalito* (2008) 165 Cal.App.4<sup>th</sup> 1163, 1190-1191.)

Furthermore, there is no statute of limitations applicable to a public nuisance: "Because the nuisance Zack's alleges fits the statutory definition of a public nuisance (Civ. Code, § 3480), it cannot be time-barred. (Civ. Code, § 3490) [citation.]." (*Zack's, supra*, at p. 1191.)

Besides the traffic problems, including the queue issue, HRS also has created a public nuisance with its summer camp due to excessive noise from organized screaming and amplified noise, and from the truck deliveries.

### **C. The City is Legally Required to Enforce the CEQA Mitigation Measure**

At the time the city granted the use, subject to the CEQA mitigation measure, it had to "provide that measures to mitigate or avoid significant effects on the environment [were] fully enforceable through permit conditions, agreements, or other measures. (Pub. Resources Code § 21081.6 (b).) The mitigations measures had to be enforceable. (*Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2004) 126 Cal.App.4<sup>th</sup> 1180, 1198.)

Once HRS failed to comply with the mitigation measure, CEQA required that the city enforce it. (*Lincoln Place Tenants Assn. v. City of Los Angeles* (2007) 155 Cal.App.4<sup>th</sup> 425, 446, 451-453.) The city staff began that process of

enforcement by notifying HRS that they were out of compliance by not even providing the traffic monitoring required under the measure. The city's decision to hold a compliance hearing was appropriate and was only delayed due to a request from Rob Lake that he be allowed time to meet with neighbors and deal with the noncompliance. Instead, he did nothing effective to bring the school into compliance with the mitigation measure.

Therefore, the city should pursue the hearing that was originally contemplated as a means to deal with HRS' non-compliance with the conditions and mitigation measure in its permits.

#### IV. CONCLUSION

Before the city granted the PUD permit, it asked the Head of School (Paul Chapman) if he would agree to comply with all of the conditions and the mitigation measure in exchange for the city granting HRS the privilege of expanding its school in the residential neighborhood. Mr. Chapman agreed that the school would comply with its use permits. On December 7, 2005, Mr. Chapman wrote to the city planner and specifically agreed to comply with the mitigation measure.<sup>39</sup>

HRS has failed to meet its obligations under the permits and the city should hold a hearing to determine the proper corrections.

Respectfully submitted,

Dated: August 8, 2012

Veneruso & Moncharsh



By: Leila H. Moncharsh  
Attorneys for NSC et al.

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<sup>39</sup> 1 NSD 64.



**NEIGHBORHOOD STEERING COMMITTEE ET AL.  
VERSUS HEAD ROYCE SCHOOL**

**NEIGHBORHOOD SUBMITTED DOCUMENTS (NSD)  
VOLUME 1**

**AUGUST 8, 2012**

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Recording Requested and  
When Recorded, Mail to:

The Head-Royce School  
c/o Mandel, Heil & Buder  
101 Vallejo Street  
San Francisco, CA 94111  
Attn: William Mandel

COPY OF DOCUMENT RECORDED  
MAY 24 1988  
AS NO. 124127  
HAS NOT BEEN COMPARED WITH ORIGINAL  
ALAMEDA COUNTY RECORDER

### NOTICE OF CONDITIONAL USE PERMIT

This Notice of Conditional Use Permit is made by The Head-Royce School, a nonprofit corporation.

#### I. RECITALS

A. The City Council of the City of Oakland affirmed the decision of the Planning Commission of the City of Oakland granting an application for a Conditional Use Permit (the "Conditional Use Permit") to The Head-Royce School, a nonprofit corporation, in connection with the construction of athletic facilities at a community activities center located at 4315 Lincoln Avenue, the legal description of which property is hereafter attached as Exhibit A and incorporated herein by this reference; and

B. Such City Council action, which includes the Conditional Use Permit and Conditions 1 through 20, is evidenced by a document entitled, "Resolution No. 65153", a copy of which is attached hereto and incorporated by reference as Exhibit B, dated January 26, 1988; and

C. Condition 13 of the Conditional Use Permit requires The Head-Royce School to record all of the Conditions contained in the Conditional Use Permit with the Alameda County Recorder's Office;

#### II. NOTICE OF CONDITIONS

Notice of the Conditional Use Permit, including, without limitation, Conditions 1 through 20, which is attached hereto as part of Exhibit B, is hereby given by The Head-Royce School.

IN WITNESS WHEREOF, this Notice is executed as of the 17  
day of May, 1988.

THE HEAD-ROYCE SCHOOL

By: William Mandel  
William Mandel, Secretary  
of the Board of Trustees

001



1. That the revised proposal be approved as submitted, provided that a parking plan is submitted that includes consideration of the use of tandem and attendant parking spaces and includes the following: (a) provided 51% of residents on each block agree, a residential parking permit program will be established encompassing the properties fronting on Fruitvale from Hoover to Tiffin; Funston from Fruitvale to Whittle; Whittle from Tiffin north to its end; Lincoln from the Head-Royce crosswalk to Tiffin; Burlington from Lincoln to its end; (b) Head-Royce will pay all costs of signage according to City standards for the program and all residential parking permit fees the first year of the program; and, (c) Head-Royce School will pay all parking permit fees up to \$4,000 per year in each subsequent year of the program. In addition, Head-Royce School shall develop and implement an enforced school policy limiting the number of drivers who drive to school. The above shall be subject to approval of the Director of City Planning prior to any grading or the issuance of building permits.

2. That the new lower school building be for lower grade children only (K-6). That this facility accommodate a maximum of 75 new lower grade children.
3. That the use of the external athletic facilities be limited to Head-Royce School related activities only. That the sports facilities not be used as a commercial facilities open to paying customers.
4. That the tennis courts and other athletic facilities be used only during daylight hours; that these facilities not have any outdoor lighting installed that would enable them to be used during non-daylight hours except for lights required for safety reasons, subject to the approval of the Director of City Planning; that no public address system be installed for outside facilities.
5. That the applicant shall submit a litter control plan to the satisfaction of the Director of City Planning that: (a) includes the design, location, and number of litter containers to be installed on the side and in the buildings; containers to be installed in accordance with said approved plan prior to the issuance of any building permits; and (b) establishes a management schedule for keeping the premises and surrounding area in a 300-foot radius of the entire campus free from litter originating from the operation of the school.
6. That the City Planning Commission reserves the right, after notice and public hearing, to alter conditions of approval or revoke this Use Permit if, as a result of neighborhood complaints, it is found that the school is violating any of the conditions of approval or are not operating in compliance with the General Use Permit Criteria.
7. That the applicant submit the proposed exterior colors and materials subject to the approval of the Director of City Planning prior to the issuance of building permits.

May 24, 1995

CONDITIONS OF APPROVAL ATTACHED TO AND MADE PART OF ZONING CASE FILE NO. CMV95-14: (Modifications to the Conditions of Approval as directed by the City Planning Commission at the May 24, 1995 meeting are indicated in bold print.)

1. That the project shall be operated in accordance with the authorized use as described in this staff report and as amended by the conditions listed below.
2. That the proposal shall be constructed according to the plans submitted on March 7, 1995; provided further, that the project incorporate the revisions listed below as conditions of approval.
3. That the conditions of approval shall be reproduced on page one of the plans submitted for building permits.
4. That minor changes to approved plans may be approved by the Director of City Planning, but major changes shall be subject to review and approval following a new public hearing by the City Planning Commission.
5. That final selection of exterior materials, colors, and textures shall be approved by the Director of City Planning prior to the issuance of building permits.
6. That a landscape plan and irrigation plan for the area around the pavilion project shall be prepared by a licensed landscape architect or other qualified person and submitted for review and approval to the Director of City Planning prior to issuance of building permits; that such plan include a planting schedule detailing plant types and locations and a system for irrigation be installed prior to final building permit inspection; and that all landscaping be permanently maintained in a neat, safe and healthy condition.
7. That a site lighting plan shall be submitted to and approved by the Director of City Planning prior to issuance of a building permit; and said plan shall include the layout of lighting fixtures and their manufacturer's specification including candlepower distribution curves and illumination levels; and said lighting shall be installed at locations/ mounting heights and be shielded with shrouds to eliminate glare onto adjacent properties and public streets.
8. The applicant shall install gates on Whittle Avenue with restricted access. The design of such gate shall be submitted to the Director of City Planning prior to the issuance of any building permits. The applicant shall provide plans to residents of Whittle Avenue and submit any comments from the neighbors to the Director of City Planning within 10 days of receipt of such comments.

Fax: to Rod Thompson - 866-728-2195  
from Heather Klein - City of Oakland 510-238-3659

003

May 24, 1995

- 16 The properties on Whittle Avenue owned by Head-Royce School shall be limited to residential use as required by the R-30 Zone as long as the properties are owned by the School. The School shall comply with all regulations under the R-30 Zone and will not merge the Whittle Avenue lot(s) to the School's Lincoln Avenue lot(s) as a device to subvert zoning regulations.

ADOPTED BY: City Planning Commission: May 24, 1995 (date) 6 ayes, 0 noes - to approve (vote)  
City Council \_\_\_\_\_ (date) \_\_\_\_\_ (vote)

F-Z289 2CMV9514.MLX

needs to be sensitive to the residents. The general contractor and its subcontractors will observe all City ordinances with regard to construction impacts, including noise, dirt and covering of vehicles removing debris from the site. The general contract will assure that, to all practical ability, trucks will not stand and wait on Whittle Avenue or other residential streets. The general contractor will work with the School/Community Liaison Committee to resolve any other issues related to the impacts of construction activity on the community."

18. A School/Community Liaison Committee will be appointed to monitor these agreements and conditions of approval. The committee will consist of a member of the Head-Royce Board of Trustees, the head of the upper school, a board-appointed member who is both a school parent and a resident of the community, a school parent and a resident of the community, a school-appointed member of the student body; the president of Fruitvale Gardens Neighborhood Association and the president of Concerned Citizens of Lincoln Avenue.
  19. That the community appellants agree not to file for judicial review of the City Council or Planning Commission action if all agreements stated above are stipulated as conditions of approval of the permit.
  20. That Councilmember Dick Spees work with the school, the community and AC Transit to explore relocating the bus stop near the Lincoln Avenue entrance and to designate that area as a passenger loading zone.
-

CITY OF OAKLAND  
Oakland, California 94612  
Telephone: 238-3941

ZONING REPORT

       City Planning Department  
  X   City Planning Commission

CASE FILE: CMV95-14  
(ER95-02)

REPORT DATE: May 24, 1995

APPLICANT: HEAD-ROYCE SCHOOL

  X   Owner        Buyer        Lessee        Agent

FILING DATE: 4/11/95

LOCATION: 4315 Lincoln Avenue

LAST DATE FOR  
CONSIDERATION: 6/10/95

APPLICATION: Major Conditional Use  
Permit and a Minor Variance

PROPOSAL: To construct a 42 foot  
high pavilion facility  
(athletic and classroom  
activities).

APPLICABLE ZONING  
REGULATIONS: Sec. 2316(b)  
and (c), 3454(a),  
3469, 9201(a)(1),  
7512(d)

SUPPORT: Letters from neighbors including the Fruitvale Garden  
Neighborhood Association and speakers at the public  
hearing.

OPPOSITION: Letters from neighbors including Concerned Neigh-  
bors of Head-Royce School and Friends of Whittle  
Avenue and speakers at the public hearing.

STAFF RECOMMENDATION: Approve  
  X   Conditions Attached

COMMISSION ACTION: Approved  
Vote: 6 ayes, 0 noes - (to approve)  
Date: May 24, 1995

ZONING: R-30, One-Family Residential Zone

ENVIRONMENTAL STATEMENT:

       EIR   X   Negative Declaration        Categorically Exempt:  
ER95-2

BACKGROUND: In January, 1988, the City Council affirmed the  
decision of the City Planning Commission to grant a Major Condi-  
tional Use Permit (CM87-286) to expand the floor area and construct  
new athletic facilities at an existing school campus. As part of  
this approved eight acre athletic complex, the school had reserved  
part of the site for a future gymnasium with parking spaces.

(See Reverse Side)

006

May 24, 1995

**PROPERTY DESCRIPTION:** The 15-acre Head-Royce School campus is in the Oakland hill area off of Lincoln Avenue. It is situated well below street grade and is surrounded by steep embankments. After construction of the proposed 'Pavilion' facility, the school will have some 83,800 square feet of floor area with 103 off-street spaces (a net increase of five parking spaces).

The campus facilities are: lower school rotunda (9,450 square feet), lower school building (16,000 square feet), upper school building (32,600 square feet), middle school (10,200 square feet), Mary E. Wilson Gymnasium (8,050 square feet), and Bechtel Building (7,500 square feet).

The campus' average slope is approximately 11%. Highest elevation is approximately 500 feet at the upper level parking area (top of campus) and the lowest elevation is approximately 345 feet at the lower school division (lower campus). The campus generally consists of three flat areas: an upper level (open athletic fields to the north and east); a middle flat area (existing basketball court and turf area to be replaced with the proposed pavilion/classroom facility); and a lower level predominantly developed with classroom facilities (lower, middle and upper division buildings).

The pavilion site was formerly a ravine. Retaining walls, averaging five feet in height have been located above and below the proposed. The campus is surrounded by residences along Whittle Avenue/Funston Place (north), near Tiffin Road/Havenwood Land (west) and along Lincoln Avenue/Perkins Road (south). Institutional uses in the vicinity include the Lincoln Child Center, Greek Orthodox Church and the Mormon Temple to the southeast. The campus is in proximity of Monterey Boulevard and Warren Freeway.

**PROJECT DESCRIPTION:** The pavilion is intended to house a gymnasium for interscholastic athletics and additional classrooms. It will have 16,000 square feet of indoor courts, lobby area, storage and locker rooms. An additional 13,000 square feet of floor area will be used for classrooms, administrative, and faculty offices. The pavilion will be located below the existing baseball/softball diamond field and tennis courts and above the existing school facilities.

The project is part of the school's Master Plan. As part of this plan, Group Assembly activities, currently held in Mary E. Wilson Auditorium, will be conducted in the pavilion. The auditorium will be used as a performing arts center. The upper school building will be renovated to include a student center, computer resource room, science laboratories, and classrooms. Middle school students will be moved to the pavilion. The middle school building will be renovated to house the upper school science labs; upper and middle school language labs; faculty and business offices.

The current student enrollment  $\pm 700$  students,  $\pm 109$  personnel (86 faculty including full and part-time members) will be maintained.

May 24, 1995

Existing parking and circulation will be improved with additional landscaping, sidewalks and wheelchair access ramps. Eleven off-street parking spaces will be provided at the north end of the pavilion. The pavilion and its parking will be located on an existing cut and fill area (surfaced basketball courts and open soccer fields). With the exception of removing and/or relocating one magnolia tree, the construction of this facility will not remove any 'protected' trees or any smaller tree stands and shrubs planted on the site's embankments.

**ZONING ANALYSIS:** The Head-Royce School is classified as a Community Education Civic Activity per Sections 2316(b) and (c). This use is conditionally permitted in the R-30 One-Family Residential Zone as set forth in Section 3454(a) and would require a Major Conditional Use Permit subject to the General Use Permit Criteria prescribed under Section 9204. The maximum height of buildings and other facilities allowed in the R-30 One-Family Residential Zone is 30 feet. The proposed pavilion will be 42 feet in height and will require a Minor Variance.

**DISCUSSION:** A letter in opposition from the Concerned Neighbors of Head-Royce School was received on May 2, 1995. Objections were: drop-offs/pickups on Whittle Avenue; potential uses of two homes purchased by the school on Whittle Avenue; and the "... additional noise, litter, dust and dirt, traffic, potholes and pollution that will be generated by this new project." The applicant wrote a response letter May 4, 1995 (attached). The Mitigated Negative Declaration (ER95-2) has addressed some of these concerns.

The applicant has not proposed using the two residential properties other than as housing for employees e.g., maintenance worker and college counselor. Therefore, these permitted residential activities are not part of this application.

The 1988 conditions of approval (Res. No. 65153 C.M.S.), maintain their relevance. Condition #1, required a parking plan which considered tandem and attendant parking and a residential parking permit program for surrounding residential streets including "Whittle Avenue from Tiffin north to its end". It required that Head-Royce School pay all costs for signage and permit parking fees for the first year of the program up to an additional \$4,000 per year for each subsequent year. In addition, the school was to "... develop and implement an enforced school policy limiting the number of drivers who drive to school." The school has complied with those requirements and has added these restrictions to their Student Handbook.

Head-Royce School has also constructed a gate and has posted a sign ("Student Drop-off and Pickup is prohibited at this time") at the rear service entrance at Whittle Avenue (Condition #14) as well as hired teachers/students (traffic monitors) to adhere to the policy to not drop-off/pick-up students at Whittle Avenue (Condition #18). These conditions superseded conditions granted through prior use permits.

May 24, 1995

**ISSUES RAISED AT THE PUBLIC HEARING:** In addition to the issues already raised, speakers in opposition to the project raised the following issues: future use of school-owned residential properties and final build out, hours of operations, drop-offs and pick-ups on Whittle Avenue, noise from bells and school enrollment. Representatives of Friends of Whittle Avenue are requesting a document or agreement from the applicant stating that the residential properties owned by the school not be used for any future expansion. Since the school and these residential properties are in the R-30 Zone, any future expansion of the school beyond the current application would be subject to review and approval by the Planning Commission at a public hearing. Expansions would not be allowed without this review process which will enable neighbors to review and comment on future plans.

Regarding hours of operations or activities within the pavilion, staff met with the applicant after the public hearing to get additional information on school activities. The applicant was concerned that a restriction of the hours of operations would not allow normal activities already conducted in the campus. To address this concern, staff is proposing that the applicant provide a list of major school activities for the current school year and of athletic events. A condition of approval is proposed requiring notification of the neighbors of all such events through the quarterly neighborhood meetings. There shall be not events held in the pavilion other than those already normally held in the campus.

Staff observed the traffic on Whittle Avenue when school was let out and observed no pick-ups. According to the applicant, a resolution had been reached with the neighbors that a gate with restricted access will be installed. This is also incorporated as a condition of approval.

On the issue of noise, the applicant has agreed to limit the installation and ringing of bells to those required by codes and to look at alternatives to the ringing of bells marking the changing of subjects. The applicant shall also submit plans to staff for review on noise control through acoustical devices and placement of windows on the proposed pavilion.

The last issue raised was that of maximum school enrollment. The applicant states that there is no attempt to increase school enrollment beyond the 700 students currently enrolled. However, because of normal fluctuations and because it is not possible to predict a precise number of students who actually enroll, there may be a margin of 5% error to this number. The applicant has agreed to a condition of approval of limiting the enrollment to 700 students with an allowed margin of 5% to have elbow room for fluctuations in actual enrollment.

**ENVIRONMENTAL ANALYSIS:** An Initial Study has been prepared for the above project. If the Mitigation Measures attached to the Initial Study are implemented, the project could not have a significant effect on the environment. A Mitigated Negative Declaration has been prepared (ER95-02).

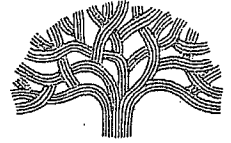


8. That the applicant submit an appropriate buffering plan to reduce the proposal's potential impact on adjacent residential uses and to reduce the visual effect on adjoining streets subject to the approval of the Director of City Planning prior to the issuance of any building permits.
9. That a landscaping and irrigation plan, prepared by a licensed landscape architect or other qualified person, be approved by the Director of City Planning prior to the issuance of a building permit; that all landscaping be installed prior to the issuance of any occupancy permit; that all landscaping be permanently maintained.
10. That street trees be provided to the satisfaction of the Director of Parks and Recreation.
11. That a landscaping maintenance plan shall be carried out by the school; or that a contract with a qualified firm shall be established to the satisfaction of the Director of City Planning; that evidence of a continuing contract shall be provided to the Director of City Planning.
12. That any changes to the exterior of any of the buildings be approved by the Director of City Planning prior to its installation.
13. That these conditions be recorded with the Alameda County Recorder's Office and submitted to the Director of City Planning prior to the issuance of building permits.
14. That the Whittle Avenue access be used only for ingress and egress of emergency, garbage, service and vendor vehicles and wheelchair access and to allow the exiting of the 20 parking spaces located in the central portion (academic building area) of the campus; and further, that the access point be provided with gate or other appropriate control device according to a plan approved by the Director of City Planning and the City Fire Marshal.
15. That the Head-Royce Board of Trustees develop a liaison mechanism for the resolution of conflicts and the development of communications between the school and the surrounding neighborhood.
16. That Head-Royce School will assign staff and/or volunteers to monitor Whittle Avenue and enforce the policy of not allowing student drop-offs/pick-ups in that location.
17. That Head-Royce School will write into its contract with the project's general contractor the following provision: "Because construction activity will impact a heavily populated area, the general contractor

May 24, 1995

9. The applicant shall submit a report from an acoustical engineer identifying methods for which sounds from the pavilion can be buffered to the Director of City Planning. Such plans shall include but not be limited to the use of acoustic tiles on the ceiling of the pavilion, the placement of windows on walls adjacent to residential uses and the location/ringing of bells. The applicant shall incorporate methods approved by the Director of City Planning into the building plans submitted for permits.
10. The maximum school enrollment at the 4315 Lincoln Avenue campus shall be 700 students with an allowed 5% margin for fluctuations due to the admissions process.
11. The applicant shall provide a list of major school events and athletic events to the neighbors through the neighborhood liaison group members at the regular quarterly meetings.
12. That the applicant shall defend, indemnify, and hold harmless the City of Oakland, its agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Oakland, its agents, officers or employees to attack, set aside, void or annul, an approval by the City of Oakland, the Office of Planning and Building, Planning Commission, or City Council. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.
13. That the City Planning Commission reserves the right, after proper notice and public hearing, to alter conditions of approval or revoke the conditional use permit if the conditions are not met or there are violations to the provisions of the Zoning Regulations.
14. That a copy of the conditions of approval be recorded with the Alameda County Recorder's Office within 30 days of the effective date of this approval on a form approved by the Director of City Planning; proof of such recordation shall be provided to the Director of City Planning within the specified 30 days.
15. That this permit shall become effective upon satisfactory compliance with the above conditions. Any additional uses other than those approved with this permit will require a separate application and approval. Failure to obtain required building permits by May 24, 1996, shall invalidate this approval, provided further, that upon written request the Director of City Planning may grant a one year extension of this date, with additional extensions subject to approval by the City Planning Commission.

# CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Community and Economic Development Agency  
Planning & Zoning Services Division

(510) 238-3941  
FAX (510) 238-6538  
TDD (510) 238-3254

January 16, 2006

John Malick  
John Malick and Associates  
1195 Park Av. Suite 102  
Emeryville, CA  
94608

**RE: Case File No. PUD04-400; PUDF05-339; ER04-0014; 4233, 4309, and 4315 Lincoln Ave and 4274 Whittle Ave;  
APN: 029A-1367-001-07 through 029A-1367-006-01;**

Dear Mr. Malick:

Your application as noted above was **APPROVED** at the City Planning Commission meeting of January 4, 2006. The Commission's action is indicated below. This action becomes final ten (10) days after the date of the Planning Commission approval unless an appeal to the City Council is filed by January 17, 2006.

An Appeal to the City Council of this decision may be submitted within ten (10) calendar days (by 4:00 p.m.) of December 7, 2005. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, California, 94612, and to the attention of **Heather Klein**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Planning Commission or wherein their decision is not supported by substantial evidence and must include payment of \$682.77 in accordance with the City of Oakland Master Fee Schedule. The Planning and Zoning Division shall forward a copy of appeals submitted to the City Council to the City Clerk for scheduling. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you from raising such issues during your appeal and/or in court.

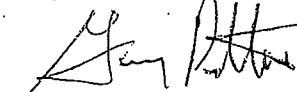
If a (Mitigated) Negative Declaration or EIR was prepared for the project, within five days of the date of approval, you must record a Notice of Determination (NOD) the Environmental Declaration, and the De Minimis Impact Findings with the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612. These documents were sent to you on January 9, 2006. To record these documents, please take the original NOD related documents and four copies to the Alameda County Clerk, and return one date stamped copy to the Zoning Division, to the attention of **Heather Klein, Planner II**. Pursuant to Section 15075(e) of CEQA Guidelines, recordation of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA.

If you have any questions, please contact the case planner, Heather Klein, (510)238-3659 or [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com).

01 012

(X) Granted with required conditions. (Vote: 6 ayes (Boxer, Franklin, Jang, Lee, Lighty, and McClure, 0 noes, 0 absent, 1 recused Mudge))

Very Truly Yours,



GARY V. PATTON  
Deputy Director of Planning and Zoning

Attachment A: Conditions of Approval  
B: Notice of Limitations  
C: Neighborhood Agreements  
D: Mitigation Monitoring Report Plan

cc:

Ray Derania, Building Services Division  
Bill Quesada, Inspection Services  
Bill Singman, Building Services Division

Jon Ewigleben, Engineering Services/Permit  
James Ryugo, Public Works  
Gay Luster, OPRCA/Tree Section

Paul Chapman  
The Head Royce School  
4315 Lincoln Avenue  
Oakland, CA 94602

Jeff Horowitz  
138 The Uplands  
Berkeley, CA 94705

Josh Thieriot  
4224 Lincoln Ave  
Oakland, CA 94602

John Vallerger  
2452 Delmar St  
Oakland, CA 94602

Louise Abbott  
4317 Whittle Ave.  
Oakland, CA 94602

Michael Thilgen  
4324 Whittle Ave.  
Oakland, CA 94602

Randy Morris  
1 Alida Ct.  
Oakland, CA 94602

Carl Thiermann  
4315 Lincoln Avenue  
Oakland, CA 94602

Peter Smith  
1901 Harrison Street; 9<sup>th</sup> Floor  
Oakland, CA 94618

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San Francisco, CA 94107

Alexander Weber Shapiro  
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Berkeley, CA 94708

Jennifer Walker  
212 Beau Forest Drive  
Oakland, CA 94611

Krista Marie Yu  
3681 Nordstrom Lane  
Lafayette, CA 94549

Sean Fatrell  
4172 Lincoln Ave  
Oakland, CA 94602

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

## CONDITIONS OF APPROVAL/ MMRP

### STANDARD CONDITIONS

1. **Approved Use.**

*a. Ongoing.*

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

2. **Effective Date, Expiration**

*a. First Phase Expiration*

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

*b. Final PUD Expiration for Later Phases*

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

*c. Entire Master Plan Expiration*

These approvals for the entire master plan shall expire on **January 4, 2011** unless a development agreement is reached with the City to extend the approvals. Planning, Building, and P-job permits must be issued for the entire master plan by this date and the expiration date includes any project extensions per condition #3 below.

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

3. **Extensions and Phasing Requirements**

*a. First Phase Extension*

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

*b. Final PUD Extension for Later Phases*

Provided further, that upon written request, the Planning and Zoning Division may grant a one year extension of the deadline, with additional extensions subject to approval by the City Planning Commission.

*c. Entire Master Plan Extension*

No extensions for the entire master plan shall be granted without either a development agreement reached with the City or upon the approval of a new Planned Unit Development application.

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

### 3. Construction Phasing and Management Plan

#### *a. Prior to issuance of building permit*

The project sponsor shall submit a Construction Phasing and Management Plan, incorporating all applicable conditions of approval. The plan shall also include the following additional measures and standards:

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

#### *b. Prior to issuance of certificate of occupancy.*

Final inspection and a certificate of occupancy for any unit or other structure within a phase, as set forth above, shall not be issued until (a) all landscaping and on and off-site improvements for that phase are completed in accordance with this Approval, or (b) until cash, an acceptably rated bond, a certificate of deposit, an irrevocable standby letter of credit or other form of security (collectively "security"), acceptable to the City Attorney, has been posted to cover all costs of any unfinished work related to landscaping and public improvements plus 25 percent within that phase, unless already secured by a subdivision improvement agreement approved by the City. For purposes of these Conditions of Approval, a certificate of occupancy shall mean a final certificate of occupancy, not temporary or conditional, except as the City determines may be necessary to test utilities and services prior to issuance of the final certificate of occupancy.

### 4. Construction Phasing and Management Plan

#### *a. Prior to issuance of certificate of occupancy.*

Final inspection and a certificate of occupancy for any unit or other structure within a phase, as set forth above, shall not be issued until (a) parking and traffic management plan is submitted that includes the traffic mitigations measures per condition #

### 5. Scope of This Approval

#### *a. Ongoing.*

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

**6. Modification of Conditions or Revocation**

*a. Ongoing.*

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

**7. Recording of Conditions of Approval**

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

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

**8. Reproduction of Conditions on Building Plans**

*a. Prior to issuance of building permit.*

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

**9. Indemnification**

*a. Ongoing.*

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

**10. Waste Reduction and Recycling**

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

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

**11. Subsequent Conditions or Requirements.**

*a. Ongoing.*

This approval shall be subject to the conditions of approval contained in any subsequent Tentative Tract Map, Tentative Parcel Map or mitigation measures contained in the approved environmental document for this project.

**12. Electrical Facilities**

*a. Prior to installation.*

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

in accordance with the standard specifications of the Building Services Department.

**13. Improvements in the Public Right-of-Way**

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

The applicant shall submit Public Improvement Plans for adjacent public rights-of-way showing all proposed improvements and compliance with conditions of approval and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design specifications locations of facilities required by the East Bay Municipal Utility District (EBMUD), and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this approval, including the approved landscape plans, the design of the pedestrian paths, and the street tree locations and planting specifications. In addition, the plans shall also include how the public improvements will be phased concurrent with the proposed project phasing, in order to assure that units can be occupied and meet access, life safety and other requirements. This plan shall be reviewed and approved by the City Engineer and used as the confirmation of compliance with all phases of the project. Encroachment permits shall be obtained as necessary for any applicable improvements.

**14. Phased Public Improvement Plan**

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

The applicant shall submit Public Improvement Plans for improvements to be installed with each phase of the development.

**STANDARD CONDITIONS FOR CONSTRUCTION PERIOD MANAGEMENT**

**15. Construction Hours for Major Projects.**

*a. During all construction activities.*

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

**16. Construction Period Parking and Traffic**

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

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

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

1. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for



drivers, and designated construction access routes. In addition, the information shall include a construction-staging plan for any right-of-way.

2. Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.
  3. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours and lane closures will occur.
  4. Provision for accommodation of pedestrian flow.
  5. Location of construction staging areas.
  6. Provisions for monitoring surface streets used for haul routes so that any damage to the street paving and debris attributable to the haul trucks can be identified and corrected.
  7. A temporary construction fence to contain debris and material and to secure the site.
  8. Provisions for removal of trash generated by project construction activity. The applicant shall ensure that debris and garbage is collected and removed from the site daily.
  9. At least one copy of the approved above referenced plans that include the Approval Letter and the Conditions of approval for this project shall be available for review at the job at all times.
  10. All work shall apply the "Best Management Practices" (BMPs) for the construction industry, including BMPs for dust, erosion, and sedimentation abatement per Section 15.04 of the Oakland Municipal Code, as well as all specific construction-related conditions of approval attached to this project.
  11. Dust control measures as set forth in Condition 17, below.
  12. Noise control measures as set forth in Condition No. 18, below.
  13. A process for responding to, and tracking, complaints pertaining to construction activity, including the identification of an on-site complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. The Planning and Zoning Division shall be informed who the Manager is prior to the issuance of the grading permit
17. **Dust Control Measures.**
- a. *During all construction activities.*  
Dust control measures shall be instituted and maintained during construction to minimize air quality impacts. The measures shall include:
    1. Watering all active construction areas as necessary to control dust;
    2. Covering stockpiles of debris, soils or other material if blown by the wind;
    3. Sweeping adjacent public rights of way and streets daily if visible soil material or debris is carried onto these areas.

4. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;
5. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas;
6. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
7. Install sandbags or other erosion control measures to prevent silt runoff onto public roadways; and
8. Replant vegetation in disturbed areas as quickly as possible.

**18. Construction Related Noise Control.**

*a. During all construction activities.*

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

1. Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the City in the event of problems.
2. An on-site complaint and enforcement manager shall be posted to respond to and track complaints.
3. A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices are completed prior to the issuance of a building permit (including construction hours, neighborhood notification, posted signs, etc.).
4. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible).
5. Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
6. Stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.

**19. Pile Driving and other Extreme Noise Generators**

*a. During all construction activities.*

**Hours.**

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

**Pile Driving – Noise Attenuation.**

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

the Building Official, and the deposit shall be submitted by the project sponsor concurrent with submittal of the noise reduction plan. These attenuation measures shall include as many of the following control strategies as feasible and shall be implemented prior to any required pile-driving activities:

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

**Pile Driving – Complaint Response.**

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

1. A procedure for notifying City Building Division staff and Oakland Police Department;
2. A list of telephone numbers (during regular construction hours and off-hours);
3. A plan for posting signs on-site pertaining to complaint procedures and who to notify in the event of a problem;
4. Designation of a construction complaint manager for the project; and
5. Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of pile-driving activities.

**20. Site Maintenance.**

***a. During all construction activities.***

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

**21. Cultural Resources.**

***a. During all grading and site work activities.***

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

**22. Grading, Erosion and Drainage Plan.**

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

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

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

#### STANDARD ENVIRONMENTAL CONDITION

#### **23. State, Federal, or County Authority Environmental Approval**

##### *a. Prior to issuance of building permit*

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

#### SPECIFIC PROJECT CONDITIONS

#### **24. Mitigation Monitoring and Reporting Program**

##### *a. Ongoing.*

The following mitigation measures shall be incorporated into the project. The measures are taken directly from the Mitigated Negative Declaration for the Head Royce Master Plan Project. For each measure, this Mitigation Monitoring and Reporting Program (MMRP) indicates the entity (generally, an agency or department within the City of Oakland) that is responsible for carrying out the measure ("Responsible Implementing Entity"); the actions necessary to ensure compliance with the applicable measure ("Monitoring Action(s)") and the entity responsible for monitoring this compliance ("Monitoring Responsibility"); and the time frame during which monitoring must occur ("Monitoring Timeframe").

#### **TRAFFIC AND CIRCULATION**

**Impact T1:** The increase in enrollment at the completion of the Master Plan could result in extension of the parking queue along Lincoln during the after-school pickup period.

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

Approval Date: January 4, 2006

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

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

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

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

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

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

Monitoring and reporting shall continue for at least six weeks following implementation of each of the above actions to show that it has been effective in reducing the length of the queue. If the queue continues to extend beyond the upper driveway, the Director of Operations shall:

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

**Monitoring Responsibility:** CEDA, Planning Division and Public Works Agency, Traffic Engineering Division

**Monitoring Timeframe:** The first Monitoring and Reporting period shall be initiated at the beginning of the first semester following occupancy of the Phase I renovated and new buildings, and shall be carried out for six weeks at the beginning of each semester for two school years. If additional actions are needed, the monitoring period shall be extended for an additional two semesters.

Additional Monitoring and Reporting periods shall be initiated when Later Phases have been completed and for each 60 student enrollment increase until the school has reached the full planned enrollment of 880 students. As with the first period, monitoring shall be carried out for six weeks at the beginning of each semester for two

years. If any of the additional actions listed above are needed, monitoring and reporting shall continue for six weeks following implementation of the action.

## 25. Design Review Requirements

### a. *Prior to issuance of building permit*

The final design elements listed below shall be submitted for review and approval by the Planning Director prior to issuance of the building permit. The Planning Director may exercise his/her standard authority to refer the final design to the Design Review Committee or to the Planning Commission.

1. Materials and colors are a crucial component of this project. Staff is requesting a sample materials and color board for review. The board should include exterior materials and finishes; a preliminary color palette; roof materials; window type, quality, and style; lattice, trellis, balcony, and railing materials. The applicant shall also submit a profile detail of the windows for further review.
2. Fenestration, window design, and window quality is a critical part of the success of each building on the campus. More detail is required on the window quality and types. In order to insure a high design quality, all windows shall be recessed a minimum of 2", be true divided light windows, and include an appropriate sill. The windows, doors, and other openings should be surrounded by sizable and projecting wood trim. The architect shall revisit the window grouping on the south elevation of the Upper School and include another window proportion for interest on this façade.
3. Rafter or tie beams and other roof members should extend beyond the eaves into plain view if they are integrated into the overall construction of the building and shall not be tacked on. In typical "Shingle" architecture, the protruding end of the beam is finished with a diagonal cut or a set of notches. Braces should be attached to the end of a gable to support the rafters. The gables should extend over the building facades to provide depth and articulation.
4. Trellis, railing, balcony, and lattice elements should be constructed of thick posts to compliment the heavier architectural style. The applicant shall provide staff will details of these elements. Climbing planting and vines are typically trained over these elements. Staff should include this type of planting on the landscape plan.
5. The applicant shall submit to staff which buildings will be composed of stucco.
6. The final colors must be submitted for review and approval.
7. The applicant shall work with the Neighborhood Liaison Committee to reduce the noise volume of the parking lifts operations if applicable.

## 26. Student Enrollment

### a. *Ongoing*

The maximum school enrollment at the 4315 Lincoln Avenue campus shall be 880 students. This is the maximum number with an allowed 5% margin for fluctuations due to the admissions process. The enrollment increase shall occur in 3 phases of 60 students each as outlined in the neighborhood agreements.

## 27. Recycling Space Allocation Requirements

### a. *Prior to issuance of building permit*

The design, location and maintenance of recycling collection and storage areas shall comply with the provision of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas", Policy 100-28 and with the recycling space requirements

of the Planning Code. The recycling location and area shall be clearly delineated on the building permit plans.

**28. Lighting Plan**

*a. Prior to issuance of building permit*

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

**29. Landscape and Streetscape Plans**

*a. Prior to issuance of building permit.*

The project sponsor shall submit a detailed landscaping plan to the Planning Director for review and approval prior to the issuance of any building permits. This plan shall include:

1. The project applicant must apply for a tree removal permit for the removal of the redwood, as required by the Tree Protection/Removal Ordinance. This application process includes a detailed review of site plans and tree surveys by the City Planning Department, the Office of Parks and Recreation and the Office of Public Works. The proposed tree removal must be reviewed and approved by all relevant City offices for the 20 protected trees to be removed.
2. All landscaping areas and related irrigation shown on the approved plans shall be permanently maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All landscaping shall be served by an automatic irrigation system. All paving or other impervious surfaces shall occur only on approved areas.

**30. Signage Plan**

*a. Prior to issuance of building permit*

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

**31. Water, Wastewater and Storm Sewer Service**

*a. Prior to issuance of building permit*

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

**32. Special Inspector**

*a. Throughout construction*

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

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

### 33. Neighborhood Agreements

#### *a. Ongoing*

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

### 34. Traffic Rules

#### *a. Ongoing*

1. The applicant shall distribute a package with the traffic rules clearly outlined in the enrollment contract for that year. The rules should include a written traffic monitoring plan and a graphic showing the correct way to drop-off and pick-up students. The package will also include a letter that must be signed and returned by each parent/ guardian delivering students. Consequences for not following the school rules clearly established and include fines and not renewing the enrollment of the child. Consequences for not following the school rules clearly established and include fines and/or not renewing the enrollment contract of the child.
2. Hold parent meetings at the beginning of each semester to discuss the traffic rules and any changes since the start of the year or semester.

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

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

#### *a. Ongoing*

- 1) Evergreen trees shall be planted behind the building in order to shield the building and its windows from the residents on Whittle Avenue.
- 2) The siding of the building shall be painted or stained a non reflective, medium brown in order to make the structure recede into the landscape.
- 3) All exterior lighting shall be shielded and downward directed.
- 4) The interior lighting of any cupola shall be located below the sill level of the windows so that the source is not directly visible.
- 5) Interior lighting shall be designed so that the light source is not directly visible through the windows from the exterior.

### 36. Neighborhood Liaison Committee

#### *a. Ongoing*

Head Royce School shall preserve the Neighborhood Liaison Committee in order to resolve conflicts and maintain communications between the school and the surrounding neighborhoods. The liaison committee shall include members of Upper Lincoln, Lower Lincoln, Alida Court, and Whittle Ave and additional groups may be added if the impacts of the school on those communities are noticeable. The Committee shall meet at least twice a year to discuss issues. However, the Committee shall hold additional meetings as recommended by the neighborhood participants.

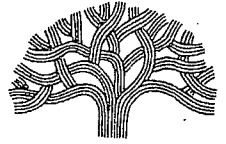


**APPROVED BY:**

City Planning Commission: January 4, 2006 \_\_\_\_\_ (date) 6 ayes, 0 noes, 1 recused (vote)

City Council: \_\_\_\_\_ (date) \_\_\_\_\_ (vote)

# CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Community and Economic Development Agency  
Planning & Zoning Services Division

(510) 238-3941  
FAX (510) 238-6538  
TDD (510) 238-3254

March 10, 2008

John Malick  
John Malick and Associates  
1195 Park Av. Suite 102  
Emeryville, CA 94608

**RE: Case File No. PUDF07-520;  
4233, 4309, and 4315 Lincoln Ave and 4274 Whittle Ave;  
APN: 029A-1367-001-07 through 029A-1367-006-01;**

Dear Mr. Malick

Your application as noted above was **APPROVED** at the City Planning Commission meeting of **March 5, 2008**. The Commission's action is indicated below. This action becomes final ten (10) days after the date of this letter unless an appeal to the City Council is filed by **March 17, 2008**.

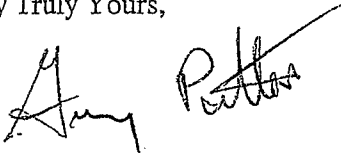
An Appeal to the City Council of this decision may be submitted within ten (10) calendar days (by 4:00 p.m.) of **March 5, 2008**. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, California, 94612, and to the attention of **Heather Klein, Planner III**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Planning Commission or wherein their decision is not supported by substantial evidence and must include payment of **\$981.00** in accordance with the City of Oakland Master Fee Schedule. The Planning and Zoning Division shall forward a copy of appeals submitted to the City Council to the City Clerk for scheduling. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you from raising such issues during your appeal and/or in court.

A Mitigated Negative Declaration was originally prepared for the Preliminary Planned Unit Development project. Since that document was used as the basis for the current environmental determination, you **must** record a Notice of Determination (NOD) and the Environmental Declaration with the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612, at a cost of \$50.00 made payable to the Alameda County Clerk within five days of the date of this approval letter. To record these documents, please take the original NOD related documents and four copies to the Alameda County Clerk, and return one date stamped copy to the Zoning Division, to the attention of **Heather Klein, Planner III**. Pursuant to Section 15075(e) of CEQA Guidelines, recordation of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA.

If you have any questions, please contact the case planner, **Heather Klein** at (510) 238-3659 or [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com).

(X) Granted with required conditions. (Vote: 4 ayes (Colbruno, Galvez, Lee, and Zayas-Mart) 0 noes, 3 absent Boxer, Huntsman, Mudge))

Very Truly Yours,



GARY V. PATTON  
Deputy Director of Planning and Zoning

cc: Lisa Frost  
4221 Whittle Ave  
Oakland, Ca 94602

Josh Thieriot  
4224 Lincoln Ave  
Oakland, CA 94602

Noel Van Nyhuis  
2135 Funston Place  
Oakland, CA 94602

Susan Abplanahp  
4215 Whittle Ave.  
Oakland, CA 94602

Peter Smith  
1901 Harrison St, 9th Floor  
Oakland, CA 94618

Kiran Jain, City Attorney  
Bill Quesada, Inspection Services  
Bill Singman, Building Services Division



Modifications to the conditions of approval as directed by the City Planning Commission at the **March 5, 2008** meeting and clarifications by staff are indicated in underlined type for additions and ~~cross-out type~~ for deletions.

## CONDITIONS OF APPROVAL/ MMRP

### STANDARD CONDITIONS

#### 1. Approved Use.

##### a. Ongoing.

The project shall be constructed and operated in accordance with the authorized use as described in the application materials, attached staff report, the preliminary PUD plans approved January 4, 2006 and the final approved plans dated October 29, 2007 and submitted on February 15, 2008, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.

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

I. Approval of a Final Planned Unit Development ("PUD") for the Head Royce Master Plan PUD, under Oakland Municipal Code Section 17.140

II. Approval of a Conditional Use Permit for 20 tandem parking spaces on the parking level extension.

#### 2. Effective Date, Expiration

##### a. Entire Master Plan Expiration

These approvals for the entire master plan shall expire on **January 4, 2011** ~~unless a development agreement is reached with the City to extend the approvals. Planning, Building, and P job permits must be issued for the entire master plan by this date and the expiration date includes any project extensions per condition #3 below. provided further, that upon written request, the Planning and Zoning Division may grant a one year extension of the deadline, with additional extensions subject to approval by the City Planning Commission.~~ Approval of such extensions shall be based on complete compliance with the applicable conditions of approval and mitigation measures.

Phase	Expiration Date
Entire Master Plan approval	January 4, 2011

#### 3. Extensions and Phasing Requirements

##### a. Final PUD Extension for Later Phases

~~Provided further, that upon written request, the Planning and Zoning Division may grant a one year extension of the deadline, with additional extensions subject to approval by the City Planning Commission.~~

##### b. Entire Master Plan Extension

~~No extensions for the entire master plan shall be granted without either a development agreement reached with the City or upon the approval of a new Planned Unit Development application.~~

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

**4. Conformance with other Requirements**

***Prior to issuance of a demolition, grading, P-job, or other construction related permit***

- a) The project applicant shall comply with all other applicable federal, state, regional and/or requirements, regulations, and guidelines, including but not limited to those imposed by the Services Division, the City's Fire Marshal, and the City's Public Works Agency.
- b) The applicant shall submit approved building plans for project-specific needs related to fire protection Services Division for review and approval, including, but not limited to automatic extinguishing supply improvements and hydrants, fire department access, and vegetation management for prevent soil erosion.

**5. Scope of This Approval**

***a. Ongoing.***

The project is approved pursuant to the Planning Code only. Minor changes to approved plans may be made administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require approval of a revision to the approved project by the approving body or a new, completely independent approval.

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

***a. Ongoing.***

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 30 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification from a professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, or other corrective action.
- c) Violation of any term, Conditions/Mitigation Measures or project description relating to the Approval shall be 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 modify, suspend, or alter these Conditions/Mitigation Measures if it is found that there is violation of the Conditions/Mitigation Measures or the provisions of the Planning Code or Municipal Code, or that the project as approved causes a public nuisance. This provision is not intended to, nor does it, limit in any manner the ability of the City to take appropriate enforcement actions.

**7. Signed Copy of the Conditions/Mitigation Measures**

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

A copy of the approval letter and Conditions/Mitigation Measures shall be signed by the property owner and submitted with each set of permit plans to the appropriate City agency for this project.

**8. Compliance with Conditions of Approval**

***Ongoing***

The project applicant shall be responsible for compliance with the recommendations in any submitted technical report and all the Conditions of Approval set forth below and in the Preliminary PUI approval at its sole cost and expense, and subject to review and approval of the City of Oakland.

**9. Indemnification**

***a. Ongoing.***

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

10. **Severability**

*Ongoing*

Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified conditions and mitigations, and if any one or more of such conditions and mitigations is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid conditions and mitigations consistent with achieving the same purpose and intent of such Approval.

11. **Job Site Plans**

*Ongoing throughout demolition, grading, and/or construction*

At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval and mitigations, shall be available for review at the job site at all times.

12. **Waste Reduction and Recycling**

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

The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.

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

Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at [www.oaklandpw.com/Page39.aspx](http://www.oaklandpw.com/Page39.aspx) or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.

*Ongoing*

The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.

**13. Subsequent Conditions or Requirements.**

**a. *Ongoing.***

This approval shall be subject to the conditions of approval contained in any subsequent Tentative Parcel Map or mitigation measures contained in the approved environmental document.

**14. Electrical Facilities**

**a. *Prior to installation.***

***Prior to issuance of a building permit***

The project applicant shall submit plans for review and approval by the Building & Public Works Agency, and other relevant agencies as appropriate, that show all new facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and underground. The new facilities shall be placed underground along the project applicant's structures to the point of service. The plans shall show all service, fire water service, cable, and fire alarm facilities installed in accordance with the serving utilities.

**15. Improvements in the Public Right-of-Way**

***Approved prior to the issuance of a P-job or building permit.***

- a) The project applicant shall submit Public Improvement Plans to Building Services Division showing all proposed improvements and compliance with the City and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, details, locations of transformers and other above ground utility structures, the design specifications of facilities required by the East Bay Municipal Utility District (EBMUD), street light accessibility improvements compliant with applicable standards and any other improvements to the project as provided for in this Approval. Encroachment permits shall be obtained for all applicable improvements located within the public ROW.
- b) Review and confirmation of the street trees by the City's Tree Services Division is required for all improvements and mitigations.
- c) The Planning and Zoning Division and the Public Works Agency will review and approve specifications for the improvements. Improvements shall be completed prior to the issuance of a building permit.
- d) The Fire Services Division will review and approve fire crew and apparatus access, water distribution to current codes and standards.

**16. Payment for Public Improvements**

***Prior to issuance of a final inspection of the building permit.***

The project applicant shall pay for and install public improvements made necessary by the project as caused by construction activity.

**17. Phased Public Improvement Plan**

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

The applicant shall submit Public Improvement Plans for improvements to be installed during the development.

**18. Fire Safety Phasing Plan**

***Prior to issuance of a demolition, grading, and/or construction and concurrent with any other construction.***

The project applicant shall submit a separate fire safety phasing plan to the Planning and Zoning Services Division for their review and approval. The fire safety plan shall include all features to be incorporated into the project and the schedule for implementation of the features. Fire Services Division will review and approve the fire safety phasing plan.



changes to the plan or may reject the plan if it does not adequately address fire hazards associated with the project as a whole or the individual phase.

**19. Compliance Plan**

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

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division a Conditions/ Mitigation Measures/Neighborhood Agreement compliance plan that lists each condition of approval and mitigation measure, the City agency or division responsible for review, and how/when the project applicant has met or intends to meet the conditions and mitigations. The applicant will sign the Conditions of Approval attached to the approval letter and submit that with the compliance plan for review and approval. The compliance plan shall be organized per step in the plancheck/construction process unless another format is acceptable to the Planning and Zoning Division and the Building Services Division. The project applicant shall update the compliance plan and provide it with each item submittal.

**20. Construction Phasing and Management Plan**

***a. Prior to issuance of building permit***

The project sponsor shall submit a Construction Phasing and Management Plan, incorporating all applicable conditions of approval. The plan shall also include a site security and safety plan to assure that grading and construction activities are adequately secured during off-work hours.

***b. Prior to issuance of certificate of occupancy.***

Final inspection and a certificate of occupancy for any unit or other structure within a phase, as set forth above, shall not be issued until (a) all landscaping and on and off-site improvements for that phase are completed in accordance with this Approval, or (b) until cash, an acceptably rated bond, a certificate of deposit, an irrevocable standby letter of credit or other form of security (collectively "security"), acceptable to the City Attorney, has been posted to cover all costs of any unfinished work related to landscaping and public improvements plus 25 percent within that phase, unless already secured by a subdivision improvement agreement approved by the City. For purposes of these Conditions of Approval, a certificate of occupancy shall mean a final certificate of occupancy, not temporary or conditional, except as the City determines may be necessary to test utilities and services prior to issuance of the final certificate of occupancy.

***c. Prior to issuance of certificate of occupancy.***

Final inspection and a certificate of occupancy for any unit or other structure within a phase, as set forth above, shall not be issued until (a) parking and traffic management plan is submitted that includes the traffic mitigations measures per condition #36

**21. Days/Hours of Construction Operation**

***Ongoing throughout demolition, grading, and/or construction***

The project applicant shall require construction contractors to limit standard construction activities as follows:

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.
- b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.
- c) Construction activity shall not occur on Saturdays, with the following possible exceptions:

- i. Prior to the building being enclosed, requests for Saturday construction for pouring which may require more continuous amounts of time), shall be with criteria including the proximity of residential uses and a consideration whether the activity is acceptable if the overall duration of construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.
- ii. After the building is enclosed, requests for Saturday construction activities shall be allowed on Saturdays with the prior written authorization of the Building Services Division and the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed except for exceptions.
- e) No construction activity shall take place on Sundays or Federal holidays.
- f) Construction activities include but are not limited to: truck idling, moving materials, deliveries, and construction meetings held on-site.
- g) Applicant shall use temporary power poles instead of generators where feasible.

## **22. Construction Emissions**

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

To minimize construction equipment emissions during construction, the proponent shall require the construction contractor to:

- a) Demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) (General Requirements) for all portable construction equipment subject to the Rule 1 provides the issuance of authorities to construct and permits to operate construction equipment used for construction purposes (e.g., gasoline or diesel-powered engines, generators, pumps, compressors, and cranes) unless such equipment complies with the "CAPCOA" Portable Equipment Registration Rule" or with all applicable BAAQMD Portable Equipment Registration Program. This exemption is provided in BAAQMD.
- b) Perform low- NOx tune-ups on all diesel-powered construction equipment greater than 30 days prior to the start of use of that equipment). Periodic tune-ups (even if such equipment used continuously during the construction period.

## **23. Noise Complaint Procedures**

### ***Ongoing throughout demolition, grading, and/or construction***

Prior to the issuance of each building permit, along with the submission of construction plans, the applicant shall submit to the Building Services Division a list of measures to be taken pertaining to construction noise. These measures shall include:

- a) A procedure and phone numbers for notifying the Building Services Division Department; (during regular construction hours and off-hours);
- b) A sign posted on-site pertaining with permitted construction days and hours and who to notify in the event of a problem. The sign shall also include a listing of the contractor's telephone numbers (during regular construction hours and off-hours).
- c) The designation of an on-site construction complaint and enforcement manager.
- d) Notification of neighbors and occupants within 300 feet of the project concerning advance of extreme noise generating activities about the estimated duration.

- e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

**24. Interior Noise**

***Prior to issuance of a building permit***

If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls) shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval. Final recommendations for sound-rated assemblies will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phase.

**25. Construction Traffic and Parking**

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

The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements:

- a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- b) Notification procedures for adjacent property owners, Neighborhood Liaison Committee, and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.).
- d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.
- e) Provision for accommodation of pedestrian flow.
- f) Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.

**26. Dust Control Measures**

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

During construction, the project applicant shall require the construction contractor to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) basic and enhanced dust control procedures required for construction sites. These include:

- a) Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- d) Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.

- e) Sweep streets (with water sweepers using reclaimed water if possible) if material is carried onto adjacent paved roads.
- f) Limit the amount of the disturbed area at any one time, where feasible.
- g) Suspend excavation and grading activity when winds (instantaneous) are greater than 15 miles per hour.
- h) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In the interim, as possible after grading unless seeding or soil binders are used.
- i) Replant vegetation in disturbed areas as quickly as feasible.
- j) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed soil.
- k) Limit traffic speeds on unpaved roads to 15 miles per hour.
- l) Clean off the tires or tracks of all trucks and equipment leaving any construction site.
- m) All "Basic" controls listed above, plus:
- n) Install sandbags or other erosion control measures to prevent silt runoff.
- o) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (one month or more).
- p) Designate a person or persons to monitor the dust control program to prevent transport of dust offsite. Their duties shall include holding a permit to be in progress. The name and telephone number of such persons shall be posted on-site at the start of construction as well as posted on-site over the duration of construction.
- q) Install appropriate wind breaks at the construction site to minimize wind-blown dust.

**27. Construction Related Noise Control.**

***Ongoing throughout demolition, grading, and/or construction***

To reduce noise impacts due to construction, the project applicant shall develop a site-specific noise reduction program, subject to the Planning and Division review and approval, which includes the following measures:

- a) Equipment and trucks used for project construction shall utilize (e.g., improved mufflers, equipment redesign, use of integral acoustically-attenuating shields or shrouds, wherever feasible).
- b) Except as provided herein, impact tools (e.g., jack hammers, etc.) used for project construction shall be hydraulically or electrically powered. However, where air exhaust from pneumatically powered tools. However, where air exhaust muffler on the compressed air exhaust shall be used; exhaust by up to about 10 dBA. External jackets on the tools commercially available and this could achieve a reduction of 5 dBA as drills rather than impact equipment, whenever such practices are used in construction procedures.
- c) Stationary noise sources shall be located as far from adjacent residential property as possible and enclosed within temporary sheds, incorporate insulation barriers, etc. the City to provide equivalent noise reduction.
- d) The noisiest phases of construction shall be limited to less than 10 hours per day, if the City determines an extension is necessary and all available measures are taken to minimize noise.

**28. Site Maintenance.**

***a. During all construction activities.***

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

**29. Archaeological Resources**

***Ongoing throughout demolition, grading, and/or construction***

- a) Pursuant to CEQA Guidelines section 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.
- b) In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.
- c) Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measure measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.

**30. Human Remains**

***Ongoing throughout demolition, grading, and/or construction***

In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

**31. Paleontological Resources**

***Ongoing throughout demolition, grading, and/or construction***

In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in Section 15064.5 of the CEQA Guidelines. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect

of the project on the qualities that make the resource important, and such submitted to the City for review and approval.

32. **Erosion and Sedimentation Control** [When no grading permit is required]  
*Ongoing throughout demolition grading, and/or construction activities*  
The project applicant shall implement Best Management Practices (BMP) to minimize water quality impacts during construction to the maximum extent possible. Management Practices shall be submitted for review and approval by the Building Services Division. At a minimum, the project applicant shall place silt fences at the City at nearby catch basins to prevent any debris and dirt from flowing into creeks.

33. **Erosion and Sedimentation Control Plan** [When grading is required]  
*Prior to any grading activities*  
a) The project applicant shall obtain a grading permit if required by the City, Section 15.04.780 of the Oakland Municipal Code. The grading permit shall include a sedimentation control plan for review and approval by the Building Services Division. The sedimentation control plan shall include all necessary measures to prevent erosion or runoff or carrying by stormwater runoff of solid materials on to land or to creeks as a result of conditions created by grading operations. Such measures as short-term erosion control planting, waterproof slope stabilization, benches, storm drains, dissipation structures, diversion dikes, retardants, and filter out sediment, and stormwater retention basins. Off-site work shall be included. The project applicant shall obtain permission or easements necessary for such measures. The plan is subject to changes as changing conditions of erosion or runoff and sediment volumes shall be included, if required by the Director. The Director shall specify that, after construction is complete, the project applicant shall be inspected and that the project applicant shall clear the system.
- Ongoing throughout grading and construction activities*  
b) The project applicant shall implement the approved erosion and sedimentation control plan during the wet weather season (October 15 through April 15) unless otherwise approved by the Building Services Division.

34. **Hazards Best Management Practices**  
*Prior to commencement of demolition, grading, or construction*  
The project applicant and construction contractor shall ensure that controls are implemented as part of construction to minimize the potential negative impacts. Controls shall include the following:
- a) Follow manufacture's recommendations on use, storage, and disposal
  - b) Avoid overtopping construction equipment fuel gas tanks;
  - c) During routine maintenance of construction equipment, properly contain spills
  - d) Properly dispose of discarded containers of fuels and other chemicals
  - e) Ensure that construction would not have a significant impact on the environment. Environmental samples shall be performed to determine the extent of potential contamination. Controls shall include clarifiers, and subsurface hydraulic lifts when on-site demolition, grading, or construction affect a particular development or building.
  - f) If soil, groundwater or other environmental medium with suspected contamination is identified during construction activities (e.g., identified by odor or visual signs), or if abandoned drums or other hazardous materials or wastes are encountered in the vicinity of the suspect material, the area shall be secured as necessary.

measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in Standard Conditions of Approval 50 and 52, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

**36. Mitigation Monitoring and Reporting Program**

**a. Ongoing.**

The following mitigation measures shall be incorporated into the project. The measures are taken directly from the Mitigated Negative Declaration for the Head Royce Master Plan Project. For each measure, this Mitigation Monitoring and Reporting Program (MMRP) indicates the entity (generally, an agency or department within the City of Oakland) that is responsible for carrying out the measure ("Responsible Implementing Entity"); the actions necessary to ensure compliance with the applicable measure ("Monitoring Action(s)") and the entity responsible for monitoring this compliance ("Monitoring Responsibility"); and the time frame during which monitoring must occur ("Monitoring Timeframe").

**TRAFFIC AND CIRCULATION**

**Impact T1:** The increase in enrollment at the completion of the Master Plan could result in extension of the parking queue along Lincoln during the after-school pickup period.

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

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

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

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

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

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

- Stagger pickup times so that the buses are loaded and leave prior to the start of pickup,
- Discourage early arrival for pickup,

- Actively encourage carpools or school buses as an alternative with an incentive for use.

Monitoring and reporting shall continue for at least six weeks following implementation of the actions to show that it has been effective in reducing the length of the queue. If the queue continues on the driveway, the Director of Operations shall:

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

**Monitoring Responsibility:** CEDA, Planning Division and Public Works Agency, Traffic Engineering

**Monitoring Timeframe:** The first Monitoring and Reporting period shall be initiated at the beginning of each semester following occupancy of the Phase I renovated and new buildings, and shall be carried out for two school years. If additional actions are needed, the monitoring shall continue for an additional two semesters.

Additional Monitoring and Reporting periods shall be initiated when Later Phases have been implemented and student enrollment increase until the school has reached the full planned enrollment of 880 students. During this period, monitoring shall be carried out for six weeks at the beginning of each semester for which additional actions listed above are needed, monitoring and reporting shall continue until the successful implementation of the action.

### 37. Design Review Requirements

#### *a. Prior to issuance of building permit*

The final design elements listed below shall be submitted for review and approval to the Planning Director prior to issuance of the building permit. The Planning Director may, at his/her discretion, have the authority to refer the final design to the Design Review Committee or to the Planning Commission.

1. Materials and colors are a crucial component of this project. Staff is requesting a sample board for review. The board should include exterior materials and finishes; a preliminary window type, quality, and style; lattice, trellis, balcony, and railing materials. The board should include a profile detail of the windows for further review.
2. Fenestration, window design, and window quality is a critical part of the success of the project. More detail is required on the window quality and types. In order to insure a high quality window, windows shall be recessed a minimum of 2", be true divided light windows, and include an apron over the doors, and other openings should be surrounded by sizable and projecting wood trim. The window grouping on the south elevation of the Upper School and include an arched window of interest on this façade.
3. Rafter or tie beams and other roof members should extend beyond the eaves into plain view into the overall construction of the building and shall not be tacked on. In typical construction, the protruding end of the beam is finished with a diagonal cut or a set of notches. Braces should be used at the end of a gable to support the rafters. The gables should extend over the building facade to provide articulation.
4. Trellis, railing, balcony, and lattice elements should be constructed of thick posts and rails in a traditional architectural style. The applicant shall provide staff with details of these elements. Climbing vines should be typically trained over these elements. Staff should include this type of planting on the list of recommendations.
5. The applicant shall submit to staff which buildings will be composed of stucco.
6. The final colors must be submitted for review and approval.



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

**38. Student Enrollment**

***a. Ongoing***

The maximum school enrollment at the 4315 Lincoln Avenue campus shall be 880 students. This is the maximum number with an allowed 5% margin for fluctuations due to the admissions process. The enrollment increase shall occur in 3 phases of 60 students each as outlined in the neighborhood agreements.

**39. Student Enrollment for Final Phase**

***Prior to issuance of a building permit for the final Phase***

The project applicant shall submit the current enrollment numbers to confirm that they are within the approved range outlined in the PUD COA's and the neighborhood agreements prior to the issuance of any building permit for the final phase of the master plan.

**40. Recycling Space Allocation Requirements**

***a. Prior to issuance of building permit***

The design, location and maintenance of recycling collection and storage areas shall comply with the provision of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas", Policy 100-28 and with the recycling space requirements of the Planning Code. The recycling location and area shall be clearly delineated on the building permit plans.

**41. Lighting Plan**

***a. Prior to issuance of building permit***

The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.

**42. Bicycle Parking**

***Prior to the issuance of first certificate of occupancy.***

The applicant shall submit for review and approval of the Planning and Zoning Division, plans that show bicycle storage and parking facilities to accommodate 4 short-term bicycle parking spaces onsite or on public sidewalk, and 75 long-term bicycle parking spaces. The plans shall show the design and location of bicycle racks within the secure bicycle storage areas. The applicant shall pay for the cost and installation of any bicycle racks in the public right of way.

**43. Landscape and Streetscape Plans**

***a. Prior to issuance of building permit.***

The project sponsor shall submit a detailed landscaping plan to the Planning Director for review and approval prior to the issuance of any building permits. All landscaping areas and related irrigation shown on the approved plans shall be permanently maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All landscaping shall be served by an automatic irrigation system. All paving or other impervious surfaces shall occur only on approved areas.

**44. Water, Wastewater and Storm Sewer Service**

***a. Prior to completing the final design for the project's sewer service***

Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be

responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

**45. Special Inspector**

***a. Throughout construction***

The project applicant may be required to pay for on-call special inspector(s)/inspections as needed during the times of extensive or specialized plancheck review, or construction. The project applicant may also be required to cover the full costs of independent technical and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

**46. Neighborhood Agreements**

***a. Ongoing***

This project approval is subject to the written agreements attached to the preliminary PUD approval. The items in the agreements will effectively become additional conditions of approval for this project.

**47. Traffic Rules**

***Ongoing***

- a) The applicant shall distribute a package with the traffic rules clearly outlined in the enrollment contract for that year. The rules should include a written traffic monitoring plan and a graphic showing the correct way to drop-off and pick-up students. The package will also include a letter that must be signed and returned by each parent/guardian delivering students. Consequences for not following the school rules clearly established and include fines and not renewing the enrollment of the child. Consequences for not following the school rules clearly established and include fines and/or not renewing the enrollment contract of the child.
- b) Hold parent meetings at the beginning of each semester to discuss the traffic rules and any changes since the start of the year or semester.

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

***a. Ongoing***

- 1) Evergreen trees shall be planted behind the building in order to shield the building and its windows from the residents on Whittle Avenue.
- 2) The siding of the building shall be painted or stained a non reflective, medium brown in order to make the structure recede into the landscape.
- 3) All exterior lighting shall be shielded and downward directed.
- 4) The interior lighting of any cupola shall be located below the sill level of the windows so that the source is not directly visible.
- 5) Interior lighting shall be designed so that the light source is not directly visible through the windows from the exterior.

6.) The lighting in this portion of the building shall be placed on a timer or other device and shall not be kept on continuously during the evening.

**49. Neighborhood Liaison Committee**

**a. Ongoing**

Head Royce School shall preserve the Neighborhood Liaison Committee in order to resolve conflicts and maintain communications between the school and the surrounding neighborhoods. The liaison committee shall include members of Upper Lincoln, Lower Lincoln, Alida Court, and Whittle Ave and additional groups may be added if the impacts of the school on those communities are noticeable. The Committee shall meet at least twice a year to discuss issues. However, the Committee shall hold additional meetings as recommended by the neighborhood participants. Head Royce Administrative staff shall participate in the neighborhood liaison committee meetings.

**50. Design of Parking Deck Extension**

**a. Ongoing**

- a) The project applicant shall screen the underside of the parking deck with a trellis, tall landscaping, wall, or other architectural feature that would be consistent with the overall architectural character of the campus. If the choose to use planting as the screening mechanism, the applicant shall install species that will grows to a sufficient size within five (5) years of planting to screen the underside of the parking deck.
- b) The railings chosen for the deck shall also be consistent with the campus design.

51. Head Royce shall randomly monitor Whittle Ave. and ensure that the students, parents, and teachers are not parking in residential permit parking only spaces.

**APPROVED BY:**

City Planning Commission: March 5, 200 (date) 4 ayes, 0 noes, 3 absent (vote)

City Council: \_\_\_\_\_ (date) \_\_\_\_\_ (vote)

**Applicant and/or Contractor Statement**

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission action on March 5, 2008. 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.

See attached copy

The Head Royce School  
Fifteen-Year Master Plan  
Letter of Agreement  
between

Whittle Avenue Neighbors and The Head-Royce School  
May 24, 2004

In this agreement, Head-Royce School (HRS) and the Whittle Avenue neighbors each assume a set of responsibilities relating to the HRS 15 year master plan. It is our mutual desire that this document will guide us in developing and maintaining positive neighborly relations in the future.

The agreement addresses numerous physical and behavioral components, including a reconfiguration and modernization of campus infrastructure, phased enrollment increase, and enhanced communication processes, both within the HRS community and between the school and the Whittle neighbors.

Whittle Avenue neighbors will remain in close communication with HRS via the Neighborhood Liaison Committee.

**PART I Head-Royce School Obligations – 10 items**

1. HR to create 35 structured parking spaces on campus with access from Lincoln Avenue only. New parking structure to be built as replacement for 23 existing on campus parking spaces that regularly use the Whittle Avenue back gate. There will remain 15 parking spaces of those that currently exist on the north side of campus that are mostly used for van storage, deliveries and a few extra parking spaces. The new parking will have Lincoln Ave access only. One option is to build a parking deck that may also serve as a roof enclosure for a proposed swimming pool. Another option involves construction of parking deck over the current parking lot on the east side of the campus.
2. HR to encourage City of Oakland to install 4-way stop signs at the intersection of Whittle and Funston. Whittle Ave is a narrow road with no sidewalks and restricted sidelines. In response to traffic safety issues, HR and Whittle Ave. neighbors will encourage the City of Oakland to install 4-way stop signs at the intersection of Whittle and Funston. To be reviewed and installed by the City of Oakland. Signs to be paid for by HR.
3. HR to pursue shared Institutional Parking options with Lincoln Child Center and Cerebral Palsy Center land. The goal is to create added "institutional parking" to reduce the need for institutional related traffic to park on quiet residential streets. HR endorses a plan to create up to 60 new parking spaces on what is mostly Lincoln Child Center Land. If approved by the City of Oakland and agreed to by the Lincoln Child Center, and if financial terms are reasonable, HR intends to sign a long-term lease for 30 of these newly created institutional spaces. If HR does

Whittle Ave. LIA  
045 HRS JR

not sign a lease for 30 spaces with LCC, HR will construct one additional parking space on its campus for every 2 spaces less than 30 that it leases from the Lincoln Child Center, or a maximum of 15 additional spaces. These additional parking spaces will be accessed via Lincoln Avenue only.

4. HR to uphold prior conditional use agreements regarding the use of Whittle Avenue properties. Except as described in this Agreement, HR agrees to live within the provisions of prior conditional use permits. Accordingly, HR will abandon its request to the city planning department to consider the development of a 35 car parking lot in the yard space of the two Whittle Avenue houses owned by the school. HR agrees that it will not use the Whittle Avenue properties located at 4200 and 4220 Whittle Avenue for purposes prohibited by the existing Conditional Use Permit, regardless of who owns the properties.
5. HR will use its good faith efforts to clarify, monitor and enforce the school's traffic, parking and drop off rules. HR actions to include: Broad distribution of a simplified list of school traffic rules to entire school community, including summer population and visitors (with a copy to Whittle Avenue neighbors via the Neighborhood Liaison Committee). Regularly communicate need to obey rules with parents, staff, visitors, etc. Put procedures in place to enforce the traffic, parking, Whittle Ave. gate, pick-up and drop-off rules, including the establishment of clear consequences for members of the school's community who violate rules. Increase on site monitoring as required. Monitors to wear identifiable vests and use digital cameras to record rule violations and to track down rule violators. HR to send to neighbors annual calendar listing special HR events that may impact parking and traffic. HR will perform additional monitoring during special events. Establish Community Liaison staff position with special hot line telephone number. Institutionalize traffic safety as part of HR Board of Trustees oversight. Ongoing review and coordination of HR traffic related issues by working together with the Neighborhood Liaison Committee. HR will regularly discuss with the Neighborhood Liaison Committee whether its efforts to implement the actions specified in this Paragraph 5 have been effective and whether further efforts may be required.
6. HR to pursue approvals to use the two Lincoln Avenue houses currently owned by the school for administrative purposes. HR will apply for permission to use these houses adjacent to the school's front entry for uses such as: a new Neighborhood Traffic Safety Command Center, and a new school entry monitoring station, and other administrative uses. HR would propose to rebuild one or both of the two houses as low-scale offices, designed in keeping with the scale and character of the neighboring homes. If re-constructed, the two new house-shaped buildings would share a single, wide, driveway with room for approximately 6-parked cars. Given the nature of the site topography, the potential exists to include an optional lower level apartment in each of the reconstructed structures.

7. HR to improve landscaping on hillside adjacent to athletic field. This hillside area to the north of the school's playing field is in need of additional landscaping and better maintenance. HR agrees that implementing a modest landscape plan that includes California native drought tolerant plantings would be of benefit to both the school and the neighborhood. As part of this plan HR will be constructing a new running path adjacent to the existing soccer field.
8. HR to install heavy-duty security gate at entry to school parking lot /athletic field. Automobile gate to be constructed off Lincoln Avenue entry at the east end of campus. Operation of gate to require access codes. Purpose of the gate is to control unauthorized use of playing fields during weekends and when school is not in session.
9. HR supports and will be a willing participant in continued Neighborhood Liaison Committee meetings. HR will continue to host these meetings on a quarterly basis, or more frequently as required. Meetings to be held at the school. Participants on the NLC to include: 1) community members representing a variety of our surrounding neighborhoods, 2) the school administration, 3) HR traffic safety staff, 4) a HR student representative, and 5) a HR Board of Trustee member.
10. HR will "institutionalize" its good neighbor practices. HR will take action to raise the consciousness of its entire community regarding good neighbor relations. HR initiatives will include; more school-wide driver and parking mailings (underscoring the consequences of breaking HR school rules), reporting breaches of conduct at staff and faculty meetings, increasing students' and parents' awareness of the need to drive safely and courteously, and to exhibit good driving behavior (and getting them more involved as HRS "ambassadors"), inviting neighbors to use school facilities and attend special school events such as special lectures, amending HR Board of Trustee Facilities Committee to include Community Relations in the scope of their oversight.

## **PART II - Whittle Avenue Neighbors Obligations – 5 items**

1. Whittle Avenue neighbors will endorse and publicly support HR's new building plans, renovations, other projects listed in HR's current version of the 15-year Master Plan and the HR obligations, points 1-10 of this agreement. and confirm such building plans have incorporated good neighbor design sensitivities into new building placement, heights, and design features. Understanding that there are many more details to be developed, Whittle Avenue neighbors will endorse our master plan application and HR will invite Whittle Ave. neighbors to continue to participate in the building design process. Furthermore, Whittle Avenue neighbors to recognize that implementation of the HR Master Plan will be dependant on the school's fundraising successes, and while specific building plans will be generally prioritized and identified as part of a project phasing plan, the specific timetable



of when each building or project will be built (within the 15 year development "window") is not certain. HR agrees to abide by all public notice requirements associated with gaining approval of its Master Plan.

2. Whittle Avenue neighbors to endorse and publicly support the HR phased enrollment increase plan referred to as the "60/60/60 plan." Under the existing 1995 Conditional Use Permit, HR is allowed to enroll 700 hundred students, with a +/- 5% fluctuation factor to allow for the variability that is necessarily part of school admissions processes. Translating the 5% factor into numbers, this means that the maximum currently allowed HR enrollment is 735.

The 60/60/60 plan calls for a three-phased enrollment increase on the current HR campus in blocks of 60 students over time, with each increase conditioned on satisfaction of certain requirements. Instead of the +/- 5% fluctuation factor (described above), as a compromise the fluctuation factor would decrease to +/- 3% to accommodate admission variables. HR will present its enrollment figures to the members of the NLC each fall.

First phase of 60 additional students: would bring the school population on the current campus to 760, plus or minus 23 students using the +/- 3% factor. This first additional block of 60 students would be granted upon approval of the Master Plan. As a pre-condition, HR would be obliged to have proceeded with the elements outlined in items 2, 4, 9, and 10 of the Head Royce Obligations (listed above).

X Second phase of 60 additional students: would bring the school population on the current campus to 820, plus or minus 25 students using the +/- 3% factor. This second block of 60 students would be granted only after the school has (1) constructed the parking structure project and reduced to 15 the number of on-campus parking spots accessible from Whittle as described in HR Obligation 1, (2) installed the gate described in item 8, (3) either obtained a lease for parking spaces at the Lincoln Child Center or provided the alternate structured on-campus spaces as described in item 3, (4) substantially completed the landscaping project described in item 7, (5) eliminated the cross-campus thoroughway connecting Lincoln Avenue to Whittle Avenue.

X Third phase of 60 additional students: would bring the school population on the current campus to 880, plus or minus 26 students using the +/- 3% factor. This block of additional students would not be admitted to the school for a minimum of 15 years after approval of the Master Plan. As additional conditions, HR would be responsible for the construction of an additional 20 parking spaces above and beyond those described in items 1, 3, and 6 of this document. These new spaces are likely to be expensive structured parking spaces given the lack of available flat land. It is also understood that access to these new spaces would be via Lincoln Avenue only.

3. Whittle Avenue neighbors to endorse and publicly support the HR initiated traffic-calming plan for controlling Lincoln Avenue speed. A traffic engineer hired by HR, has presented a plan to HR to reduce car traffic speed down Lincoln Ave. The plan involves the reconfiguration of the street itself, making it less "highway-like". The engineer's design involves the re-positioning and narrowing of the avenue curbs and creating turn lanes. Monies were earmarked by the City of Oakland for Lincoln Ave, improvement a few years ago, but were later withdrawn. HR and the Whittle Ave. neighbors support the Plan outlined by the engineer. It requires the City of Oakland Approval. The hard construction costs of this plan are estimated to be less than \$200,000. HR believes that the only way the City of Oakland will reconsider this plan is if all of the upper Lincoln Avenue surrounding institutions and neighborhoods join in support of making these structural changes along upper Lincoln Avenue. In addition to supporting the road re-configuration traffic calming plan, Whittle Avenue Neighbors will support HR's proposal that the City of Oakland install one or more solar powered electronic "how fast am I going signs", along upper Lincoln Avenue, as a traffic speed control protective measure.

Whittle Avenue neighbors will actively support these community safety related efforts.

4. Whittle Avenue neighbors to actively participate as HR allies as we go through the Master Plan approvals process. In addition to items 1, 2 and 3 of the Whittle Avenue Obligations (project endorsement stated above), HR respectfully requests that Whittle Avenue neighborhood representatives personally attend city approvals- related public hearings and other gatherings with city officials in support of our agreement and the HR master plan.

5. Whittle Avenue neighbors to work with members of their community to assist HR creating a more constructive relationship. With this document, HR has pledged its intentions to be a better neighbor to its community; we respectfully request that our Whittle Avenue neighbors agree to actively pursue the same goals. We respectfully request that our neighbors recognize that being an institution in a residential neighborhood will inevitably result in school-related infractions of various sorts that may be beyond the school's reasonable ability to prevent. While we never excuse poor behavior, and will make good faith attempts to correct problems that come to our attention. HR requests that our neighbors be patient with us, and respectful in the manner by which we communicate to each other.

PLEASE NOTE: The Parties agree that, in the event there is a substantive complaint about a material violation of the terms herein or of the terms of any development approval by either party hereto, such substantive complaint will be submitted to the NLC for review, investigation, and resolution. If the NLC is unable to agree on a resolution to such substantive complaint, the complaint will



be submitted to Conciliation Forums of Oakland ("CFO") (or an equivalent mediation service if CFO is unavailable) for mediation.

Also please note that HR's obligations described in this Letter of Agreement are conditioned on HR obtaining necessary entitlements for its proposed 15-year Master Plan.

Paul Chapman

Paul Chapman  
Head of School  
The Head Royce School

5/24/2004  
date

Jeff Horowitz

Jeff Horowitz  
Chair, Board of Trustees  
The Head Royce School

5/29/2004  
date

Louise Abbott

Louise Abbott  
Whittle Avenue Neighbors Master Plan  
Steering Committee Chair

5/24/2004  
date

Linda Morse

Linda Morse  
Whittle Avenue Neighbors Master Plan  
Steering Committee

5/24/2004  
date

Bob Schultz

Bob Schultz  
Whittle Avenue Neighbors Master Plan  
Steering Committee

5/24/2004  
date

Michael Thilgen

Michael Thilgen  
Whittle Avenue Neighbors Master Plan  
Steering Committee

5/24/2004  
date

The Head Royce School  
Fifteen-Year Master Plan  
Letter of Agreement  
between

Lincoln to Laguna. (Alida) Neighbors and The Head-Royce School  
May 24, 2004

In this agreement, Head-Royce School (HRS) and the Lincoln to Laguna (Alida) Avenue neighbors each assume a set of responsibilities relating to the HRS 15 year master plan. It is our mutual desire that this document will guide us in developing and maintaining positive neighborly relations in the future.

The agreement addresses numerous physical and behavioral components, including a reconfiguration and modernization of campus infrastructure, phased enrollment increase, and enhanced communication processes, both within the HRS community and between the school and the LLA neighbors.

The LLA Avenue neighbors will remain in close communication with HRS via the Neighborhood Liaison Committee.

**PART I Head-Royce School Obligations – 10 items**

1. HR to pursue shared Institutional Parking options with Lincoln Child Center and Cerebral Palsy Center land. The goal is to create added "institutional parking" to reduce the need by institutions to park on quiet residential streets. HR endorses a plan to create up to 60 new parking spaces on what is mostly Lincoln Child Center land, consistent with the existing Final Conditions for the Lincoln Child Center Conditional Use Permit dated November 24, 1997, understanding that there may be other agreements that we are not aware of. If approved by the City of Oakland and agreed to by the Lincoln Child Center, and if financial terms are reasonable, HR intends to sign a long-term lease for 30 of these newly created institutional spaces. If HR does not sign a lease for 30 spaces with LCC, HR will construct one additional parking space on its campus for every 2 spaces less than 30 that it leases from the Lincoln Child Center, or a maximum of 15 additional spaces.
2. HR to create 35 structured parking spaces on campus with access from upper Lincoln Avenue only. New parking structure to be built as replacement for 23 existing on campus parking spaces that regularly use lower Lincoln entry and now exit onto Whittle Avenue. This lower vehicular driveway entry will be permanently closed to through traffic.
3. HR to encourage City of Oakland to install no u-turn signs at the intersection of Alida Avenue and Linnet, and Laguna Streets, and a no u-turn sign at and within Alida Court. Endorsed by HR as safety measure. To be reviewed and installed if deemed appropriate by the City of Oakland. Signs to be paid for by HR. These

traffic signs may have hours of enforcement restricted to weekdays, 7:30-9am, and 2-4pm only. HR to encourage the city of Oakland Police Department to cite drivers who do not obey these signs. In addition, HR on a frequent basis will have school monitors make a good faith effort to identify and subsequently change the behavior of HR parents, students, staff, drivers of students, and visitors throughout the calendar year (including the summer session) who violate the law.

4. HR to continue to encourage and subsidize vanpooling and mass transit transportation options. HR has and will continue to encourage staff and students to consider mass transportation and carpooling options, and will continue to provide private, school-subsidized bus and van service to the campus. Head Royce pledges continued support of these options that have the effect of decreasing the number of cars moving throughout the neighborhood.
5. HR will use its good faith efforts to clarify, monitor and enforce the school's traffic, parking and drop off rules. HR actions to include: Broad distribution of a more simplified list of school traffic rules to entire school community, including summer population and visitors. Regularly communicate need to obey rules with parents, staff, visitors, etc. Put procedures in place to enforce the traffic, parking and drop-off rules, including the establishment of clear consequences for members of the school's community who violate rules. Increase on site monitoring as required. Monitors to wear identifiable vests and, for the first time, use digital cameras for tracking down rule violators. HR to send to neighbors annual calendar listing special HR events that may impact parking and traffic. Added monitoring during special events. Establish Community Liaison staff position with special hot line telephone number. Institutionalize traffic safety as part of HR Board of Trustees oversight. Ongoing review and coordination of HR traffic related issues by working together with the Neighborhood Liaison Committee. HR will regularly discuss with the Neighborhood Liaison Committee whether its efforts to implement the actions specified in this Paragraph 5 have been effective and whether further efforts may be required.
6. HR to pursue approvals to use the two Lincoln Avenue houses currently owned by the school for administrative purposes. HR will apply for permission to rebuild either or both of these houses adjacent to the school's front entry, designed in keeping with the scale and character of the neighboring homes, for uses such as: a new Neighborhood Traffic Safety Command Office and a new school entry monitoring station, along with other administrative uses. If re-constructed, the two new house-shaped buildings would share space to park approximately 6 cars. Given the nature of the site topography, the potential exists to include an optional lower level apartment in each of the reconstructed structures.
7. HR supports and will be a willing participant in continued Neighborhood Liaison Committee meetings. Head Royce will continue to host these meetings on a quarterly basis, or more frequently as required. Meetings to be held at the school.



Participants on the NLC to include: 1) community members representing a variety of our surrounding neighborhoods, 2) the school administration, 3) HR traffic safety staff, 4) a HR student representative, and 5) a HR Board of Trustee liaison member.

8. HR wishes to do more to "institutionalize" its good neighbor practices. HR wants to raise the consciousness of its entire community regarding good neighbor relations. Initiatives to include; more school-wide driver and parking mailings (underscoring the consequences of breaking HR school rules), reporting breaches of conduct at staff and faculty meetings, increasing students' awareness of their need to exhibit good driving behavior (and getting them more involved as neighborhood "ambassadors"), inviting neighbors to use school facilities and attend special school events such as special lectures, amending HR Board of Trustee Facilities Committee to include Community Relations in the scope of their oversight.
9. Head Royce will continue to support shared parking with the Greek Orthodox Church for special events. HR and the Greek Orthodox Church have historically made parking at their institutions available to the other institution for special events. Head Royce will continue to support this reciprocal arrangement.
10. If requested by the LLA Neighbors, Head Royce will support a proposal by the LLA neighborhood to institute permit parking along Alida Avenue, Alida Court and Linette Court, and will pay the cost of issuing parking permits for this program.

## **PART II – Lincoln to Laguna Neighbors Obligations – 5 items**

1. Lincoln to Laguna (Alida) neighbors to endorse and publicly support the HR proposed new building plans, renovations, other projects listed in our 15-year Master Plan. The LLA neighbors will confirm that such building plans have incorporated good neighbor design sensitivities into new building placement, heights and design features. Understanding that there are many more details to be developed, the LLA neighbors will endorse our master plan application. Furthermore, LLA neighbors recognize that implementation of the HR Master Plan will be dependant on the school's fundraising successes, and while specific building plans will be generally prioritized and identified as part of a project phasing plan, the specific timetable of when each building or project will be built (within the 15-year development "window") is not certain.
2. Lincoln to Laguna (Alida) neighbors to endorse and publicly support the HR phased enrollment increase plan referred to as the 60/60/60 plan. Under the existing 1995 Conditional Use Permit, HR is allowed to enroll 700 hundred students, with a +/- 5% fluctuation factor to allow for the variability that is necessarily part of school admissions processes. Translating the 5% factor into



numbers, this means that the maximum currently allowed HR enrollment is 735.

The 60/60/60 plan calls for a three-phased enrollment increase on the current HR campus in blocks of 60 students over time, with each increase conditioned on satisfaction of certain requirements. Instead of the  $\pm 5\%$  fluctuation factor (described above), as a compromise the fluctuation factor would decrease to  $\pm 3\%$  to accommodate admission variables. HR will make its enrollment figures available to the members of the NLC each fall.

X First phase of 60 additional students: would bring the school population on the current campus to 760, plus or minus 23 students using the  $\pm 3\%$  factor. This first additional block of 60 students would be granted upon approval of the Master Plan. As a pre-condition, HR would be obliged to have proceeded with the elements outlined in items 3, 4, 6, 7, and 8 of the Head Royce Obligations (listed above).

X Second phase of 60 additional students: would bring the school population on the current campus to 820, plus or minus 25 students using the  $\pm 3\%$  factor. This second block of 60 students would be granted only after the school has (1) constructed the parking structure project, described in HR item 2, and (2) either procured a lease for parking spaces at the Lincoln Child Center or provided the alternate structured on-campus spaces as described in HR item 1.

X Third phase of 60 additional students: would bring the school population on the current campus to 880, plus or minus 26 students using the  $\pm 3\%$  factor. This block of additional students would not be admitted to the school for a minimum of 15 years. As an additional condition, HR would be responsible for the construction of an additional 20 parking spaces above and beyond those described in HR items 1 and 2 of this document. These new spaces are likely to be expensive structured parking spaces given the lack of available flat land. It is also understood that access to these new spaces would be off our upper Lincoln Avenue driveway entry.

3. Lincoln to Laguna (Alida) neighbors to endorse and publicly support the HR initiated traffic calming plan for controlling Lincoln Avenue speed. A traffic engineer hired by HR, has presented a plan to HR to reduce car traffic speed down Lincoln Ave. The plan involves the reconfiguration of the street itself, making it less "highway-like." The engineer's design involves the re-positioning and narrowing of the avenue curbs and creating turn lanes. Monies were earmarked by the City of Oakland for Lincoln Ave, improvement a few years ago, but were later withdrawn. HR and the LLA neighbors support the Plan outlined by the engineer. It requires the City of Oakland Approval. The hard construction costs of this plan are estimated to be less than \$200,000. HR believes that the only way the City of Oakland will reconsider this plan is if all of the upper Lincoln Avenue surrounding institutions and neighborhoods join in support of making these structural changes along upper Lincoln Avenue. In addition to supporting the road

re-configuration traffic calming plan, the LLA Neighbors will support HR's proposal that the City of Oakland install one or more solar powered electronic "how fast am I going signs," along upper Lincoln Avenue as a traffic speed control protective measure.

The LLA Avenue neighbors will actively support these community safety related efforts.

4. Lincoln to Laguna neighbors to actively participate as HR allies as we go through the Master Plan approvals process. In addition to items 1, 2 and 3 of the Lincoln to Laguna (Alida) Obligations (project endorsement stated above), HR respectfully requests that LLA neighborhood representatives personally attend city approvals- elated public hearings and other gatherings with city officials in support of our agreement and the HR master plan.
5. Lincoln to Laguna (Alida) neighbors to work with members of their community to assist HR creating a more constructive relationship. With this document, HR has pledged its intentions to be a better neighbor to its community; we respectfully request that our LLA neighbors agree to actively pursue the same goals. We respectfully request that our neighbors recognize that being an institution in a residential neighborhood will inevitably result in school-related infractions of various sorts that may be beyond the school's ability to prevent. While we never excuse poor behavior, and will make good faith attempts to correct problems that come to our attention, HR requests that our neighbors be patient with us, and respectful in the manner by which we communicate to each other.

PLEASE NOTE: The Parties agree that, in the event there is a substantive complaint about a material violation of the terms herein or of the terms of any development approval by either party hereto, each substantive complaint will be submitted to the NLC for review, investigation, and resolution. If the NLC determines that a complaint is substantive and, after review, investigation and discussion a resolution to such complaint is unable to be reached, the issue will be submitted to Conciliation Forums of Oakland ("CFO") (or an equivalent mediation service if CFO is unavailable) for mediation.

Also please note that Head Royce's obligations described in this Letter Agreement are conditioned on its obtaining necessary entitlements for its proposed 15-year Master Plan.

Paul Chapman  
Paul Chapman  
Head of School  
The Head Royce School

5/24/2004  
date

Jeff Horowitz  
Jeff Horowitz  
Chair, Board of Trustees  
The Head Royce School

5/24/2004  
date

Hollis Matson  
Hollis Matson  
Lincoln to Laguna (Alida) Neighbors  
Master Plan  
Steering Committee Chair

5/24/04  
date

Randy Morris  
Randy Morris  
Lincoln to Laguna (Alida) Neighbors  
Master Plan  
Steering Committee Coordinator

5/24/04  
date

Sean Fotrell  
Sean Fotrell  
Lincoln to Laguna (Alida) Neighbors  
Master Plan  
Steering Committee Coordinator

5/24/04  
date

## AGREEMENT WITH LINCOLN NEIGHBORS

This agreement is between the Head-Royce School, on the one hand, and various neighbors of the School (as listed below), on the other hand, hereinafter "Agreement". Said Neighbors live in the vicinity of the School on or near Lincoln Avenue and shall be referred to as "Lincoln Avenue Neighbors". This Agreement specifically incorporates by reference the terms of the existing agreement between the Head-Royce School and the Lincoln to Laguna. (Alida) Neighbors dated May 24, 2004 and attached hereto.

1. The property located at 4233 Lincoln Ave owned by Head-Royce School shall be limited to permitted residential uses as required by the R-30 zone for the duration of the HRS 15 year Master Plan. During demolition and construction of buildings for housing administrative functions, the School may use the house located at 4233 for administrative uses, such as small meetings and office space. The School shall comply with all regulations under the R-30 Zone limits and will not merge the 4233 Lincoln Avenue lot with the School's adjacent Lincoln Avenue lot or lots for the 15 year period. After the 15-year period, if HRS wishes to merge the 4233 parcel with the campus parcel, HRS agrees to apply for a major conditional use permit in order to do so.
2. After construction of the Administration building is complete, the house located at 4233 will remain a residential dwelling, and may provide housing to HRS staff. HRS agrees not to use the house as a storage building, or for any uses other than permitted by the R-30 zoning regulations for the remainder of the 15-year period. After the 15-year period, if HRS wishes to modify the usage of this residence from what is permitted by the R-30 zoning regulations, HRS agrees to apply for a major conditional use permit.
3. HRS will maintain the visual appearance of 4233 Lincoln Avenue in a manner that is consistent with nearby properties and shall further take all necessary steps to ensure the building maintains its structural integrity. In the event the building needs to be rebuilt due to safety concerns, or is damaged beyond the point of being repaired, HRS will construct the replacement building as a residential structure in compliance with the applicable building and zoning codes and provisions.
4. In cooperation with the Neighborhood Liaison Committee ("NLC"), HRS will participate in Lincoln beautification, cleanliness, and safety projects. The NLC will include the consideration of the visual appearance of the School, including landscaping, cleanliness, and safety of Lincoln Avenue as a regular agenda item for discussion and recommended action.
5. The design of the Master Plan will provide for bulk deliveries access from the Whittle Gate and for small package deliveries to be delivered to the administration building access from Lincoln. Head Royce agrees to direct deliveries as follows:



## AGREEMENT WITH LINCOLN NEIGHBORS

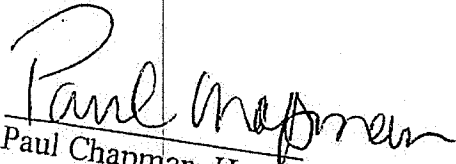
- Bulk items such as bulk food, large book shipments, and other bulk supplies and items will be directed to the bulk delivery site accessed from Whittle.
  - Parcels and packages from overnight delivery services and U.S. mail will be directed to delivery accessed from Lincoln.
  - Temporary construction deliveries and traffic will be directed to make best possible efforts to avoid construction deliveries at the lower (Southeast) portion of the property along Lincoln Ave.
6. Lincoln Avenue neighbors of the school will be advised of the schedule of construction activities and will be notified of larger scale construction activities such as excavation, hauling and concrete pours.
  7. HRS to work with Lincoln Avenue Neighbors and institutions to petition City of Oakland to prevent through traffic of larger vehicles (i.e. cement trucks, trucks with trailers over restricted weight limits, non school associated buses).
  8. HRS to work with the Lincoln Avenue neighbors and institutions to encourage the City of Oakland to maintain the condition of Lincoln Avenue (i.e. potholes, proper pavement to minimize traffic noise).
  9. [deleted]
  10. HRS to provide the Lincoln Ave neighbors living within the Residential Permit Parking Zone with reasonable use of school facilities (i.e. access to fields for running, outdoor basketball facilities) in a manner that is consistent with the constraints of operating the School and consistent with our obligations to other neighborhood groups.
  11. HRS will work with the City of Oakland and the neighbors (through the NLC) to create a formal coordinated emergency vehicle plan/route that will allow emergency vehicles to access and exit the Lincoln Ave neighborhood (in case of earthquake, medical emergency, house fire) during peak student drop-off & pick-up times.
  12. HRS will continue to administer parent educational pieces on driving rules and manners when dropping off and picking up their children and encourage carpooling and public transportation as methods of getting to and from the school. The terms of this request reiterate existing terms in the Letter of Agreement -- Lincoln to Laguna (Alida) agreement, paragraphs 4 and 5.

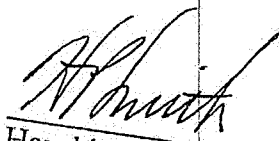
AGREEMENT WITH LINCOLN NEIGHBORS

13. Increase the number of days per week that HRS monitors the intersection of Lincoln and Burlington Street before and after school and evaluate and adjust as needed.

It is so agreed by the undersigned.

HEAD-ROYCE SCHOOL

  
Paul Chapman, Head of School

  
Harold P. (Peter) Smith  
Chair, Facilities and Community Relations Committee  
Head Royce Board of Trustees

Signatures on following page

AGREEMENT WITH LINCOLN NEIGHBORS  
LINCOLN AVENUE NEIGHBORS

Rodney Thompson  
4232 Lincoln Ave

Ingraine Stybel  
4151 Lincoln Ave

Frank R. Stuber  
4151 Lincoln Ave

Darlene Blair  
4200 Lincoln Ave.

James M. Miller  
4145 Lincoln

Kristina A. Katz  
4208 Lincoln Ave

Bridget Rive  
4121 Lincoln Ave.

Robert Pearce  
4225 Lincoln Ave

John Jensen  
4203 Lincoln

Michael T. Murphy  
4175 Lincoln Ave

Tom  
4224 Lincoln

### **Five Requests:**

1. Be aware that email might not be as private as you may wish. If confidentiality and privacy are important, it may be advisable and more appropriate to use other communication vehicles. If you do decide to send confidential information that should not be forwarded or otherwise shared, include a statement to that effect.
2. When replying to a message sent to multiple addressees, please respond to the sender only. That person then collates replies for the group as a whole.
3. Be considerate with length. Too much information in one message is a burden on recipients, especially for busy teachers.
4. Do not forward or edit an email message without the original sender's consent. This is particularly important in the case where the sender may consider the contents sensitive.
5. Be patient—faculty often need 1 to 2 days in order to respond.

## **SAFETY**

### **SAFETY RULES FOR AUTOMOBILES AND BUSES**

To improve the School's ability to provide for the safety of all its students, all who drive to and from School, drop off or pick up students at School or ride buses to and from School also must read these rules carefully and follow them at all times. The School urges all parents and students who drive to form carpools. The School also encourages use of the buses.

#### **The "Big Ten" Traffic Rules**

1. Obey The TRAFFIC LAWS in our School Zone.
2. Respect and obey the TRAFFIC MONITORS.
3. Do not make U-TURNS anywhere on Lincoln, Alida, Linnet, Burlington, or Laguna.
4. Do not JAYWALK or encourage jaywalking.
5. Do not use PRIVATE DRIVEWAYS for turnarounds, parking, waiting, or pick up.
6. REMAIN IN YOUR VEHICLE during drop off and pick up on Lincoln Avenue.
7. Do Not DOUBLE PARK to drop off or pick up.
8. Do Not use WHITTLE AVENUE to drop off or pick up.
9. Do not DRIVE ON CAMPUS to park, drop off or pick up.
10. Know the dangers of unloading and loading THE TRUNK during peak traffic times in the carpool lane on Lincoln Avenue.

For a complete listing of driving rules, including instructions for using carpool lanes before and after school, please refer to the on-line handbook.

### **STUDENT DRIVERS**

1. Driving to School is a privilege. It is expected that all students who drive to School or who ride with students to School have permission to do so from their parents. Parents (or legal guardians) must register in the Business Office any vehicle that will be driven to School. Please refer to the Student Driver/Vehicle Registration Form available from the School receptionist. This will also be posted on the School web site.
2. Student drivers are required to park on Lincoln Avenue above the School or in the School parking lot. Only

- [Athletics Calendar](#)
- [Teams / Schedules](#)
- [Opponents / Directions](#)
- [Forms and Handbooks](#)
- [Our Coaches](#)
- [What's a Jayhawk?](#)
- [Jayhawks Playing In College](#)
- [Links](#)
- [Parking at Head-Royce Athletic Events](#)

[Home](#) > [Athletics](#) > Parking at Head-Royce Athletic Events

## Safety and Respect in Our Neighborhood The Big 10 Driving Rules

Head-Royce has promised its neighbors, as a condition of being allowed to operate in this location, that its employees, parents and students will respect the neighborhood they are visiting. Violating these rules places the school in a very difficult position with its neighbors. If a parent violates these rules just one time in four years, our neighbors will see us fail our neighborhood agreement every single day.

As our campus has grown and changed, so have the traffic rules. Please review the rules below:

1. Respect & obey the Traffic Monitors. They work hard to keep your children safe and the school operating well in a residential neighborhood.
  2. For efficient traffic flow and the school's obligation to see each child safely collected, children may not walk down Lincoln for a pickup **anywhere** below campus. You may park legally and walk to the school from below campus.
  3. Do not make U-turns anywhere on Lincoln, Alida, Linnet, Burlington or Laguna. This includes 3-point turns or any other change of direction.
  4. Do not drive into Alida Court or Linnet Ave or other non-through streets near the school.
  5. Do not use Whittle Avenue for any drop-off or pick-up.
  6. Never enter or block any driveway to turn around, to park or to wait.
  7. Do not double park, whether you are sitting in your car or not.
  8. Do not allow your car to protrude into traffic as this is extremely dangerous and will impact many people as traffic backs up behind you.\*
  9. Double-check when parking legally to ensure you are not blocking a driveway.
  10. Obey all traffic laws.
- \* No place to go without your car sticking out?
- Slow down to allow time for cars to move forward.
  - Consider dropping off 5-10 minutes earlier – before-school care is free and a good opportunity for friends to connect.
  - In the afternoon, arrive at 3:35-3:40 (after the buses) for a faster pickup.

For Athletic Events that take place on the **Field**, the **Tennis Courts**, in the **Gym** or in the **Swimming Pool**: It is suggested that visitors, fans, and officials park in the HRS Parking Lot, then walk to the proper venue.

Be sure not to block in other cars that are parked in the tandem parking spaces in the Parking Lot.

Teams traveling by bus need to be dropped off on Lincoln Avenue.

Team busses are not allowed into the HRS Parking Lot.

Click [HERE](#) for link to Driving Directions to HRS.



### Today's Athletic Events

Friday, May 4, 2012

**Upper School Women's Varsity Soccer**  
**CANCELLED**  
3:45 PM to 5:30 PM  
HRS-Field

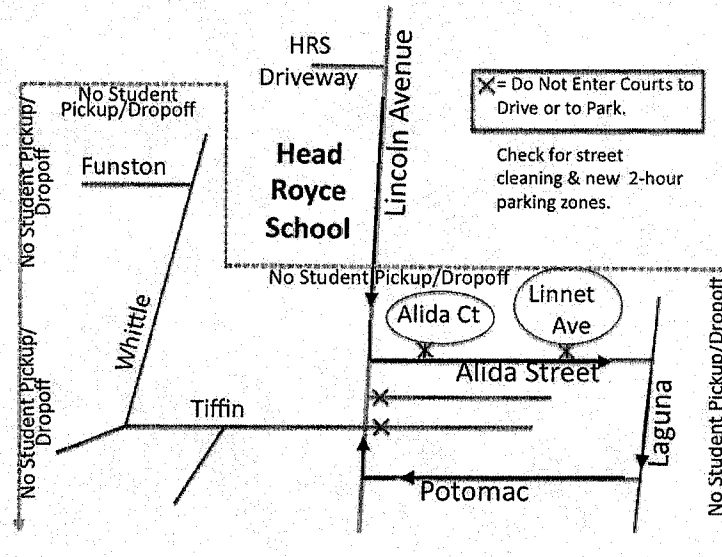
**Upper School Women's Varsity Softball vs. Redwood Christian High School (Home)**  
4:00 PM  
HRS-Field

**Upper School Men's Varsity Baseball vs. Athenian (Away)**  
4:00 PM

☐ **Upper School Men's/Women's Varsity Swimming - Green & Gold INTRASQUAD MEET (Home)**  
4:00 PM  
HRS - Swimming Pool

**Upper School Men's Varsity Volleyball vs. Bentley School (Away)**  
4:30 PM  
Bentley School

☐ **OUTSIDE GROUPS - Jadafly Basketball Club - Practice**  
6:00 PM to 8:30 PM  
HRS-Gym



© 2012 Head-Royce School | 4315 Lincoln Avenue | Oakland, California 94602 | phone (510) 531-1300  
fax (510) 531-2649 | email: [webmaster@headroyce.org](mailto:webmaster@headroyce.org)





# Head-Royce School

4315 Lincoln Avenue · Oakland · California · 94602 TEL 510-531-1300 [www.headroyce.org](http://www.headroyce.org)

December 7, 2005

Heather Klein, Planner II  
Community & Economic Development  
Planning & Zoning Services  
250 Frank Ogawa Plaza, Second Floor  
Oakland, CA 94612

Facsimile: (510) 238-4730

Re: Head Royce School Mitigation Measure/Initial Study/Master Plan

Dear Ms. Klein,

The project sponsor agrees to the following mitigation measures.

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

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

Sincerely,

Paul Chapman  
Head of School



# Head-Royce School

TEL

[www.headroyce.org](http://www.headroyce.org)

May 4, 2007

Chris Stoner-Mertz  
President and CEO  
Lincoln Child Center  
4368 Lincoln Avenue  
Oakland, CA 94602

FILE COPY

Dear Chris:

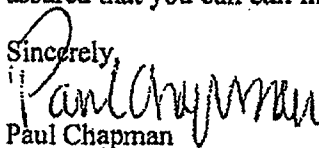
On behalf of the Head-Royce School I want to thank you for your offer to allow us to park Head-Royce vehicles at the Lincoln Child Center beginning this summer. Our two institutions have had a long partnership, and we are grateful that you will be able to assist us again at this time. I am also pleased that by working together we will further diminish the impact of our institutions on the immediate neighborhood by providing more off-street parking.

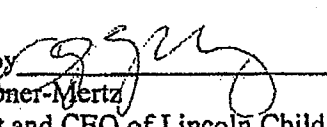
As we have agreed, the Head-Royce School will lease 30 parking places from the Lincoln Child Center for an initial period up to five years, to be renewed annually upon agreement of both parties, ending June 30, 2012. These parking places are located at the entrance to the Lincoln Child Center uphill from the crosswalk. The places will be assigned to Head-Royce employees using our parking procedures. We open school for administrative meetings on Monday, August 20 and the faculty return on Wednesday, August 22. By Friday of that week we shall have allocated the parking places for the duration of the school year. We will also name the Lincoln Child Center as an additional insured.

In return for the privilege of parking Head-Royce vehicles at the Lincoln Child Center, we will provide an annual payment of \$10,000. Our Business Office will issue the check at the beginning of our July 1 fiscal year. I would appreciate you returning a signed copy of this letter to our agreement. If required by the City, we may need to execute a more formal document.

Should there be any issues or problems related to the implementation of this plan, please be assured that you can call me at any time. Thanks again for all of your help.

Sincerely,

  
Paul Chapman  
Head of School

Agreed by   
Chris Stoner-Mertz  
President and CEO of Lincoln Child Center  
Date: 7/30/07



HR

CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Community and Economic Development Agency  
Planning & Zoning Services Division

(510) 238-3941  
FAX (510) 238-6538  
TDD (510) 238-3254

**NOTICE OF COMPLAINT**

November 16, 2009

Paul Chapman  
Head Royce School  
4315 Lincoln Ave.  
Oakland, CA

**RE: Case File No.:** PUD04-400; PUDF05-339; ER04-0014  
**Project Address:** 4233, 4309, and 4315 Lincoln Ave. and 4274 Whittle Ave.

Dear Mr. Chapman.

Staff received your e-mail dated July 28, 2009. This letter is a follow-up to our previous meeting on July 29, 2009 regarding compliance with the Planned Unit Development Permit's Conditions of Approval and Mitigation Measures for Head Royce School. You are also advised that staff has received a formal compliant (#0906270) regarding this project. Based on this information, staff has determined that you are currently not in compliance with several conditions. There are other conditions for which we cannot determine compliance and, therefore are requesting further documentation.

The City is also requesting that you provide a detailed written response to the issues raised in this letter, including a description of how you plan to bring the school into full compliance with the project conditions of approval. Your written response must be received by the City Planning Department (please address to my attention) within 30 calendar days of the date of this letter (December 16, 2009).

**Mitigation Measure TRAF-1(Condition #24)**

This mitigation measure requires that school monitor the length of the afternoon traffic queue, including buses, beginning the first semester after occupancy of Phase 1. The monitoring should be conducted by two qualified persons every 15 minutes. The Director of Operations should then prepare a report every two weeks during a 6 week period, sign the report, and submit that to both the Planning and Zoning Division and the Transportation Services Division. If the queue extends past the upper driveway, the school is required to implement actions in order to reduce the queue. Options were given in the Mitigation Measure to accomplish this and monitoring was to continue for another 6 weeks following implementation of the action.

The school is currently out of compliance with this Mitigation Measure. The school received occupancy for the first phase buildings between 2007 and 2008 and began traffic monitoring in the fall of 2008. Staff received a report on September 22, 2008. Staff does not believe that the monitoring was completed by qualified individuals, the reporting was not done for the full 6 weeks, and staff did not received reports every two weeks during that time. Furthermore, the report showed queues that did extend beyond the driveway. The school did not notify staff of their intent to implement any of the remedial actions specified

in the mitigation measure nor does staff believe that the school implemented any action. Staff also did not receive the additional six week monitoring reports required.

Staff outlined concerns regarding the mitigation measure in an e-mail to Dennis Malone, dated October 6, 2008.

The school monitored the traffic again in the spring of 2008. However, staff did not receive the reports until June 1, 2009 well after the six week reporting period. The traffic queue apparently again extended beyond the driveway. The school did not notify staff of their intent to implement any of the remedial actions specified in the mitigation measure nor does staff believe that the school did implement any action. Staff did not receive the additional six week monitoring reports required.

The fall semester monitoring was supposed to be completed by mid October. Staff has yet to receive any reports per the mitigation measure. While several of the measures that you mention in your July 28<sup>th</sup> letter were options in the Negative Declaration, the school did not consult, as required, with Planning and Zoning or Transportation Services to determine which actions shall be implemented in what order to reduce the length of the queue. As recently as November 9, 2009, staff monitored this queue and found 13 cars past the driveway. **Based on the information above, staff has determined that the school is out of compliance with the mitigation measure.**

#### **Student Enrollment (Condition #26)**

The neighborhood agreements allowed 760 students in the first phase of the master plan with a  $\pm 3\%$  enrollment fluctuation. This was amended at the Planning Commission to include a 5% enrollment fluctuation. The fluctuation was meant to account for variables in the enrollment contract and was not intended to be the upper limit for enrollment. However, the maximum number of students with the fluctuation would be 798 (760 + 38) students. According to your e-mail dated October 10, 2009 you have 800 students (rounding up to account for the .5 student.) You are over your enrollment limit for the first phase and second enrollment increase has not been granted. **Therefore, staff has determined that the school is out of compliance with this condition of approval.**

#### **Traffic Rules (Condition #34)**

The Conditions of Approval require that school distribute an information package with the traffic rules clearly outlined in the enrollment contract for parents. The package should include an explanation of the correct method of picking up students and include a letter to be signed by each parent or guardian delivering students. It should also outline the consequences for not following the traffic rules.

Staff received an e-mail on September 23, 2009 and October 1, 2009 with the traffic rules. While the packet did outline the rules and have consequences outlined, staff feels that the rule packet can be improved. Additionally, the letter only requests and does not require compliance. Staff did not see a graphic attachment or a description of the correct way to pick up students. The package doesn't include teachers, volunteers, guests, or other persons coming to the school in the parking rule section. The special event parking section doesn't specifically direct parents where to park or where the designated areas are located and staff is unsure whether every parent or guardian received a rule packet. Enforcement on the school rules is detailed further below. **Therefore, staff has determined that the school is out of compliance with this condition of approval.**

#### **Parking (Condition #33- Whittle Agreement 1, Alida Agreement 2)**

*The Conditions of Approval require that school provide 35 structured parking spaces with access to Lincoln Avenue only to replace the existing 23 spaces used to be accessed from the Whittle gate.*

While the required 137 spaces per the zoning regulations will be completed with a final on Building Permit # B0902679, staff is unsure whether the 35 spaces in this condition is meant to be over the zoning

requirement or is included in this number. This condition does not specify a timeframe for completion except that the next enrollment phase can not be completed with construction of this parking. Staff can not determine compliance with this condition.

#### **4-Way Stop Sign (Condition #33- Whittle Agreement 2, Alida Agreement 2)**

This condition requires that Head Royce encourage the City of Oakland to install a 4-way stop sign at Whittle and Funston. You indicated that you pursued this with Transportation Services but can not produce documentation of the City's decision not to install the stop-sign. Staff sent an e-mail on August 26, 2009 stating that the Transportation Services would be willing to investigate a stop sign at that location. We requested that you send an initial deposit of \$2,000. To date, staff has not received this deposit. Therefore, staff has determined that the school is not in compliance with this condition of approval.

#### **Enforcement (Condition #33- Whittle Agreement 5 and 10, Alida Agreement 5 and 8, Lincoln Agreement 12)**

These conditions require that the school distribute a package with the traffic rules clearly outlined in the enrollment contract. The package should include the consequences for not following the traffic rules. Based on the number of complaints staff receives regarding rule infractions, it is clear that the school is not enforcing the rules and does not have adequate monitors to enforce the rules. Furthermore, based on a recent site visits staff witnessed multiple violations with no enforcement including U-turns on Lincoln and on side streets, parking in red bus stop zones, persons in the queue and not in their vehicles, persons parking below the drop-off and on the other side of the street, among others. Therefore, staff has determined that the school is not in compliance with this condition of approval.

#### **Landscaping (Condition #33- Whittle Agreement 7)**

The condition requires the school to implement a modest landscaping plan on the hillside adjacent to the athletic field. There is no timeframe on this condition and staff is unsure whether this has been completed. Staff requests that the school submit the approved landscape plan to Planning and Zoning if this condition was implemented.

#### **Carpooling, Vanpooling, and other Mass transit (Condition #33- Alida Agreement 4)**

This condition requires the school to continue to encourage staff and students to consider mass transportation and carpooling options. The school's recently updated traffic and parking rules package detail the bus routes to school, indicate that the school offers bus passes for purchase, offer a zipcode list of Head-Royce families for carpooling purposes, as well as preferential parking for those persons who carpool. However, staff is unsure whether the intent (to reduce single occupancy vehicle trips to the school) of this condition is being met based on neighborhood complaints, increase in the loading queue past the driveway, and the fact that the school has expanded the loading area to the other side of the street. Staff requests that the school submit the current transit numbers to Planning and Zoning for both morning drop-off and evening pick-up.

#### **Event Parking at the Greek Orthodox Church (Condition #33- Alida Agreement 9)**

This condition requires the school to continue to support reciprocal parking agreements with the Greek Orthodox Church for events. Although the school might have continued this practice, staff is unsure whether the intent of this condition is being met. The traffic and parking rules state that for events over 150 persons including the School Picnic, Back-To-School Nights, Admissions Open Houses, the Holiday Program, Musical Concerts, and Promotions/Graduation—the Greek Orthodox Cathedral parking lot is available and should be used. However, staff is unaware how the parents/guests determine where to park. The parking locations are not indicated on the school's website calendar and staff is unsure whether the school monitors traffic during the entire event. Staff is requesting that the school provide the location (i.e., calendar, website, or letters) where it communicates parking and events procedures to parents and guests

of the school. In addition, please provide the number of monitors and their locations for the last event over 150 persons.

**Deliveries (Condition #33- Lincoln Agreement 5)**

According to this condition, the design of the master plan will provide for bulk deliveries access from the Whittle Gate and small packages from Lincoln. The condition goes on to further specify the types of deliveries to be directed to each street. According to e-mails received from the neighbors, photos, and a discussion at the Neighborhood Liaison Committee which staff attended, the design of the master plan does not account for deliveries and they are being directed appropriately. **Therefore, staff has determined that the school is not in compliance with this condition of approval.**

**Monitoring at Lincoln and Burlingame (Condition #33- Lincoln Agreement 5)**

This condition requires the school to monitor traffic at the intersection of Lincoln and Burlington Streets before and after school and evaluate as needed. Staff is unsure whether this condition is being met. However, according to the Lincoln Neighbors, "school security personnel that monitor traffic near Lincoln and Alida, do not go down as far as Burlington. Additionally, with the addition of the security personnel, it appears as though HRS has reduced the number of parent volunteers monitoring traffic activity at the major intersections of Burlington and Tiffin." As recently as November 9, 2009, staff visited this intersection and did not see a traffic monitor. **Staff requests that the school provide the location of the monitor and the times the monitor was located at Lincoln and Burlington for the past month.**

In summary, staff has determined noncompliance with several conditions of approval. Therefore, this letter provides notice that violations of the conditions has occurred and is ongoing. Several other conditions require more information from the school and staff cannot presently determine compliance.

The City hereby requests that, within thirty (30) calendar days of this letter (i.e., December 16, 2009), you provide a detailed written response describing how you plan to address each of the items outlined in this letter and to bring the school into full compliance with approved Conditions of Approval. Your written response must be received by the City Planning Department within 30 calendar days of the date of this letter (December 16, 2009).

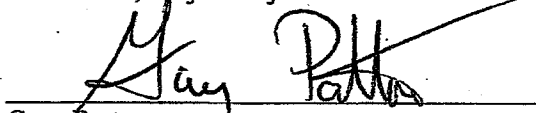
**You are hereby advised that your failure to fully and timely respond to this letter may result in enforcement proceedings. You should be aware that there are a number of sanctions that could result from such proceedings, including, among others, revocation of the school's Planned Unit Development permits.**

Please contact me at (510) 238-3659 if you have any questions regarding this letter.

Sincerely,



Heather Klein  
Planner III, Major Projects Division



Gary Patton  
Major Projects Manager  
Deputy Director of Planning and Zoning

Paul Chapman  
Head Royce  
November 16, 2009  
Page 5

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cc: Head Royce Neighborhood Liaison Committee

Jean Quan, Councilmember for District 4

Walter Cohen, Director Community and Economic Development Agency

Eric Angstadt, Deputy Director, Community and Economic Development Agency

Heather Lee, Deputy City Attorney

# Head-Royce School

scholarship, diversity, citizenship

since 1887

November 24, 2009

Heather Klein  
Planner III, Major Projects Division  
Dalziel Building  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, Ca 94612

Dear Ms. Klein,

On behalf of the Head-Royce School, I am responding to your detailed letter of November 16 regarding our Conditional Use Permit. We wrote to you earlier in September in response to your inquiry about this matter (Attachment #1) that we "believe that in large measure we have met the expectations that have been identified by the City when our most recent project was approved in January 2006. As you know from our detailed, written responses to your email requests for information last spring (May 20 and June 15), and from our meeting on July 29 and our written memorandum that preceded it (Attachment #2), we believe we are meeting the City's requests in full measure." Our view has not changed.

In response to your most recent letter we have reviewed again the thirty-four Conditions of Approval and we have confirmed that we are in compliance with all Conditions of Approval that are required for movement to Phase 2 under our CUP. In this letter we will respond to your seven allegations of non-compliance and your three specific questions. We have assumed that the City does not take issue with the School's compliance with any other Conditions of Approval and, therefore, this letter shall constitute the School's formal statement of compliance with all Phase 2 requirements.

## **1. Mitigation Measure T1 (Condition of Approval No. 24)**

You have asserted that the School is not in compliance with Mitigation T1 of Condition 24. This is not correct. In fact the recent Dowling Associates Report (see Attachment #3) demonstrates that there is, essentially, no issue that requires mitigation with respect to the queue at the School.

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

As you can see, the first part of Mitigation T1 is intended to allow the parties to determine whether the queue extends beyond a certain point above the School driveway.

071

If the queue does not extend beyond the red zone above the driveway, then the remainder of this measure is irrelevant. With respect to this determination, the Dowling report established that there is only a 4 minute period when there is any question of the queue extending above the driveway. There is no mention in the report of the queue extending beyond the upper "no parking" zone as established in the Mitigation Measure.

Even if the queue extended above the "no parking" zone on a regular and sustained basis, this would not constitute "non-compliance" with this Mitigation Measure. Rather, if it was determined that there was a regular and sustained extension of the queue then the School would be required to implement one or more of four suggested measures specified in the CUP. The School has implemented three of these four measures. We note that the Dowling Report suggests an additional measure to be taken to address the issue of shortening the queue: cause the cars in the queue to have less space between them. Upon receipt of the Dowling Report we immediately instructed our monitors to implement this additional measure.

We note also that at the time of the Dowling Report the new 137 space parking area was not in use. We believe that the opening of this parking area will also further reduce issues with the queue.

In conclusion, we have taken this Mitigation Measure seriously for the past two years, have continually addressed the length of the afternoon traffic queue, and are in compliance regarding this condition of approval.

## **2. Student Enrollment (Condition of Approval No. 26)**

Having satisfied the thirty-four requirements in the Conditional Use Permit, we are entitled to an enrollment of 820 for 2010-11. Regarding student enrollment for 2009-10, we note that with an enrollment of 800 students we are only .0025% over the maximum allowed under the Phase 1 limits, surely not a significant variance.

## **3. Traffic Rules (Condition of Approval No. 34)**

In my memorandum to you of July 28, I described the steps we have taken to strengthen our traffic rules, intensify our communication with families, increase our carpooling and promote bus rider ship; please see attached the Head-Royce Traffic and Parking Rules that were sent to all School families. (Attachment #4) At your request, we did prepare an information package that was mailed to every household of an enrolled student during the first week of August. You received a copy of this information previously. The Information Package fully satisfies the exact requirements of Condition of Approval No. 34.

In your letter you note some specific modifications that you would like included in the Package. Although these modifications are not required in order for the School to satisfy Condition of Approval No. 34, we would be happy to consider your suggestions. Please note the following: The graphic you requested is contained on page 6. All employees have received this packet and have been instructed regarding the traffic and parking rules

both in meetings and in writing. Guests to the School are advised of parking requirements when invitations are extended.

Since our October Neighborhood Liaison Committee meeting and the completion of our parking lot renovations, we have strengthened communication of special event parking rules by sending e-Lines (our electronic newsletter) messages instructing parents to park in the school's parking lot, on Lincoln Avenue above and to the east of the crosswalk or in the Greek Orthodox Church garage.

#### **4. Parking (Condition of Approval No. 33)**

In reliance on detailed conversations with you facilitated by our architect John Malick we understand that with 152 parking places on campus we are in full compliance with the Conditional Use Permit as well as all neighborhood agreements.

Below is a more detailed description of our from our architect John Malick that substantiates our response to your question about this condition:

We have just completed \$537,000 of structural parking improvements in our East Lot in order to satisfy the Conditions of Approval for the Second Phase expansion of the school described in the Neighborhood Agreements dated May 24, 2009. With these improvements, the school's parking requirements will be provided entirely on site.

As required in Part I, Article 1 of the Neighborhood Agreement, we have

1. Created "35 spaces accessible from Lincoln Ave. only as a replacement for the 23 existing 'on campus' parking spaces that regularly use Whittle Avenue back gate."

In addition, we have, as required in Part II, article II,

2. Reduced to 15 the number of on campus parking spaces accessible from Whittle Avenue.
3. Installed the gate at the Lincoln Avenue Entry to the athletic field parking lot.
4. Provided "on site" the additional 15 spaces as replacement for the 30 Lincoln Child Center spaces previously leased as described in item 3 of the agreement. (These are addition to the 35 replacement spaces required in Part I, Article 1.)
5. Constructed a new path running adjacent to the athletic field and improved landscaping on the slope. We have planted native oaks and thoroughly seeded the slope with drought tolerant native plant mix.
6. Eliminated the cross-campus throughway connecting Lincoln to Whittle.

To summarize, we are now in compliance with the Conditional Use Agreement conditions which allow us to increase our school population to the Second Phase increase of 60 additional students as described in the Whittle Agreement Part II, Article 2 and the Alida Agreement Part II, Article 2.

#### **Summary of Parking**

- A. Required for Phase II under Neighborhood Agreement signed May 24, 2009:



Existing Parking 1/4/2006 <sup>1</sup> :	107 spaces
Less 23 spaces eliminated <sup>1</sup>	-23 spaces
Plus 35 spaces added <sup>2</sup>	35 spaces
Plus 4 spaces for admin offices <sup>3</sup>	<u>4 spaces</u>
Total	123 spaces
Additional 15 spaces to replace 30 leased at Lincoln Child Center <sup>4</sup>	<u>15 spaces</u>
Total	138 spaces

Total required to meet Neighborhood Agreement "on site" equals 138 spaces.

B. Parking spaces required to comply with City Zoning<sup>5</sup>: 137 spaces

We have attached Exhibit A, which shows the 138 spaces recently constructed and approved by the City, which satisfy these conditions. (See Attachment #5)

In an effort to further reduce parking in the neighborhoods, the school has created an additional 14 spaces accessible only from Lincoln Ave. to bring the total count to 152 spaces. These spaces are shown on Exhibit B and all have been in daily use since the East Lot's completion on October 29, 2009.

#### 5. 4-way Stop Sign (Condition of Approval No. 33)

We have done everything possible to make clear our desire, along with the Whittle neighbors, for a 4-way stop in this location. We also understood that the Planning Commission fully supports this desire and we had understood that the Planning Commission would raise this issue over the summer with the appropriate City Agencies. However, in response to your request, please find enclosed a check for \$2000 to the Transportation Services Department to evaluate the installation of a 4-way stop sign at Whittle and Funston. (Attachment #6) Please tell us when the process will begin, and when we might expect the signs to be installed.

#### 6. Enforcement (Condition of Approval No. 33)

As requested we distributed a package with the traffic rules and consequences clearly outlined to all families. (Attachment #4) We believe we have made significant improvements in traffic monitoring and enforcement. Regarding monitors, we currently employ three in the morning and six in the afternoon, and have also retained security guards for each of those times. The total cost to the School is in excess of \$100,000 annually to meet this condition. We will continue to monitor and respond to U-turns when possible and reinforce the message banning parents parking below the crosswalk when picking up or dropping off. As you know, we have for decades had pick up and

<sup>1</sup> Staff Report - 1/14/2006, page 5.

<sup>2</sup> Whittle Ave Agreement Part I, Article 1, Alida Ave Agreement Part I, Article 2

<sup>3</sup> Whittle Ave Agreement Part I, Article 6 (2 spaces remain at existing residence for a total of 6)

<sup>4</sup> Alida Ave Agreement Part I, Article 1

<sup>5</sup> Staff Report, Jan 4<sup>th</sup>, 2006 page 7, Zoning Regulation Table

drop off on the other side of Lincoln Avenue, which we coordinate with the Lincoln Child Center and do not believe we are out of any compliance regarding this matter. Also, with arrangements negotiated two decades ago with AC Transit and the Oakland Police and shown clearly on the Lincoln Avenue signage in front of the School, our parents are permitted to stop in the red bus stop zones during drop off and pick up hours.

We are particularly troubled by the following statement in your letter: "Based on the number of complaints staff receives regarding rule infractions, it is clear that the school is not enforcing the rules and does not have adequate monitors to enforce the rules." The facts are much different. For example, we have a log of complaints that the school has received regarding these matters. Between October 21, 2009 (following our last NLC meeting) and November 18, 2009 we received 49 infraction reports, 8 from Neighborhood Liaison Committee member Randy Morris (u-turns on Alida) and 2 from Neighborhood Liaison Committee member Don Dunning on Whittle Avenue. The remaining 39 were from our own security and monitoring staff, which indicates that the great share of the monitoring is being done by the School. No calls were received on the hot line during this period. We believe that the City may not be receiving a full picture of the School's enormous efforts in this area. We hope that you will be able to look at the entire effort and not rely solely on the occasional complaints you receive.

#### **7. Deliveries (Condition of Approval No. 33)**

As we wrote to you in July, and subsequently to the Neighborhood Liaison Committee, we are complying with the current neighborhood agreements regarding bulk deliveries. All bulk deliveries (which we understand to mean substantial truckloads) are directed to the Whittle Avenue entrance. Other deliveries are made on Lincoln. This is consistent with the wording of the neighborhood agreements and the underlying rationale.

Although we are in compliance with this condition of approval, we would be happy to discuss with you possible modifications to this procedure, if we could get signoff from all interested parties on Lincoln Avenue and Whittle Avenue.

#### **8. Monitoring at Lincoln and Burlington (Condition of Approval No. 33)**

We periodically provide a monitor at Burlington and Tiffin but this is not done every day, which perhaps explains why your staff did not see a monitor on November 9. Our monitoring efforts more than fully comply with section 5 of the Lincoln Avenue agreement that you cite in your letter.

Let me now turn to areas where you had questions.

#### **1. Landscaping (Condition of Approval No. 29)**

We do not find a reference to the "hillside adjacent to the athletic field" in this condition. Our architect submitted a detailed landscape plan for this project in another part of the campus prior to the issuance of building permits.

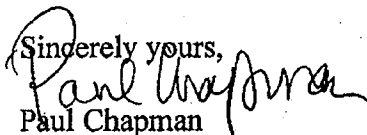
#### **2. Carpooling, Van Pooling and other mass transit (Condition of Approval No. 33)**

As we have written and discussed previously, we have vigorously promoted carpooling, van pooling and bus rider ship. In fact, this was one of the reasons that our new Upper School building just received LEED Gold certification from the US Green Building Council. We have also joined Carpool to School.com this fall and are regularly urging our parents to take advantage of this service. Further, our School's Green Council has instituted weekly "Green Days" when everyone is urged to take alternate transportation to School. With the opening of the new parking lot on November 2, we have now been able to implement a student carpool plan as well as tandem parking. As previously stated there has been no expansion of the loading area to the other side of the street, a practice that has been common for three or more decades.

### **3. Event Parking at the Greek Orthodox Church (Condition of Approval No. 33)**

The Greek Orthodox Church was extremely helpful to the School and the surrounding community during September and October when our parking lot was not available due to construction and the church provided parking at their garage. For special events we routinely communicate to our parents that they should use the lot; all parents have received reminders about where to park in our e-Lines. As you requested here is the information about the last event with over 150 persons, our Middle School admissions open house held on November 15; there were six monitors who were posted at our parking lot, on Lincoln Avenue, at our Gatehouse entrance, and on Alida.

In summary, we believe we have satisfied all requirements in our Conditional Use Permit pertinent to moving into Phase 2. We take seriously our obligations, believe we have made strong efforts to meet every expectation, and are also willing to make continued improvements or modifications to the current practices.

Sincerely yours,  
  
Paul Chapman  
Head of School

#### **Attachments**

- #1 Memorandum to Heather Klein, September 29, 2009
- #2 Memorandum to Heather Klein, July 28, 2009
- #3 Dowling Associates Report
- #4 Head-Royce Traffic and Parking Rules
- #5 Parking Footnotes
- #6 Transportation Services Department Check for \$2000
- Exhibit A Parking Lot Map, 138 Spaces
- Exhibit B Parking Lot Map, 152 Total Spaces

September 29, 2009

Dear Heather,

Thank you for your email and suggestions about our on-going work with the City and our neighborhood. On behalf of the School personnel you copied, I am writing to respond.

We agree that our compliance with the Conditional Use Permit is an important agenda item and believe that in large measure we have met the expectations that have been identified by the City when our most recent project was approved in January 2006. As you know from our detailed, written responses to your email requests for information last spring (May 20 and June 15), and from our meeting on July 29 and our written memorandum that preceded it (see attached), we believe we are meeting the City's requests in full measure. In particular, we have made another, very significant, \$.5M effort to satisfy the parking requirements of the City and the Neighborhood Agreements. By November 1 we will complete the construction project to provide the required on campus parking spaces. In addition, we believe that we are off to a very good start this year in connection with the pick-up and drop-off on Lincoln Avenue; we remain highly focused on this important issue.

Regarding the concerns of the Neighborhood Liaison Committee, we received an extensive memorandum on August 26 (see attached) in response to our request to be allowed to count 9 parking places on our main campus toward the total of 152. We have responded in writing to each of the 25 items (see attached). We believe this memo can provide the framework for the second agenda item you suggest. Because we are now completing our parking lot construction project, we are withdrawing our request for any modification to the Neighborhood Agreements.

Regarding our system of responding to neighborhood concerns, we have provided details in our Traffic and Parking Rules brochure that you asked us to develop. It is important that neighbors use the hotline and their NLC representatives to ensure good communication.

We look forward to the Neighborhood Liaison Committee meeting on October 19. If you have any questions before then, please feel free to contact me.

Sincerely,

Paul Chapman  
Head of School

Attachments:

Memorandum to Heather Klein, July 28, 2009  
Neighborhood Memorandum to HRS, August 26, 2009  
HRS Response, September 23, 2009  
Traffic and Parking Rules, August 2009

## Memorandum

To: Heather Klein  
From: Paul Chapman  
Re: Head-Royce School and PUD compliance  
Date: July 28, 2009

Anticipating our meeting on July 29 at 8:30 a.m. in the Oakland Planning Department, I offer the following thoughts to guide our response to your memorandum of June 15. My comments are coordinated with your 11 point summary. We look forward to discussing our progress with you.

1. The county recorder information has been provided to Heather Klein.
2. Regarding efforts to reduce the vehicle queue we will implement three measures consistent with the conditional use permit staff report of January 4, 2006 PP 24-25:
  - i. We have added language in our traffic rules to actively discourage early arrival for pickup and instruct parents to come after 3:30 pm.
  - ii. We will intensify our efforts to encourage families to use before school buses as the preferred means of arriving at school. We will also increase our efforts to encourage carpooling and ask our Parents' Association to assist us in getting this word to parents. Our school's Green Council will continue to promote carpooling and bus ridership.
  - iii. We will continue to coordinate our drop off/pick up with The Lincoln Child Center to ensure the most efficient traffic management.
  - iv. We also wish to request that the city install signs on the north side of Lincoln Avenue above the upper driveway identifying this is a no parking zone between 3:30 pm and 4:00 pm Monday through Friday while school is in session.
  - v. It should be noted that we have evaluated again staggered pickup times but find that this is not a feasible solution since our three division school and the desire to encourage bus ridership would mean a significant increase in the number of students dismissed from school but not able to be picked up.

Regarding the monitoring that is being done, this has been implemented by the traffic monitors for two weeks at the beginning of each semester. The frequency and duration of monitoring can be expanded if required. We would also be glad to increase the number of video monitorings if requested.

3. We have created a package that is mailed to all parents before the start of the school year outlining the School's rules regarding parking and driving including a traffic monitoring plan and graphic showing the correct way to drop-off and pick-up students. Consequences for not following the rules are clearly outlined. All parents sign an annual contract agreeing to abide by the School's rules.

4. Heather Klein is welcome to attend our Back-to-School nights on September 21, 22 and 23 to hear our presentation regarding parking and driving presented by Paul Chapman and Mary Fahey.
5. The Facilities and Community Relations Committee is a standing committee of the Board of Trustees and the chair of the committee provides a report at each of the nine scheduled meetings of the Board during the school year. In addition the Facilities Committee itself meets on five occasions during the year. Parking and driving is a regularly scheduled agenda item.
6. We will be glad to arrange a meeting with the City Traffic Engineer to encourage the installation of 4 way stop signs at the intersection of Whittle Avenue and Funston Place. At this time we are not able to locate any records of the four-way stop sign discussion with the City, a negotiation that was handled largely by then Board Chair Jeff Horowitz.
7. To be clear, the School has reported its opening day enrollment to the Department of Education as required. The School reports the number of full-time enrollments (FTE), which includes students who attend only for half a year when they attend fall or spring semesters at another campus either in the U.S. or abroad. This means that in some years we have reported a .5 to be completely accurate on the number of FTE enrollments.
8. We have adopted our transportation plan to promote the use of the buses and carpools in accordance with our LEED certification application. This coming year we will be adopting a policy regarding carbon footprint reduction, which will contain an additional incentive to reduce transportation which accounts for a significant percentage of our school's impact on the environment.
9. Regarding the traffic and parking control plan, events of up to 150 people can easily be accommodated in the School's parking lot and in parking on Lincoln Avenue above the crosswalk. For events greater than 150 people we utilize parking available to us at the Lincoln Child Center and the Greek Orthodox Church. We estimate that there are approximately 12 such events in the course of a school year. The number of monitors was established based on our experience observing the distribution of vehicles during special events.
10. Regarding deliveries, we believe that redirecting vehicles from Lincoln Avenue to Whittle Avenue would be inconsistent with the Master Plan and our neighborhood agreements. We would be glad to renegotiate the current arrangements regarding deliveries on Lincoln Avenue and request food service deliveries at 4:30 a.m. if this is what our Lincoln Avenue neighbors desire. We are glad to advise all truck deliveries not to allow their vehicles to idle.
11. The license plate registration sheet contains a total of 595 vehicles for the 2008-09 school year. We are in the process of registering vehicles now for 2009-10. Although this is not part of our neighborhood agreement or conditions of approval, the School has voluntarily implemented this program.

Draft Report for:

# Head-Royce School Afterschool Curbside Pickup Traffic Study

Prepared for:  
Head-Royce School  
Oakland, CA

Submitted by:

**Dowling Associates, Inc.**

Transportation Engineering • Planning • Research • Education



180 Grand Avenue, Suite 250

Oakland, CA 94612

Phone: (510) 839-1742; Fax: (510) 839-0871

[www.dowlinginc.com](http://www.dowlinginc.com)

Contact: Debbie Yueh

October 19, 2009



October 19, 2009

Mr. Dennis Malone  
CFO/Director of Operations  
Head-Royce School  
4315 Lincoln Avenue  
Oakland, CA 94602-2528

**Subject: Afterschool Curbside Pickup Traffic Study**

P09064

Dear Mr. Malone:

Dowling Associates is pleased to submit this draft report for the Head-Royce School Afterschool Curbside Pickup Study. The report incorporated our observations on the pickup operations and our recommendations for improvements as well as data collection tables that can be used when conducting the afterschool pickup monitoring.

Please do not hesitate to let me know if you have any questions.

Sincerely,

**Dowling Associates, Inc.**

Alice Chen  
Principal

Debbie Yueh  
Senior Transportation Planner

Document1



## **Introduction**

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As a condition of approval for the Head-Royce School Master Plan, the school is required to monitor the after-school pickup queue along Lincoln Avenue upon completion of Phase 1 of the Master Plan project. If the queue extends beyond the upper driveway and "no parking" zone above the upper driveway, measures are to be taken to reduce the length of the queue and further monitoring of the effectiveness of the measures is also required to fulfill the City's requirements.

Dowling Associates was retained by the School to conduct curbside observations of the afterschool pickup operations in order to establish the cause and extent of the existing queuing issue on Lincoln Avenue and to provide the school with recommendations on improving the process. In addition, Dowling also conducted a two-hour training with school staff on the monitoring procedures.

## **Afterschool Pickup Operations**

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Dowling Associates observed traffic operations along Lincoln Avenue during the afterschool pickup period on Wednesday, September 30 and Tuesday, October 6 during the 5<sup>th</sup> and 6<sup>th</sup> week of school. By this time, the students have settled into a routine in the school year and afterschool activities, such as sport teams and language classes have already commenced. The weather was sunny on both days. Observations were conducted between 2:15 pm and 3:45 pm on September 30 and between 2:40 pm and 3:45 pm on October 6 to cover the end of classes, which occurs at 3:20 pm for all grade levels. The school has a current enrollment of 800 students.

The School is currently modifying the upper parking area to provide additional parking spaces on campus. The construction is slated to be completed by the end of October 2009. During the construction period, the upper parking area is closed and arrangement was made to allow students to temporarily park in the Ascension Greek Orthodox Cathedral parking garage. The traffic signal at the upper driveway continues to run on a 60 second fixed cycle with approximately 20 seconds phase time provided for the minor driveway approach. The signal timing is not anticipated to change once the parking area reopens. Special attention was paid during the observations to determine how circulation on Lincoln Avenue may be affected by the current arrangement and how it may change once the upper driveway is reopened.

For the purpose of this report, Lincoln Avenue is considered a east-west roadway with the School located on the north side of the road.

## **Lincoln Avenue**

Afterschool pickups occur on the north side of Lincoln Avenue along the school's frontage. From the main entrance in the lower school, the curb is marked red to denote areas reserved for school bus parking. Between the end of the red curb and the upper signalized driveway, parking is prohibited between 3 pm and 4 pm on school days to provide spaces for the afternoon pickup queue, which begins to form well before 3 pm. A red curb extends from the far side of the upper driveway and crosswalk, where a AC Transit bus stop is located, for about five-car length, beyond which the provision of unrestricted on-street parking spaces begins. There is a signalized, mid-block crossing in front of the main entrance. During the afterschool period, this crossing is monitored by a crossing guard, who assists pedestrians to cross Lincoln Avenue. To the west of the crossing is short green curb. However, afterschool pickup is prohibited in this area except in the event of emergency.

Across from the "No Parking" zone above the upper driveway on the south side of Lincoln Avenue lies the driveway to the parking area of the Cerebral Palsy Center. The driveway is very narrow allowing only one vehicle to pass through at a time. The Greek Orthodox Cathedral is located to the east of the Cerebral Palsy Center and the Lincoln Child Center is located to the west. A number of yellow school buses were observed in front of the Lincoln Child Center on the south side of Lincoln Avenue. Children from the Center were loaded onto the buses and departed by 3:15 pm.

Circulation on and off Lincoln Avenue is a challenge. There are no easy turn-around points for neither westbound nor eastbound vehicles. As a part of the School's Traffic and Parking Rules, the School has published a Driving Map that indicates the proper route for westbound vehicles to circulate back to eastbound Lincoln Avenue. Similar recommendation is not available for eastbound vehicles to circulate back on westbound Lincoln Avenue.

## **Head-Royce School Bus**

Head-Royce School is served by five buses. These buses arrive at the school at different times but are instructed to depart at 3:30 pm. They park and load along the red curb area specifically reserved for them. The privately-run yellow bus is the first to arrive at the school, usually by 2:30 pm, and park in the very front of the red curb. This bus currently serves about 25 students. Because the same driver operates this bus route everyday both before and after school, the driver recognizes the students and would pull out as soon as all the children are loaded, sometimes before 3:30 pm. The remaining four buses are operated by AC Transit and arrived at the school between 3:05 pm and 3:16 pm on the days of observation. They queue behind the yellow bus until the time of departure.

## Private Vehicles

The School has established a pickup procedure for lower school students that generally functions very smoothly. School staffs equipped with two-way radios are positioned in front of the main entrance and along Lincoln Avenue. The staff on Lincoln Avenue would call out names of students whose parents/guardians are in queue for pickup to the main entrance staff, who would then summon the students to walk up Lincoln Avenue. Once loaded, the vehicles would exit the queue midstream in order to make room for additional vehicles. Any lower school students not picked up by 3:45 pm are brought to afterschool care. Middle school and high school students generally exit from the middle gate on Lincoln Avenue to load into waiting vehicles.

## Observations

The school dismissal patterns were noticeably different on the two days of observation. On Wednesday, September 30, high school students were observed to leave the school grounds from 2:40 pm onward and sporadic curbside pickups of these students occurred between 2:40 pm and 3:10 pm. No such early departure was observed on Tuesday, October 6. Furthermore, loading of lower and middle school students commenced four minutes earlier on Wednesday (3:25 pm) than on Tuesday (3:29 pm). However, the pickup queues essentially dissipated by 3:38 pm on both days.

### *Pickup Queue*

While the first vehicles arrived around 2:45 pm, the majority of the vehicles are in line after 3 pm. Realizing the school buses would not take up the entire length of the red curb, the vehicles started the queue in the red curb directly across from the Lincoln Child Center driveway, leaving sufficient room for the arriving AC Transit buses. Most vehicles left a few feet of space between them and the vehicle in front so that they can easily pull out after their children are loaded. School staff, while inquiring names of students from the waiting drivers, would ask the drivers to move up if the gaps were particularly large. However, two or three feet of separation was commonly seen.

The queue did not extend to the upper red curb above the upper driveway until after school dismissal at 3:20 pm. However, it should be noted that the queue extended into the upper driveway intersection on one or two occasions and the "keep clear" zone at the Cerebral Palsy Center driveway intersection was repeatedly violated. The "keep clear" zone is in the shade and on the downhill grade, making it difficult to see. As long as the queuing vehicles hug the curb, they did not impede vehicle access to and from the Center. The "keep clear" zone lies just to the east of the AC Transit bus stop but no bus stopped to load or unload passengers during our observations even though multiple buses passed by.

The upper red curb bus zone can hold up to five vehicles, including the "keep clear" zone. That capacity was reached at 3:26 pm on both days. On the Wednesday, school-related vehicles blocked the westbound travel lane on three occasions because the driver insisted on entering the already full queues. The incident at 3:26 pm resulted in no backup; the one at 3:32 pm held up seven vehicles; and the one at 3:34 blocked 15 vehicles. On the Tuesday, the travel lane was blocked only once at 3:29 pm and held up two vehicles for about ten seconds. Though unable to confirm, it appeared that more vehicles wanted to join the queue but elected to continue rather than blocking the travel lane. Currently, there is no easy route for these vehicles to circulate back to the back of the queues. In order to do so, they would have to travel down, circulate around the neighborhood to head back up on Lincoln Avenue, pass the end of the queue and find a place to turnaround to head west again. Alternatively, these vehicles could cut into an empty space in the queue further downstream before the vehicle behind had a chance to pull up though this was not observed during the observations or they would park and phone their children to meet them.

The first group of students was loaded into waiting vehicles at 3:25 pm on the Wednesday but not until 3:29 pm on the Tuesday. As vehicles vacated the queue after the children were loaded, the vehicles behind would move up to fill the gaps. The mid-queue pull outs conflict with vehicles on the westbound travel lane; however, parents seemed to yield to each other and any issue only lasted for a short period corresponding with when the downstream signal was on the red phase. After the buses cleared out at around 3:30 pm, the start of the queue was able to move all the way to the main entrance and the end of queue was contained below the upper driveway before it completely dissipated. On both days of observation, this clearing was delayed because students were either in the process of loading so that the vehicles could not move or they were walking towards the vehicles so that their parents could only move up a few spaces to meet up with them and load them up. It only took a few such incidents to delay the entire queue for a few critical minutes.

The vehicle queues and blockade above the upper driveway observed on Wednesday, September 30 and Tuesday, October 6, are summarized in Table 1.

### ***Other Observations***

#### **Cerebral Palsy Traffic**

It was observed that traffic to and from the Cerebral Palsy Center plays a role in traffic delay on Lincoln Avenue primarily due to their narrow access driveway, which can only accommodate one shuttle van to pass through at one time. As a result, exiting vehicles would block entry from either the westbound or the eastbound directions; thereby blocking the travel lanes. On the Tuesday of the observation, eastbound traffic of up to three vehicles was

held up three times between 2:45 and 3:45 and westbound traffic of up to seven vehicles was held up four times during the same period.

It appeared that a small number of Head-Royce School traffic also used the Cerebral Palsy parking lot to turnaround in order to get into the westbound queue or simply head back towards I-580. While these actions did not cause any backup in the travel lanes on the days of observation, such potential exists.

**Table 1 Vehicle Queue – Above Upper Driveway**

Time	Wed (Sep 30)		Tues (Oct 6)	
	Pickup Vehicles in red zone	Vehicles in Travel Lane blocked by Pickup Queue	Pickup Vehicles in red zone	Vehicles in Travel Lane blocked by Pickup Queue
3:21	0	0	3	0
3:23	1	0	na	na
3:25	2	0	4	0
3:26	5	In travel lane, 0 blocked	5	0
3:27	4	0	na	na
3:28	na	na	4	0
3:29	5	0	5	2
3:30	na	na	0	0
3:31	5	0	0	0
3:32	5	7	0	0
3:34	5	15	4	0
3:35	0	0	0	0

### **Temporary Parking at the Greek Orthodox Cathedral Garage**

Temporary parking was provided for students in the Greek Orthodox Cathedral garage. Those parked on the upper level would exit through the upper parking lot of the church and those on the ground level would exit directly onto Lincoln Avenue. A large number of students was observed around 3:30 pm from the ground level but it did not cause queuing in either direction.

### **Three-Point Turns**

Vehicles were observed to make three-point turns on Lincoln Avenue during the observation period. Such maneuvers are hazardous especially while children are present because they involve backing up often into the travel lanes or sidewalks. The most frequent turns occurred at the upper Lincoln Child Center driveway, where eastbound vehicles would pull into the red curb zone just to the east of the driveway, back into the driveway, then head westward. The use of the upper school driveway for three-point turning movements was also observed.

### **Jaywalking**

Jaywalking is not a major issue on Lincoln Avenue in the school area. Students and parents were generally compliant to traffic rules and crossed at either the upper or the lower signalized crossings. Jaywalking was observed on several occasions during the Wednesday observation well before school dismissal time when the traffic was light. High school students jaywalked across to reach their parked vehicles.

## **Issues**

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The observations have shown that the critical period when afterschool pickup vehicles have the highest potential to obstruct southbound travel lane occurs between 3:25 pm and 3:35 pm. During the first few minutes, the first groups of students may just be walking towards the waiting vehicles or are being loaded. Even though spaces in the queue are being vacated, with loadings taking place sporadically up and down the hill, vehicles at times are unable to move up in the queue to take advantage of the vacated spaces. Meanwhile, pickup vehicles continue to arrive, increasing the potential for the queue to extend into the travel lane. Even for the vehicles willing to drive pass the queue to avoid blocking the travel lane, their circulation would add traffic on Lincoln Avenue and around the neighborhood.

It is important that the buses are loaded expediently and leave on or before 3:30 pm as the spaces vacated by the buses would allow the queue to move forward and alleviate any lane block issue. However, the current process is not operating optimally as students are usually being loaded or are walking towards their vehicles as the buses depart. Also, the AC Transit buses sometimes arrive late, resulting in a delay in loading and departure.

## **Recommendations**

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The recommendations for improvement centered on optimizing the efficiency, managing pickup vehicle arrivals, and discouraging undesirable behaviors. Some of the recommendations may already be in place at the School but continual reinforcement and enforcement is required. These recommendations may be implemented progressively or simultaneously.

Efficiency optimization may be accomplished by implementing the following measures:

- Impress upon parents the importance of space optimization in queue and ask them not to leave more than two feet of space between vehicles. Also reinforce this policy daily by staff while in queue.
- To minimize student loading while the school buses depart, consider the amount of time it takes for lower school students to walk up before summoning them out for loading. Two minutes prior to bus departure, hold lower school children at the main entrance and at the middle gate.
- Work with AC Transit on bus punctuality and reliability.
- Relocate one or more buses across Lincoln Avenue to park and load in front of the Lincoln Child Center to provide additional space for queuing. Coordination with the Lincoln Child Center, AC Transit/Michael's Transportation is necessary as the buses would arrive after the Center's own school buses depart. Students would be aided in the crossing by the existing crossing guard at the signalized crosswalk.
- Consider working with Michael's Transportation and AC Transit to arrange for the buses to depart two or three minutes earlier while still provide sufficient time for loading.
- Work with City to extend the upper red zone by removing a few parking spaces on the westbound direction. However, these parking spaces are likely being used by students and teachers at Head Royce School, the Lincoln Child Center and the Cerebral Palsy Center. Any reduction would add pressure on parking in the area.

Pickup arrivals may be managed through the following measures:

- Continue to encourage parents to arrive for pickup after 3:30 pm
- Require middle school and high school parents to arrive after 3:35 pm unless carpooling with lower school students

- Work with the Greek Orthodox Cathedral to allow parents to wait at the church parking lot until school buses depart. Ideally, staff with two-way radio should be posted at the church driveway to signal to parents when the queue is full and when they can join the queue.
- Consider changing the class dismissal time of the middle school to 3:30 with exception for bus riders

Bad behaviors may be discouraged through the following measures:

- Install staff at the upper red zone to ensure travel lane is not blocked by pickup vehicles.
- Obtain permission from the Greek Orthodox Cathedral to use its parking lot for turnaround and provide written instructions to parents.
- Communicate the school's traffic policies to parents and be consistent in enforcement. Such policies include not using the parking area of the Cerebral Palsy Center for turnaround.
- Consider penalties for repeat offenders (both students and parents) such as detention, fines, ban from events; occasionally invite the City's traffic officer to patrol Lincoln Avenue during the afterschool period.

## **Monitoring**

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A training session was conducted on Thursday, October 15 with Mary Fahey of the School on the afterschool monitoring. The primary purpose of the session was to identify items for inclusion in the monitoring report for the City. It should be noted that our recommendations have not been reviewed by the City.

Our understanding is that the Conditions of Approval of the School's Master Plan, which initiated the monitoring requirement, is primarily concerned with the potential obstruction of travel on westbound Lincoln Avenue during the afterschool period. As such, the focus of the monitoring should be on the upper driveway and upper red zone areas. Further, reporting on the number of vehicles in the queue in 15-minute intervals is also required. Table 2 and Table 3 may be used for data collection purposes.

Secondary data related to the Cerebral Palsy Center traffic as well as observations on the pickup operations may also be of interest to the City. They may be documented should time allow.





**Table 3 Monitoring Table -- Vehicle Queue**

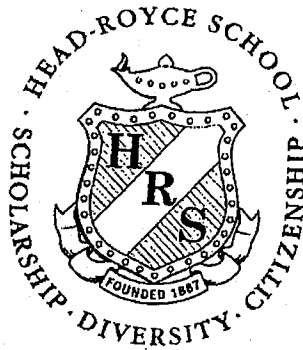
Time	Vehicles in Queue (Below Upper Driveway)	Bus in Queue
2:45		
3:00		
3:15		
3:30		
3:45		
4:00		

Time	Vehicles in Queue (Above Upper Driveway)
2:45	
3:00	
3:15	
3:30	
3:45	
4:00	

Maximum Number of Vehicles in Queue between 2:45 pm and 4:00 pm: \_\_\_\_\_



# Head-Royce School Traffic and Parking Rules



August 2009

## **HEAD-ROYCE SCHOOL TRAFFIC AND PARKING RULES**

Head-Royce is committed to ensuring a safe environment for our students, employees and those who live in our immediate neighborhood. To ensure the School's ability to provide for the safety of all its students, all who drive to and from School, drop off or pick up students at School or ride buses to and from School must read these rules carefully and follow them at all times. Following our commitment to be a model, green School, we urge that where possible, all students ride the bus. To reduce the traffic in our neighborhood, we also urge all parents and students who drive to form carpools. By taking these steps, we can fulfill our commitment to being the best neighbors we can be.

Please read carefully the sections below that outline the following aspects of our traffic and parking rules, including:

1. Big Ten Driving Rules
2. Neighborhood Driving Map
3. Bus Schedules for AC Transit and Michael's Transportation
4. The Importance of Carpooling
5. Parent Vehicle Registration Form
6. Student Driver and Parking Rules and Registration Form
7. Parking at Special Events Guidelines and Map
8. Sports Team Parking Requirements

### **1. THE 'BIG TEN' TRAFFIC RULES**

1. Obey The TRAFFIC LAWS in our School Zone.
2. Respect and obey the TRAFFIC MONITORS.
3. Do not make U-TURNS anywhere on Lincoln, Alida, Linnet, Burlington, or Laguna.
4. Do not JAYWALK or encourage jaywalking.
5. Do not use PRIVATE DRIVEWAYS for turnarounds, parking, waiting, or pick up.
6. REMAIN IN YOUR VEHICLE during drop off and pick up on Lincoln Avenue.
7. Do Not DOUBLE PARK to drop off or pick up.

8. Do Not use WHITTLE AVENUE to drop off or pick up.

9. Do not DRIVE ON CAMPUS to park, drop off or pick up.

10. Know the dangers of unloading and loading THE TRUNK during peak traffic times in the carpool lane on Lincoln Avenue.

If you are driving to School, please make every effort to arrive no later than 8:10 am for drop off and after 3:30 pm for pickup as this will help greatly to reduce the back up in our cue on Lincoln Avenue. Please recall that there is no student pick up/drop off on Lincoln Avenue below and to the west of the School's crosswalk.

## **2. NEIGHBORHOOD DRIVING MAP**

*See Attachment A—Driving Map*

## **3. AC TRANSIT AND MICHAEL'S TRANSPORTATION BUS SCHEDULES**

1. To reduce the amount of traffic on Lincoln Avenue, families are urged to use AC Transit Bus Service or the private, contracted buses. Bus services are described in the AC Transit Supplementary Schedule and in the private, contracted bus service literature. AC Transit Schedules are available in the Business Office and can be obtained from the Receptionist's Office.

2. Students may purchase AC Transit bus tickets from the Receptionist's Office at anytime between 8:30 am and 4:00 pm. Lower School students may also purchase tickets in the Lower School Office.

3. School rules apply while our students are on the AC Transit buses and private, contracted buses.

4. Parents/guardians/care givers are responsible for students until the student's arrival at school in the morning and after school dismissal.

*See Attachment B—Bus Schedules*

## **4. THE IMPORTANCE OF CARPOOLING**

The expanded use of carpools is a way our community can reduce traffic congestion on Lincoln Avenue and reduce our School's carbon footprint. To assist parents in forming carpools, a zipcode list of Head-Royce families is available; please call the Admissions Office to obtain the list for your neighborhood. Student drivers who carpool receive priority in assigned places in the School's parking lot.

## **5. PARENT VEHICLE REGISTRATION AND PLEDGE**

We request that families register all their vehicles used to transport students to and from School and pledge to follow the School's rules. It is vital that families comply with our request should it be necessary to follow up to clarify our rules. In the event that there are rule infractions observed by or reported to staff, several steps will be taken.

1. An email or letter reminder of the procedure that the driver was reported or observed not to follow.
2. A call from the Community Relations Officer.
3. A call from and/or meeting with the Head of School or a designate.
4. Issuing a fine and/or withholding of the student's enrollment agreement.

### *Attachment C—Parent Vehicle Registration Form*

## **6. STUDENT DRIVER AND PARKING RULES AND REGISTRATION FORM**

1. Driving to School is a privilege. It is expected that all students who drive to School or who ride with students to School have permission to do so from their parents. Parents (or legal guardians) must register in the Business Office any vehicle that will be driven to School. Please refer to the Student Driver/Vehicle Registration Form available from the School receptionist. This will also be posted on the School web site.

2. Student drivers are required to park on Lincoln Avenue above the School or in the School parking lot, or if registered, in the Greek Orthodox Cathedral's parking garage. Only Juniors and Seniors may use the School parking lot and they must park in designated areas. Priority parking is reserved for student car pools. Students may not drive or park on the lower campus. All student vehicles must display a School-issued sticker. Residents who live near the School want their neighborhood to remain quiet and free from driving and parking complications. Restricted areas and private property surrounding the School must not be abused or littered.

3. Student drivers must sign an agreement to abide by the School's rules on driving and parking. Failure to abide by the School's rules on driving and parking will result in disciplinary action. If a student breaks one of the driving rules, his/her driving privileges will be suspended for five (5) school days. If a second offense occurs, the consequence will be a ten (10) day driving suspension from school. If a third offense occurs, consequences may include suspension from school. Driving privileges of a student who has broken a substance (alcohol/drug) related rule might be revoked (e.g., possession, use, sale/distribution of alcohol or drugs). More serious forms of student discipline may be imposed for such rule violations in accordance with School policy as outlined in the on-line School Handbook.

4. Students may not drive other students on field trips. Student athletes may not drive other team members or classmates to practices or games.

*See Attachment D—Student Driver Registration Form*

## **7. SPECIAL EVENTS PARKING**

The following information is provided to all members of the Head-Royce community and to our School's visitors: "Limited parking is available around the Head-Royce School campus for School events, and visitors are advised to come early. Limited parking is available in the School's parking lot located off Lincoln Avenue at the east end of campus. Additional parking is available in designated areas on Lincoln Avenue to the east of the School and above the crosswalk. Please do not block driveways, or use them to turn around, do not make U-turns on Lincoln Avenue, Alida Street, or Alida Court. Do not park at the rear of campus, on Whittle or Funston Avenues. Please remember that you are a visitor in a residential neighborhood, so please be courteous at all times to our neighbors. To avoid being cited, do not park in bus zones, and please note street sweeping signs."

On those occasions when attendance at a School event is less than 150 people, the School's parking lot and spaces on Lincoln Avenue provide adequate parking. For events with larger attendance—e.g. School Picnic, Back-To-School Nights, Admissions Open Houses, the Holiday Program, musical concerts, and Promotions/Graduation—the Greek Orthodox Cathedral parking lot is available and should be used.

## **8. ATHLETICS AND FINE ARTS DRIVING RULES**

Students and their families who arrive for early morning drop off for practices and rehearsals or late afternoon/evening pickup are especially advised of the No U-Turn policy on adjacent streets. All student participants are required to sign the following pledge at the beginning of the season of play:

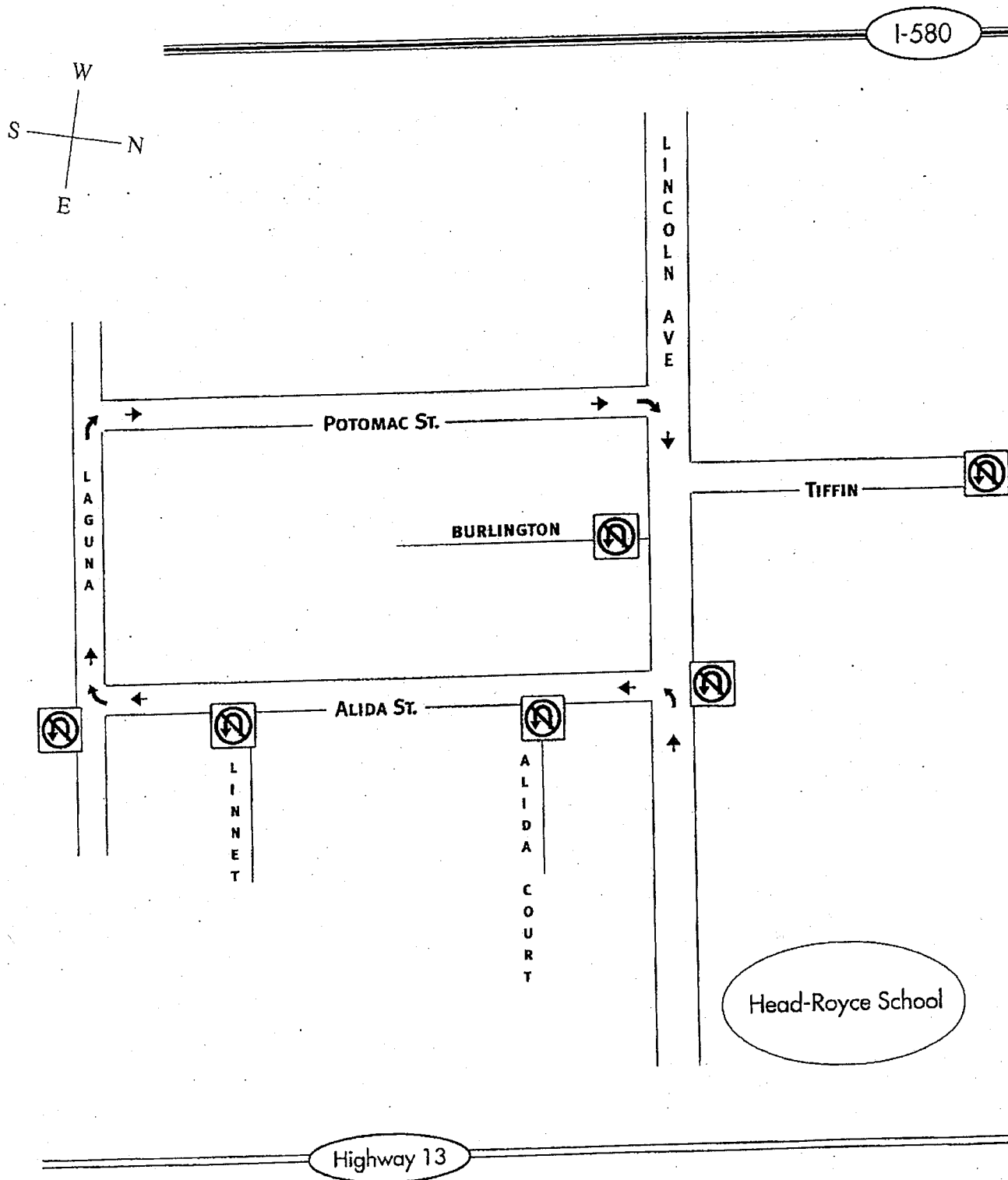
### **Good Driving Pledge**

We have read the School's rules about driving and parking and pledge that we will follow them faithfully. More specifically, we will not U-turn on Lincoln Avenue and Alida, especially during before and after school drop off/pick up and special events.

Signed \_\_\_\_\_ Date \_\_\_\_\_



# STUDENT DROP-OFF WITHOUT U-TURNS ON SMALL STREETS OR IN DRIVEWAYS



After drop-off and/or pick-up on Lincoln Avenue in front of School proceed down hill to first left onto Alida St., continue to the end, turn right on Laguna, then right on Potomac taking you back to Lincoln Avenue.

Fall 2009-2010

Head Royce Supplementary Service

604 Eastbound Weekday

	North Berkeley BART	University & Shattuck	Durant & Telegraph	College & Ashby	Bentley School	Lincoln & Monterey	Head Royce	Hebrew Day School
604	726a	732a	737a	745a		800a	802a	814a
604		732a	738a	750a	806a	811a	813a	

605 Eastbound Weekday

	University & Shattuck	Durant & Telegraph	College & Ashby	Rockridge BART	College Prep	Florence & Broadway Terrace	Moraga & Medau	Lincoln & Monterey	Head Royce
605	725a	729a	734a	738a	742a	755a	803a	808a	810a

606 Eastbound Weekday

	Moraga & Highland	Highland Way	Crocker & Hampton	Mandana & Lakeshore	Lincoln & Monterey	Head Royce
605	741a	743a	747a	754a	808a	810a

604 Westbound Weekday

	Head Royce	Lincoln & Monterey	Bentley School	College & Ashby	Bancroft & Telegraph	Center & Shattuck
604	330p	335p	341p	346p	351p	354p

605 Westbound Weekday

	Head Royce	Lincoln & Monterey	Moraga & Medau	Florence & Broadway Terrace	College & Broadway	Rockridge BART	College & Ashby	Bancroft & Telegraph	Center & Shattuck
605	330p	335p	340p	346p	352p	355p	359p	404p	407p

606 Westbound Weekday

	Head Royce	Mandana & Lakeshore	Crocker & Hampton	Highland Way
606	330p	340p	346p	349p

## Michael's Transportation Bus Service

Michael's Transportation will provide round-trip bus service on each school day. The bus will stop at the following locations:

	Arrival Time	Departure Time	Return Time
*Danville/Alamo – Sycamore Valley Park & Ride	7:00	7:05	4:15
*Walnut Creek – BART Station	7:15	7:20	4:05
*Lafayette – Albertson's Plaza Shopping Center	7:30	7:40	4:00
*Orinda/Moraga - #1 Orinda Way (Behind Shell Station)	7:50	7:55	
*Orinda/Moraga – Brookwood Road and Camino Pablo			3:45
*Arrive at Head-Royce	8:15		

The bus trip takes approximately 50 minutes each way, arriving at Head-Royce at 8:15 a.m. and departing at 3:30 p.m.

**2009-2010 Head-Royce School  
Student Driver Vehicle Registration Form**

**NAME:** \_\_\_\_\_ **GRADE:** \_\_\_\_\_

**STUDENTS WHO VIOLATE THE SCHOOL'S SAFETY RULES FOR AUTOMOBILES AND BUSES WILL RECEIVE A WARNING AND MAY HAVE THEIR DRIVING PRIVILEGES SUSPENDED. IF A FURTHER VIOLATION OCCURS, THE CONSEQUENCE MAY INCLUDE A SUSPENSION FROM SCHOOL.**

We acknowledge receipt of the Head-Royce School SAFETY RULES FOR AUTOMOBILES AND BUSES contained in the Head-Royce School Director/Handbook for the current school year. We agree to read and abide by SAFETY RULES FOR AUTOMOBILES AND BUSES. We acknowledge reading this STUDENT DRIVER/VEHICLE REGISTRATION FORM and understand the consequences of violating the SAFETY RULES FOR AUTOMOBILES AND BUSES contained in this form and set forth more fully in the Head-Royce School Directory/Handbook.

   **I do not drive to school--Name:** \_\_\_\_\_ **Grade:** \_\_\_\_\_  
(If you are not yet driving to school, please check the above box and give us your name and grade ONLY.) You do not need to fill out any information listed below.

\*\*\*\*\*

**(Any student driving to school must COMPLETELY FILL OUT all information listed below--this form will be returned if all requested information is not provided.)**

Student Name: _____	Grade: _____
Student Signature: _____	Date: _____
Parent/Legal Guardian: _____	Date: _____

**2009-2010 STUDENT DRIVER VEHICLE REGISTRATION**

**Name of Driver:** \_\_\_\_\_

**Name of Driver:** \_\_\_\_\_

Auto #1-Color	Vehicle Make/ModelYear	License Plate #
Auto #2-Color	Vehicle Make/ModelYear	License Plate #

## Head-Royce School Parent Vehicle Registration

Dear Parents; in our continued effort to insure the safety of our community and to support neighbor relations we are requesting parents to register their vehicle/s with the School. Your cooperation will be greatly appreciated. Please register all vehicle/s that will be used to pick up or drop off your student/s.

Last Name: (Please Print) \_\_\_\_\_

First Name: (Please Print) \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

### **Vehicle 1.**

Make: \_\_\_\_\_ Model: \_\_\_\_\_

Year: \_\_\_\_\_ Color: \_\_\_\_\_

License: \_\_\_\_\_ State: \_\_\_\_\_

### **Vehicle 2.**

Make: \_\_\_\_\_ Model: \_\_\_\_\_

Year: \_\_\_\_\_ Color: \_\_\_\_\_

License: \_\_\_\_\_ State: \_\_\_\_\_

### **Vehicle 3.**

Make: \_\_\_\_\_ Model: \_\_\_\_\_

Year: \_\_\_\_\_ Color: \_\_\_\_\_

License: \_\_\_\_\_ State: \_\_\_\_\_

### **Vehicle 4.**

Make: \_\_\_\_\_ Model: \_\_\_\_\_

Year: \_\_\_\_\_ Color: \_\_\_\_\_

License: \_\_\_\_\_ State: \_\_\_\_\_

I understand the School's policies regarding traffic and parking, and agree to follow all rules and regulations.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Please sign and return this completed form to Head-Royce School.

Attachment # 5

**Oakland City Planning Commission**

Case File Numbers PUD04-400; PUDF05-339; ER04-0014

January 4, 2006

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

**ZONING ANALYSIS**

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

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

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

**Zoning Regulation Comparison Table**

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

**Table Notes:**

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

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

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

**Planned Unit Development (PUD)**

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

Oakland City Planning Commission

January 4, 2006

Case File Numbers PUD04-400; PUDF05-339; ER04-0014

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

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

Swimming Pool

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

Parking

Currently, the school has 107 on-campus parking spaces. Twelve (12) parking spaces are located behind the gymnasium and 72 spaces are located at the upper end of the campus, adjacent to the athletic fields. In addition, 23 parking spaces are located along the driveway. These 23 spaces would be eliminated during the proposed Phase I improvements and need to be replaced. Furthermore, 27 parking spaces are required per Section 17.116.070 of the Zoning Ordinance due to the expansion of student enrollment and faculty. All of the required spaces will be installed at the completion of Phase I. To accommodate a total of 137 parking spaces, 15 spaces (10 spaces on lifts) will be located on the lower 2 levels of the Gatehouse, 15 throughout the west campus, and the back parking lot will be expanded and re-stripped to accommodate 107 more spaces. Plans also show 20 additional spaces on a single structured deck to be completed in a later phase. *PHASE I* *TOT 157* *FUTURE PHASE*

Later Phases

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

Architectural Character

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

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

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

See Circled CAPTIONS

The Head Royce School  
Fifteen-Year Master Plan  
Letter of Agreement  
between

Whittle Avenue Neighbors and The Head-Royce School  
May 24, 2004

In this agreement, Head-Royce School (HRS) and the Whittle Avenue neighbors each assume a set of responsibilities relating to the HRS 15 year master plan. It is our mutual desire that this document will guide us in developing and maintaining positive neighborly relations in the future.

The agreement addresses numerous physical and behavioral components, including a reconfiguration and modernization of campus infrastructure, phased enrollment increase, and enhanced communication processes, both within the HRS community and between the school and the Whittle neighbors.

Whittle Avenue neighbors will remain in close communication with HRS via the Neighborhood Liaison Committee.

PART I Head-Royce School Obligations - 10 items

1. HR to create 35 structured parking spaces on campus with access from Lincoln Avenue only. New parking structure to be built as replacement for 23 existing on campus parking spaces that regularly use the Whittle Avenue back gate. There will remain 15 parking spaces of those that currently exist on the north side of campus that are mostly used for van storage, deliveries and a few extra parking spaces. The new parking will have Lincoln Ave access only. One option is to build a parking deck that may also serve as a roof enclosure for a proposed swimming pool. Another option involves construction of parking deck over the current parking lot on the east side of the campus.
2. HR to encourage City of Oakland to install 4-way stop signs at the intersection of Whittle and Funston. Whittle Ave is a narrow road with no sidewalks and restricted sidelines. In response to traffic safety issues, HR and Whittle Ave. neighbors will encourage the City of Oakland to install 4-way stop signs at the intersection of Whittle and Funston. To be reviewed and installed by the City of Oakland. Signs to be paid for by HR.
3. HR to pursue shared Institutional Parking options with Lincoln Child Center and Cerebral Palsy Center land. The goal is to create added "institutional parking" to reduce the need for institutional related traffic to park on quiet residential streets. HR endorses a plan to create up to 60 new parking spaces on what is mostly Lincoln Child Center Land. If approved by the City of Oakland and agreed to by the Lincoln Child Center, and if financial terms are reasonable, HR intends to sign a long-term lease for 30 of these newly created institutional spaces. If HR does

Whittle Ave, LA  
HRS JM

ATTACHMENT R



of when each building or project will be built (within the 15 year development "window") is not certain. HR agrees to abide by all public notice requirements associated with gaining approval of its Master Plan.

2. Whittle Avenue neighbors to endorse and publicly support the HR phased enrollment increase plan referred to as the "60/60/60 plan." Under the existing 1995 Conditional Use Permit, HR is allowed to enroll 700 hundred students, with a +/- 5% fluctuation factor to allow for the variability that is necessarily part of school admissions processes. Translating the 5% factor into numbers, this means that the maximum currently allowed HR enrollment is 735.

The 60/60/60 plan calls for a three-phased enrollment increase on the current HR campus in blocks of 60 students over time, with each increase conditioned on satisfaction of certain requirements. Instead of the +/- 5% fluctuation factor (described above), as a compromise the fluctuation factor would decrease to +/- 3% to accommodate admission variables. HR will present its enrollment figures to the members of the NLC each fall.

First phase of 60 additional students: would bring the school population on the current campus to 760, plus or minus 23 students using the +/- 3% factor. This first additional block of 60 students would be granted upon approval of the Master Plan. As a pre-condition, HR would be obliged to have proceeded with the elements outlined in items 2, 4, 9, and 10 of the Head Royce Obligations (listed above).

X Second phase of 60 additional students: would bring the school population on the current campus to 820, plus or minus 25 students using the +/- 3% factor. This second block of 60 students would be granted only after the school has (1) constructed the parking structure project and reduced to 15 the number of on-campus parking spots accessible from Whittle as described in HR Obligation 1, (2) installed the gate described in item 8, (3) either obtained a lease for parking spaces at the Lincoln Child Center or provided the alternate structured on-campus spaces as described in item 3, (4) substantially completed the landscaping project described in item 7, (5) eliminated the cross-campus thoroughway connecting Lincoln Avenue to Whittle Avenue.

X Third phase of 60 additional students: would bring the school population on the current campus to 880, plus or minus 26 students using the +/- 3% factor. This block of additional students would not be admitted to the school for a minimum of 15 years after approval of the Master Plan. As additional conditions, HR would be responsible for the construction of an additional 20 parking spaces above and beyond those described in items 1, 3, and 6 of this document. These new spaces are likely to be expensive structured parking spaces given the lack of available flat land. It is also understood that access to these new spaces would be via Lincoln Avenue only.

The Head Royce School  
Fifteen-Year Master Plan  
Letter of Agreement  
between

Lincoln to Laguna, (Alida) Neighbors and The Head-Royce School  
May 24, 2004

In this agreement, Head-Royce School (HRS) and the Lincoln to Laguna (Alida) Avenue neighbors each assume a set of responsibilities relating to the HRS 15 year master plan. It is our mutual desire that this document will guide us in developing and maintaining positive neighborly relations in the future.

The agreement addresses numerous physical and behavioral components, including a reconfiguration and modernization of campus infrastructure, phased enrollment increase, and enhanced communication processes, both within the HRS community and between the school and the LLA neighbors.

The LLA Avenue neighbors will remain in close communication with HRS via the Neighborhood Liaison Committee.

PART I Head-Royce School Obligations - 10 Items

1. HR to pursue shared Institutional Parking options with Lincoln Child Center and Cerebral Palsy Center land. The goal is to create added "institutional parking" to reduce the need by institutions to park on quiet residential streets. HR endorses a plan to create up to 60 new parking spaces on what is mostly Lincoln Child Center land, consistent with the existing Final Conditions for the Lincoln Child Center Conditional Use Permit dated November 24, 1997, understanding that there may be other agreements that we are not aware of. If approved by the City of Oakland and agreed to by the Lincoln Child Center, and if financial terms are reasonable, HR intends to sign a long-term lease for 30 of these newly created institutional spaces. If HR does not sign a lease for 30 spaces with LCC, HR will construct one additional parking space on its campus for every 2 spaces less than 30 that it leases from the Lincoln Child Center, or a maximum of 15 additional spaces.
2. HR to create 35 structured parking spaces on campus with access from upper Lincoln Avenue only. New parking structure to be built as replacement for 23 existing on campus parking spaces that regularly use lower Lincoln entry and now exit onto Whittle Avenue. This lower vehicular driveway entry will be permanently closed to through traffic.
3. HR to encourage City of Oakland to install no u-turn signs at the intersection of Alida Avenue and Linnet, and Laguna Streets, and a no u-turn sign at and within Alida Court. Endorsed by HR as safety measure. To be reviewed and installed if deemed appropriate by the City of Oakland. Signs to be paid for by HR. These

*John Malick*

Participants on the NLC to include: 1) community members representing a variety of our surrounding neighborhoods, 2) the school administration, 3) HR traffic safety staff, 4) a HR student representative, and 5) a HR Board of Trustee liaison member.

8. HR wishes to do more to "institutionalize" its good neighbor practices. HR wants to raise the consciousness of its entire community regarding good neighbor relations. Initiatives to include: more school-wide driver and parking mailings. (underscoring the consequences of breaking HR school rules), reporting breaches of conduct at staff and faculty meetings, increasing students' awareness of their need to exhibit good driving behavior (and getting them more involved as neighborhood "ambassadors"), inviting neighbors to use school facilities and attend special school events such as special lectures, amending HR Board of Trustee Facilities Committee to include Community Relations in the scope of their oversight.
9. Head Royce will continue to support shared parking with the Greek Orthodox Church for special events. HR and the Greek Orthodox Church have historically made parking at their institutions available to the other institution for special events. Head Royce will continue to support this reciprocal arrangement.
10. If requested by the LLA Neighbors, Head Royce will support a proposal by the LLA neighborhood to institute permit parking along Alida Avenue, Alida Court and Linette Court, and will pay the cost of issuing parking permits for this program.

#### PART II -- Lincoln to Laguna Neighbors Obligations -- 5 items

1. Lincoln to Laguna (Alida) neighbors to endorse and publicly support the HR proposed new building plans, renovations, other projects listed in our 15-year Master Plan. The LLA neighbors will confirm that such building plans have incorporated good neighbor design sensitivities into new building placement, heights and design features. Understanding that there are many more details to be developed, the LLA neighbors will endorse our master plan application. Furthermore, LLA neighbors recognize that implementation of the HR Master Plan will be dependant on the school's fundraising successes; and while specific building plans will be generally prioritized and identified as part of a project phasing plan, the specific timetable of when each building or project will be built (within the 15-year development "window") is not certain.
2. Lincoln to Laguna (Alida) neighbors to endorse and publicly support the HR phased enrollment increase plan referred to as the 60/60/60 plan. Under the existing 1995 Conditional Use Permit, HR is allowed to enroll 700 hundred students; with a +/- 5% fluctuation factor to allow for the variability that is necessarily part of school admissions processes. Translating the 5% factor into

numbers, this means that the maximum currently allowed HR enrollment is 735.

The 60/60/60 plan calls for a three-phased enrollment increase on the current HR campus in blocks of 60 students over time, with each increase conditioned on satisfaction of certain requirements. Instead of the +/- 5% fluctuation factor (described above), as a compromise the fluctuation factor would decrease to +/- 3% to accommodate admission variables. HR will make its enrollment figures available to the members of the NLC each fall.

X First phase of 60 additional students: would bring the school population on the current campus to 760, plus or minus 23 students using the +/- 3% factor. This first additional block of 60 students would be granted upon approval of the Master Plan. As a pre-condition, HR would be obliged to have proceeded with the elements outlined in items 3, 4, 6, 7, and 8 of the Head Royce Obligations (listed above)

X Second phase of 60 additional students: would bring the school population on the current campus to 820, plus or minus 25 students using the +/- 3% factor. This second block of 60 students would be granted only after the school has (1) constructed the parking structure project, described in HR item 2, and (2) either procured a lease for parking spaces at the Lincoln Child Center or provided the alternate structured on-campus spaces as described in HR item 1.

X Third phase of 60 additional students: would bring the school population on the current campus to 880, plus or minus 26 students using the +/- 3% factor. This block of additional students would not be admitted to the school for a minimum of 15 years. As an additional condition, HR would be responsible for the construction of an additional 20 parking spaces above and beyond those described in HR items 1 and 2 of this document. These new spaces are likely to be expensive structured parking spaces given the lack of available flat land. It is also understood that access to these new spaces would be off our upper Lincoln Avenue driveway entry.

3. Lincoln to Laguna (Alida) neighbors to endorse and publicly support the HR initiated traffic calming plan for controlling Lincoln Avenue speed. A traffic engineer hired by HR, has presented a plan to HR to reduce car traffic speed down Lincoln Ave. The plan involves the reconfiguration of the street itself, making it less "highway-like." The engineer's design involves the re-positioning and narrowing of the avenue curbs and creating turn lanes. Monies were earmarked by the City of Oakland for Lincoln Ave. improvement a few years ago, but were later withdrawn. HR and the LLA neighbors support the Plan outlined by the engineer. It requires the City of Oakland Approval. The hard construction costs of this plan are estimated to be less than \$200,000. HR believes that the only way the City of Oakland will reconsider this plan is if all of the upper Lincoln Avenue surrounding institutions and neighborhoods join in support of making these structural changes along upper Lincoln Avenue. In addition to supporting the road

HEAD-ROYCE SCHOOL  
4315 LINCOLN AVENUE  
OAKLAND, CA 94602  
(510) 531-1300

To: Transportation Services Department 11/24/2009

Adjustment #6

INVOICE NUMBER	DATE	DESCRIPTION	AMOUNT	DISCOUNT	NET AMOUNT
Whittle and Funst	11/24/2009	01-580323	\$2,000.00	\$0.00	\$2,000.00
Totals:			\$2,000.00	\$0.00	\$2,000.00

HEAD-ROYCE SCHOOL  
4315 LINCOLN AVENUE  
OAKLAND, CA 94602  
(510) 531-1300

To: Transportation Services Department 11/24/2009

10857

INVOICE NUMBER	DATE	DESCRIPTION	AMOUNT	DISCOUNT	NET AMOUNT
Whittle and Funst	11/24/2009	01-580323	\$2,000.00	\$0.00	\$2,000.00
Totals:			\$2,000.00	\$0.00	\$2,000.00



HEAD-ROYCE SCHOOL  
4315 LINCOLN AVENUE  
OAKLAND, CA 94602  
(510) 531-1300

CITY NATIONAL BANK  
WALNUT CREEK, CA 94596  
16-1608/1220

10857

CHECK DATE 11/24/2009  
CHECK NO. 10857

CHECK AMOUNT

\$\*\* 2,000.00

\*\*Two thousand and 00/100 Dollars\*\*

PAY

TO THE ORDER OF Transportation Services Department

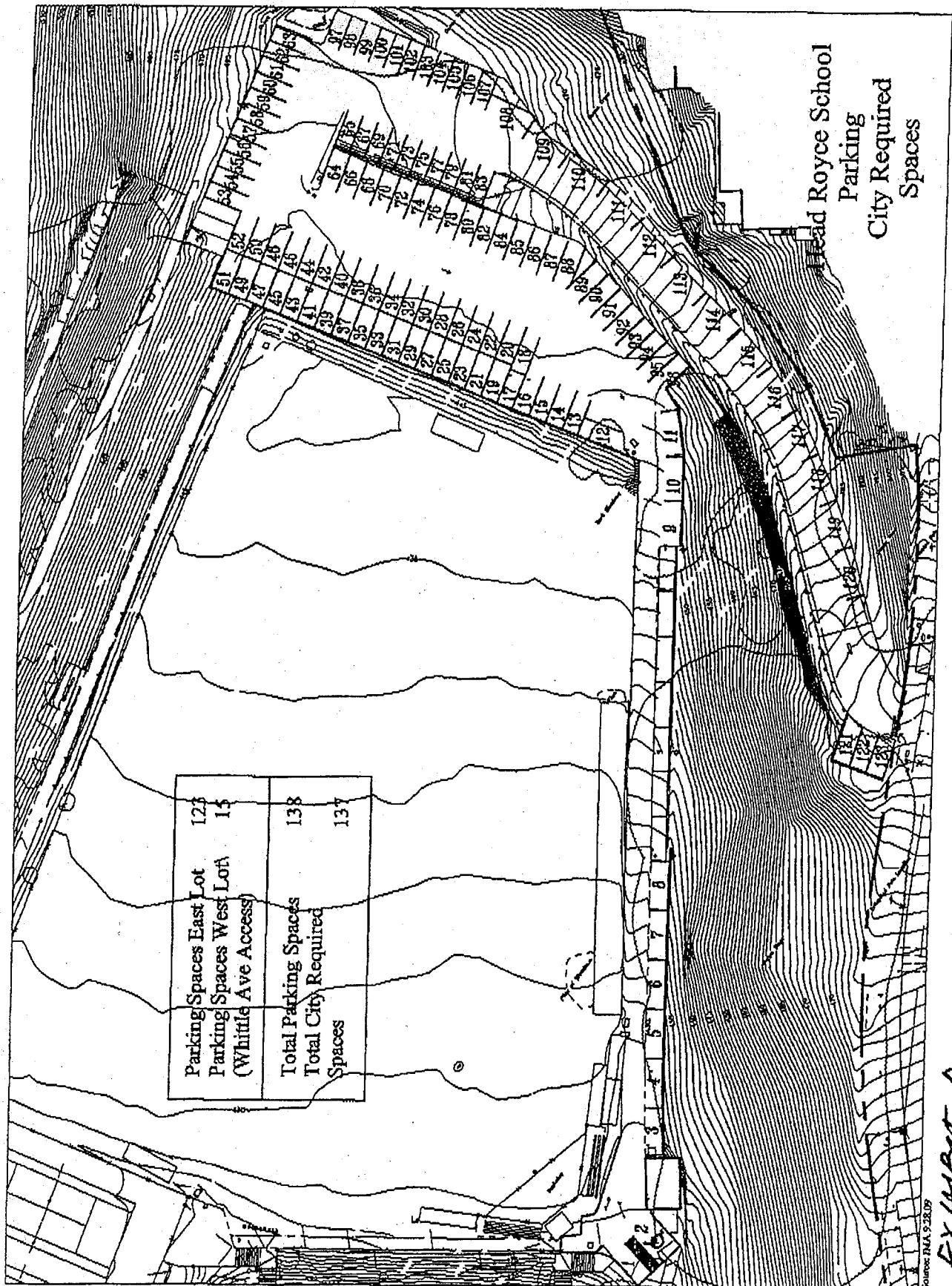
VOID AFTER 90 DAYS

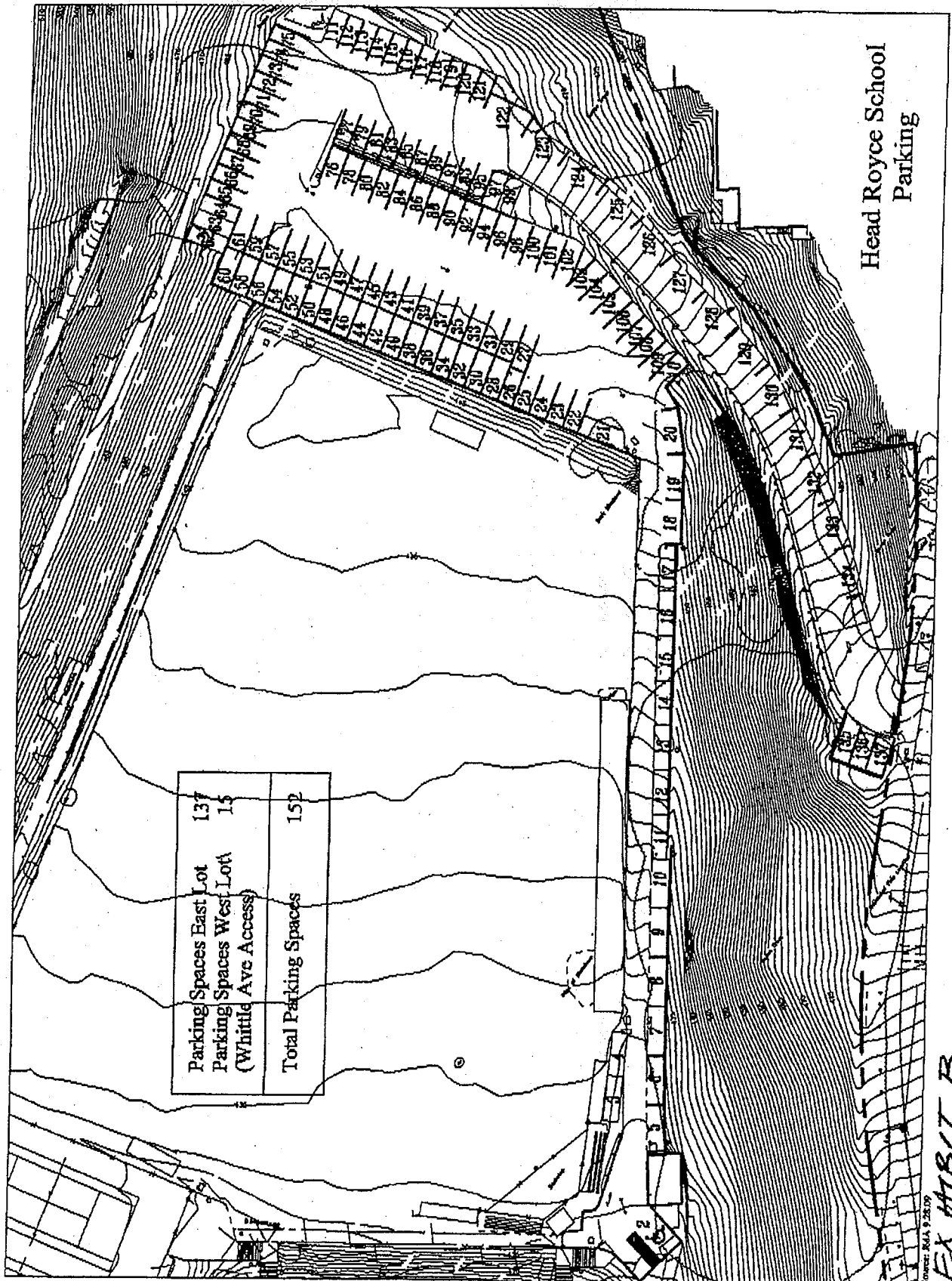
*Pamela Chapman*  
AUTHORIZED SIGNATURE

MP

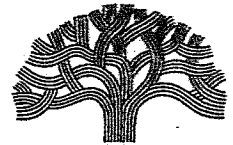
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# CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Community and Economic Development Agency  
Planning & Zoning Services Division

(510) 238-3941  
FAX (510) 238-6538  
TDD (510) 238-3254

## NOTICE OF COMPLAINT

December 18, 2009

Paul Chapman  
Head Royce School  
4315 Lincoln Ave.  
Oakland, CA

**RE: Case File No.:** PUD04-400; PUDF05-339; ER04-0014  
**Project Address:** 4233, 4309, and 4315 Lincoln Ave. and 4274 Whittle Ave.

Dear Mr. Chapman.

In our letter, dated November 16, 2009, staff determined that you are not in compliance with several conditions of approval for the above noted case files. There are other conditions for which we could not determine compliance, and we requested additional documentation. Staff has reviewed your letter, dated November 24, 2009, along with the attachments. Staff believes that the documentation you submitted to demonstrate compliance is inaccurate regarding some issues and incomplete regarding other issues. Therefore, staff's overall position has not changed with your submittal. You must submit actual documentation showing compliance with the Conditions of Approval.

**The City is requesting that you provide the requested documentation and a description of how you plan to bring the school into full compliance with the project's Conditions of Approval. Your documentation and response must be received by the City Planning Department (please address to my attention) within 30 calendar days of the date of this letter (January 18, 2010).**

### **Mitigation Measure TRAF-1(Condition #24)**

Our letter, dated November 16, 2009, details the requirements to comply with the mitigation measure. It also stated that you have been out of compliance since the first reporting period in the fall of 2008.

Per your response, the mitigation measure is only required if the pick-up queue extends past the upper driveway and past the red zone. Staff agrees with this analysis. What this means is that even one car trying to maneuver into the queue will block the travel lane. This is the traffic impact requiring mitigation. In discussions with Dowling Associates (the preparer of Attachment #3-Traffic Study) your staff indicated that they would waive cars down the hill into the neighborhood in order to avoid a back up of the queue. This is in violation of the traffic rules which do not allow pick up or drop-off below the crosswalk to the school. It also skews the monitoring reports, hence the need for qualified persons to perform the monitoring.

Per page 8 of Attachment #3 in your letter, Dowling Associates trained one person, not two (as required by the mitigation measure) to conduct the monitoring for the fall of 2009. Your submittal does not describe the qualifications for the other person contrary to the mitigation measure. Staff did not receive reports every two weeks during the beginning of the semester and did not receive any reports until



November 24, 2009 along with your letter. Your reports also do not include monitoring for the full six weeks (as required by the mitigation measure). You only monitored for the first three weeks, starting on September 8, 2009. The monitoring reports pick back up on October 20, 2009 with one day monitored that week. Then you monitored three days the next week and only one day the week of November 2<sup>nd</sup>. For two weeks, you only monitored once per week.

During the initial monitoring period, the report only notes cars past the driveway and cars in the red zone, not past it blocking the travel lane. As a result, the monitoring for this period is incomplete. For the second period, the monitor counted cars exceeding the queue and blocking the travel lane. The report shows a traffic impact of one car on October 20<sup>th</sup> and 23 cars on October 28<sup>th</sup>. This is consistent with monitoring conducted by City staff and your Attachment #3 which shows 32 cars on September 30<sup>th</sup> and two cars on October 6<sup>th</sup>. The mitigation measure does not specify that there needs to be regular and sustained violations before mitigation is necessary. Once the queue exceeded the driveway and red zone area, as noted in the reports, additional monitoring is required. This was not done. **Based on the information above, staff has determined that the school is out of compliance with the mitigation measure and the school must consult with City staff regarding the potential mitigations to be implemented.**

#### **Student Enrollment (Condition #26)**

Again, according to your e-mail dated October 10, 2009 you have 800 students (rounding up to account for the .5 student). You are over your enrollment limit for the first phase, and second enrollment increase has not been granted. Your letter indicates that you are only 2 students over the maximum and, therefore, it is not significant. Your letter also indicates your belief that you are in conformance with the Conditions of Approval and that you are now entitled to the enrollment of 820 students for 2010-2011.

Condition of Approval #6 of the PUDF07-520 states that "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." As noted in this letter you are not in conformance with the mitigation measure and possibly other conditions. You are not entitled to 820 students without conformance with all the Conditions of Approval. Staff cannot review this condition separately from the mitigation measure because the increase in enrollment has and would continue to exacerbate blockage to the travel lane requiring mitigation. **Therefore, staff has determined that the school is out of compliance with this condition of approval.**

#### **Traffic Rules (Condition #34)**

Your letter included Attachment #4 with the traffic rules and a student drop-off graphic. However, the traffic rules do not explain how students are dropped-off and picked-up. Without a description of the procedures, parents and guardians do not know if they are correctly implementing the traffic rules. This is part of the Condition of Approval and currently is not being fulfilled.

In your letter you also state that the packet was delivered to parents and guardians. However, the condition requires that the traffic package be signed and returned by each parent/ guardian delivering students. Staff is unsure whether every parent or guardian received a rule packet. During staff's site visits we were approached by several parents who were unsure of the rules. Furthermore, you have not submitted any documentation indicating that every parent has signed and returned the traffic rule packet. **Therefore, staff has determined that the school is out of compliance with this condition of approval.**

Again, the package doesn't include a teacher, volunteer, or guest registration form. Your letter states that an e-line message is sent to persons coming to the school for events which notify them of the traffic and parking procedures. **Please send a copy of the e-line instructing parents and guests where to park for events to staff for review.**

**Parking (Condition #33- Whittle Agreement 1, Alida Agreement 2)**

Based on the information in your letter and discussions with the neighbors involved in the creation of the agreements, the parking structure can be utilized to meet both the neighborhood agreements and the Conditions of Approval. Based on the information you have submitted, staff has determined that you are in compliance with this condition; however, compliance with this condition does not entitle you to an enrollment increase in light of the other violations noted herein.

**4-Way Stop Sign (Condition #33- Whittle Agreement 2, Alida Agreement 2)**

This condition requires that Head Royce encourage the City of Oakland to install a 4-way stop sign at Whittle and Funston. Per staff's e-mail dated August 26, 2009 you submitted an initial deposit of \$2,000. Unfortunately, staff can't process the check as it is not made out to the City of Oakland. Please submit another deposit so that the review work for a 4-way stop sign at the intersection of Whittle and Funston can begin by the Transportation Services Division. **Until the deposit is submitted the school will not be in compliance with this condition of approval.**

**Enforcement (Condition #33- Whittle Agreement 5 and 10, Alida Agreement 5 and 8, Lincoln Agreement 12)**

You note in your letter that you have hired additional monitors. Staff applauds this step. However, it is not enough just to have additional monitors in place. The monitors must actually log violations to the traffic rules and the school must enforce them. To date, you have not produced a written procedure for collecting or logging information by the monitors on violations. The license plate system is clearly ineffective because not all the numbers are in the system and not required from guardians (log e-mailed 12/11/09) yet you have not developed another method for enforcement of the rules.

Staff continues to receive e-mails regarding the lack of monitors and the effectiveness of the monitors. This was confirmed through your Attachment #3 Traffic Study (see page 6) and your own log. You note in your letter that you are troubled that staff does not have the full picture regarding traffic rule enforcement, yet staff also noted violations including: persons not in vehicle in the queue, U-turns on Alida, U-turns on Lincoln, pick ups below the crosswalk, and cars in bus zones, among others. As noted in our letter, staff only saw one monitor on the days we visited. That monitor did not engage any violator or even note the violation.

It seems that you do not have the capacity to investigate the violations, track down the violators and timely resolve complaints. You have previously stated that you do not have the ability to enforce the rules due to the cost. You have also stated that you cannot obtain all license plate numbers from parents and guardians that come to the school. You have expanded your drop-off situation into the neighborhood and further down and across Lincoln. Yet you would like to expand your enrollment. The school must be in control of its traffic situation and it is again clearly not. **Therefore, staff has determined that the school is not in compliance with this condition of approval.**

**Landscaping (Condition #33- Whittle Agreement 7)**

Condition #33 in the Whittle Agreement is titled "HR to improve landscaping on the hillside adjacent to the athletic field." Your letter indicates that your architect submitted a detailed landscaping plan for this project in another part of the campus, prior to the issuance of permits. You did not include, in your attachments, the approved landscape plan for this area, a written description of the improvements, or photos of the installed landscaping. **Please submit this information for Planning and Zoning staff's review.**

**Carpooling, Vanpooling, and Other Mass Transit (Condition #33- Alida Agreement 4)**

Your letter indicates that you have initiated a carpooling, vanpooling, and bus ridership program. Again, staff requests that the school submit the current transit numbers to Planning and Zoning for both morning drop-off and evening pick-up.

**Event Parking at the Greek Orthodox Church (Condition #33- Alida Agreement 9)**

This condition requires the school to continue to support reciprocal parking agreements with the Greek Orthodox Church for events. In our letter staff asked that you provide the location (i.e., calendar, website, or letters) where it communicates parking and events procedures to parents and guests of the school. We did not receive this information. **Please provide the requested information.**

**Deliveries (Condition #33- Lincoln Agreement 5)**

Your letter states that you are in compliance with the condition related to bulk deliveries. You preface your statement that bulk deliveries or substantial truckloads of school related supplies are delivered via Whittle; yet large semi-trucks with small bulk items continue to illegally (trucks of this size are not allowed on Lincoln) make deliveries on Lincoln Ave. This is inconsistent with the spirit and intent of the neighborhood agreement. The condition requires you to address and accommodate deliveries in your master plan. To date you have not explained how the master plan accommodates delivery of your supplies in a legal manner. You have previously stated that you are not the police and can't enforce the truck type delivering your supplies. Yet you have chosen the vendor, ordered the supplies, and accept the supplies coming off the trucks. You have control over these trucks are coming to your school and the situation has clearly been exacerbated with completion of the master plan. **Therefore, staff has determined that the school is not in compliance with this condition of approval. If you have initiated a procedure to reduce or eliminate these occurrences, that can be demonstrated through policy documents, invoices, or order forms, please submit those to staff.**

**Monitoring at Lincoln and Burlingame (Condition #33- Lincoln Agreement 13)**

This condition requires the school to monitor traffic at the intersection of Lincoln and Burlington Streets before and after school and evaluate as needed. In your letter you state that the monitoring of this intersection is not done everyday. You go on to state that your monitoring "more than fully complies with section 5 of the Lincoln Avenue agreement." This is contrary to staff's determination above for enforcement. Also, you do not state how often you were monitoring the intersection when the agreement was signed and how often you monitor the intersection now. As a Condition of Approval it is for City staff to evaluate the monitoring and require adjustments as needed. **Please submit the following information: how many monitors were in place when the neighborhood agreement was signed, the days the monitors were present, the number of monitors, and the monitoring log to City staff for review.**

In summary, staff has determined that the school is still not in compliance with several conditions of approval. Again, this letter provides notice that violations of the conditions have occurred and are ongoing. Several other conditions require that the school submit additional information.

Within thirty (30) calendar days of this letter (i.e., January 18, 2010), please provide the requested documentation and how you plan to bring the school into full compliance with approved Conditions of Approval. Your written response must be received by the City Planning Department within 30 calendar days of the date of this letter (January 18, 2010).

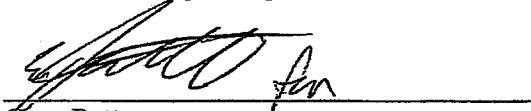
**You are hereby advised that your failure to fully and timely respond to this letter will result in the matter being referred to the Code Compliance Division or other procedures as outlined in the Condition of Approval #6 of the PUDF07-520.**

Please contact me at (510) 238-3659 if you have any questions regarding this letter.

Sincerely,



Heather Klein  
Planner III, Major Projects Division



Gary Patton  
Major Projects Manager  
Deputy Director of Planning and Zoning

cc: Head Royce Neighborhood Liaison Committee

Jean Quan, Councilmember for District 4

Walter Cohen, Director Community and Economic Development Agency

Eric Angstadt, Deputy Director, Community and Economic Development Agency

Ray Derania, Deputy Director, Building Services

Heather Lee, Deputy City Attorney

# Head-Royce School

scholarship, diversity, citizenship

January 15, 2010

Heather Klein  
Planner III, Major Projects Division  
Dalziel Building  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

since 1887

Gary Patton  
Major Projects Division  
Deputy Director of Planning and Zoning  
Dalziel Building  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

Dear Ms. Klein and Mr. Patton,

On behalf of Head-Royce School, we are responding to your letter of December 18 in which you identify several matters, which you and your staff believe indicate that Head-Royce School is not in compliance with the conditions of approval granted to the School in January 2006. In our detailed prior correspondence and most specifically the letter from Paul Chapman on November 24, we have provided extensive responses to your concerns and significant documentation. This letter will extend our previous communication with you in an effort to explain why we believe we are in compliance.

## **1. Mitigation Measure T1 (Condition of Approval No. 24)**

As we have stated previously we believe we are in compliance with mitigation measure T1. We did retain Dowling Associates to evaluate the matter of the queue above the school on Lincoln Avenue and restate our interpretation of their finding: there is essentially no issue that requires mitigation with respect to the queue at the school.

Condition No. 24 sets forth the process for meeting mitigation measure T1. By engaging Dowling Associates to conduct the required study and by implementing Dowling's recommendation, we have met the requirements of Condition No. 24.

We strongly disagree with your assertion that "even one car trying to maneuver into the queue will block the travel lane." We disagree for several reasons. First, the queue works even when there are cars that enter or exit at points other than the entry for the queue. Second, the queue is designed for pick-up of students released at staggered times which invariably leads to gaps from time to time. Third, and most importantly, the mitigation measure and condition do not prohibit such activity. You also criticize a suggested solution of waving excess traffic that the queue cannot handle. While we respect your thoughts on this matter, we are attempting to find solutions for an extremely minor point and are working closely with the professionals at Dowling to find a solution. We also note that Condition No. 24 requires us to seek solutions and, if we cannot solve

the very occasional extended queuing, to ask for the City to extend the no parking zone further up the hill. We do not believe that the extremely occasional extended queuing should give rise to such additional no parking zone, but if you feel that it does, then we would make the request.

With respect to the training of qualified monitors, it is true that Ms. Fahey received training this past fall. Ms. Fahey in turn trained the school's staff and conducted the monitoring and reporting in the Fall of 2008. The City advised us that the monitoring and reporting did not meet the standard that it expected, and then we requested additional training from Dowling.

You also state that the "submittal does not describe the qualifications for the other person contrary to the mitigation measure." However, the mitigation measure does not require us to describe the qualifications of the monitors, only that the individuals be "qualified." Nevertheless, if the City feels that the training and qualifications of the monitors can be improved or better described, we are willing to provide such additional information.

You also claim that the school did not monitor as frequently as the condition requires. However, we can assure you that the queue is monitored *every day for the entire period of the afternoon pickup*. While informal reporting internal to the school is not as frequent as formal written reporting within the School, the monitoring and reporting is constant. Moreover, the condition requires formal reporting to the City on "every two weeks" "based on the information gathered". We believe that our reporting has been adequate under the terms of the condition. Nevertheless, we are willing to work with the City to improve our reporting processes if this is a material issue.

You also claim that the report does not describe "cars ... blocking the travel lane" and you conclude that the report is incomplete on this basis. However, the condition does not discuss this issue and does not specifically require the reporting of cars entering the queue at points other than the top of the hill.

You also claim that "once the queue exceeded the driveway and red zone area," "additional monitoring is required." The conditions do not specify that additional monitoring is required in such an instance. Rather, the condition requires that we work with Dowling to explore potential reductions or, as an alternative, request a longer queue. As discussed above, we do not believe that the occasional extended queuing justifies a request for a longer queue, we will defer to the City on whether to make that request.

## **2. Student Enrollment (Condition of Approval No. 26)**

We restate the facts of our current situation: "Regarding student enrollment for 2009-10 we note that with an enrollment of 800 students we are only .0025% over the maximum allowed under phase 1 limits, surely not a significant variance." Because we believe we have satisfied the 34 conditions of improvement we also believe we are entitled to enroll 820 students. The standards being applied to us appear to require a level of perfection far beyond that required by the CUP and the mitigations and we do not believe that those

standards are being set at an appropriate level or, for that matter, are applied to other educational institutions in Oakland.

### **3. Traffic rules (Condition of Approval No. 34)**

Condition 34 states as follows:

"1. The applicant shall distribute a package with the traffic rules clearly outlined in the enrollment contract for that year. The rules should include a written traffic monitoring plan and a graphic showing the correct way to drop-off and pick-up students. The package will also include a letter that must be signed and returned by each parent/ guardian delivering students. Consequences for not following the school rules clearly established (sic) and include fines and not renewing the enrollment of the child. Consequences for not following the school rules clearly established and include fines and/or not renewing the enrollment of the child."

"2. Hold parent meetings at the beginning of each semester to discuss the traffic rules and any changes since the start of the year or semester."

Condition 34 does not state that the traffic rules must, as you claim, "explain how students are dropped-off and picked-up."

It is important to note that the traffic rules and practices that are currently in place are essentially the same as the rules that were in place when the CUP application was approved. While we have always understood the condition to continue requirements relating to those rules, we have sought to improve the way they are communicated and enforced and believe that we have been successful in doing so. Specifically, the traffic rules are explained clearly in the traffic and parking rules document that is sent to all of our families. The rules themselves are outlined in section 1, The Big 10 Traffic Rules. The packet also contains a graphic showing the correct way to drop off and pick up students as required in condition number 34. The consequences for not following school rules are outlined in the packet under section 5 in the 2010-11 school year. All parents/guardians delivering students will be required to sign and return a form in the 2010-11 school year with a pledge to follow all the rules.

You state that "several parents" approached City staff and "were unsure of the rules." We are continually concerned that some parents may, from time to time, forget some of the traffic rules. For this reason, we post the rules in prominent spots at the entry and on campus. We also give parents and guardians written and oral reminders about the rules. However, we cannot vouch for the memory of every parent or guardian.

You state that the school has "not submitted any documentation indicating that every parent has signed and returned the traffic rule packet." We note that the condition does not require that the school submit such documentation and will further note that such documentation is extremely voluminous and is included with other documentation where

we have privacy concerns. Of course, we are willing to provide the additional information substantiating compliance with this requirement.

Finally, you requested "a copy of the line instructing parents and guests where to park." Although this is not a requirement of the condition, we will provide you with a copy of an e-line communication. Please note that every e-line or other invitation that brings people to the school contains such a request. Should you want copies of such documents (in written and electronic form), we can provide you with them.

**4. Parking (Condition of Approval No. 33)**

We appreciate the fact that the City now notes our compliance with all parking requirements.

**5. 4-way Stop Sign (Condition of Approval No. 33)**

Previously we sent you a check for \$2000 as requested to evaluate the installation of a four-way stop sign at Whittle and Funston that you returned to us for re-designation. Enclosed please find a check made payable to the City of Oakland for this purpose.

**6. Enforcement (Condition of Approval No. 33)**

We would be glad to review with you our system of enforcement including the hotline calls we monitor, the extensive logs that we maintain, the self reporting of violations that occur, the enforcement procedures followed by our traffic monitors and our follow-up with our parents. Like all schools, there is congestion during pickup and drop-off and we ask that the City acknowledge this aspect of our doing business when noting that there are occasional violations of the specific rules that have been stipulated.

**7. Landscaping (Condition of Approval No. 29)**

We believe the reference in the Whittle agreement is to a landscape plan from an earlier project. Since then we have worked with the Neighborhood Liaison Committee to make improvements that have been agreeable to all including regular fire maintenance of the hillside and the installation of a running path. We are reluctant to do anything further because we believe that both the school and the neighbors are pleased with the current state of the landscaping. If this is not the case, we can discuss this matter at the next NLC meeting.

**8. Carpooling, Van Pooling and other mass transit (Condition of Approval No. 33)**

The Alida Agreement provision 4 provides as follows:

"HR to continue to encourage and subsidize vanpooling and mass transit transportation options. HR has and will continue to encourage staff and students to consider mass transportation and carpooling options, and will continue to provide private, school-subsidized bus and van service to the campus. Head Royce pledges continued support of these options that have the effect of decreasing the number of cars moving throughout the neighborhood."



You request "that the school submit the current transit numbers to Planning and Zoning for both morning and drop-off and evening pick-up." Although not required by the provision in the Alida Agreement, we can provide you with the following.

The number of multi-vehicle trips to the school are as follows: (a) four AC Transit buses that service Oakland and Berkeley on lines 604, 605 and 606, and (b) one Michael's Transportation bus line from the School to Alamo in Contra Costa county and back. The School's carpooling initiatives have also been described for you in the packet you received previously. We periodically count the number of transit or carpool riders, but are confident that the incentives that we have put in place and the services that we provide are creating an environment that exceeds the requirement in the Alida Agreement that we "encourage staff and students to consider mass transportation and carpooling options."

Although not required by the Alida Agreement, the School is also examining its current mass transit services in light of slight shifts in the demographics of our students and staff. For instance, we have seen a gradual and continuing increase in students that live in the immediate vicinity of the school and have observed an increased number of students that walk to school. We have also seen an increase in the number of students coming from southern Alameda County and from the City of Alameda. We are exploring ways to serve this population with multi-vehicle transportation.

In short, we believe that we have and are continuing to meet and exceed the standard set forth in the Alida Agreement.

#### **9. Event Parking at the Greek Orthodox Church (Condition of Approval No. 33)**

The Alida Agreement provision 9 provides as follows:

"Head Royce will continue to support shared parking with the Greek Orthodox Church for special events. HR and the Greek Orthodox Church have historically made parking at their institutions available to the other institution for special events. Head Royce will continue to support this reciprocal arrangement."

You have requested additional information regarding information that "communicates parking and events procedures to parents and guests of the school." The Alida Agreement does not require that the school do anything further than continue the long-standing reciprocity with the Greek Orthodox Church. Nevertheless, we previously provided you with the special events parking information in our Head-Royce Traffic and Parking pamphlet, section 7. Pursuant to your further request, we have enclosed examples of the kind of regular communication we send to our community regarding special events.

#### **10. Deliveries (Condition to Approval No. 33)**

We clearly have a difference of opinion regarding the deliveries required for our school to operate. Moreover, the Lincoln Agreement provision number 5 does not restrict the type of trucks, merely the type of items delivered. Currently, small deliveries are made at the Lincoln entrance while bulk deliveries are made at the Whittle entrance. We are working with the Neighborhood Liaison Committee, and we have made every effort to determine which deliveries are appropriate for Lincoln Avenue and which are appropriate for the Whittle Avenue entrance. Although not required by provision number 5, we are working to have trucks that park while making small deliveries move uphill to do so further away from residences. In response to concerns, we have moved early morning Café deliveries to late morning during less intensive traffic. We do not believe that truck deliveries are a greater "problem" than before the construction of the master plan. However, the moving of the business office to adjacent to the Lincoln entrance and the construction of an on campus Café have changed the nature of deliveries slightly. Previously, the business office was closer to Whittle and there was no Café. However, these slight changes were contemplated in the CUP process. In fact, there was open discussion of the benefit to having an on campus Café because students were less likely to come and go from campus for snacks and meals. Moreover, the moving of the business office from the center of campus to the entrance accomplished many of the shared goals of the school and the neighbors – specifically, better monitoring of the front entrance and fewer truck deliveries on Whittle. Nevertheless, the School is committed to further reducing any concerns that may exist with respect to deliveries. We do maintain that the School is in full compliance with the condition as drafted.

**11. Monitoring at Lincoln and Burlington (Condition to Approval No. 33)**

Prior to the application for master plan approval the School monitored Burlington infrequently. Currently, the School monitors Burlington several times per week, and we evaluate and adjust as needed. We continue to believe that our efforts comply with section 13 of the Lincoln Avenue agreements.

In summary, we believe that the staff does not fully understand the significant efforts the school has undertaken to comply with all the items in our conditional use permit. We further believe that we are being held to a standard of perfection that no school or any institution can possibly achieve. We suggest that a meeting would be the most appropriate way to resolve the differences of opinion that clearly are before us. We stand ready to meet with you and your staff at any time.

Sincerely,



Peter Smith  
Chair, Neighbor Liaison Committee  
Board of Trustees  
Head-Royce School



Scott Verges  
Chair, Facilities Planning Committee  
Board of Trustees  
Head-Royce School

Enclosures:

Check to the City of Oakland for Whittle Stop Signs  
Event Parking Memoranda

cc. Head-Royce Neighborhood Liaison Committee  
Jean Quan, Councilmember for District 4  
Walter Cohen, Director of Community and Economic Development Agency  
Eric Angstadt, Deputy Director, Community and Economic Development Agency  
Ray Derania, Deputy Director, Services  
Heather Lee, Deputy City Attorney

# CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Community and Economic Development Agency  
Planning & Zoning Services Division

(510) 238-3941  
FAX (510) 238-6538  
TDD (510) 238-3254

## NOTICE OF COMPLAINT

April 13, 2010

Paul Chapman  
Head Royce School  
4315 Lincoln Ave.  
Oakland, CA

**RE: Case File No.:** PUD04-400; PUDF05-339; ER04-0014  
**Project Address:** 4233, 4309, and 4315 Lincoln Ave. and 4274 Whittle Ave.

Dear Mr. Chapman.

In our letter, dated November 16, 2009 and December 18, 2009, staff determined that the school is not in compliance with several conditions of approval for the above noted case files. Staff also noted there are other conditions for which we could not determine compliance, and we requested additional documentation. Staff has reviewed your letter, dated January 16, 2010, along with the attachments and the traffic monitoring reports. Staff still believes that the documentation you submitted to demonstrate compliance is inaccurate and/or incomplete. Therefore, staff's overall position has not changed regarding your submittal. You must submit actual documentation (rather than statements that cannot be verified) showing compliance with the Conditions of Approval.

However, based on the statements in your letter, staff believes that you may not be aware of the documentation required in order for the City to verify compliance. The purpose of this letter is to specifically outline, for each Condition, what you need to submit for staff's review. **Your documentation and response must be received by the City Planning Department (please address to my attention) within 30 calendar days of the date of this letter (May 13, 2010).** In addition, this letter also notes the Conditions where the school is clearly not in compliance and the Conditions where the school has successfully submitted documentation satisfying compliance.

### DOCUMENTATION REQUIRED FOR REVIEW OF COMPLIANCE WITH THE CONDITIONS OF APPROVAL

#### Traffic Rules (Condition #34)

The Condition requires the school to "distribute a package with the traffic rules clearly outlined in the enrollment contract for that year. The rules should include a written traffic monitoring plan and a graphic showing the correct way to drop-off and pick-up students. The package will also include a letter that must be signed and returned by each parent/ guardian delivering students." This written traffic monitoring plan should include more than the ten traffic rules. Again, without a description of the procedures, parents and guardians do not know if they are correctly implementing the traffic rules. Please submit the following:

- A written description of the correct way students are to be pick-up and dropped-off.
- Documentation verifying that the package was sent to and returned by each parent/ guardian delivering students

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- A copy of the packet sent to parents/guardian.

**Enforcement (Condition #33- Whittle Agreement 5 and 10, Alida Agreement 5 and 8, Lincoln Agreement 12)**

As noted in the Whittle, Alida and Lincoln Agreements, Head Royce actions are to include the following:

- Distribute the school rules to the entire school community
- Communicate the rules to parents, staff, visitors, etc.
- Put procedures in place to enforce the traffic rules including clear consequences
- Increase site monitoring
- Have monitors wear identifiable jackets
- Track down violators using digital cameras
- Send calendar of events to neighbors that may impact traffic and parking
- Add monitoring during special events

In order to become compliant with this Condition the school needs submit the following:

- A new system that does not rely on license plates to track violations or there needs to be additional systems in place to ensure that the rules are enforced with consequences attached. Please submit a new proposal that details the tracking and enforcement of pickup/drop off violations.
- The monitoring procedures for pick-up and drop-off
- Monitors should wear jackets and should be provided with the tools necessary, including digital camera, to identify violators
- The school should send the calendar to neighbors annually and anytime an event is scheduled or rescheduled.
- Additional monitoring for events

**Landscaping (Condition #33- Whittle Agreement 7)**

The Condition states "HR to improve landscaping on the hillside adjacent to the athletic field: This hillside area to the north of the school's playing field is in need of additional landscaping and better maintenance. HR agrees that implementing a modest landscape plan that includes California native drought tolerant plants would be of benefit to both the school and the neighborhood." Your November 24, 2009 letter indicates that your architect submitted a detailed landscaping plan for this project in another part of the campus, prior to the issuance of permits.

- Submit a copy of this landscape plan for Planning and Zoning staff's review.

**Carpooling, Vanpooling, and Other Mass Transit (Condition #33- Alida Agreement 4)**

Your letter indicates that you have initiated a carpooling, vanpooling, and bus ridership program. In order to gauge the effectiveness of this program:

- Submit the current number of students using alternative transit to Planning and Zoning for both morning drop-off and evening pick-up.

**Deliveries (Condition #33- Lincoln Agreement 5)**

Semi-trucks including those making any delivery to the school, are not permitted on Lincoln Ave. Simply moving this type of truck further away from residences or at different times of the day is not acceptable.

As noted in our previous letter, the school chooses the vendor, orders the supplies, and accepts the supplies coming off the trucks. Therefore, the School has control over these trucks coming to the school. The situation was clearly an issue before approval of the master plan, hence the school's commitment to Condition #33- Lincoln Agreement 7 which requires the school to work with neighbors to petition the City to prevent traffic of larger vehicles. The number of these vehicles has expanded with the

completion of the master plan. In order to comply with the Condition the School must submit the following:

- Some written policy indicating that the school will not permit semi-trucks to deliver materials to the school. This can be in the form of a school policy on letterhead indicating that a procedure has been initiated to reduce or eliminate these occurrences, order forms with the statement clearly shown, or a log indicating refusal of the items delivered on this truck. Information regarding truck and delivery restrictions must be incorporated into contracts.
- A written description and graphic plan that shows how your plan to accommodate deliveries to the school. At a minimum, the plan shall include where deliveries are allowed and the size of trucks permitted plus a plan outlining how trucks are to be controlled (contract restrictions or other methods).

### **Monitoring at Lincoln and Burlingame (Condition #33- Lincoln Agreement 13)**

Please submit the following information:

- How many days per week and the timeframes that the school monitored the intersection when the neighborhood agreement was signed
- The current number of monitors for that intersection.
- Last month's monitoring log which indicates 1) the dates and timeframe that monitoring occurred at this intersection and 2) the recorded violations at that intersection

### **THE SCHOOL'S NON-COMPLIANCE WITH THE CONDITIONS OF APPROVAL**

Staff has determined that the school is not in compliance with the following Conditions of Approval.

#### **Mitigation Measure TRAF-1(Condition #24)**

The school submitted documents to staff with monitoring periods of January 5<sup>th</sup> through the 14<sup>th</sup>, January 21<sup>st</sup> through the 28<sup>th</sup>, and February 22 through March 5<sup>th</sup>. The documents did not include the names of the two persons monitoring the afternoon pick-up queue or the qualifications of the two persons performing the monitoring. Staff will only accept licensed traffic engineers, persons working for a traffic consultant that does business with the City of Oakland or two persons directly trained by others with experience that meet the above qualifications and date of training. Furthermore, the logs did not coincide with the first six weeks of the semester. The logs did not show the maximum number of vehicles in the queue. Reports were not submitted to staff every two weeks as required.

Furthermore, staff is concerned regarding the accuracy of the monitoring. An example of this is the monitoring for January 22<sup>nd</sup> at 3:15 PM. The log shows one car in the Keep Clear Zone and three cars in the Upper Red Zone and zero cars blocking the travel lane. However, the log shows 18 cars in the queue above the upper driveway. Since these cars are not in the Upper Red Zone and not in the Keep Clear Zone they must be "past the upper driveway and the "no parking" zone above the driveway" but this is not shown on the log. The School is still out of compliance with this condition.

Since staff is concerned 1) with the accuracy of the monitoring and 2) that the monitoring was not done according to the Mitigation Measure, we have decided to have the reports and the afternoon traffic situation peer reviewed. Per Condition of Approval #45 of Case File PUDF05-339, staff may require that the School submit a deposit with Building Services to cover the full costs of independent technical and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval. Based on the City's determination that the School is not in compliance, the city is requesting that the School submit a deposit to cover the peer review and inspections of violations with the Conditions of Approval. Staff will use this deposit to investigate further compliance issues. Please submit a deposit in the amount of \$7,500 within 30 days for this letter to cover these expenses.

**Student Enrollment (Condition #26)**

The maximum number of students with the enrollment fluctuation granted by the Planning Commission is 798 (760 + 38) students. According to your e-mail dated October 10, 2009 you have 800 students (rounding up to account for the .5 student.)

You do not need to submit additional information. Staff has already determined that the school is out of compliance with this condition of approval. We strongly disagree with your January 15<sup>th</sup> letter that you should be allowed the second enrollment bump because you have met all the Conditions of Approval.

**Enforcement (Condition #33- Whittle Agreement 5 and 10, Alida Agreement 5 and 8, Lincoln Agreement 12)**

As noted in staff's December 18<sup>th</sup> letter, the school's traffic rule enforcement system using license plates is not effective. This is based not only on the neighbor comments but also on the log you submitted on December 11, 2009. The log shows that approximately 60% of the violations were in cars that were not in your database. Therefore, there was no consequence for the infractions. This is a violation of the Condition of Approval which requires "Consequences for not following the school rules clearly established and include fines and/or not renewing the enrollment contract of the child." The School is still out of compliance with this condition

**THE SCHOOL'S COMPLIANCE WITH THE CONDITIONS OF APPROVAL**

Based on the most recent document submittals, staff has determined that the school is in compliance with the following Conditions of Approval.

**4-Way Stop Sign (Condition #33- Whittle Agreement 2, Alida Agreement 2)**

Staff received your deposit along with your January 15<sup>th</sup> letter. Staff gave the deposit to the Transportation Services Division and instructed them to proceed with their review of the stop-sign. The school is in compliance with this Condition.

**Event Parking at the Greek Orthodox Church (Condition #33- Alida Agreement 9)**

Staff received your e-line that communicates parking and events procedures to parents and guests of the school. The school is in compliance with this Condition.

**SUMMARY**

Within thirty (30) calendar days of this letter (i.e., May 13, 2010), you must provide the requested documentation. **You are hereby advised that your failure to fully and timely submit the information outlined in this letter will result in the matter being referred to the Code Compliance Division or other procedures as outlined in the Condition of Approval #6 of the PUDF07-520.**

Paul Chapman  
Head Royce  
April 13, 2010  
Page 5

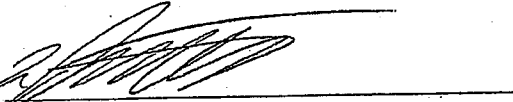
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Also, please be aware that staff will not extend the deadline noted above, but will be happy to meet with you to discuss the contents of this letter and the school's compliance with the Conditions of Project Approval. Please contact me at (510) 238-3659 or [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com) to schedule a meeting.

Sincerely,



Heather Klein  
Planner III, Major Projects Division



ERIC ANGSTADT  
Deputy Director  
Community and Economic Development Agency

cc: Head Royce Neighborhood Liaison Committee  
Jean Quan, Councilmember for District 4  
Walter Cohen, Director Community and Economic Development Agency  
Eric Angstadt, Deputy Director, Community and Economic Development Agency  
Ray Derania, Deputy Director, Building Services  
Heather Lee, Deputy City Attorney  
Bill Quesada, Zoning Inspections

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**NEIGHBORHOOD STEERING COMMITTEE ET AL.  
VERSUS HEAD ROYCE SCHOOL**

**NEIGHBORHOOD SUBMITTED DOCUMENTS (NSD)  
VOLUME 2**

**AUGUST 8, 2012**

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# Head-Royce School

..... scholarship, diversity, citizenship

January 16, 2010

since 1887

Heather Klein  
Planner III, Major Projects Division  
Dalziel Building  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

Gary Patton  
Major Projects Division  
Deputy Director of Planning and Zoning  
Dalziel Building  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

Dear Ms. Klein and Mr. Patton,

We have reflected further on your most recent letter about the conditional use permit for Head-Royce School and we are writing to expand upon the formal response that you have received from the Head-Royce Board of Trustees. Rather than continuing a point-by-point exchange of views, we think it would be more productive at this point to meet in person and would like to suggest we gather here at School, in part so that you can gain a firsthand view of our operations.

We also continue to believe that we have made a significant, good faith effort to respond to the City's requirements, and to work constructively with our neighbors. Accordingly, we wish to offer this longer-term portrait of the efforts we have made to mitigate the impact of the School on the immediate community and to be a good neighbor. Here are some of the salient initiatives we have undertaken over the past twenty-five years, during which time we:

- Established the first residential permit-parking program in Oakland, and have paid for the cost of all signage and annual residential permits in an area around the School to help lessen the impact of vehicular traffic.
- Created on-campus parking, initially by building a 92-vehicle lot twenty years ago and this year with an expansion to a total of 161 vehicles at a cost of over \$500,000.
- Installed a secure gate to regulate traffic through our back gate on to Whittle Avenue and into the neighborhood north of the School.

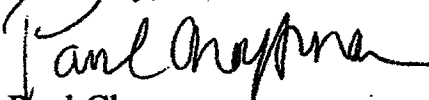
- Initiated a partnership with the Cerebral Palsy Center and the City to pay for the installation of a traffic light on Lincoln Avenue to help regulate traffic and speeding on the street.
- Built a series of bollards in front of the School to provide protection for students and pedestrians, a protective barrier that has on several occasions saved lives due to out of control cars and trucks crashing into the School, and we extended the protection to the frontage for the Lincoln Child Center at the School's expense.
- Collaborated with the City to improve traffic management in the neighborhood with the installation of stop signs at Lincoln and Tiffin, No U-Turn signs on Alida, and better signage along the avenue.
- Installed and completely paid for a solar panel operated speed radar sign on Lincoln Avenue to help ensure that traffic does not exceed the posted 25 MPH limit in our School zone.
- Created a partnership with the Greek Orthodox Cathedral, the Mormon Temple and the Lincoln Child Center to share facilities and parking lots for special occasions, and to accommodate special events at the School.
- Developed a Neighborhood Liaison Committee to provide a forum for addressing neighborhood concerns that has met regularly since 1988 and has led to significant improvements.
- Restructured the School to eliminate the road through the campus thereby reducing vehicular traffic into the Whittle/Funston neighborhood by approximately 80% and completed a \$34M master plan to make this possible.
- Improved the regulation of traffic and parking by School personnel, students, families and visitors with a comprehensive system of well-articulated rules, ten paid traffic monitor shifts, and sanctions.
- Refined a system for managing special events to reduce the impact of traffic in the neighborhood.

In addition to these specific measures designed to lessen the School's impact on the neighborhood, we feel compelled to point out that Head-Royce has provided a significant educational resource for Oakland and the East Bay that has tangible benefits for our City, including:

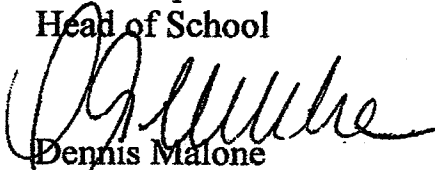
- Providing an excellent education to 800 students a year, preparing 80 seniors to enter the nation's top colleges and universities annually.
- Funding and offering the largest scholarship program of any East Bay private school that gives \$3M in grants enabling able, motivated yet financially disadvantaged students to enroll.
- Offering the Heads Up Program in partnership with the Oakland Unified School District that brings 90 Oakland public middle school students to Head-Royce for a summer enrichment program, and monthly Saturday workshops during the year, completely tuition free.
- Training our students in an ethic of service that has led to support for many worthy institutions in Oakland including Rebuilding Together, Habitat for Humanity, Salem Lutheran Home, Friends of Sausal Creek, Henry Robinson Family Center, and many other organizations.
- Employing 145 individuals and putting over \$20M back in to the economy annually as we bring countless other people to the school who do business in the community.

As you can see, our efforts have been substantial. We remain committed to fulfilling our obligations in the conditional use permit, believe we have satisfied all conditions declared in 2006, and look forward to our continued work on behalf of Oakland and its youth.

Sincerely,



Paul Chapman  
Head of School



Dennis Malone  
CFO/Director of Operations

cc. Head-Royce Neighborhood Liaison Committee

Jean Quan, Councilmember for District 4

Walter Cohen, Director of Community and Economic Development Agency

Eric Angstadt, Deputy Director, Community and Economic Development Agency

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Heather Lee, Deputy City Attorney

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**Dowling Associates, Inc.**

**Date:** December 19, 2011

# Memorandum

**To:** Rob Lake, Head Royce School

**cc:** Martha Sellers, Head Royce School

**From:** Kamala Parks

**Reference #:** P11-036

**Subject:** Head Royce TDM Plan and Implementation

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This memorandum summarizes work done by Dowling Associates, Inc to assist in the development and implementation of a Transportation Demand Management (TDM) plan for Head Royce School, located at 4315 Lincoln Avenue in Oakland, California. For orientation purposes, Lincoln Avenue, Fruitvale Avenue, Whittle Avenue, and Laguna Avenue are all considered east-west roadways, while all others are north-south roadways. Head Royce School is located on the north side of Lincoln Avenue between Alida Street and Lincoln Way.

## Identification of Issues

There are some key issues that are of greatest concern for the staff at Head Royce School, its neighbors, and the City of Oakland.

### Issue 1 – Pick-up and drop-off procedures for westbound motorists on Lincoln Avenue

Westbound school-associated vehicles have the advantage of approaching Head Royce School in the direction of its curbside pick-up and drop-off location on Lincoln Avenue. Problems with pick-up and drop-off operations for westbound motorists occur when the queue of school-associated vehicles exceeds the designated curbside area and extends into the travel lane. This occurs because (1) demand exceeds capacity and (2) temporary gaps in the queue are created with boarding and alighting activities along the entire length of the curbside.

### Issue 2 – Circulation patterns for westbound motorists on Lincoln Avenue

After pick-up or drop-off operations, westbound vehicles are instructed return to eastbound Lincoln Avenue, if needed, using Alida Street-Laguna Street-Potomac Street. Generally, motorists follow these instructions after picking up or dropping off.

Westbound vehicles are also instructed to not enter the queue if it is at capacity, but instead to travel past the school and return to eastbound Lincoln Avenue using Alida Street-Laguna Street-Potomac Street. In practice, many school-associated vehicles either enter the queue anyway or drop-off/ pick-up elsewhere on Lincoln Avenue. This

is primarily due to the additional time it would take, as well as lack of opportunities and instructions for motorists for returning to the curbside pick-up/ drop-off area from the eastbound direction.

### **Issue 3 – Pick-up and drop-off procedures for eastbound motorists on Lincoln Avenue**

Eastbound school-associated vehicles approach Head Royce School on the opposite side of its curbside pick-up and drop-off location on Lincoln Avenue. Given the limited street network and constrained school parking lot in this hilly area, there are few opportunities for turning around to approach the school's curbside. Additionally, there are currently no official school-recommended circulation patterns for eastbound motorists. As a result, eastbound motorists drop-off or pick-up students on the south side (opposite from the school) of Lincoln Avenue, or they figure out a way to turn around to get to the curbside pick-up and drop-off location on the north side of Lincoln Avenue in front of the school. Alternatively, they park their cars and walk students to the school.

Staff at the City of Oakland has expressed concern over pick-up and drop-off operations on the south side of Lincoln Avenue. They cite the potential disruption to business and residential access, the expansion of pick-up and drop-off operations on public rights-of-way, pick-up and drop-off operations in an unmonitored area, and an increase in students crossing Lincoln Avenue as reasons for their concern.

### **Issue 4 – Circulation patterns for eastbound motorists on Lincoln Avenue**

All school associated vehicles are instructed to not do U-turns or 3-point turns on roadways in the school's vicinity. However, there is no official school circulation pattern for eastbound motorists on Lincoln Avenue who are picking up or dropping off students.

As a result, eastbound motorists are left to their own devices. Observations conducted of the peak afternoon departures for the *Head Royce School Afterschool Curbside Pickup Traffic Study* (2009) found that some eastbound motorists picked up students on the south side of the Lincoln Avenue (opposite the school) while others turned around to get to the pick-up area in front of the school. Some school-associated eastbound motorists were observed turning around by doing U-turns on Lincoln Avenue or using the Cerebral Palsy Center's parking lot.

## **Strategies**

The following section describes strategies to address issues detailed in the previous section. Most of these strategies can be combined with one another and are intended to enhance existing efforts that address pick-up and drop-off operations. The discussion will include a summary of issues the strategy addresses and its challenges for implementation.

Whichever strategies are chosen, it will be crucial to effectively communicate to the school community and the surrounding neighborhood of the strategies' rationale, what issues they are expected to address, procedures for compliance, and consequences for non-compliance.



### Strategy 1 – Stagger the school schedule

This strategy involves adjusting the school's schedule to have different drop-off and/or pick-up times, based on student grade levels.

How it might work: Currently, Head Royce School has scheduled instruction hours so that all grades begin instruction at the same time. According to the School's Big 10 Driving Rules, students are permitted to arrive at campus before classes begin. Kindergarten students are permitted attend the after-school program, free of charge, until the end of instruction for other grade levels. After School Program attendance is charged for students after 3:20 PM. Table 1 summarizes the current schedule.

**Table 1: Head Royce School – Current Schedule**

Grade Level	Instruction	Before School Care (Free)	After School Program (Free)	After School Program (Charged)
Kindergarten	8:25 AM t 2:00 PM	7:30 - 8:25 AM	2:00 - 3:20 PM	3:20 - 6:00 PM
Lower School	8:25 AM - 3:20 PM	7:30 - 8:25 AM		3:20 - 6:00 PM
Middle/ Upper School	8:25 AM - 3:20 PM			

**Notes:** Lower School - Grades 1-5; Middle School - Grades 6-8; Upper School - Grades 9-12

An alternate instruction schedule could be developed to stagger morning arrivals and afternoon departures in order to spread out peak demand periods. Before school care times could be adjusted based on instruction hours, as could the free after-school program times. Table 2 shows a potential staggered schedule.

**Table 2: Head Royce School – Example of a Staggered Schedule**

Grade Level	Instruction	Before School Care (Free)	After School Program (Free)	After School Program (Charged)
Kindergarten	9:10 AM - 2:45 PM	7:30 - 9:10 AM	2:45 - 3:30 PM	3:30 - 6:00 PM
Lower School	8:00 AM - 3:00 PM	7:30 - 8:00 AM	3:00 - 3:30 PM	3:30 - 6:00 PM
Middle School	8:15 AM - 3:15 PM	7:30 - 8:15 AM		
Upper School	8:30 AM - 3:30 PM			

**Notes:** Lower School - Grades 1-5; Middle School - Grades 6-8; Upper School - Grades 9-12

For families or carpools with more than one HRS student, drop-off based on the student that needs to arrive earliest and pick-up based on oldest student.

For families or carpools with more than one HRS student of different grade levels, drop-off times could be based on the student that needs to arrive earliest and pick-up times could be based on the oldest student. Kindergarten instruction times, as shown in Table 2, could be set to start after instruction for all other grade levels begin to avoid drop-offs during the morning peak commute hours.

Issues addressed: Staggering the instruction times could address queuing issues at the school's curbside by spreading out demand during the peak periods. This would be particularly helpful for the afternoon departures when demand is most concentrated. Also, kindergarten families may be more likely to park and walk than drop-off at the

curbside. As such, it may be beneficial to schedule their drop-offs for a later time so that they are entering and parking in the neighborhoods after the morning peak commute hours when most residents have already left for work.

Set-Up: Head Royce School would need to develop a staggered schedule that is aligned with the school's programs and goals, taking into account before school care and after school program operations and system of requiring students to be signed out when they are picked up. Soliciting input from student families would be valuable for crafting the staggered schedule and cultivating acceptance of it.

Challenges: There may be staffing issues associated with staggering the schedule, particularly if teachers provide instruction to multiple grade levels (i.e., Middle School and Upper School instruction). Additionally, staff would need to assist with drop-offs and pick-ups for a longer period of time with the staggered schedule. The school would have to determine its staffing and financial capabilities of providing before and after-school care, either free of charge or for a fee. The school would also need to assess if the after-school care system of having students signed out by those who pick them up would work with the staggered schedule or if a different system would need to be implemented.

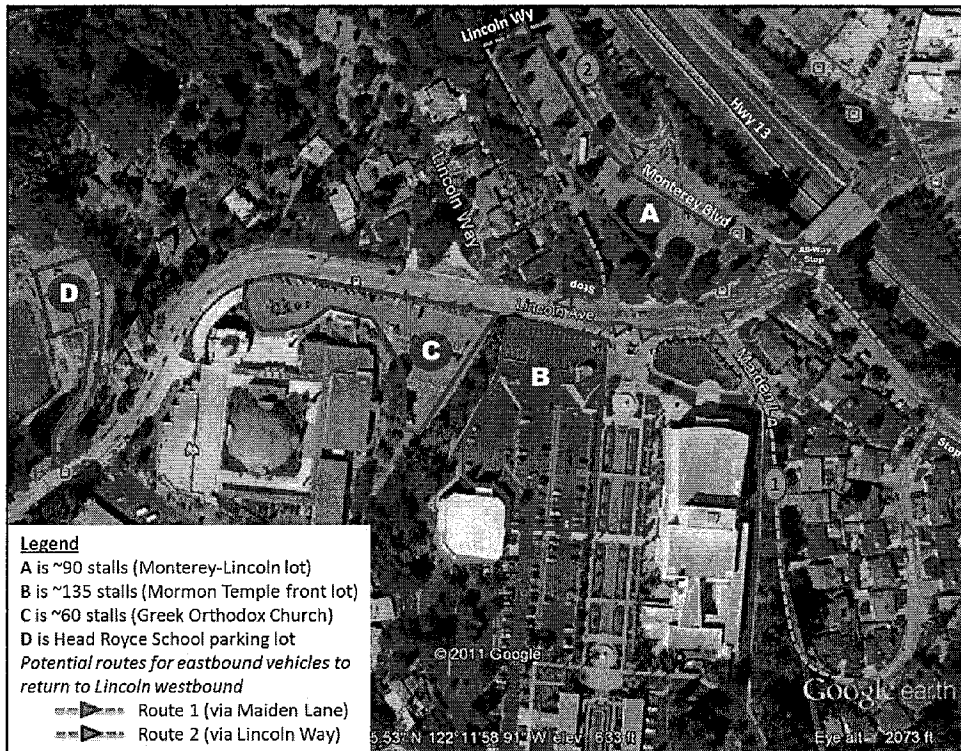
#### **Strategy 2 – Create a staging area for pick-up operations**

This strategy involves creating a waiting area for motorists who are picking up students from Head Royce School. The details of the strategy will focus on pick-up operations because queuing capacity at the curbside appears to be more of an issue in the afternoon than in the morning. But, staging could potentially be used for drop-off operations as well.

How it might work: Staging would entail having a dedicated area for motorists to wait that is off of the roadway until they are directed to proceed to the school's curbside in platoons during the peak period. In order to control the platoons, trained traffic control staff could be stationed at the staging area to direct vehicles in and out. In order to facilitate order and ensure that motorists do not go directly to the curbside without stopping at the staging area first, rear-view mirror placards could be issued by the staging area staff and collected by staff at the curbside during pick-ups. Incentives, such as priority loading times for carpools, could be incorporated.

In terms of potential staging areas, there are three parking lots in the school's vicinity that appear to be under-utilized during the weekday while schools are in session, shown in **Figure 1**. There is a parking lot located on the northwestern corner of Monterey Boulevard and Lincoln Avenue that has about 90 stalls ("A" in Figure 1, most likely owned by the Oakland Mormon Temple). The Oakland Mormon Temple, located at 4770 Lincoln Avenue, has about 135 stalls in its front parking lots ("B" in Figure 1). The Greek Orthodox Cathedral of the Ascension, located at 4700 Lincoln Avenue, has a surface parking lot with about 60 stalls ("C" in Figure 1). Head Royce School's parking lot ("D" in Figure 1) is constrained and would not work as a staging area.

**Figure 1: East of Head Royce School (near Highway 13)**



Of these three lots, parking lot "A" is preferred in terms of access. There are two driveways for lot "A" off of Monterey Boulevard (as opposed to single driveways at lots "B" and "C" off of Lincoln Avenue), which doubles the number of access points. Access to lot "A" is off of Monterey Boulevard, as opposed to Lincoln Avenue for the other two lots, where there is more traffic, including school traffic. From lot "A", access to Lincoln Avenue from Monterey Boulevard has all-way stop control, whereas driveway access at the other two lots would involve entering or exiting the traffic stream on Lincoln Avenue, which has no stop signs to facilitate traffic movements into and out of the driveways. Lot "A" is located on the same side of Lincoln Avenue as Head Royce School, which would minimize left turns onto and off of Lincoln Avenue. Access to parking lot "A" from Highway 13 southbound is more direct than the other two lots and about the same from Highway 13 northbound as the other two lots.

In terms of existing activities, there appears to be no conflict of the school's peak arrival and departure times with regularly scheduled activities at the religious institutions in the neighborhood. The Mormon Temple has a variety of events (weddings, funerals,

christenings, etc.), with the greatest attendance typically on Saturdays, but there are no scheduled religious services at the Mormon Temple. The Greek Orthodox Cathedral has their religious services on Sunday mornings and Wednesday evenings.

Issues addressed: Regardless of the chosen lot, creating a staging area would address issues for the eastbound and westbound motorists, particularly for the peak afternoon school departures. Queue lengths at the curbside pick-up and drop-off location (shown in Figure 2) would be controlled so that motorists would no longer block traffic on Lincoln Avenue or exceed the established curbside zone. Eastbound motorists would have a safe and established route to get to the curbside.

Set-Up: First, the school will need to establish an agreement with one of the parking lot owners, such as a memorandum of understanding, who may require compensation and insurance coverage. Then, the operational details of the program will need to be developed, including staffing and monitoring locations in the neighborhood. Finally, it will be important to inform the school community and surrounding neighborhood of the staging program, including motorist protocols and consequences for non-compliance. Regular monitoring of the staging area and curbside operations by an independent entity is suggested if there appear to be issues with traffic operations or residential complaints. Pick-up operations might be further enhanced with a school dismissal management system that informs students when their ride has arrived, if there is a last minute change in pick-up plans, or provides alerts in the case of unplanned events. Examples of such a system are provided by School Carpool ([www.schoolcarpool.com](http://www.schoolcarpool.com)) or the School Dismissal Manager ([www.schooldismissalmanager.com](http://www.schooldismissalmanager.com)).

Challenges: The staging program would require a good amount of planning to set up and staffing to operate. Staff would need to be stationed at the parking lot to direct motorists and at the curbside to enforce rules and collect rear-view mirror placards. Traffic operations at the driveways to the parking lot may need to be managed to ensure that platoons of cars emerging from the staging area do not impact operations on the local roadways.

### **Strategy 3 – Designate an official route for eastbound motorists**

This strategy involves creating a designated route for eastbound motorists on Lincoln Avenue to return in the westbound direction to the school pick-up and drop-off location. Currently, there is a designated route for westbound motorists on Lincoln Avenue to return in the eastbound direction using Alida Street-Laguna Avenue-Potomac Street (a 0.75 mile diversion), as shown in **Figure 2**.

**Figure 2: Head Royce School – Immediate Neighborhood**



How it might work: Two potential designated routes using city streets are shown in Figure 1. For Route 1 (via Maiden Lane), eastbound Lincoln Avenue motorists would turn right onto Maiden Lane, which curves around to Monterey Boulevard. They would turn left onto Monterey Boulevard at the stop sign, and then turn left onto Lincoln Avenue at the 4-way stop to go in the westbound direction. Route 1 would add about one additional mile to the journey (about 4 minutes, using a 15 mile per hour average speed) compared with turning around in the school's vicinity. For Route 2 (via Lincoln Way), eastbound Lincoln Avenue motorists would turn left onto Monterey Boulevard at the 4-way stop, turn left at Lincoln Way, follow the roadway curve behind Parking Lot A, then proceed to the stop at Lincoln Avenue where they can turn right to go in the westbound direction. Route 2 would add about 0.90 miles to the journey (a little under 4 minutes, using a 15 mile per hour average speed) compared with turning around in the school's vicinity.

Other routing options could be established using the parking lots at the Mormon Temple or the Greek Orthodox Cathedral ("A", "B" or "C" in Figure 1). However, trained

staff would need to be posted at these locations to direct traffic in and out because the parking lots are not designed for this use. Additionally, vehicles coming out of the "B" or "C" parking lot driveways would turn left onto Lincoln Avenue traffic, which is uncontrolled and sometimes heavy.

Issues addressed: Designating a route for eastbound motorists to return to westbound Lincoln Avenue would address Issues 3 and 4 by providing an official way for them to circulate and access the school's curbside. Additionally, it would partially address Issue 2, when westbound motorists are unable to enter the curbside queue and must circulate around again to the school's curbside.

Set-Up: Should either Route 1 (via Maiden Lane) or Route 2 (via Lincoln Way) be chosen, it is suggested that Head Royce School inform residents on these routes of its designation. If one of the parking lots is chosen, the school would need to establish an agreement with the owner, such as a memorandum of understanding, and train staff to direct traffic. Once established, the route should be disseminated to the school community, along with motorist protocols and consequences for aberrant behaviors. Regular monitoring of the route by an independent entity may be needed if community members identify problems with the traffic operating plan.

Challenges: If Route 1 (via Maiden Lane) is designated, Head Royce School may face opposition from neighbors due to concerns about increased vehicle volumes or speeds on the roadways fronting their properties. Route 2 (via Lincoln Way) may face less opposition because there are fewer residences along the route, but the school-associated motorists would face more traffic congestion on Lincoln Avenue and Monterey Boulevard near the SR-13 southbound off-ramps. To address these concerns, the school could have an independent firm perform before and after studies of volumes/speeds on these roadways to determine if the route designation creates unacceptable conditions for the neighbors. If one of the parking lots is chosen, a plan for directing vehicles in and out would need to be developed. Eastbound motorists may be reluctant to travel one mile more to access the curbside, thus monitoring, enforcement, and raising awareness of the designated route will be paramount.

#### **Strategy 4—Operate a walking school bus**

This strategy involves establishing an area off-site from Head Royce School where motorists can drop off or pick up students. The students would walk together, led by staff or volunteers, between the school and the off-site pick-up/ drop-off location.

How it might work: For purposes of this discussion, we'll assume that lot "A" in Figure 1 would be the designated off-site pick-up and drop-off location for students. The distance between lot "A" and Head Royce School's main entrance is about 0.42 miles. Assuming a speed of about 2 miles per hour, the walking school bus would take 13 minutes between the remote drop-off/ pick-up area and the school.

As an example of timing and operations, motorists could drop students off at a designated area in lot "A" between 7:45 and 8:05 AM. At least two staff members or adult volunteers would be at the lot to supervise. At 8:05 AM, students would walk down to Head Royce School along Lincoln Avenue in a group, supervised by adults.

During the afternoon, the walking school bus would congregate on the campus between 3:20 and 3:30 PM. At 3:30 PM, students would walk back up to lot "A" in a group supervised by adults. Arriving at lot "A" by 3:50 PM, students would be supervised by adults for a limited period until being picked up. In order to encourage participation in the walking school bus, physical education credit could be offered and/or prizes and recognition for student participation.

Issues addressed: Circulation issues and access to the school's curbside for westbound motorists are particularly addressed with the walking school bus. Motorists can avoid congestion at the curbside by dropping off and picking up off-site. They may also appreciate being able to pick up students at a later time than they would if they picked up at the curbside. Additionally, the parking lots ("A", "B", and "C" shown in Figure 1) where an off-site pick-up/drop-off location could be established would provide more direct circulation routes for motorists returning to Lincoln in the eastbound direction than the school's curbside area.

Set-Up: First, the school will need to establish an agreement, such as a memorandum of understanding, with one of the parking lot owners or another off-site location who may require compensation and insurance coverage. Then, the school would need to develop the details of the walking school bus, including participation criteria, enrollment procedures, adult supervision, the ratio of adults to children, schedules, and procedures for students who are not picked up in time. Physical education credit and/or other reward system would need to be established.

Challenges: The walking school bus would require some planning to set up and staff or volunteers to operate. Adult supervisors would need to be stationed at the off-site pick-up/ drop-off location and they would need to supervise students during the trek to and from school. Finally, participation in the walking school bus may wane during colder seasons and inclement weather.

#### **Strategy 5 - Operate a shuttle**

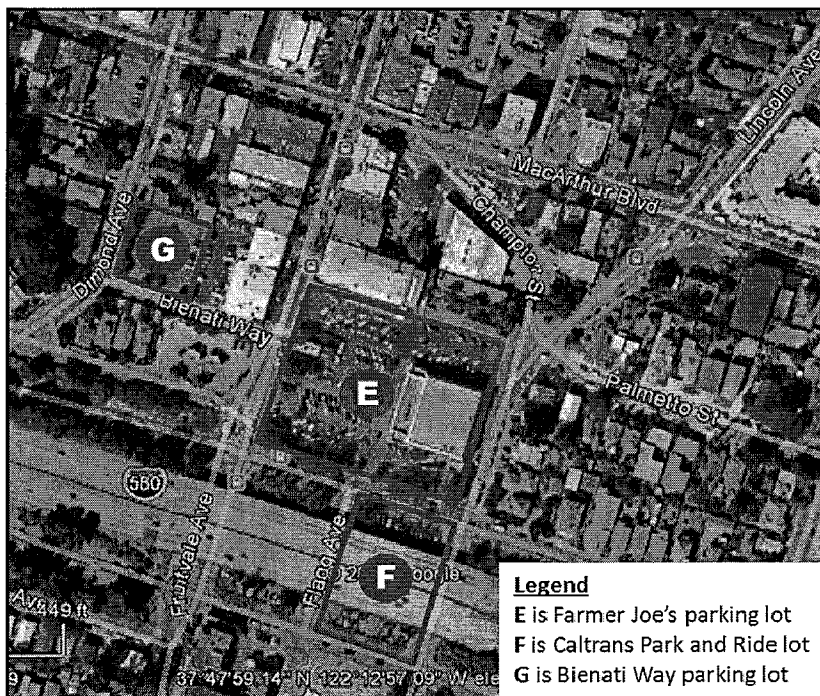
This strategy involves operating a shuttle from an area off-site from Head Royce School where motorists can drop off or pick up students. Students would be driven between the off-site location and the school.

How it might work: For purposes of this discussion, it's assumed that one of the parking lots close to I-580 (lots "E", "F", or "G" shown in Figure 3) might be used as the off-site location for shuttle service. The school or a private transportation company could operate the shuttle.

For the morning arrivals, motorists would arrive at the off-site parking lot and wait for the shuttle to pick students up. The shuttle would ferry students to Head Royce School (about 1 mile away), either using Fruitvale Avenue-Funston Place-Whittle Avenue to access the school's back entrance or using Lincoln Avenue to access the school's main entrance (Locations 1 or 3 in Figure 2). Depending on the shuttle's capacity, having only one shuttle trip may not significantly address the problem. To address this, there could be more than one shuttle trip, depending on demand. For example, shuttle could depart from the off-site lot at 7:45 AM and at 8:05 AM.

For the afternoon departures, students would gather in a designated area on campus to board the shuttle. Motorists would arrive at the off-site parking lot and wait for the shuttle to arrive with students. There could be more than one shuttle trip to accommodate demand. For example, the shuttle could arrive at the off-site parking lot at 3:40 PM and 4:00 PM.

**Figure 3: West of Head Royce School (near I-580)**



Issues addressed: The shuttle would help address circulation and the school's curbside access for eastbound motorists, may help alleviate congestion at the pick-up/ drop-off curbside, and may reduce traffic on Lincoln Avenue near the school. Motorists coming from areas west of the school could benefit from a time savings, particularly if the shuttle's arrival times to the off-site lot are reliable, by avoiding the congested area and regulated maneuvers around the school. They might also appreciate the opportunity to pick up students later in the day.

Set-Up: Head Royce School would want to conduct of survey of families who may be interested in the shuttle service, particularly those who approach the school from I-580 and west, to establish potential demand. If demand appears sufficient, the school can then survey the potential off-site locations for the shuttle operation time periods to ensure adequate space for vehicles waiting for the shuttle's arrival. The school will



need to establish an agreement, such as a memorandum of understanding, with one of the parking lot owners or another off-site location who may require compensation and insurance coverage. The school would need to compare the cost and benefits of operating a shuttle versus contracting out to a private transportation firm. The school would then develop the details of the shuttle's operations, including routing, pick-up and drop-off schedules, and procedures for students who are not picked up in time. School neighbors would need to be informed of the shuttle's routing.

Challenges: Setting up shuttle system would require a good amount of planning, coordination with owners of off-site locations, and funds to operate. The school may face some opposition from neighbors in response to the routing of the shuttle.

#### **Strategy 6 – Encourage carpooling and access to school by other modes**

This strategy involves building on Head Royce School's current efforts to encourage carpooling and access to school by other modes. Currently, the school does the following:

- Provides preferred parking on campus to student carpools and a carpool matching service
- Posts a password protected map of student households on its website so that families can search for potential carpool opportunities
- Provides back entrance access off of Whittle Avenue (Location 3 shown in Figure 2) to students from the neighborhood who walk to school
- Coordinates with AC Transit to provide bus service from Berkeley and north Oakland (Routes 604, 605, and 606)
- Subsidizes private bus service for families located in the City of Alameda and Contra Costa County
- Provides physical education credit to students who walk or bicycle to school
- Posts links in the website to bicycling resources and education programs

Comment [KP1]: Is this a true statement?

How it might work: The school might enhance existing programs by doing the following:

- Provide more tools for family carpooling – In addition to the map of student households, include a summary of tips for organizing successful carpools, as suggested by School Carpools – Ten Tips for Making Your Carpool a Success<sup>1</sup>, and organizational tools. Another resource Divide the Ride ([www.dividetheride.com](http://www.dividetheride.com)), which provides tools for organizing and managing carpools and text/email messaging capabilities to registered users.
- Installing long- and short-term bike parking on campus – providing safe and secure bike parking, protected from inclement weather, would encourage

<sup>1</sup> Case, Tina, *School Carpools – Ten Tips for Making Your Carpool A Success*, Parent Grapevine, accessed December 12, 2011 at <http://shine.yahoo.com/parenting/school-carpools-ten-tips-for-making-your-carpool-a-success-2386566.html>.

students and staff to bicycle to school. The school is located in a very hilly location with very few parallel roadways that can provide access to the school.

- Provide transit pass subsidies to students using AC Transit.
- Providing access to the gate-controlled Whittle Avenue back entrance for bicyclists – An alternate route to the school from the west is provided by Fruitvale Avenue-Forest Hill Avenue-Whittle Avenue. This route to the back entrance (Location 3 shown in Figure 2) has less vehicular traffic and lower roadway grades than Lincoln Avenue.
- Outreach and promotional transportation events – The school can organize and/or host annual events on campus, such as bike rodeos and transportation fairs, to encourage walking, biking, transit, or carpool access to school. Other strategies suggested here may be promoted during these events, if they are adopted (Strategy 4 - the shuttle, Strategy 3 - the walking school bus, etc.). Materials for school-based events can be found at International Walk to School websites ([www.walktoschool.org](http://www.walktoschool.org), [www.iwalktoschool.org](http://www.iwalktoschool.org)). Information about organizing or hosting a Bike Rodeo can be found at and Bicycling About's website ([http://bicycling.about.com/od/organizedbikeevents/ss/bike\\_rodeo.htm](http://bicycling.about.com/od/organizedbikeevents/ss/bike_rodeo.htm)) and at the East Bay Bicycle Coalition's website (<http://www.ebbc.org/?q=safety#Item%203>).
- Contests and prizes for students who walk, bike, take transit or carpool – Institute, or incorporate into an existing campus event, a program that regularly rewards and recognizes students who arrive at school by walking, biking, taking transit, and carpooling. Other strategies suggested here may be included, if they are adopted (the shuttle, the walking school bus, etc.). Form a student-led committee to establish the program's parameters and develop a tracking system. The City of Davis' Birch Lane Elementary School has instituted a tracking system for students who walk or bike to school that also informs parents through text or email when students arrive at school<sup>2</sup>. Contact [info@saveagallon.org](mailto:info@saveagallon.org) for more information.
- Offer an elective course on transportation – The school can develop and offer a fully formed course on transportation targeted at the Middle and Upper School student levels. The course could focus on the cost, environmental impact, responsibilities, safety, and usage of the four major transportation modes (walking, biking, transit, and driving). More information can be found at the Mobility Education website ([www.mobilityeducation.org](http://www.mobilityeducation.org)).

Issues addressed: Providing more incentives and information to students about school access options would help address all circulation and queuing issues by reducing the number of school-associated vehicles in Head Royce's vicinity.

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<sup>2</sup> Kids are biking, walking to school, and we're recording the data, The Davis Enterprise, October 20, 2011. Accessed online on December 12 at <http://www.davisenterprise.com/local-news/news-columns/kids-are-biking-walking-to-school-and-were-recording-data/>

Set-Up: The cost, extent of organization, and set-up for this strategy depends on the options chosen for implementation. There are a number of resources available, as indicated in some of the options.

Challenges: Given the dispersed household locations of Head Royce School students, walking and biking access may be options for only a small segment of the student population. Access to school by transit and carpools are probably the only alternative options applicable for the majority of students. Whatever options are chosen, there will need to be staff time dedicated to developing and implementing elements of this strategy.

#### **Strategy 7 – Charge for curbside access during peak demand**

This strategy institutes a financial charge for motorists who drop-off or pick-up students at the school's curbside during the peak morning arrivals and afternoon departures.

How it might work: The school would research and purchase a system for electronically scanning vehicles that arrive at the curbside area during peak demand time periods. Student families would affix a barcode to their vehicle(s) to be used for scanning. Using the school's current instruction schedule for illustration, vehicles could be charged a fee each time for dropping off students at the curbside between 8:10 and 8:25 AM and for picking up students between 3:20 and 3:40 PM. Staff at the curbside would be equipped with wireless devices to scan arrivals. Student family accounts could be linked with their credit card or checking account information to electronically collect charges. Fees collected could be used to fund other strategies suggested here.

This strategy would work best if implemented with other strategies recommended here that provide an alternative to curbside pickup or drop-off, particularly strategy 3 – walking school bus and strategy 4 – shuttle service.

Issues addressed: Charging for curbside access could address queuing issues at the school's curbside by spreading out demand during the peak periods. This would be particularly helpful for the afternoon departures when demand is most concentrated.

Set-Up: This strategy would involve a good amount of planning and research to implement, as well as add to the student family registration process. Involving student families in the initial stages of developing this strategy would be crucial for its implementation and acceptance. The school may need to develop a plan for students who are not picked-up during the peak demand period but who are also not enrolled in the after-school program.

Challenges: The fees charged may not cover the cost of equipment and staffing needs for this strategy. Student families may react negatively to charging for curbside access during peak demand times, even with a significant outreach and education campaign. This strategy would probably require more staffing than others because enforcement issues would most likely be more pervasive.

### Strategy 8 – Develop a consolidated TDM plan

Currently, the Head Royce School does not have a consolidated Transportation Demand Management (TDM) plan. Various and sometimes conflicting documentation of TDM elements are contained in Conditions of Approvals, the school's annual handbook, the school's website, its Conditional Use Permit, and neighborhood agreements. As such, it is challenging to determine the school's unified goals, objectives, and actions with regard to addressing school-associated traffic in the neighborhood.

How it might work: The school could create a consolidated TDM plan that delineates its goals, objectives, and actions for addressing school-associated traffic. The TDM plan might also contain measures of effectiveness, a traffic monitoring schedule, circulation maps, and an appendix of related materials, such as standard letters (to vendors, parents, and the neighborhood), neighborhood liaison committee membership, and traffic monitoring forms. Once written, TDM plan could be updated on an as-needed basis.

Issues addressed: Creating a TDM plan would formalize goals and efforts into a document that will indicate the school's intent on addressing traffic issues. It would include actions to address issues related to school-associated traffic. It would transcend the importance of individual players by providing institutional memory and documented guidance to the school community and neighborhood residents.

Set-Up: The development of the initial TDM plan would require a fair amount of effort on the part of school staff, even if a consultant is employed to assist. Additionally, the TDM plan would need to be reviewed on an annual basis and may need to be updated. As a start, a preliminary set of goals, objectives, and actions are suggested below.

Challenges: The development of the initial TDM plan would require staff time and money. A school staff person would need to be responsible for its implementation and upkeep.

### TDM Plan – Potential Outline

As a precursor to the development of Head Royce School's Transportation Demand Management Plan, a potential outline for that plan is contained here. The bulk of the plan should contain goals, objectives, and actions for addressing impacts of school-associated traffic. To better define these terms and their relationship to one another, John F. Luthy's analogy to American football is used.<sup>3</sup> The **goal** is the faraway end zone. The **objective** is a point on the field that you can achieve in the near term. The **actions** (or **strategies**) are the individual plays you make that you hope will move your team briskly downfield.

The TDM Plan's outline could be as follows:

1. Introduction – Indicates what the TDM Plan aims to accomplish
2. Background – Provides context that would answer the main questions of who, what, when, where, why, and how

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<sup>3</sup> Luthy, John F., *Planning the Future*, 2010, Borderline Publishing

### 3. Goals, Objectives, and Actions

#### 3.1. Goal: Minimize impacts of school-related traffic on the neighborhood during peak morning arrivals and afternoon departures.

##### 3.1.1. Objective: Reduce queues at the curbside access on the north side of Lincoln Avenue so that it does not extend beyond the school's parking lot entrance.

- 3.1.1.1. Action: Create off-site staging area to control curbside access
- 3.1.1.2. Action: Operate a shuttle from an off-site location
- 3.1.1.3. Action: Stagger school schedule to disperse demand
- 3.1.1.4. Action: Institute charges for motorists to access the school's curbside during peak drop off and pick up times
- 3.1.1.5. Action: Operate a walking school bus from an off-site location
- 3.1.1.6. Action: Install (X) number of staff at the Lincoln Avenue curbside to assist with pick up and drop off operations
- 3.1.1.7. Action: Encourage access to school by transit, carpooling, walking and biking

##### 3.1.2. Objective: Discourage student drop off and pick up operations at unofficial locations

- 3.1.2.1. Action: Post (X) number of staff at locations on Lincoln Avenue to monitor and enforce school pick-up and drop-off locations.
- 3.1.2.2. Action: Maintain website license-plate reporting mechanism for residents who observe school-associated vehicles dropping off or picking up at unauthorized locations.
- 3.1.2.3. Action: Install camera at Whittle Avenue back entrance to capture unauthorized pick up or drop off operations.

##### 3.1.3. Objective: Discourage aberrant driving behavior

- 3.1.3.1. Action: Establish official circulation patterns for school-associated motorists.
- 3.1.3.2. Action: Maintain website license-plate reporting mechanism for residents who observe school-associated vehicles doing U-turns, blocking roadways, or speeding
- 3.1.3.3. Action: Post (X) number of staff at locations on Lincoln Avenue to monitor and report school-associated vehicles doing U-turns, using unauthorized locations to turn around, blocking roadways, or speeding.

#### 3.2. Goal: Minimize impacts of the school's freight deliveries on the neighborhood.

##### 3.2.1. Objective: Reduce parking and idling in the neighborhood by vendor trucks

- 3.2.1.1. Action: Send letters to vendors of delivery times, roadway weight limits, and consequences for non-compliance.

3.3. Goal: Minimize impacts of school-related traffic on the neighborhood during events on campus

- 3.3.1. Objective: Limit parking in neighborhood by school-associated vehicles
  - 3.3.1.1. Action: Maintain agreement with Greek Orthodox Church for use of their parking lot during on campus events
  - 3.3.1.2. Action: Post (X) number of staff at curbside to direct motorists to authorized parking areas.
- 3.3.2. Objective: Discourage aberrant parking in neighborhood
  - 3.3.2.1. Action: Maintain website license-plate reporting mechanism for residents who observe school-associated vehicles parked at intersection corners, in front of driveways or fire hydrants.

3.4. Goal: Regularly monitor traffic around school

- 3.4.1. Objective: Daily monitoring
  - 3.4.1.1. Action: Train staff to monitor traffic on a daily basis
- 3.4.2. Objective: Regular monitoring
  - 3.4.2.1. Action: Employ an independent firm to monitor traffic at least once per semester

3.5. Goal: Improve communication with the school community and neighborhood

- 3.5.1. Objective: Develop a communication strategy for residents
  - 3.5.1.1. Action: Maintain a working relationship with the Neighborhood Liaison Committee
  - 3.5.1.2. Enhance website information
- 3.5.2. Objective: Develop a communication strategy for school families
  - 3.5.2.1. Action: Enhance website
  - 3.5.2.2. Action: Update handbook
  - 3.5.2.3. Action: Provide school families with summarized information regarding rules and responsibilities when accessing school.

4. Appendix

- 4.1. Letter to vendors
- 4.2. Letter to parents
- 4.3. Monitoring procedures and forms
- 4.4. Neighborhood agreements
- 4.5. Neighborhood Liaison Committee (NLC), contact information for members, and procedures for appointment to serve on the committee

## Draft Design Goals for Head Royce School on Lincoln Child Center Campus

- A. Move queue from Lincoln Avenue into a central, buffered internal zone and replace all neighborhood parking for events with on-campus parking. Reduce traffic on streets and neighborhoods and increase safety for drop off and pickup, significantly reducing activity on Lincoln Avenue.
- B. Improve security of campus and surrounding neighborhood areas and increase supervision/control of pickup/drop-off.
- C. Improve relationship with surrounding community.
- D. Meet long-term demand for enrollment and for outdoor space while reducing current impact on surrounding neighborhoods.
- E. Centralize core activities and reduce impacts by placing higher intensity activities at core with lower intensity activities in buffer areas.
- F. Improve visuals through thoughtful planned landscaping, lighting, design, construction, and reconstruction.
- G. Improve bulk delivery and disposal.
- H. Reduce carbon footprint resulting from transportation.

## **An Exciting Announcement from the Board of Trustees**

March 19, 2012

Dear Head-Royce Community,

As Head-Royce prepares to celebrate our 125th Anniversary next year, we are excited to share with you an extraordinary opportunity to strengthen our mission and better serve our students now and in the future.

The Board of Trustees is pleased to announce that Head-Royce has entered into a contract to purchase the 7.8 acres of property directly across the street from our campus, currently the site of the Lincoln Child Center, which will increase our campus by more than 50 percent.

This acquisition will enable Head-Royce to implement our strategic goals in ways that we could not achieve otherwise. Expanding our campus will allow us to increase student safety by providing a safer system for drop-off and pick-up and concurrently ease our traffic and parking challenges. The expansion will enable us to improve our classrooms, labs, performance spaces, and athletic fields.

Additionally, the space will allow us to expand and improve our current campus master plan to



support new initiatives and strategic programs. As we begin to embark on a master planning process, some of these exciting new potential initiatives include:

Developing innovative research institutes, including global studies and STEM (science, technology, engineering, mathematics), which would allow us to deepen our partnerships with Bay Area institutes and universities and provide groundbreaking opportunities for our students to learn in a center of innovation.

Creating a performance and exhibition center, in which our students could develop their confidence and love for the arts in state-of-the-art facilities.

Expanding recreation space for lower and middle school students, providing a more inspiring and expansive setting for play, which is critical for child development and learning.

Building a second athletic field and a competition-size swimming pool to expand our sports offerings and provide more opportunities for students to develop teamwork and leadership.

Housing some classes on this new location.

Utilizing additional facilities to expand our summer enrichment programs.

The Board of Trustees and school administrators carefully considered this opportunity with the financial well-being and long-term stability of Head-Royce among its top priorities. We

conducted a number of economic stress tests and can report with confidence that the strength of our reserves, robust enrollment, and the continuing, large unmet demand for a Head-Royce education position us strongly to move forward with this opportunity.

In the coming months we will provide updates and information from the trustees and administration on the process, plans, and momentum behind this opportunity. We will seek input from all of you as we engage in master planning discussions, which will take place over the next 12 months or longer.

Great schools do not stand still. To thrive, they continually grow and evolve. As Head-Royce looks forward to our 125th Anniversary next year, we know that the Head-Royce community – our students, parents, faculty, staff, alumni and friends – always have been our greatest asset. We extend tremendous appreciation to all of you, as we work together to prepare Head-Royce for the decades ahead.

Sincerely,

Charles Freiberg  
Board Chair

## Head-Royce School, Lincoln Child Center announce pending land deal

By Katy Murphy Oakland Tribune San Jose Mercury News

Posted:

InsideBayArea.com

OAKLAND -- A prominent independent school in the East Bay has announced plans to buy property across the street that since 1929 has been home to the area's most vulnerable children -- first as an orphanage, and now as a school and mental health treatment center.

The leaders on both sides of the deal, which won't be finalized for another six months, say it would benefit their institutions. The land acquisition would allow Head-Royce School to expand its 14-acre campus by more than 50 percent. Lincoln Child Center, a children's services provider that runs a school on the other side of Lincoln Avenue, no longer needs such a large space, said its president and CEO, Christine Stoner-Mertz.

"Lincoln Child Center and Head-Royce have been neighbors for decades, and always worked cooperatively," Stoner-Mertz said in a prepared statement. "As we looked towards our futures, we saw a unique opportunity that was aligned to serve the needs of both our organizations."

Recently, Lincoln has begun to move away from a centralized service model, instead fanning out to work with children in their local schools and neighborhoods. It has other offices in Oakland, Hayward and Pittsburg and might open more. Last year, the organization closed its residential program, a home for 16 children located on the upper portion of the Oakland hills property.

Lincoln's K-8 school, Conyes Academy, serves 42 children referred from their Alameda County school districts because of behavioral challenges; many suffer from emotional trauma. If the sale goes through, that school would remain in place for two years, on a portion of the 7.8-acre property that Head-Royce would lease back to Lincoln as officials search for a new location, Stoner-Mertz said.

Robert Lake, Head-Royce's head of school, said he did not expect construction to take place during that time.

Lake said that no decisions had been made about major projects and that there was no budget or timeline for the capital improvements.

"We're going to take our time and be thoughtful and have a really open and inclusive process," he said.

Ideas for the new space include a swimming pool, a performing arts center, a second playing field and a larger play area. In the short term, Lake said, the school will likely use the extra acreage to alleviate traffic on the steep stretch of Lincoln Avenue that runs between the two properties and to create more parking.

About 830 children now attend the K-12 school, a number that might eventually grow as a result of the expansion, he said.

At Conyes Academy, eighth-grade teacher Marjorie, who has no legal surname, said she is excited about the future of her organization. Still, she said, there are so many memories on the campus that leaving will be bittersweet.

"I'm really happy that the land here is still going to be used for the same purpose that it has been for so long," she said. "There's some joy in that for me. There will be kids here. There will be classrooms here. There will be learning here."

Read Katy Murphy's Oakland schools blog at [www.IBAbuzz.com/education](http://www.IBAbuzz.com/education). Follow her at [Twitter.com/katymurphy](https://twitter.com/katymurphy).

# Head-Royce School

scholarship, diversity, citizenship

June 7, 2012

since 1887

Ms. Heather Klein, Planner  
Citywide Planning Main Office  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

Via email to: [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com)

Re: Head Royce School  
PUD04-400; PUDF05-339; ER04-0014

Dear Heather:

This letter responds to a memorandum dated June 1, 2012 entitled "Memo Re: Traffic" sent to the school by Leila Moncharsh on behalf of the Neighborhood Steering Committee (NSC). I am responding as a member of the Board of Trustees, the current chair of the Board's Facilities and Community Relations Committee, and as the individual who has served as the point of contact between the School and the City on the issue of compliance with our development approvals.

The memo explains that NSC is a group of neighbors near the Lincoln Child Center (LCC) and the Head-Royce School (HRS) who have joined together after learning of HRS's and LCC's pending agreement to transfer LCC's Lincoln campus to HRS. One of the issues in the pending sale is the applicability of a private covenant that LCC signed in 1998 ("LCC Covenant") with some of its neighbors to create specific terms and conditions under which LCC would agree to operate its residential treatment program for mentally and emotionally disturbed children. Except for the fact that the LCC acquisition enhances the scope of possible solutions to existing traffic challenges, we do not believe that the issue of the school's compliance should be linked to the question of the applicability of the private LCC Covenant to a new user such as HRS. Of course, if HRS is unable to secure the LCC property then the scope of possible solutions will remain as they are today.

The timing and tone of the Memo on Traffic – which alleges that HRS is not in compliance with its 2006 use permit – appears calculated to create leverage for NSC in its discussions with LCC and HRS about the applicability of the LCC Covenant. On May 24, 2012 HRS and LCC invited the neighbors, including Ms. Moncharsh, to a neighborhood meeting to discuss the potential acquisition, the benefits it would create for the neighborhood, and the meaning and applicability of the LCC Covenant, to be held on Thursday, June 7, 2012. The NSC's Memo on Traffic arrived by email on June 1, 2012.

HRS finds the public allegations about noncompliance made by NSC to be a disappointing "first move" in these private discussions, particularly given the significant progress made on traffic issues since Rob Lake and Martha Sellers took the lead in addressing neighborhood concerns with the members of the Head Royce Neighborhood Liaison Committee (which is referred to as the NLC), which includes several diligent neighbors who are committed

to working with Head Royce to solve problems that are observed whether they are covered by the use permit requirements or not. Recently, the neighbor representatives to the NLC told school representatives that "Head-Royce has done an excellent job re-educating drivers and taking the chaos out of Lincoln Avenue." This statement suggests that investing in better traffic processes with insight from collaborative neighbors can benefit all. The school is highly committed to this process. In the last two years, the Head Royce Board of Trustees made Traffic Safety and Neighbor Relations part of the annual performance review of the Head of School and has spent countless Board and staff hours discussing ways internally and with the neighbors of improving traffic patterns.

The Memo on Traffic says that it does not regard the acquisition of LCC by HRS as a "silver bullet" on the traffic issues. However, efforts by NSC to undermine LLC's sale of the site to HRS seem particularly short-sighted. In fact, HRS's potential acquisition of the LCC campus would present immediate opportunities to resolve some of the challenges for traffic that exist on Lincoln Avenue. To the extent allowed by the City, HRS hopes to make immediate interim use of the LCC site while it studies the options for future uses. Some of those immediate interim potential uses (all under development with our traffic engineer and pending discussion with the City) include parking, deliveries, queuing, loading, and unloading.

The memo suggests that HRS has not implemented some of the strategies suggested for improving traffic conditions in a December, 2011 report by Dowling (now Kittleson). However, ninety days after Dowling submitted their draft strategy, the School announced that it had an option to purchase LCC. (The confidential negotiations with LCC were ongoing and appeared to be near conclusion when the Dowling report was presented to the school.) Based on that significant potential change in circumstances, HRS has re-engaged Kittleson to run a new traffic analysis and suggest methods to immediately improve conditions. Kittleson was re-engaged shortly after the LCC agreement was announced, performed a car count in early May, measured traffic conditions at five intersections, measured LCC driveways and parking lots and have begun work on a series of potential solutions for the drop-off, the queue, event parking and public transit that can be implemented for the start of the next school year if the LCC site is acquired by the school.

HRS presents some specific responses to the June 1 Memo on Traffic below:

**A. Methodology**

According to NSC's June 1 Memo, the observations recorded in the memo were made "on random days and as time allowed" by volunteers in the neighborhood. The memo further explains on p. 2 that the observers did not "focus on the use permit conditions of approval and its traffic mitigation measure," but rather just on behaviors of individual drivers and pedestrians that the observers deemed unsafe or undesirable. Despite these significant acknowledged limitations, the memo nonetheless concludes, based on the neighbor's observations, that "the school is in major noncompliance with its use permit in a number of regards, suggesting that it does not view compliance as part of its mission." (Memo on Traffic at pg. 14.)

HRS disagrees with these conclusions about non-compliance and of course disagrees that compliance is not part of its mission. Observations about good or bad driving behavior do not equate to non-compliance with permit conditions. These serious allegations are not supported by the evidence and the memo makes no attempt to demonstrate a failure by the school itself to meet specific permit conditions and in fact says that the observations were not intended to address specific permit conditions.

Many of the observations in the memo relate to episodic incidences of poor choices/behaviors by individual drivers on Lincoln Avenue, including illegal U-turns on Lincoln, the rare unloading of passengers on the street side rather than the sidewalk side of Lincoln Avenue, and the use of Lincoln Avenue by a garbage truck during a HRS pick up or drop off time. HRS agrees these choices are undesirable and dangerous and regrets that they occasionally occur but disagrees that these incidents mean it has failed to comply with its permit conditions. HRS's permit conditions require the school to develop and disseminate traffic rules, take reasonable steps to educate those in its community about safe traffic maneuvers, monitor traffic, work with the city to improve conditions where possible and discipline members of the community who refuse to follow the school's rules. HRS has done and continues to do all of these things. The permit conditions, however, do not prohibit U-turns or other unsafe driving or pedestrian behavior, and do not make HRS responsible for such behaviors.

#### **B. Observations A through J**

The memo contains a section of specific observations about traffic on Lincoln Avenue, labeled a. through j. Discussion of these observations follow.

##### **a. Queue on Lincoln**

In response to seeing the queue extend above the driveway, the School has pursued three of the required mitigation measures in its use permit (bus departure before children are sent by monitors, discouraging of early arrivals, and encouraging bus/carpool). Specifically, the monitors do not send children up to Lincoln Avenue for individual pick-up before buses depart at 3:30, Mary and Martha have repeatedly handed out fliers (sample attached) about bus ridership and avoiding the queue, spoken with early arrivals, and arranged for students to be held on the stairs later in the afternoon so parents may come later in the afternoon. With respect to encouraging carpooling, we have added preferred carpool parking, added a heavily subsidized bus to Alameda, and developed an interactive Google tool to facilitate carpooling (picture below). We have not asked the City to eliminate parking on Lincoln above our driveway as we believe that our neighbors value that space, but we can pursue this option as well.

# Head-Royce School

scholarship, diversity, citizenship

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**Last Name:** Marchant  
**Current Grade(s):** 3, 7, 11  
**Address:** 2452 Burlington Street Oakland California 94602

[Open map in a new browser window](#)

The current Kittleson engagement is focused on feasibility of immediately moving drop-off and pick-up for at least several grades off of Lincoln Avenue if the school acquires LCC. The availability of LCC parking could allow us to eliminate some of our current parking spots and convert a portion of our existing lot into a safe on-campus location for drop-off/pick-up.

#### **b. Monitoring**

Under Rob Lake, the school has doubled its monitoring budget since 2009 and developed a formal monitor training manual that was reviewed by the NLC participants. Mary Fahey incorporated NLC feedback into the current manual. In the last meeting with NLC members, the neighbors told the school that the outreach and professionalism of the security person who regularly monitors the corner of Lincoln and Alida was particularly helpful in reducing neighbor/school friction and managing driver behavior.

The school's administrative team is required to participate in a rotation of monitoring to understand traffic impacts and help the school staff in the monitoring task. That person changes every two weeks, but seven other monitors are consistent. The rotating monitor is placed in the easiest job, helping students on the sidewalk stay away from the street and head down to the gate. Mary Fahey has placed the most experienced monitors at the top of the hill, as seen in the photo the neighbors shared of Susan Anderson, the school's most experienced monitor behind Mary Fahey, above the school driveway. Our monitors understand the importance of keeping



downhill cars from blocking even a small portion of the uphill traffic lane and, contrary to the statement made by NSC in several titles to photographs (such as "Monitor Doing Nothing") emailed on June 4, 2012, do not stand idly by when they see this occurring. The photograph taken at 3:16 p.m. on May 12, 2012 appears to show a monitor approaching a car that is angling to get into the queue. When our monitors observe this circumstance, they urge the downhill cars to make room or signal for the driver to get out of the queue and continue down Lincoln.

**c. Buses**

Neighbors cited the morning queue as more of a concern, but Kittleson sees more impact from the afternoon queue so we are somewhat perplexed by the observation. In any case, Kittleson has been engaged to help improve both. AC Transit bus arrival is certainly not random and is of course one of the main options for transit which helps alleviate congestion on Lincoln. If AC Transit were to eliminate these routes (an occurrence over which HRS would have no control), pick up and drop off congestion would certainly increase. In the morning, HRS keeps a log of the time the buses arrive and will provide it if the City finds the data useful. The arrival *order* is extremely consistent and the times vary by about 5 minutes depending on traffic, but that variance is fairly small. In the afternoon, the buses queue up early at the front of the line. It should be noted that HRS has very little influence over the scheduling of the AC Transit buses but, clearly, the on-going availability of public bus service for students is a part of the traffic solution, not part of the problem.

The LCC acquisition offers us several ways to address the long queue without taking neighbor parking. We will be discussing those at our neighbor meeting on Thursday. For example, if HRS acquires LCC, additional parking spaces on the LCC lot could allow us to use a portion of our existing lot to create another pick-up and drop-off area off Lincoln.

The letter is correct; the buses pull into the queue in the morning and unload as soon as they come to a stop. The buses are not required to unload in the bus zone at the head of the queue. The queue is optimized by buses spending the least time in the queue, rather than slowly moving to unload at the bus stop at head of queue.

**d. Emergency Vehicles**

There is a fire station both above and below the school. Per Google maps, the station at 13<sup>th</sup> and Excelsior is 1.9 miles, and 6 minutes from Head-Royce. The fire station at Skyline and Parkridge is farther (3.7 miles, 9 minutes from Head-Royce). That time is probably optimistic because Skyline responders must pass by Skyline High School which has 2,100 students and significant congestion at the same hours as HRS pick-up and drop-off. As you are aware, public and charter schools are not required to operate under a use permit or to develop transportation demand management programs.

The acquisition of the LCC property would allow us to move food delivery and queuing or at least a substantial part of the queue of Lincoln Avenue and would improve emergency access. It should be noted that the school has received no complaints from the police or fire departments about access by emergency vehicles.



**e. Unloading**

Our traffic rules forbid children to exit from their cars into traffic. Mary Fahey reports 1-2 incidents a year of children getting out in the traffic lane. She manages the consequence process for those parents – she speaks with them if possible at the moment, they go into the violations database and receive either written warning or a call from the school Head. Kittleson did not observe any of these in its measurements. We regularly have adult drivers exit their car on the traffic (driver's) side when they are parking in the legal parking spots just below our driveway to walk children to school or switch drivers. We do not forbid this and expect that we could not convince drivers to climb out the passenger side.

**f. Blocking Driveways**

Our traffic rules forbid blocking driveways, even when driver is in car. Compliance has been good after the School re-wrote the rules to emphasize this and educated parents, per the reports from our neighbors attending NLC meetings. We certainly have not seen cases where a car blocks a driveway when there is a 15' of free parking space beyond the driveway, as seen in the photo in the complaint. Our Lincoln Avenue liaisons on the neighborhood committee reported in the last two NLC meetings that the driveway blocking behavior had been addressed. The homes above our driveway have never lodged any complaint about this.

**g. Back-up on Highway 13**

Kittleson measured current intersection conditions at five intersections. All are functioning at acceptable levels or above. (Oakland's Level of Service goal from its General Plan is LOS D.)

Intersection	Traffic Control <sup>1</sup>	Period	Peak Hour	LOS	Delay <sup>2</sup> (sec/veh)
1 SR-13 southbound off-ramp & Monterey Blvd	SSS	AM School Day	7:50 to 8:50 AM	A	22.6
		PM School Day	5:00 to 6:00 PM	C	19.5
		PM Event	6:00 to 7:00 PM	C	21.3
2 Lincoln Ave & Monterey Blvd	AWS	AM School Day	7:45 to 8:45 AM	D	28.4
		PM School Day	3:15 to 4:15 PM	D	25.8
		PM Event	6:00 to 7:00 PM	C	15.8
3 Lincoln Ave & Head Royce School parking lot driveway	Signal	AM School Day	7:40 to 8:40 AM	B	11.4
		PM School Day	2:55 to 3:55 PM	A	9.1
		PM Event	6:10 to 7:10 PM	A	6.8
4 Lincoln Ave & Head Royce School mid-block crosswalk	Signal	AM School Day	7:35 to 8:35 AM	B	13.7
		PM School Day	2:55 to 3:55 PM	B	11.0
		PM Event	6:00 to 7:00 PM	A	9.2
5 Lincoln Ave & Ravenwood Ln-Tiffin <sup>3</sup>	AWS	AM School Day	7:40 to 8:40 AM	C	18.2
		PM School Day	2:55 to 3:55 PM	B	13.5
		PM Event	6:00 to 7:00 PM	B	10.4

1 Signal = Signalized intersection; AWS = All-Way Stop-Controlled intersection; SSS = Side-Street Stop-Controlled intersection.

2 Delay shown is the weighted average delay in seconds per vehicle. For signal and AWS, LOS is based on delay for all intersection approaches. For SSS, LOS is based on the intersection approach with the highest delay.

3 The mounted data collection camera was stolen during the PM Event count. The peak hour counts were estimated from counts at neighboring intersections and turning movements counted during the PM School Day.

Counts conducted by Quality Counts on Monday, May 7, 2012 for the AM and PM School Day (7-9 AM and 2-6 PM, respectively) and Thursday, May 11, 2012 for the PM Event from 6-8 PM.

Source: Kittelson & Associates, Inc.

#### h. Unpredictable traffic

The stop sign at Lincoln and Tiffin and the ordinance to limit heavy trucks on Lincoln Avenue were put in place with the work of Councilmember Dick Spees and Head-Royce School after a string of serious accidents: 2 in 2000, 2 in 1999, 1 in 1995 and 1 in 1993. The concrete barriers were installed after the 1993 accident.

The ordinance was designed to prevent trucks from using Lincoln as a shortcut from Highway 13 to Interstate 580. The school and interested residents were informed at the time the resolution was adopted that trucks with business on the neighborhood were not precluded. They are still bound by all other city-wide restrictions.

**i. Trucks**

We periodically remind our vendors orally and in writing regarding the hours of operation and limitations on deliveries. The Lincoln neighbors have told HRS that the delivery situation is much improved but they have also been extremely interested in the process the school is developing to do all food deliveries inside the LCC campus where the same vendors currently deliver to LCC without neighbor complaint. The only trucks that idle are food deliveries in refrigerated trucks that must keep running in order to operate the refrigeration equipment. Deliveries at the uphill location at the current LCC café could possibly begin immediately upon close of LCC purchase.

Our security guards keep a log of truck arrivals and will share that with the City if requested.

The memo complained of an 18-wheel truck that delivers playground safety material. The company that delivers Fibar once a year sent us the measurements; the truck is 39' long with 8 wheels. The school notifies direct neighbors and schedules the delivery for a time that is mid-day, during mid-week in August. The school has attempted to figure out a different method of this delivery and there is no other feasible method. The deliveries of Fibar significantly pre-date the 2006 use permit and generally occur only once a year.

**j. U-turns**

Martha Sellers, Rob Lake and Mary Fahey reviewed their NLC meeting minutes and have no requests for additional U-turn signage at Laguna and Alida (beyond the existing one). In the last year, the NLC and School have reviewed signage language and the school has placed two separate orders for signs. For part of last year, the School had an agreement to store our new signage on a neighbor's property, until we developed processes for dropping and picking up signs that are use intermittently. There is a demonstrated productive dialogue on signs.

Having been alerted here that these signs were wanted, Head-Royce agrees to pay for additional No U-turn signs, but these are City signs, so we will need to work within the City process. In the meantime, we will put cones with No U-Turn signs in that area and plan to replace them occasionally.

The acquisition of LCC could provide space for a solution that ends the School's reliance on city streets to have parents change direction. It could allow a physical design that would be more effective and permanent than the current solutions of monitoring and parental education process in eliminating U-turns, neighborhood traffic and other impact on our neighbors.

Finally, the memo asserts that HRS is in violation of its use permit for failing to develop a Transportation Demand Management Program or TDM. However, a TDM is not a required condition of approval. The school has nonetheless voluntarily agreed to work with cooperative neighbors to develop one in the mutual interests of improving traffic patterns.

Heather Klein  
June 7, 2012  
Page 9 of 9

In this effort, neighbors and an HRS Board subcommittee, given authority by the full Board of Trustees, have created a list of items and processes that they both agreed would reduce the School's impact and improve safety. In a meeting with the neighbors and HRS, the City recommended that a team consisting of one neighbor and Martha Sellers write these items into the start of a TDM and use a traffic consultant to generate additional solutions and work our amateur draft into a TDM with professional input. The December document is clearly not intended to be a professional TDM and the school has never represented it as such. Rather, it was intended to propose possible solutions for Martha Sellers and the neighbor to put into the first draft. Some work was done on the TDM; Martha Sellers and Mary Fahey re-wrote the traffic rules and the events policy, but neither the School's Trustee nor the fully-employed neighbor could devote the necessary time to this project to bring it to conclusion jointly.

In March, ninety days after we received the Dowling solutions list, we announced that the School had an option to purchase LCC. That is why in April we engaged Kittleson in a larger project to develop traffic and safety solutions, measure and benchmark traffic and intersections and begin the professional TDM that would be implemented on a potentially combined campus.

In closing, we look forward to continuing to work closely with the City and the neighborhood to improve the traffic situation on Lincoln Avenue. It appears clear to both us and our traffic consultant that acquisition of the LCC campus would present immediate and longer term options for addressing queuing, deliveries, and drop off and pick up. Our goal is work cooperatively with the NCS to make acquisition of the LCC feasible and to continue to work together for the benefit of the neighborhood and the school. Please feel free to call me directly at (415) 433-1700 should you have any questions or concerns.

Sincerely,



Harold P. (Peter) Smith  
Member, Board of Trustees  
Chair, Facilities and Community Relations  
Committee

cc: Rob Lake, Head of School  
Annie Mudge, Esq.  
Leila H. Moncharsh, Esq. (via email to: [101550@msn.com](mailto:101550@msn.com))

## Tired of spending half an hour in your car just to pickup the kids?

There is an easier way – if you time your trip after the buses leave Head Royce at 3:30, you will fly through pickup.

**Try timing your trip to cross 13 at 3:35 or 3:40 to head down Lincoln Avenue; you will find it so much easier.** It is good for the kids too. The teachers tell us that the kids benefit from the socializing before and after school.

If you have a tight afterschool appointment with your child and need to hit the ground running, try parking in the parking lot or *legally* in the neighborhood and walking to collect your child. Don't worry about the numbered spaces in the afternoon; you can park in any space where you don't block another car. If you do this, you can be at the front gate before 3:20 and have your child headed into the car even more quickly than if you were to line up as the first car in the queue.

Please remember, you cannot use the parking lot or any nearby street to pickup your child while you sit in your car. That puts the School in jeopardy by violating our Conditions of Use Operating Permit with the City of Oakland.

## Stressed out by the crowded drop-off queue in the 8:10-8:25am window?

Did you know that before-school care is free? From 7:30 on you can drop your child and let them run, play and socialize before the bell rings and they have to sit down and pay attention. The lower school teachers thank you in advance if you can find the morning time to give your kids a few extra minutes.

## Wish you knew who to carpool with? Address Book Meets Map! Login!

Click on any dot to see what Head Royce family lives near you:

The screenshot shows the Head-Royce School website. The header includes the school name "Head-Royce School" with the tagline "scholarship, diversity, citizenship" and navigation links for LOGIN, QUICKLINKS, and SEARCH. A main navigation bar lists: ABOUT US, ADMISSIONS, ACADEMICS, ATHLETICS, CAMPUS LIFE, ALUMNI, and PARENTS. On the left sidebar, there are links for Portal Login, Welcome, Luigi, Logoff now, Parent Portal, Test Calendars, Community Bulletin Board, HRS Google Map 2011/12 (highlighted), and Used Books Forum. The main content area displays "Home > HRS Google Map 2011/12" above a map of the Berkeley area. The map is covered with numerous small circular location pins, indicating the homes of families in the area. Various landmarks like Golden Gate Park, Berkeley, and various parks are labeled on the map.

## MEMORANDUM

**TO:** HRS & H. KLEIN  
**FROM:** NSC  
**RE:** Rebuttal to HRS response re traffic problems  
**DATE:** June 11, 2012

We appreciate HRS' quick response to our traffic memo. We have now provided the city and HRS with a DVD containing recent photos and film clips of traffic problems caused by the school. They are repetitive in nature and occur daily when the school is in session. HRS' lack of effective traffic management and its excessive enrollment create dangerous conditions for students, neighbors, and the public.

Mr. Smith's discussion, weighing the traffic impacts during morning pick-ups versus afternoon drop-offs, is a distinction without a difference. Both times present substantial dangers. It is irrelevant that there is a second fire station serving the neighborhood given that both the north and south travel lanes are periodically blocked with school traffic, slowing down emergency vehicles entering Lincoln and its side streets.

Furthermore, Mr. Smith overlooks that there are three fire hydrants along the stretch of Lincoln Ave. that the school is using for its parking queue. All three of these hydrants are blocked with parked cars during an extensive period of time twice a day. The combination of the traffic in the travel lanes and the parked cars would slow down a fire crew trying to quickly reach the hydrants and get hoses attached.

The neighborhood liaison committee has repeatedly asked that the school correct the dangerous traffic conditions and put the corrections into a legally binding written document. The school has done neither and will not agree to modification of its permit.

Although Mr. Smith represents that traffic safety is a serious priority for HRS, the inaction of the school shows otherwise. As part of the plan to purchase LCC, HRS claims it would park its staff and student cars on the LCC campus, thus freeing up the HRS parking lot for drop-offs and pick-ups. Yet, the LCC parking lots have been virtually empty for many months and HRS has made no efforts to lease these 100+ now empty parking spaces from LCC to implement the plan. Nor has HRS made any attempts to lease parking space from the Mormon Temple or the Greek Church, each having sufficient empty space to park HRS' cars several times over. Whatever traffic plans HRS shares with the neighbors, they all end up as public relations talk and stalling tactics.

The gist of Mr. Smith's letter is that the school is in compliance with its use permit, despite the city's disagreement. He therefore reasons that: a. HRS has done all that it can and will do to correct the problems, except perhaps buying LCC; b. HRS has the city's permission to avoid correcting the daily traffic dangers because HRS sees itself in compliance with the use permit, and c. the school has no responsibility for the actions

of drivers on a public street in any event. None of this reasoning is logical and it follows at least a six-year history of ineffective traffic management.

At this point, NSC requests the city's assistance in resolving the drop-off and pick-up traffic problems. There also are several other nuisance problems caused by the school and plaguing the neighbors: truck deliveries before 7:00 a.m., HRS event traffic problems and late night disturbances from events (including due to HRS loaning out the facility), excessive noise that is inconsistent with a school and that impacts Whittle neighbors, illegal HRS parking on Whittle, and inappropriate student behavior on the HRS campus next to the Whittle homeowners' properties. These nuisance problems also have been brought to the school's attention over the years without any resolution or correction.

During a recent private meeting with Rob Lake and Martha Sellers, and again during last week's meeting with neighbors, LCC, and HRS, Randy Morris and Hollis Matson recognized and thanked Rob and Martha for their professional, pleasant communication with the neighbors. HRS had previously failed to engage in civil communications with the neighborhood liaison committee, chaired by Peter Smith, and the relationship changed for the better when Rob and Martha took over as school representatives.

Contrary to Mr. Smith's inference in his letter, the Neighborhood Steering Committee, in its representation of hundreds of neighbors who live near the school, seeks to have HRS provide a safe traffic environment in and around the school for students and the public.

We repeat our concern that, sooner or later, there will be serious injuries or loss of life because of Head Royce's negligence in managing the traffic. We look to the city for expeditious assistance with these problems.



Cox, Castle & Nicholson LLP  
555 California Street, 10<sup>th</sup> Floor  
San Francisco, California 94104-1513  
P 415.392.4200 F 415.392.4250

Anne E. Mudge  
415.262.5107  
amudge@coxcastle.com

Mr. Scott Miller  
Interim Planning Director  
250 Frank Ogawa Plaza, 3<sup>rd</sup> Floor  
Oakland, CA 94612

**Re: Request for Zoning Determination: Head-Royce School Parking at Lincoln Child Center**

Dear Mr. Miller:

The Head-Royce School (HRS) is in negotiations with the Lincoln Child Center (LCC) to renew an agreement to use a portion of LCC's existing upper parking lot for parking. While HRS is also in discussions with LCC about acquiring its site, HRS intends to lease the parking lot from LCC as soon as possible, regardless of whether it acquires the land.<sup>1</sup> Based on your advice, HRS is seeking a determination from you that HRS's use of the LCC lot for parking is allowed under the terms of its existing use permit (here a Planned Unit Development or PUD permit.).

HRS has in the recent past used this LCC parking lot for employee parking and furnished a copy of its parking agreement with LCC to the City at the City's request. (See attached copy of letter agreement.) This agreement was in place for several years and served as extra parking for HRS. Reinstating this agreement would allow HRS to relocate some of its student drop-offs and pick-up activity currently occurring on Lincoln Avenue to the existing HRS parking lot on the western end of campus next to the athletic field. Approximately 40 spaces in this existing HRS lot would be eliminated and the lot would be restriped to create an internal pick-up and drop-off "loop." Based on consultations with Kittleson Engineering, Inc., HRS's traffic consultant, this proposed change would decrease traffic impacts on Lincoln Avenue during the peak hour periods as well as decrease the pick up and drop off "queue" on Lincoln.<sup>2</sup> The school plans to initiate this

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<sup>1</sup> There are a number of pre-conditions to HRS acquiring the LCC site, which have not yet occurred. However, we do not believe that whether HRS leases or owns the land is relevant to the zoning determination.

<sup>2</sup> Under its use permit, the school is required to take certain steps to prevent the queue on Lincoln Avenue from extending above the upper driveway. If those steps are not successful, the use permit contemplates restricting parking during after-school pickup on Lincoln Avenue above the upper driveway "to allow for



change for the coming school year—about 8 weeks away. HRS also plans to use parking on LCC property for evening events.

We are seeking your confirmation that HRS's renewed use of the LCC parking lot is within the terms of HRS's existing use permit. Based on our analysis, we believe the existing use permit already contemplates this use. Specifically, Paragraph 1 of the Alida Neighborhood Agreement contemplates use by HRS of LCC land for parking:

"HR to pursue shared Institutional Parking options with Lincoln Child Center and Cerebral Palsy Center Land. The goal is to create added "institutional parking" to reduce the need by institutions to park on quiet residential streets. HR endorses a plan to create up to 60 new parking space on what is mostly Lincoln Child Center land consistent with the existing Final Conditions for the Lincoln Child Center Conditional Use Permit dated November 24, 1997, understanding that there may be other agreements that we are not aware of. If approved by the City of Oakland and agreed to by [LCC], and if financial terms are reasonable, HR intends to sign a long-term lease for 30 of these newly created institutional spaces. If HR does not sign a lease for 30 spaces with LCC, HR will construct one additional parking space on its campus for every 2 spaces less than 30 that it leases from [LCC], or a maximum of 15 additional spaces."

The Whittle Agreement contains the same language in Paragraph 3. The Lincoln Agreement incorporates the terms of the Alida Agreement by reference. Thus, off-site parking (in particular at LCC) is already contemplated under the terms of the existing permit, and as noted above, has already been allowed by the City in the past. We also note that Paragraph 9 of the Alida Agreement contemplates off-site "shared parking" by HRS at the Greek Orthodox Church for special events.<sup>3</sup>

Further, LCC's use permit addresses the possibility of leasing the site to a third party for parking. Condition 7 delineates where LCC would be prohibited from leasing its land to a third party for parking, suggesting that such a lease in other locations would be permitted. (See "Conditions of the Conditional Use Permit Agreed To By Both Lincoln Child Center and the Neighbors," incorporated as use permit conditions under Condition 10 of LCC Use Permit dated 4/15/98, providing that "LCC will not sell lease or sell any portion of its property contiguous to Charleston Street for the purpose of making a parking lot").

Paragraph 8.c of the LCC use permit also contemplates that "LCC will attempt to meet with and work with Head Royce to assess the traffic congestion on Lincoln Avenue and make reasonable

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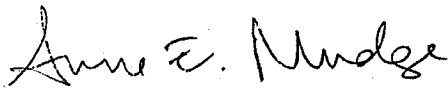
the longer queue." A longer queue is thus not prohibited. However, moving pick ups and drop-offs off of Lincoln Avenue and into HRS' existing parking lot will decrease, if not eliminate, the queuing above the driveway on Lincoln, a result we believe the school's neighbors would welcome and one that would preserve street parking on Lincoln used by the neighbors.

<sup>3</sup> Condition of approval No. 46 of the use permit provides that "The project approval is subject to the written agreements attached to the preliminary PUD approval. [The neighborhood agreements.] The items in the [neighborhood] agreements will effectively become additional conditions of approval for this project."

efforts to contribute to reducing the congestion." Use of the LCC lot by HRS (allowing a portion of pick up and drop off trips to be channeled off Lincoln Avenue) is a direct result of these efforts and is also part of HRS's informal Transportation Demand Management (TDM) strategy with its neighbors. Although not required under the terms of its use permit, City staff has actively encouraged HRS and the neighbors to work on a TDM strategy. HRS has done so and will continue to do so.

For the above reasons, we believe that HRS' renewed use of the existing LCC parking lot is within the terms of its existing use permit. We look forward to your prompt response so that the school can institute these changes prior to the start of the academic school year in September.

Best regards,

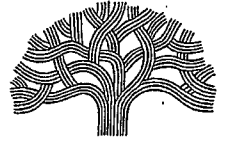


Anne E. Mudge

AEM/se  
Enclosure

cc: Rob Lake, Head of School

# CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Department of Planning, Building and Neighborhood Preservation  
Planning & Zoning Services Division

(510) 238-3941  
FAX (510) 238-6538  
TDD (510) 238-3254

## VIA EMAIL AND US MAIL

July 26, 2012

Anne E. Mudge  
Cox, Castle & Nicholson, LLP  
555 California Street, 10<sup>th</sup> Floor  
San Francisco, CA 94101

**RE: Case File No: DET12070; Request for Zoning Determination for Head Royce School Parking at the Lincoln Child Center**

Dear Ms. Mudge,

Staff received your request for a formal Zoning Determination regarding whether the relocation of approximately 40 parking spaces from Head Royce School (HRS) to the Lincoln Child Center (LLC) and the creation of a drop-off / pick-up zone on the Head Royce campus is permitted under the terms of HRS's existing Preliminary Planned Unit Development Permit (PUD) and the Final Development Planned Unit Development (FDP) Plans.

Staff has reviewed your request and has determined that this proposal is a major change to HRS's approved plans. A revision to those plans and the Whittle Avenue and Lincoln to Laguna Neighborhood Agreements, as adopted Conditions of Project Approval (COA), would be required to implement the proposal. Below is a detailed discussion of staff's determination.

### **Head Royce School's Master Plan, PUD and FDP Plans**

In 2004, HRS submitted an application for a phased Master Plan which included a major reconfiguration of the campus and an increase in student enrollment. An important goal of the Master Plan was to separate the pedestrian and vehicular circulation patterns within the campus. To achieve this goal, HRS proposed eliminating parking from within the interior of the campus and relocating most of these activities to the upper parking lot. While the project was only required to provide a minimum of 123 on-site parking spaces per Planning Code Section 17.116.070, the approved PUD and FDP plans included the construction of 157 on-site parking spaces. Of these 157 spaces, 137 would be constructed prior to Phase II of the Master Plan and 20 additional spaces would be constructed in a later Phase. Although the use of off-site parking to accommodate the Planning Code required spaces is allowed pursuant to Planning Code Sections 17.116.170 and 17.116.180, such off-site parking was not requested nor approved as part of the Master Plan. It is worth noting that the proposal outlined in your determination letter would result in only 102 spaces on campus, providing less on-site parking than was originally on the campus prior to the Master Plan.

The HRS Master Plan also proposed that all student drop-off and pick-up activities would occur on Lincoln Avenue along HRS's frontage to further separate the pedestrian and vehicular activities on campus. Planning staff did not require an on-site student drop-off and pick-up zone since these activities

are not specifically identified under Planning Code Section 17.116.130 (Off-street Loading for Civic Activities). The Master Plan was approved with this on-street drop-off / pick-up zone. It was assumed, upon approval and with implementation of the COA and the Mitigation Measure T1, that HRS would be able to adequately manage the increase in traffic along Lincoln Avenue.

During the preparation of the Mitigated Negative Declaration for the Master Plan, an on-site drop-off / pick-up zone in the upper parking lot was not considered. Without detailed analysis, it is unclear whether the proposed drop-off / pick-up zone would alleviate current congestion on Lincoln Avenue. It is possible that this activity could further exacerbate the traffic situation due to a likely change in traffic signal timing. Furthermore, any new analysis of this drop-off area would need to include an analysis of a loading zone across the street from HRS as this was also not anticipated as part of the Master Plan and CEQA subsequent analysis. It is possible that the proposed drop-off / pick-up zone could create an extended queue below the traffic signal as cars drive north and wait to turn into the drop-off area. In addition, the traffic light and the traffic lanes might need to be re-configured to include a left turn pocket.

As noted in your letter, HRS is required per Mitigation Measure T1 and COA #24 to implement measures to reduce the drop-off / pick-up queue along Lincoln Avenue. The Mitigation Measure requires HRS to: monitor the queue, stagger pickup times so that the buses load and leave prior to the start of pickup, discourage early arrival for pickup, and actively encourage carpools or school buses as an alternative with an incentive for use of these alternatives. The last option to avoid a potential queuing issue on Lincoln would be to request that the City restrict on-street parking above the traffic signal, further extending the drop-off / pick-up zone along Lincoln. However, the restricted parking option is completely different from the creation of a new on-site drop-off / pick-up zone and is only an available measure after the other measures fail. It is still staff's determination that HRS has not made significant efforts to lessen the traffic queue. Furthermore, staff has seen little progress on the preparation and implementation of a Traffic Demand Management Program, as previously discussed with HRS, to reduce traffic impacts and comply with the COA and Mitigation Measure.

Finally, the proposed on-site drop-off / pick-up area and the relocation of 40 parking spaces over to the LCC site indicate a clear expansion of HRS's activities both on and off-site. This is a substantial deviation from the approved plans based on the language in the COA and Planning Code Section 17.140.110. Specifically, the project shall be constructed and operated in accordance with the approved plans (PUD04-400; PUDF05-339, Condition 1); 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 (PUD04-400; PUDF05-339, Condition 1); major changes to the approvals, shall be subject to review and approval by the City Planning Commission (PUD04-400; PUDF05-339, PUDF07-520, Condition 5); and all other modifications, including extensions or revisions of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements (Planning Code Section 17.140.110).

#### *Determination*

In sum, the approved PUD and FDP plans did not include an on-site drop-off / pick-up area; the Master Plan was approved with a certain number of on-site parking spaces; the environmental review documents did not analyze substantial off-site parking, an on-site drop off, or a loading zone across Lincoln Avenue; the COA and Mitigation Measure require HRS to address potential traffic concerns; and the Planning Code and the COA clearly address the process to modify the PUD and FDP plans. For these reasons, staff has determined that the proposal outlined in your letter would require a revision to the existing PUD and FDP.

#### **Neighborhood Agreement: On-site Structured Parking**

Part I, Item 1 of the Whittle Neighborhood Agreement and Part I, Item 2 of the Lincoln to Laguna (Alida) Neighborhood Agreement requires the construction of 35 structured parking spaces to be accessed from upper Lincoln Avenue only. These spaces were a replacement for the 23 spaces demolished as part of the Master Plan to ensure that a total of 122 parking spaces would be provided on campus. If 40 parking spaces were relocated to the LLC, only 102 spaces would be available on campus. Unlike the Planning Code, the language in the Neighborhood Agreements doesn't allow the use of shared spaces as an alternative to this obligation.

#### *Determination*

These Neighborhood Agreements were made part of the COA. Therefore, the relocation of these required spaces off-site would constitute a major change to the approved plans and would require a revision to the existing PUD, FDP and the COA.

#### **Neighborhood Agreement: Leased Parking**

Part I, Item 3 of the Whittle Neighborhood Agreement and Part I, Item 1 of the Lincoln to Laguna (Alida) Neighborhood Agreement requires HRS to sign a long term lease with the LLC for 30 parking spaces. As noted in your letter, HRS has previously signed a lease with the LLC to provide extra parking and is currently in negotiations to renew the lease agreement. However, while leased spaces are required with HRS's existing permit as part of the COA, the leased parking spaces are in addition to, and not in lieu of, the required 35 structured parking spaces noted above.

The Neighborhood Agreements state that if a lease can not be signed, then HRS will construct one additional parking space for every two spaces less than the 30 it leases from Lincoln Child Care, for a maximum of 15 spaces, in addition to the 35 structured parking spaces. As such, HRS must continue to lease or obtain 30 spaces at LLC or must construct 15 additional parking spaces on the HRS campus. The relocation of 40 spaces to LLC plus the 30 spaces already required to be leased would require HRS to lease or obtain 70 parking spaces at LLC. Your July 2nd letter doesn't address this aspect of the Neighborhood Agreement.

Furthermore, staff is also unclear what the principal activity will be on the LLC site. If the LLC continues to operate, staff is concerned how the loss of 70 parking spaces leased to HRS will affect activities at the LLC site. Although a Residential Care Facility doesn't require a minimum amount of parking, the approved Conditional Use Permit (CUP) for the LLC site did indicate 90 spaces would be available for the LLC uses. The increase in a substantial amount of leased parking for HRS is also a major change to the LLC CUP and will require a modification to that permit since only 20 parking spaces would be available for LLC activities. Alternatively, if the LLC discontinues operation of the Residential Care activity, HRS could not operate a Community Education activity or expand off-site parking at the LLC site without a revision to HRS's PUD and FDP.

#### *Determination*

In sum, it is staff's determination that relocation of 40 spaces, as required by the Neighborhood Agreements and the Conditions of Approval, to the LLC site would constitute a major change to HRS's approved plans and hence would require an amendment to the existing PUD, FDP and the COA. Again, such a proposal will also require a modification to the LLC CUP.

#### **Appeal of this Determination**

This determination may be appealed pursuant to the administrative appeal procedure in Oakland Planning Code Chapter 17.132. If you, or any interested party, seeks to challenge this decision, an appeal must

be filed by no later than ten calendar (10) days from the date of this letter, by 4:00 pm on August 7, 2012. An appeal shall be on a form provided by the Planning and Zoning Division, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **Heather Klein, Planner III**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Zoning Manager or wherein his/her decision is not supported by substantial evidence and must include payment of **\$1352.91** in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence submitted to the Zoning Manager by the appeal deadline.

If you choose to proceed with an Appeal, please be aware that the Planning Commission will only be considering whether there was error or abuse of discretion or wherein this determination (that this proposal is a major change from HRS's approved plans and not considered under the terms of the existing permits and COA) is not supported by substantial evidence. The Planning Commission cannot consider the merits of a modification to HRS's PUD, FDP, or Condition of Approval at the appeal hearing. Even if you prevail on the appeal and this determination, you would still need to submit an application to modify the plans and specific language to amend the COA related to the proposed plans. The application would be considered by the Planning Commission at a future publicly noticed hearing

Please contact case planner, Heather Klein, if you have any questions regarding this letter.

Sincerely,



SCOTT MILLER

Interim Planning and Zoning Director  
Department of Planning, Building and Neighborhood Preservation

cc:

Heather Klein, Planner III  
Neil Gray, Planner III, Zoning District Supervisor  
Heather Lee, Deputy City Attorney  
Robert Lake, Head Royce School Head Master  
Martha Sellers, Head Royce School  
Peter Smith, Head Royce School  
Randy Morris, Neighbor  
Hollis Matson, Neighbor  
Michael Thilgen, Neighbor  
Don Dunning, Neighbor  
Josh Thieriot, Neighbor  
Leila Moncharsh, Neighbor  
Drew Lau Regent, Neighbor

I certify that on July 24, 2012 this letter was placed in the U.S. mail system, postage prepaid for first class mail, and sent, as well as emailed, to the names and addresses listed above.

  
NAME & SIGNATURE OF PERSON PLACING IN MAIL

7/26/12  
DATE

S. = southside travel lane, which is on the side of street in front of Lincoln Child Center  
N.= northside travel lane, which is on the HRS side of street  
Q = queue

May 8, 2012 – Lincoln Ave. at HRS back driveway

8:05 a.m. Arrived at back gate by street light, in front of CP.  
8:10 N. Q backed up to west of 25 mile sign.  
8:13 Buses in both directions. Q at 25 mile sign  
8:14 N. Q backed up to 25 mile sign, bus comes down hill in northerly direction (JPEG 1341)  
8:15 N. Q east of back driveway and traffic light  
8:16 N. Q east of Greek church (JPEG 1343)  
8:18 Child crossing Lincoln from south side. Buses stopped at school  
8:19 S. Q from light near school entrance to 25 miles sign. No passage in either direction possible (JPEG 1347)  
8:20 Same as 8:19. Driver made left hand turn from S. travel lane into driveway (JPEG 1351)  
8:22 S. Q empty, N. Q backed up east of the Greek church  
8:24 N. Q blocking rear driveway and backing up east of Greek church (JPEG 1353)  
8:25 No passage possible in either travel lane. Cars parked on both sides. (JPEG 1361)  
8:26 S. lane open east of school. N. lane – same.  
8:27 N. Q backed east from school entry to 25 mile sign.  
8:29 N. Q backed up east to “school” sign. No passage available west of the 25 miles sign to school entry.  
8:30 S. travel lane moving  
8:31 Jaywalking from S. parked car to school.  
8:32 Bus slowly proceeding in S. lane with 4 cars behind it, heading in easterly direction  
8:35 Lincoln yellow buses arrive. All clear both travel lanes.  
8:39 Same and I left

Note: No monitors were visible anywhere from about 20 feet west of the 25 mile sign and all the way east. One monitor with vest visible from my position, located about 20 feet west of 25 mile sign. I did not have visibility on the sidewalk further west below that point.



Photos – 5/8/12



1341 – 5/8/12 8:14 a.m. N. Q backed up from school to HRS back driveway and east of it beyond Greek Church up the hill.



1343 – 5/8/12 8:16 a.m. N. Q east of Greek church





1347 – 5/8/12 8:19 a.m. No passage in travel lane in both directions.



1351 – 5/8/12 8:20 a.m. Driver making left turn from S. travel lane into N. side driveway, blocking traffic.





1353 – 5/8/12 8:24 a.m. – Q backed up from school and blocking rear driveway.



1361 – 5/8/12 8:25 a.m. Q backed from school to rear driveway.



S. = southside travel lane, which is on the side of street in front of Lincoln Child Center  
N.= northside travel lane, which is on the HRS side of street  
Q = queue

May 11, 2012 – Friday. Greek Church at top of stairs on terrace.

2:49 p.m. LCC buses here. Travel lanes clear.

2:51 AC bus arrives. Two LCC small buses on S. side of street.

3:00 Parents arriving at HRS and parking. U-turns on Lincoln. Small bus arrives on N. side. (1384 – 1389 – condition of Q.)

3:11 Student jaywalking.

3:16 Two buses arrive at HRS. Parents have now filled the N. Q parking spaces.

3:19 Drivers parking in red zone and in front of fire hydrant. No monitors present within sight. (1404, 1406, 1407, 1408, 1411.)

3:23 Two AC and one contract bus arrive. Drivers illegally parked. (1428, 1430)

3:24 Car in front of fire hydrant.

3:30 Dangerous conditions at driveway. Buses arriving and maneuvering around parked cars from N. travel lane into S. travel lane.

3:32 Monitor shows up, then walks back down hill.

3:36 Buses leave. Travel lanes passable.

3:37 Contract bus arrives.

3:40 Clear, traffic moving in both directions.

3:50 Clear, but bus pulls into area near driveway. Drops off kids. Bus is from Redwood Christian School. Bus remains at site while kids walk down back driveway, and then parks in N. parking lane. (1434, 1436)

3:59 Left area.



Photos – 5/11/12

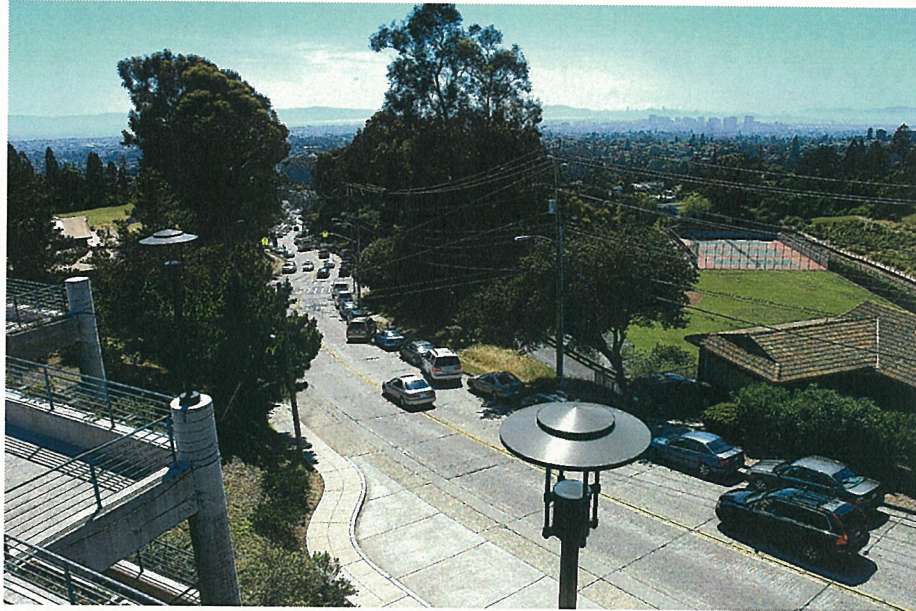


1384 – 3:07 p.m. Parking Q on north side of Lincoln.



1389 – 3:09 p.m. More cars added to parking Q on north side above rear driveway.





1404 – 3:15 Two cars squeezed into parking Q with rear ends sticking out into N. travel lane. Oncoming car goes over double yellow line to pass by.



1406 – 3:16 Car squeezed into spot above fire hydrant and blocking private driveway. Rear end blocking N. travel lane.





1407 – Next few seconds, cars start to go over double yellow line to avoid the two cars trying to squeeze into the Q. At this point, the Q has included the private driveways and far outstripped the HRS back driveway, the red zone, and the fire hydrant.

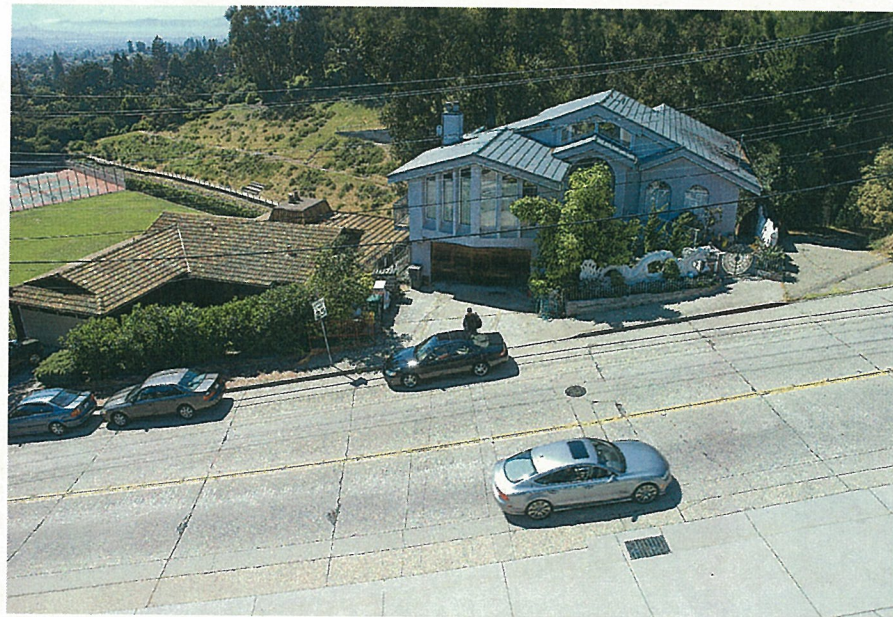


1408 – More cars go over double line to avoid cars in N. travel lane. Note: No traffic monitors.





1411 – Now buses have to veer out of N. travel lane and into S. side travel lane, even though part of the Q has moved forward. No monitors.



1428 – 3:27 Parent pick-up in the private driveway.





1430 – 3:28 Second parent pick-up in private driveway.  
Car pulling away.



1434 – 3:41 p.m. Bus from Redwood School unloading in  
rear driveway. 1436 shows bus left in N. parking lane.



S. = southside travel lane, which is on the side of street in front of Lincoln Child Center  
N.= northside travel lane, which is on the HRS side of street  
Q = queue

May 14, 2012, Monday. Greek Church, top of stairs on terrace.

2:46 p.m. All clear. Small bus on S. side of Lincoln and cars parked on S. side. Four LCC small buses. No cars parked on N. side except one.

2:53 Yellow large bus arrives and parks at front gate of HRS. Cars going down back driveway. Traffic moving fine.

2:58 One LCC bus leaves. HRS cars beginning to line up toward front gate. One Michael's bus arrives and parks at front HRS area.

2:59 AC bus arrives – parks at HRS. One LCC bus leaves from S. side.

3:01 – Two LCC buses leave. Kids park at the rear HRS driveway and walk down rear driveway. Students are playing on outdoor field.

3:10 Parked cars in Q below rear driveway traffic light. About 20 children are playing on HRS field.

3:12 All parking spaces on N side are filled to driveway and traffic light. Students still on field.

3:15 Car parking in rear driveway. Traffic flowing. No monitors are visible from my location.

3:17 Car Q is in the red zone on N. side. No kids on field.

3:20 all spaces filled in red zone. Tiny space in front of hydrant. AC bus arrives. Second and third AC buses arriving.

3:23 Monitor arrives at rear driveway, but does nothing. Buses are arriving.

3:24 Two contract buses arrive. Monitor pulls up several cars from red zone. Cars parking behind red zone, west of it.

3:35 One AC bus arrives and two contract buses leave HRS. Monitor all the way back to front gate. Traffic moving. Third contract bus leaving HRS. Parking Q at front gate.

3:42 New Q starting to form. Kid drives car down driveway.

3:45 Q gone. Traffic moving. Kids on Field.

3:47 Leaving.



Photos – 5/14/12



3:06 – Conditions at start of pick-up. (1443)



3:08 – N. Q in fire hydrant area and beyond. (1445)



3:11 – Second car parks in front of fire hydrant with rear end into N. travel lane, causing passing car to veer over double line. (1449)





3:12 – Contract and AC buses arrive. Contract bus heading over double line to avoid car parked partially in N. travel lane. (1454)



3:12 – Student loading near rear driveway. (1456)





3:13 – Monitor shows up. Does nothing about cars in red zone, in front of hydrant and backed up the hill. (1457)



3:14 – Another car pulls into spot in front of hydrant. Monitor does nothing. (1462)





3:15 – Car blocking half the N. travel lane. Monitor does nothing. (1467)

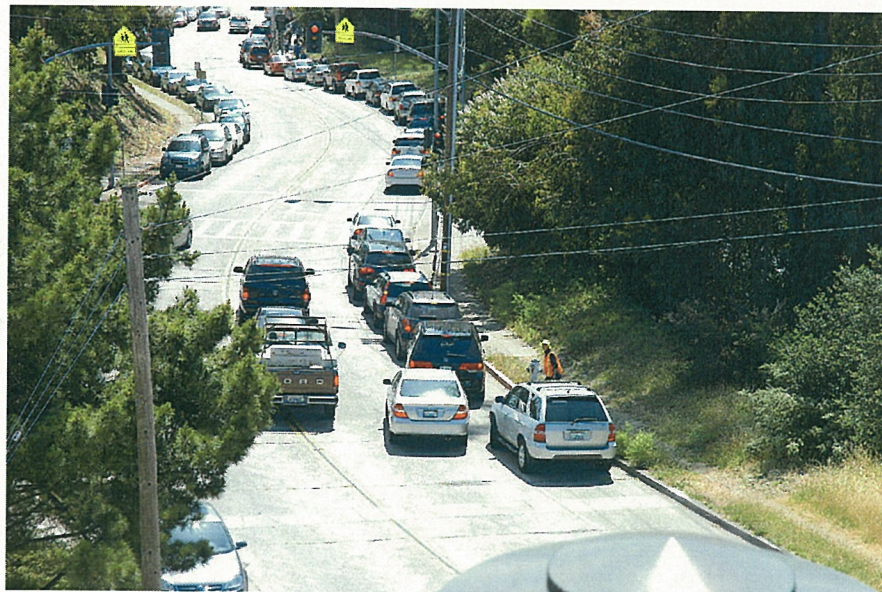


3:15 – Another car blocks lane. Monitor stands there just watching. (1468)





3:16 – Cars and truck going over double line to avoid double parked car. Monitor just stands there, doing nothing. (1469)



3:16 – Most of truck forced into S. travel lane. Monitor does nothing. (1470)





3:22 – Loading on S. side of street. Monitor does nothing. (1479)



3:22 – Contract bus leaving and AC bus arriving. Contract bus at front gate. (1481)

S. = southside travel lane, which is on the side of street in front of Lincoln Child Center  
N.= northside travel lane, which is on the HRS side of street  
Q = queue

May 15, 2012 – Tuesday – Sitting on lower Lincoln Child Center stairs near Alida St.

8:10 a.m. Arrived at site. Two AC buses leaving and one AC bus arriving. N. traffic travel lane Q backed up behind HRS rear driveway traffic light. Children dropped on S. and N. sides of street. One security guard acting as crossing guard.

8:12 I see one monitor in vest. Q at least to Greek Church in N. travel lane. Traffic moving in S. lane but not moving in N. travel lane.

8:13 Contract bus arrives and goes into parking Q on N. side.

8:15 Another contract bus arrives. N. travel Q has five-plus cars. Parking Q up beyond back driveway. Travel lane N. same.

8:17 N. Q travel lane – 12 cars. Unloading continues on both N. and S. sides of street, including children going through car trunks.

8:20 Parking N. Q beyond traffic light at back driveway. N. parked cars and N. travel lane cars merging together – does not appear to be safe.

8:22 N. parking Q still above traffic light at back driveway. Merging and parking cars looks unsafe. Monitor closest to gate doing nothing. Parked Q N. side moves up towards front gate. Travel N. lane Q backed up, but clears with change of light.

8:25 14 cars in N. parked car Q. Parked cars merging into N. travel lane – looks unsafe.

8:27 16 cars in N. parked car Q. Parked cars continuing to merge into N. travel lane with moving cars in the travel lane. There is nobody directing them and it looks unsafe.

8:30 One male monitor with short black or dark brown hair, Caucasian, walks back to the school and leaves area. Traffic moving and no parked cars.

8:32 Crossing guard leaves.

At first it appeared that there was only one traffic monitor, but around 8:20 I noticed a second monitor in a vest further up the hill on the N. side of street, above the front gate. That second monitor disappeared before the first one left the area and I did not get a good look at the first monitor who was standing up the hill, out of my view due to parked cars.

As I sat on the Lincoln stairs at 8:30, a young man approached me from LCC and told me that they were about to receive emotionally disturbed children. I asked him about the routine for LCC and HRS as to student drop offs. He told me that “the plan is that HRS drops off from 8:00 to 8:30 and LCC drops off from 8:30 to 9:00. In the afternoon LCC’s pick up is done around 3:00 and HRS does their pick-up from 3:00 to 3:30.” I asked him how LCC was able to get their contract buses to follow that schedule (which I’ve noticed that they are doing) and he referred me to the director.



No photos were taken due to my proximity to the students who were entering the school.

I stopped to visit with a neighbor on my way to my car. As I was driving up Lincoln around 8:45, an Oakland fire truck came down Lincoln Ave. with its lights flashing. I thought that if that fire truck had arrived 15 to 20 minutes earlier, it would have had to leave the N. travel lane and proceed down the S. travel lane into oncoming traffic to make its way down Lincoln Ave.

S. = southside travel lane, which is on the side of street in front of Lincoln Child Center  
N.= northside travel lane, which is on the HRS side of street  
Q = queue

May 23, 2012 – Wednesday – At top of stairs, on terrace of Greek Church.

8:03 a.m. Arrived. Traffic moving in both directions. Two AC buses arrive in N. travel lane.

8:06 Another AC bus arrives. Car parked in the N. parking lane near fire hydrant. Parking Q N. side backed up about half way along marked cement posts.

8:09 Cars going down back driveway. Traffic moving in both directions.

8:11 AC bus arrives. Two people on bikes arrive.

8:13 N. parking Q is the same. Contract bus arrives and bus pulls into middle of parking N. Q. (1490, 1492)

8:15 Second contract bus arrives – unloading in the N. parking Q. Cars in N. lane have to pass bus while it unloads students.

8:18 Buses leaving. Large waste management truck (looks like a 16 wheeler) filled with dirt goes down Lincoln on N. side. (Possible violation of the prohibition against trucks this large on Lincoln and presents danger of brake failure during drop-off.) (1497)

8:20 Kids unloading from parked cars at the end of N. parking Q. AC bus arrives. One monitor now visible about half way between back driveway and main gate. (1498)

8:22 N. parking Q almost backed up to rear driveway. Two kids on bikes go down driveway.

8:24 Kids continue unloading near back driveway Q. No monitor visible. Traffic moving in both directions.

8:29 Travel lane N. – 14 cars back from red light and past the church. Traffic moving in both directions, however. (1499)

8:30 Parking Q N. side emptying. I can see many (7) cars actually parked in N. parking lane before back driveway and about 20-30' downhill from it. The unloading I saw must have been in front of and behind these parked cars.

8:34 Traffic moving in both directions. Leaving.

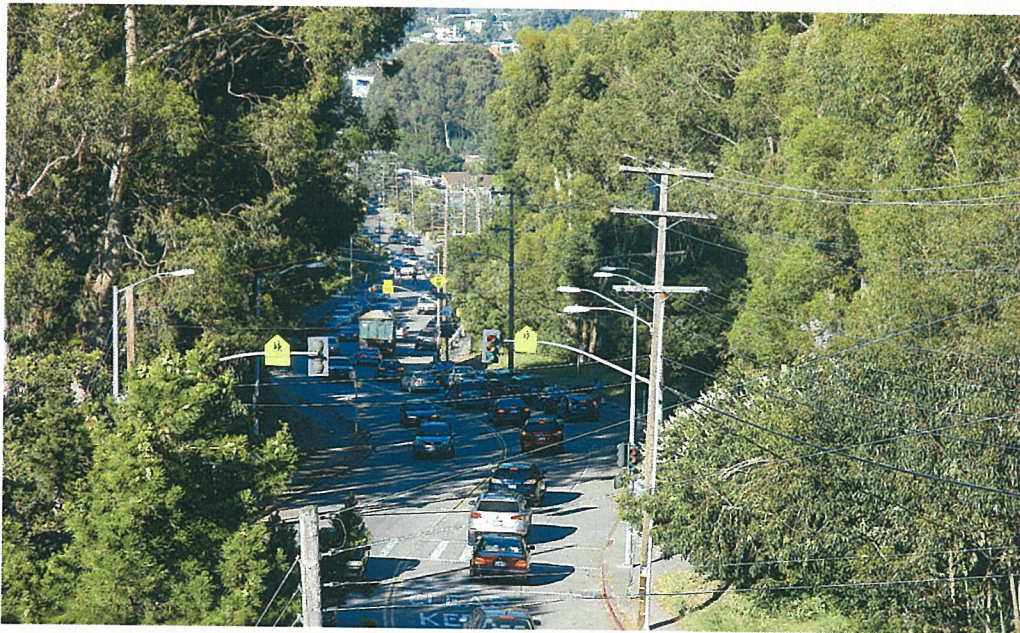
The traffic seemed to move better today than when I last monitored the traffic from the street near the back driveway. However, the unloading of buses in the middle of the parked car Q did not seem to be safe and created the need for eastbound traveling cars to get around the bus. These buses should arrive much earlier and unload close to the front of the school where the monitors and crossing guard are located. Instead, they are consistently arriving in the middle of the parent drop-off period, slowing down traffic, and adding to the chaos.

Also, it seemed that unloading children all along the street and on both sides of it was unsafe, especially given the absence of monitors. It places a high burden on children to look around them and accurately predict and assess traffic dangers such as the waste management truck, cars turning into the driveway, cars passing the bus, etc.



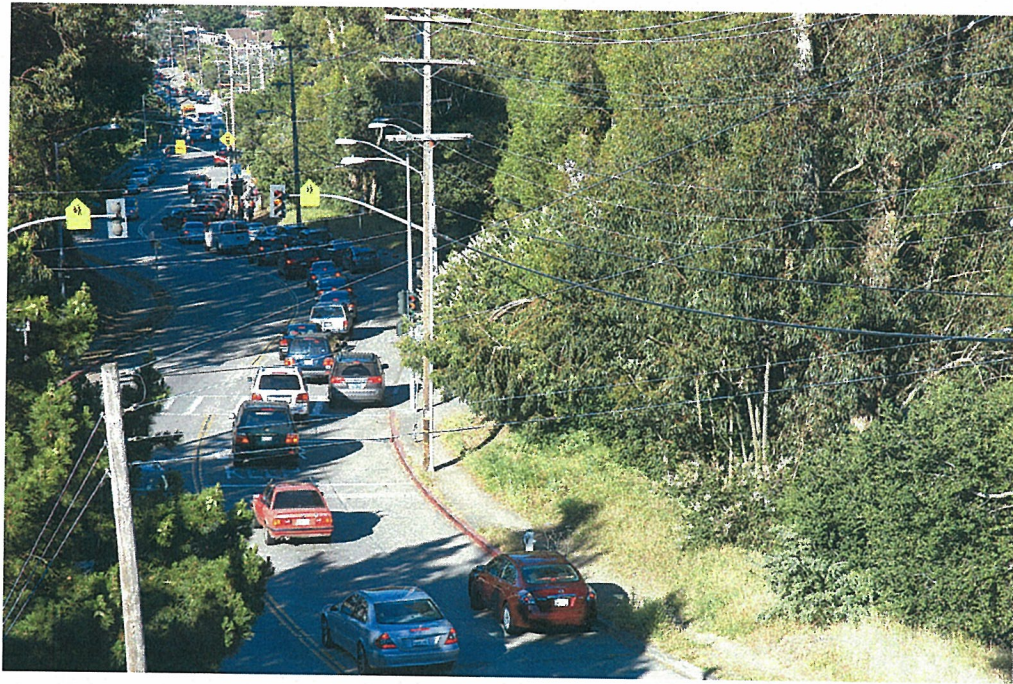


8:13 a.m. Contract bus arrives, parks in middle of N. parking lane, and unloads students. (1490, 1492)

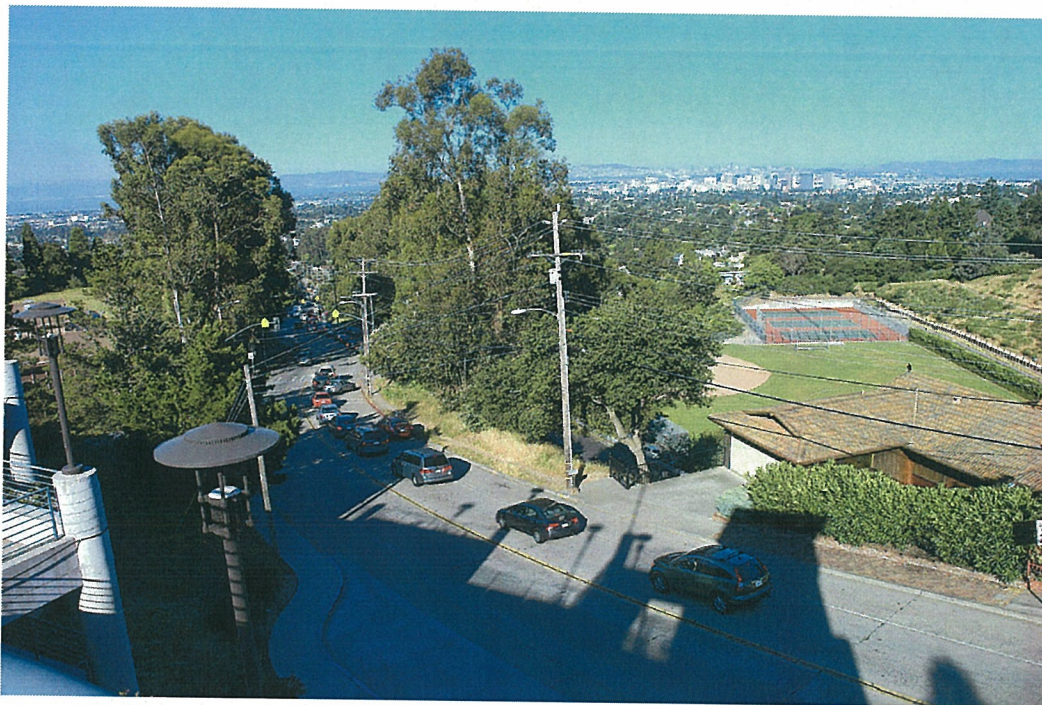


8:18 Waste Management truck with dirt blends into the traffic, although it may be in violation of truck prohibition on Lincoln. (1497)





8:20 Students unloading from parked cars along street on N. side. Shaded side of photo, right middle. (1498)



8:29 Length of Q from light up past the Greek church. (1499)

## **M E M O R A N D U M**

**TO: HRS & H. KLEIN**  
**FROM: Neighborhood Steering Committee**  
**RE: Traffic monitoring**  
**DATE: June 1, 2012**

On several days over the last few weeks, neighbor volunteers have observed, filmed, and logged various problems occurring primarily on Lincoln Ave. during the Head Royce (HRS) drop-off and pick-up times. Attached are the logs and photos regarding those problems. They will not be a surprise to city staff or HRS – previously, there have been many photos, complaint letters, and discussions about these very same issues. This is to provide an updated factual report, findings, and recommendations.

### **A. Background Information**

According to the city planning department file, a dispute developed around 2008 between neighbors and HRS because of traffic problems that neighbors associated with HRS' drop-off and pick-up operations. The neighbors complained to the city, culminating in a meeting on July 28, 2009 involving neighbors, HRS, and city staff.

Heather Klein, the city planner assigned to handle the three-phase HRS Planned Unit Development project, wrote a letter to HRS on November 16, 2009 in which she confirmed the city's conclusions that had been discussed during the July 28, 2009 meeting. Specifically, Ms. Klein informed HRS that city staff had looked into the neighbor complaints and concluded that: 1. the school was out of compliance with its 2006 and 2008 use permit conditions in several regards; and 2. that the failure to comply with the conditions was creating an unsafe traffic situation on Lincoln Ave.

Between November 16, 2009 and April 13, 2010, HRS and Ms. Klein traded several letters and emails in which Ms. Klein reiterated that HRS was out of compliance with its use permit conditions, including the traffic mitigation condition and HRS' representatives disagreed. The city intended to refer the permit compliance matter to a hearing officer and schedule a formal abatement hearing.

According to the neighbors, around the middle of 2010, Paul Chapman, HRS' former Head of School, retired and Mr. Rob Lake was hired as his replacement. Mr. Lake asked that the city set aside the hearing option so that he could try to resolve the neighbors' concerns. Presumably, he also intended to bring the school into compliance with the use permit. The neighbors agreed to the delay in city process, and engaged with HRS representatives in an effort to resolve the problems.

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The neighbors found that the relationship with Mr. Lake and Ms. Martha Sellers, an HRS trustee, improved communications greatly. Previously, there had been much animus between representatives of the school and the neighborhood group representing the neighbors' interests. After several months of brainstorming and implementation of changes in traffic education and enforcement, the neighbors felt that Mr. Lake's and Ms. Sellers' efforts had improved the traffic situation by preventing u-turns on Alida St. and lessening some of the chaos that was occurring on the residential streets feeding into Lincoln Ave.

However, the neighborhood representatives were dissatisfied that the school was moving slowly to develop a traffic management plan (TDM), as mandated by the city in the PUD use permit conditions, and the school did not agree to put the new traffic procedures into a modified use permit. Also, while there had been some improvement, the overall traffic situation on Lincoln Ave. and in the general neighborhood remained consistently problematic in the same ways mentioned in Ms. Klein's prior correspondence to HRS. Furthermore, over Ms. Klein's objections and the city's finding that the enrollment exceeded its legal cap, HRS added 40 more students to its population, which aggravated the traffic load on Lincoln Ave.

Recently, HRS announced that it intended to purchase the Lincoln Child Center property across the street from its current campus. At that point, the group of neighbors which had been working on traffic and other problems with HRS and the city was joined by homeowners in a second neighborhood. The second group of neighbors are located in the area of Camellia, Charleston, Laguna, and Linnet streets, which are adjacent to Lincoln Child Center. These neighbors (CCLL) became concerned about neighbor reports suggesting that HRS had not been a good neighbor due to the above described conflict and also due to unresolved nuisance problems occurring on another side of the HRS campus.

CCLL joined together with the first group of neighbor representatives to form the Neighborhood Steering Committee with the intention of resolving the conflicts on behalf of the entire, larger neighborhood. As "fresh eyes" on the problems, the CCLL neighbors suggested that it would be worthwhile to really conduct systematic observations of the current traffic conditions and how these conditions might or might not be related to HRS' handling of its drop-off and pick-up operations.

## **B. Methodology**

On random days and as time allowed, CCLL neighbor volunteers located themselves in areas of the neighborhood where they could observe the traffic patterns during drop-off and pick-up times. Each volunteer had his or her own



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method for recording observations, including: taking photos or filming, writing logs with times, writing general notes of observations, or some combination of all these methods. No filming or photographs were taken of children or their families, except from a great distance and the persons' faces are not recognizable.

The volunteers decided not to observe and record a few days before and on the Friday of the Greek Festival as that event added variables that were not normally consistent with the traffic conditions on Lincoln Ave. For perches, they chose the top of the stairs on the Greek church terrace and sometimes other locations on the terrace, a parking spot in the south side parking lane of Lincoln, the steps in front of Lincoln Child Center, and a sidewalk location downhill of the school on Lincoln. This last location was discontinued after one attempt because the volunteer was challenged by someone from HRS. While the volunteers were highly visible and did not try to hide, they also did not interfere or cause the school personnel to find them an irritant.

Rather than focusing on the use permit conditions of approval and its traffic mitigation measure, the volunteers looked at the traffic through the eyes of experienced drivers and pedestrians. They specifically looked for instances during the drop-off or pick-up times that were problematic because of safety issues for drivers or pedestrians. They also considered the availability of emergency vehicle access. While some photos were taken showing baseline traffic conditions without HRS traffic, almost all of the photos and film relate to the volunteers' findings. It is important to keep in mind that the film and photos did not record all of the times when there were no problems or when there was no risk of injury to drivers or pedestrians.

### **C. Findings and Conclusions**

**a. North side parking queue during pick-up results in partial blockage of north side travel lane:**<sup>1</sup> Of the different problems that were recorded, one of them particularly represented a significant threat to driver safety. On a consistent daily basis, drivers began arriving at the front gate and parking in a queue. This queue would steadily back up as more drivers came to pick up the students and as it lengthened, it went into the red zone where the fire hydrant is located, east of the HRS rear driveway. It continually added more drivers up the hill, in front of and blocking two private driveways and east of the two prominent dragon statues.

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<sup>1</sup> When we use the term "north side" of the street, we are referring to the side of the street where HRS is located. When we use the term "south side" of the street, we are referring to the side where Lincoln Child Center is located, which is directly across Lincoln Ave. from HRS. This usage is the same as used by Dowling's traffic engineers and by city staff in their documents.

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The drivers typically seemed to avoid parking directly in front of the fire hydrant, but were comfortable parking in the adjacent red zone. As a result, a small opening developed in front of the hydrant or within the red zone area. Then, a driver would decide to poke the front of his car into that small opening, leaving the rear of the vehicle blocking a portion of the westbound travel lane, on the north side of the street. At that point, all westbound vehicles, buses, and trucks were forced over the double yellow lines into the oncoming eastbound traffic in the travel lane on the south side of the street. Sometimes, more than one car would edge into the red zone further adding to the problem.

Neighborhood representatives previously reported this exact, highly dangerous scenario to HRS leadership, with photographs, many times in recent years. They promised the neighborhood representatives that this problem would receive priority attention. That never happened.

Below is an example of the results:





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**b. Ineffective and too few monitors:** It appeared to the volunteers that the monitors were often different people from one day to the next. While the security guard acted as a crossing guard and did a good job, the school monitors seemed to just stand on the sidewalk and not do much. Their one function that was clearly visible was asking the drivers in the back of the north parking lane queue to pull up into the empty spaces created by the cars that left from the front gate area and uphill of it.

There was clearly a need for a monitor to be present near the end of the queue, close to the HRS rear driveway area near the fire hydrant and red zone, but we continuously saw that a monitor only arrived in that general area at the end of the pick-up time and then, only to tell the drivers to fill up empty spaces down the hill. For example, despite an obvious need for the monitor to address the problems with cars lining up in front of the fire hydrant and blocking private driveways, the monitor stood on the sidewalk doing nothing. Here is the example:

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Similarly, the monitors were observed only one time by a volunteer interfering with a child jaywalking. Otherwise, they stood by while children were loaded or unloaded on the south side of the street in the travel lane or while other unsafe driver or pedestrian activities were occurring. Also, the total of only two monitors during the drop-off and pick-up times was woefully inadequate, even if they had been well trained and were actively fulfilling their duties.

The volunteers were particularly concerned that the presence of the monitors created an unrealistic aura of safety. A parent could easily and mistakenly conclude that because there were two people wearing vests, and a security guard handling crossing guard duties, there was adequate traffic safety. Similarly, drivers could assume that they could be less watchful than they might otherwise be while passing a school. The dangers recorded by the volunteers, however, are very real.

**c. Buses arrive randomly and contribute to the traffic problems:** The drop-offs in the morning involve more traffic congestion than in the afternoon because the parents and school staff compete with the resident commuter traffic. In the afternoon, there is no commuter traffic and the overall traffic load is lighter.

Condition 24 is the mitigation measure in the 2006 use permit. It requires that HRS “stagger the pickup times so that the buses are loaded and leave prior to the start of pickup.” However, the volunteers consistently noticed that, both during drop-off and pick-up times, several AC Transit and school contract buses show up at random, and often during the heaviest traffic congestion. During the drop-off period, the traffic slowed down or completely blocked passage in both directions because of the combination of resident, car school-related traffic, and the buses. Because the buses labor up Lincoln Ave. after they drop off students,



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they go at a very slow pace. They also unload wherever they can find a spot instead of in the area of the front gate, especially if there is already a bus in the proper bus unloading area. In the picture, below, the unloading is occurring midway in the block.



**d. School traffic preventing emergency vehicle access:** The buses and parent drivers unloading students enter Lincoln Ave. in the morning and then most of them also leave via Lincoln Ave. The vast majority of them leave in an eastbound direction towards Highway 13. The residents and business traffic mixes with this school traffic, slowing down the travel lanes in both directions. Generally, there are cars parked on both sides of Lincoln Ave., which combined with the slow traffic, prevents any emergency vehicle from accessing Lincoln Ave., or the many small residential streets that feed into it, in a timely manner. The closest fire station is on Skyline and the most direct route to the neighborhood is through Lincoln Ave. When that access is blocked, which often occurs during the morning drop-off, an emergency vehicle cannot get through quickly and would be significantly delayed for as much as ten minutes:



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**e. Loading and unloading were occurring in unsafe locations:** During our observations, we noticed that students were dropped off in the morning and loaded into cars in the afternoon on the north and south sides of Lincoln Ave. Most of the students got in or out of cars from the side of the car next to the sidewalk, but we also noticed students and drivers getting into cars from the travel lane side of the car.<sup>2</sup> As noted in the Dowling traffic report, city staff felt that this practice was unsafe:

Staff at the City of Oakland has expressed concern over pick-up and drop-off operations on the south side of Lincoln Avenue. They cite the potential disruption to business and residential access, the expansion of pick-up and drop-off operations on the public rights-of-way, pick-up and drop-off operations in an unmonitored area, and an increase in students crossing Lincoln Avenue as reasons for their concern.<sup>3</sup>

(Dowling report, dated December 19, 2011, p. 2, issue 3.)

The traffic engineers, who authored the Dowling report, did not disagree with the city staff's concerns. Despite these concerns, HRS continued the same practices.

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<sup>2</sup> We have at least one photo as an example of loading on the south side of the street, but the people in the photo are hard to view as the photo was taken from a distance. It can be found in the May 15<sup>th</sup> log.

<sup>3</sup> From our review of the city planning file, it appears that city staff was concerned about far more serious safety issues than just the HRS operation on the south side of Lincoln Ave.!



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We also noticed that parents loading or unloading in various places along Lincoln Ave. caused another dangerous problem. Because the parents do not load or unload just from the spot in front of the gatehouse, they pull out of the queue anywhere and everywhere along the queue, and into oncoming traffic. The drivers who are in the travel lane have no advance notice which cars are going to suddenly enter the travel lane after loading or unloading.

**f. Besides the inconvenience of waiting for the school traffic to clear, some of the residents on Lincoln were unable to use their own driveways:**

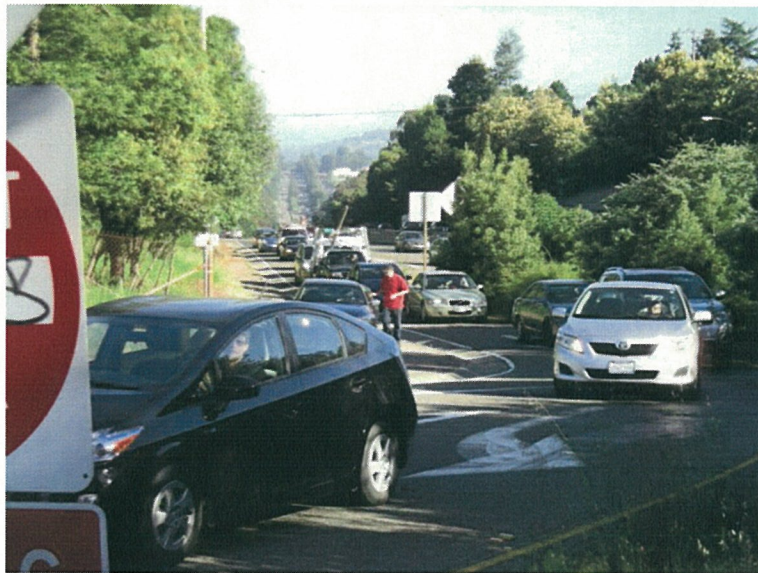
Despite the school handbook direction that parents not block private driveways, the parents often disregarded that rule, especially if the north side parking queue backed up in front of the two driveways near the dragon statues. The parents did not leave any space open for the residents to leave through their own driveways. Blocking driveways also occurred when parents wanted a place to pick up their child and did not want to wait in a queue:



**g. A particularly dangerous consequence of the traffic build-up is that vehicles back-up onto Highway 13 in the travel lane:** As Lincoln becomes congested during the morning drop-off and the cars back up, they also back up into the travel lane of highway 13. Drivers on the highway do not expect to find a car stopped in the travel lane and this presents a significant hazard that is actually starting down the hill at the school.



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**h. Events occur on Lincoln that are unpredictable and present additional dangers to pedestrians and drivers:** Lincoln Ave. is a restricted roadway due to accidents in which trucks have lost control, causing deaths, injuries, and substantial property damage. (See attached news article.) No trucks



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over four and a half tons are now allowed on Lincoln Ave. in the westbound (downhill) direction. However, the volunteers noticed that this law, designed as a life-safety measure is violated in two ways. First, there are trucks that just show up when they clearly do not belong on the road. Here, a Waste Management truck showed up on May 23, 2012 in the middle of the drop-off traffic (look at green truck in middle of photo):



The Waste Management truck is carrying dirt and appeared to be a sixteen-wheeler.

Second, HRS allows deliveries to its campus in trucks that exceed the legal limitations posted on the road.

**i. HRS fails or refuses to control truck deliveries to their campus:**

Many of the trucks that deliver goods to HRS' campus are carrying perishable food. As a result, they have generators on top of the trucks to keep the food refrigerated while it is in the truck. Other trucks, while within the posted legal weight limit for Lincoln Ave., are very large and make a great deal of noise due to the size of their engines, their braking systems, and/or their back-up beepers. They are particularly disruptive when they leave their engines idling, which is a very common occurrence with large trucks.



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These trucks often arrive very early in the morning, sometimes before 6:00 a.m. and then, presumably because there is nobody available at the school to accept the deliveries, they idle in front of the school's front gate. This gate is across from or in front of houses on Lincoln Ave. and Alida. The trucks also park in private driveways. As a result, they disturb sleeping, block neighbors' access to their own driveways, and interfere with neighbors' quiet enjoyment of their own properties. Below is an example of a truck that arrived at 6:30 a.m. on Wednesday May 30, 2012:



There is also a mulch truck that serves the school one time a year. It is either a 16 or 18 wheeled truck and trailer with the capacity to blow mulch onto the campus. It not only exceeds the weight limit for Lincoln Ave., but the engine used to blow the mulch onto the campus vibrates the nearby houses. One neighbor described the vibrations as knocking all the vases off of his shelves.

**j. U-turns continue to be a daily problem:** The school has enhanced monitoring in the Lincoln/Alida neighborhood during drop-off and pick-up hours. Neighbors have seen an improvement in the volume of U-turning in this neighborhood as a result. However, neighbors further down Alida near Linnet and at the intersection of Laguna and Alida have seen an increase in U-turn volume in their neighborhood, where HRS rarely posts monitors. In response, these neighbors have asked HRS to post more no-U signage at the corner of Alida and Laguna for the past year, and to date HRS has failed to do so. Though neighbors closer to the school appreciate the noticeable improvements in U-turns, the expansion of HRS footprint continues to lead to adverse impacts deeper into the neighborhood as their enrollment levels have grown.

Parents also continue using Alida, Lincoln below the HRS gatehouse, Tiffin, and Whittle to drop off or pick up their kids.

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#### **D. Recommendations**

We reviewed the Dowling Associates document, entitled "Head Royce TDM Plan and Implementation," dated December 19, 2011, and offer several observations:

1. It does not appear that the traffic engineers hired by HRS disagree with any of the findings that the volunteers made during their observations, although they seem more interested in U-turns than in some of the other significant safety issues.
2. The suggestions for corrections include possible strategies. Despite that this report was written in December 2011, to date and to our knowledge, HRS has not experimented with any of the suggested strategies.
3. The document is not a TDM and lacks any data, including car counts. It seems to be a kind of "what if we tried" document that would not have required engineering expertise.
4. The document is not complete, even according to Dowling. At the end of the document is a long list of items that the company contemplated including in a real TDM. To date, the city file does reflect a TDM document.

The Dowling strategies basically fall into two categories. The first category would involve a good many changes to the school's Lincoln Ave. traffic operation and would require an enormous number of monitors and consistent handling by the school's staff. The second category would involve use of off-site shuttles and would require much less detailed rules, car counts, transmission of information from the school to parents, and rule enforcement.

In our opinion, the second approach (moving the pick-up and drop-off operations off-site) is an obvious choice for several reasons:

1. The school met with Ms. Klein and received her first letter regarding permit noncompliance in 2009. It has had all of that time, including the years prior to 2009, when the school received regular neighbor complaints, to fix the problems identified by neighbors and city staff. They have not done so.
2. The traffic problems, in some regards, are life-threatening and need emergent, successful solutions, but the school has been either unable or unwilling to figure out the solutions and implement them.

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3. By now, there should have been a completed TDM that was ordered by the city in 2006, yet there is none or anything that even closely resembles a TDM. By Dowling's own admission, at minimum they would have to complete the items in their outline, located on the last two pages of their report.
4. The new school director, Rob Lake, has now had two years to address and fix the traffic problems. If he was able or willing to do so, he would have. The problems should have been at the top of his priority list as they involve the safety of his students.
5. Recently, Mr. Lake commented to the effect, "We are in the education business, not the traffic management business." This statement suggests that the school either cannot or will not take ownership of the traffic safety issues.
6. The school has consistently viewed serious traffic hazards as a "community relations" problem that can simply be addressed through communication with the neighbors.
7. The school is in major noncompliance with its use permit in a number of regards, suggesting that it does not view compliance as part of its mission. This week, the school informed various people that HRS is again raising its September enrollment by accepting an even greater number of contracts than last year. The director and the board of trustees made this decision knowing the city's position that HRS is currently over its enrollment cap under its use permit.<sup>4</sup>
8. We find unpersuasive the argument that the use permit language from the 2006 PUD permit is so vague the school cannot do anything to fix its traffic safety issues. Oakland businesses have many older permits with few and sometimes with no conditions. Yet, everyday, businesses are able to resolve traffic safety issues and work with the city and neighbors to resolve conflicts. There is nothing magical about a use permit that prevents willing property owners from fixing problems.
9. The school has never applied for a modification to its use permit to clear up any issues that it saw as barriers to providing a safe traffic operation.

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<sup>4</sup> It is also not believable that HRS is unaware of its duties under the current use permit or how that permit legally operates. It's vice-chair of the board, who is an attorney, and its outside attorney are both former members of Oakland's planning commission. They know the legal significance of use permits, how they operate, upon what land they operate, and the enforceability of them. The school has had the benefit of their knowledge.



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Given all of these reasons, it is illogical to think that drafting an even **more complicated** set of rules and requirements, in the form of permit conditions for HRS to follow would be productive.

We also do not see the school's purchase of Lincoln Child Center as a silver bullet. According to Mr. Lake, he intends to spend at least two years figuring out a master plan for the property and at that time, will eventually address the traffic problems on Lincoln Ave. Meantime, we surmise that the school will continue to happily collect at least a million dollars of revenue per year from the illegally added enrollment while the traffic hazards continue unabated.

The issues raised by our observations fall well within emergent, life-safety concerns. The photos and film suggest that it would take very little change in circumstances for another tragic accident to occur on Lincoln Ave. due to the current conditions during HRS' drop-off and pick-up operations.

We are preparing and will submit our proposal for how the traffic problems could be effectively resolved along with the other HRS related nuisance problems that are not the subject of this memo.

Meantime, we welcome any comments HRS or the city may wish to submit to the NSC for our better understanding or consideration of the issues raised here.

## DECLARATION OF JUDY SIGARS

I, Judy Sigars, declare:

1. I purchased 26 Alida Court, Oakland, Calif. in 1998. Alida Court is a small street about a normal block long, and it runs into Alida Street. At the other end of Alida Court, there is a dead end with my house facing towards the court and Lincoln Ave. The end of Alida Court backs into Lincoln Child Center, an eight acre parcel with a school for emotionally challenged children.

2. At the time I bought my property, and escalating at least over the last three years, the traffic on Lincoln Avenue, generated by Head Royce School, has increasingly become congested and unsafe during drop-off and pick-up hours. I reviewed the May 2012 traffic report, prepared by neighbors and sent to the Heather Klein and the school. The description of the problems during the pick-up period is accurate, based on my observations of it when I am coming home.

3. I am a speech language pathologist for Hayward Unified School District and my commute hours are similar to Head Royce's drop-off and pick-up times. The most direct route to work would be for me to take Lincoln Ave. to Hwy. 13 in the morning, however it has become difficult to turn right onto Lincoln toward Head Royce due to traffic. I currently avoid going that way and instead drive the longer way down to 580.

4. In the afternoon, coming from Hwy. 13 down Lincoln Avenue, drivers who are in the neighborhood to pick up Head Royce students are weaving in and out of the lane and traffic is usually backed up at least to the traffic lights. It takes me considerable time to get to my house from the freeway.

5. Another problem is that parents use my street and Alida St. to make u-turns. Randy Morris, our neighborhood representative to the Neighborhood Liaison Committee, has frequently complained to Head Royce about this dangerous practice. When people u-turn on my street, they are violating the "no u-turn" sign and are blocking traffic. Because drivers behind them do not expect them to suddenly u-turn, there is a danger of a car accident. Also, these u-turns prevent residents from leaving Alida St. and Alida Court.

6. As a result of Randy's complaints, Head Royce has put up huge cones along the side walk with signs saying, "no u-turns." They also have children stand on Alida Street waving signs saying " please no u-turns." On the corner of Lincoln Avenue and Alida Street, there is a security guard posted by Head Royce in the mornings and in the afternoons. The cones, the kids with signs, the security guard all create the impression that I am living in a commercial or warehouse zone of the city as opposed to a nice residential area. I do not appreciate seeing cones in the street which sometimes block clear access or students waving signs on Alida St. or Alida Court as it feels like the neighborhood is just an extension of Head Royce's property.

7. In addition to traffic congestion and lack of privacy, the need for parking stickers for residents is a concern. I have had guests come to stay with me who must now move their cars every two hours during weekdays because we are in a limited parking zone. What was once a fairly quiet neighborhood has become a traffic nightmare and a seemingly commercial area dominated by HRS.

8. I learned recently that Head Royce has already expanded their enrollment again this year to well over 838 students and that now, they want to purchase Lincoln Child Center's property and further expand their enrollment. My backyard borders Lincoln Child Center's parking area and so I will be directly impacted by Head Royce's activities. Yet, Head Royce has demonstrated for years that they cannot manage the traffic that they now generate with their current expanded operation. Nor have they been a "good neighbor" in response to the Neighborhood Liaison Committee's request that they cap their enrollment and decrease the nuisance problems that they generate.

9. I am planning semi retirement in the next year. This means more time spent at home during the week. Not only will I have to live with Head Royce's building activities, but I will also have a poorly operated school right next to my home, further destroying my peace, quiet, and privacy that I so value and require at my home.

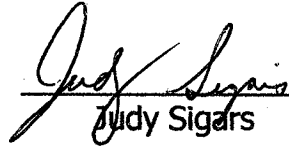
10. While I know that the city cannot prevent Head Royce from buying the Lincoln Child Center property, the city can respect my rights as a homeowner and force Head Royce to stop the nuisance traffic and other problems that they cause. In my mind, the city should substantially reduce the enrollment at Head Royce so that they have a much smaller operation and possibly can better manage it.

11. The drop-off and pick-up operations should be removed completely out of the neighborhood to another location with a shuttle service that drops the students and picks them up on the Head Royce property, rather than having their transportation needs spread around the neighborhood. The security guard, cones, and children waving signs should be discontinued on Alida St. and Alida Court; my neighborhood should be returned to residential use. My school district makes traffic safety a number one priority, while Head Royce has it as no priority. Given that attitude, it would be better for their students and our residents if the drop-off and pick-up operation was handled out of the neighborhood in a location where they can violate all the driver safety rules they like without impacting other drivers' safety and the sanctity of my street.

12. My house purchase was the largest investment that I have made or probably ever will make, and I chose Oakland for that investment. I pay substantial property taxes for my house and out of a very meager income. I feel that Oakland owes me more than to allow a private school to so incredibly invade my home, my street, and my neighborhood.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: July 9, 2012

  
Judy Sigars

## **Declaration of Lissette Gomez Berger**

I, Lissette Gomez Berger, do hereby declare:

1. I reside at 2456 Alida Street in Oakland, California. I live at this address with my husband, Douglas Berger, and our three year old daughter, Pilar.

2. We bought and moved into our house in March of 2008. Prior to the purchase we visited the neighborhood several times to see if the neighborhood was noisy and learn a little about the neighborhood. Since we visited in the evenings and on the weekend, we could not foresee the impact of living so close to the Head Royce School (HRS). However, immediately upon moving in, the issue came to light.

3. Beginning at 8 am and until sometimes 6 pm our neighborhood became the parking lot for HRS employees and students. If I had the misfortune of leaving and returning home during those hours, I could not park near my home. Due to the design of our home, we do not have a working driveway. Coming home with two leashed dogs, groceries, or a baby in a car seat was difficult, especially if I had all three which was often the case.

4. My husband and a few neighbors ameliorated this issue by spending many hours working to obtain Residential Parking Permits for the street which HRS funded (as was required by their existing use permit with the city). However I understand that the need for the permits has inconvenienced neighbors who often have guests or more than two drivers/cars in the household. Unfortunately, this inconvenience has caused some tension amongst neighbors.

5. Another issue that immediately became an apparent was the high level of traffic and speed of cars around the drop-off and pick up hours. As I mentioned earlier, we must park on the street and if you are trying to get in your car at this time, you must be careful to not get hit by these cars that are in a hurry to get somewhere. My husband has almost been hit by cars on at least two occasions. I feel anxious when I am getting my daughter in the car in the morning to get her to school.

6. During these times, the most amount of U-turns on Alida Court and Linnet take place. My neighbors had already obtained no U-turn signs for those intersections before we moved in. It wasn't until after I moved in that I realized that the only way to park in front of my home when I turn from Lincoln Ave (the only way to reach my house) is to turn my car around by making a u-turn on Linnet or by making a three-point turn on Alida Street. Due to the traffic, the three-point turn is not safe. So in trying to reach my house I have been harassed my neighbors who are fed up with all the u-turns. When I have introduced myself and explained my predicament, they have suggested that I drive several blocks away to where there are no more signs and turn around there. Needless to say, I feel anxious approaching my home every day.

7. I illustrate this point only to show that the existing abnormal high levels of traffic and u-turns created by HRS have not only created safety issues, but have had a negative impact on the quality of life in the neighborhood. Speaking of which, HRS' response to the traffic situation that they create has been to have security guards walking up and down our block all day, position red cones with signs telling parents not to park in front of my house, and to have students/cheerleaders at all corners pumping giant "no u-turn" signs at every car that drives



by, including me. Every weekday. I feel that this ever presence and visual display is disturbing and not appropriate for a private street in a quiet neighborhood.

8. Once I make it off my block in the mornings and turn right onto Lincoln I am then faced with the chaos of the HRS student drop off. Parents are usually in a hurry to get to work as I am. Just the other day a parent left the queue in a hurry with a little too much gas and almost crashed into my car head-on. This has only happened once, but once is enough.

9. I also agree with neighbors that the traffic congestion is a problem should we need emergency services during these hours.

10. HRS is a beautiful school that from what I understand provides a quality education. Unfortunately the large campus was built on a bottle neck. On weekdays, my neighborhood feels like the HRS parking lot. This is also true for the evenings that the school has events since it is after the residential parking permit hours. The traffic patterns created by current enrollment are not safe. I am opposed to the school increasing enrollment and maintaining this level of enrollment until they find a real solution to their traffic problem.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: July 28, 2012

  
\_\_\_\_\_  
Lissette Gomez Berger

## **DECLARATION OF LORI MORRIS**

I, Lori Morris, declare:

1. I live at 1 Alida Court with my husband and two children. I am a school counselor, and have worked for the Piedmont Unified School District since 2001. As an employee of a local school district, my work hours coincide with the local Head Royce school hours. The most direct route to and from my work is to go up Lincoln Avenue and to return down Lincoln Avenue each school day.

2. We bought our house in July of 1997. Soon after moving to Alida Court, my husband joined the HRS "neighborhood liaison committee" (NLC) to discuss issues of impact to my family and neighborhood. It is frustrating to see the amount of time he spends discussing unresolved issues with the school, without significant changes, and in recent years, worsening conditions.

3. My husband has submitted a declaration, so I don't need to repeat what he has already stated. Instead, I want to focus on the specific issue that most impacts me. Because I drive to and from work at the same time as HRS school drop off and pick up, I must report that there has been a noticeable increase in the congestion over the past number of years. When we moved here in 1997, there was traffic associated with HRS drop off and pick up. However, I have noticed a significant increase in the last few years. As I understand it, this coincides with enrollment increases the school made during this time. My driving time to and from work has been impacted.

4. Often I have observed cars making dangerous 3-point turns in my driveway while I am attempting to pull out on my way to work, or as I am returning. These turns are very dangerous, as there is heavy traffic from the HRS cars turning from Lincoln Avenue onto Alida Street. When a car attempts a 3-point turn in our driveway, not only do they inconvenience and endanger me on my way out, but they block the flow of traffic, and in some cases almost hit cars in their attempt to reverse and return toward Lincoln Avenue. I have seen many cars do this over the years, even right in front of the HRS monitors that have been posted in the neighborhood. The worse violations seem to be during the summer school program.

5. Though 3-point turning is a regular and dangerous activity that concerns me, the most worrisome situation of all is on Lincoln Avenue. Because I drive up and down it at the same time as the HRS drop off and pick up, I have been able to observe the congestion increase over the recent years, leading to more and dangerous events. Nearly every day I see HRS cars cross over the double yellow line in either direction as other HRS cars partially pull to the side of the road to drop off a child. Last week I observed the aftermath of a car accident in front of the school around 5pm during a pick up time when many HRS cars were lined up to pick up their children. Though I did not observe the accident directly, seeing the aftermath reminded me how dangerous Lincoln Avenue is when clogged up with HRS cars dropping off and picking up children.

6. As recently as last week, when I was driving home later than normal, I observed a HRS car pull out of their parking lot onto Lincoln Avenue. It followed my route down Lincoln, and turned left on Alida like I did. As I was preparing to turn left into my driveway, I put my blinker on, as I needed to stop for an oncoming car approaching Lincoln Avenue. As I started to turn into my driveway, the HRS car behind me sped by me on my left, almost causing an accident. These near-misses are more regular in the recent years as the school has grown in size. I strongly feel that the school has outgrown the neighborhood and I am concerned about what seems to be a pattern of continual expansion over the years that I have lived here.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: July 31, 2012



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Lori Morris

**NEIGHBORHOOD STEERING COMMITTEE ET AL.  
VERSUS HEAD ROYCE SCHOOL**

**NEIGHBORHOOD SUBMITTED DOCUMENTS (NSD)  
VOLUME 3**

**AUGUST 8, 2012**

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## DECLARATION OF RANDY MORRIS

I, Randy Morris, declare:

1. I live at 1 Alida Court with my wife and two children. I have worked for the Alameda County Social Services Agency since 1995 and am currently the Director of the Agency's Adult, Aging, and Medi-Cal Services Department, which serves 300,000 Alameda County aged, blind, disabled, and poor residents of our County.

2. We bought our house in July of 1997. I love where I live with one exception: the impact Head Royce School (HRS) has on the safety and quiet enjoyment of my neighborhood. Soon after moving to Alida Court, I joined the HRS "neighborhood liaison committee" (NLC) to discuss issues of impact to my family and neighborhood. After about three years of participating in these meetings, I stopped attending, as I experienced the school's administration as arrogant, elitist, and dismissive of issues neighbors brought to the school's attention. Further, of great offense, I grew tired of hearing the school's mantra that its mission as an elite private school was of such moral importance to the city of Oakland that its continued growth was paramount, and adverse impacts on the neighborhood needed to be tolerated by neighbors.

3. In 2003 when HRS convened a large neighborhood meeting to announce its intent to expand enrollment as part of a 15-year master plan, the neighborhood initiated a process to oppose the school's growth by collecting declarations of concern, such as the one I am writing now. To the school's credit, it made a commitment to slow down their planning process by convening a series of neighborhood meetings with the goal of becoming a better neighbor, and integrating solutions to problems created by the school into their new master plan. In short, they committed to developing a plan that would allow the school to increase in size while decreasing their impact on the neighborhood. At that time HRS admitted to being out of compliance with their use permit due to significantly over-enrolling and planned to ask the City to accept their current enrollment level as part of the master plan.

4. In 2005, then HRS Board President Jeff Horowitz and Peter Smith, a former chair of the Oakland Planning Commission, attorney, and longstanding trustee of HRS, worked with residents along several streets surrounding HRS to develop the neighborhood agreements that were attached and incorporated into the current use permit. After a few large neighborhood meetings, HRS asked to break meetings up into smaller groups to better focus on each set of neighbor issues. HRS promised each neighborhood ample time to discuss concerns and develop solutions. HRS representatives then spent four months in meetings with neighbors in the Whittle neighborhood and developed a formal agreement with them. The HRS board voted to accept the agreement and move forward with the City Master Planning process. After this HRS board vote, Jeff and Peter approached the Lincoln neighborhood and my neighborhood seeking our signatures to agreements they drafted in isolation and without ever meeting with us.

We protested, and HRS provided us one week to respond to their draft agreement, as they had already scheduled a meeting with our City Council representative Jean Quan to celebrate their agreement with "the neighborhood." We hastily put together our wish list and replied by providing an expanded agreement with more protections to our neighborhoods. HRS representatives became irate. They replied that our demands were unrealistic. Ms. Quan's chief of staff, Richard Cowan (whose daughter attended HRS at the time) followed up with calls pressuring us to sign our neighbor declarations. We eventually signed the agreements drafted by HRS, worrying that without doing so, we would get less than what we believed they promised in their draft agreements. Further, and of great relevance to the current challenges with HRS, they promised they would work with the NLC on the "details" of how HRS would lessen their impact, and that we didn't need to worry about the formal neighbor agreements, as their commitment to being a better neighbor was sincere. One protection we thought was clear in our agreement was that HRS would not increase their enrollment from one phase to the next until reaching compliance with the conditions listed in the neighbor agreements and approved by the City.

5. Unfortunately, our neighborhood did not reap the benefits promised by the school during these negotiations. Instead, I have since watched the school grow in size and impact, and experienced the school much as I did before their convincing statements of becoming a better neighbor when they wanted my public support for their master plan.

6. Part of the use permit required that the NLC remain in existence and that its function would include having representatives from the neighborhood meet with representatives of the school to discuss any problems and their solutions. The school was responsible to better manage their impact on the neighborhood. However, the school also created new avenues to field complaints from the neighborhood through not only the NLC, but by instituting a neighborhood concern phone line staffed by HRS employees. Presumably, the school representatives' job was to explore good solutions such that the school and residents could live and work comfortably together in a shared neighborhood.

The neighborhood representatives included Josh Theriot (Lincoln Ave.); Randy Morris (Alida and Alida Court); Hollis Matson (Laguna); Don Dunning (lower Whittle); and Michael Thilgen (upper Whittle); (a representative from Burlington Street dropped off the committee in about 2007, citing the hostile and disrespectful treatment of neighbors by HRS representatives) The HRS representatives included Peter Smith, Scott Verges (added to the committee later), Paul Chapman- the Head of School, Dennis Malone- CFO and business manager, Jennifer Keenan- a parent and chair of the HRS board facilities committee, and Mary Fahey, a faculty member who was assigned neighborhood relations responsibilities. Jeff Horowitz dropped out of the meetings once the use permit was approved by the City, and Peter Smith became the lead HRS representative managing the NLC and neighbor complaints.

7. Over the next two years, neighborhood representatives raised many issues. The main issue was that we failed to see the relief from excessive vehicle traffic that was promised to the neighborhood; in fact, we saw immediate and bigger problems due to increased enrollment. We expressed concerns with the school's plans to continue increasing enrollment once it built new parking spaces, despite the fact that HRS could not adequately control their operation. The huge enrollment, combined with poor management, caused or exacerbated the following problems in the neighborhood, many of which remain unsolved today:

a. Large numbers of HRS parents dropped off and picked up twice a day, forming long car queues on Lincoln Avenue. These queues backed all the way onto Highway 13, stalling business and resident access to Lincoln Avenue

b. HRS parents frequently double-parked on Lincoln during drop-offs and pick-ups, which pushed traffic over the double yellow line into oncoming traffic. There were simply too many cars, and not enough space to accommodate all these vehicles on Lincoln Avenue

c. Children and adults jaywalked across Lincoln and engaged in other dangerous behaviors as they entered or left cars during pick-and drop-off.

d. Parents blocked driveways and used residential streets all over the neighborhood to pick up or drop off students

e. Parents frequently made unsafe u-turns at Alida and Alida Court, which is conveniently close to the school and Lincoln Ave. They also made three point turns in my driveway from Alida Court. These driveway U-turns are particularly dangerous given how close the driveway is to Lincoln Avenue where a steady flow of more HRS cars are turning quickly.

f. The Head Royce summer camp program created even worse parking and traffic issues than the regular school year. The summer program also generates a higher volume of noise that is inconsistent with normal noise from a school

g. Students were allowed to roam unsupervised to remote areas of the HRS campus where they generated loud noise and engaged in smoking and other unacceptable behaviors next to the Whittle neighbors' properties. Neighbors repeatedly found evidence of alcohol consumption as well as burnt matches in these areas. Neighbors were impacted by noise, and were particularly concerned about the potential for wildfire spreading through the area as a result of these activities.

- h. Parents, guests, vendors, and school staff parked all over the greater neighborhood, competing with residents for parking space.
- i. Early morning deliveries (often before 7am) were made by huge trucks that are illegal on Lincoln Avenue. A four-and-a-half ton weight limit is posted on Lincoln.
- j. Deliveries made so much noise that they woke the neighbors or disturbed them while they were at home. Some of the delivery trucks were huge, with loud engines and noisy generators to refrigerate food. The noise sometimes vibrated the houses near the school.
- k. Speeding trucks and cars on narrow Whittle endangered the residents and their pets
- l. HRS displayed a general lack of responsiveness to neighborhood complaints despite the creation of the neighborhood concern line and there was almost no response to complaints made during summer school sessions.
- m. The few monitors HRS did rotate into limited parts of the neighborhood (with the one exception of Mary Fahey, who had a full time job in the PE dept) rarely "monitored"...they were regularly observed listening to music, texting, talking on the phone, or in one instance of a student monitor- making out with a boyfriend. HRS tried to reference placement of monitors as an effort on their part to respond to concerns, but the monitors were ineffective as they had little to no training and supervision. They did not approach vehicles that violated driving rules. Nor did they document the violations by photography or notes, as the neighbors had repeatedly reminded the school was promised in the neighbor agreements.
- n. HRS made little progress on their promise to establish a complete database of car licenses related to HRS, and implement a system of escalating consequences for bad driver behavior. There was no functioning data base to identify summer program cars.
- o. There was a steady increase in the number of events held by the school that created noise, brought congestion and safety problems deeper into the neighborhoods, and routinely disrupted the quiet enjoyment of our neighborhood on evenings and weekends. Evening events routinely ended late, with additional noise from people returning to their cars. (In the past three years the number of events has increased dramatically)
- p. During the construction phase of the master plan, the construction company hired by HRS regularly violated its permit by

working outside construction hours, particularly on the weekends. HRS regularly cited rain delays and an aggressive timeframe to build a parking lot in time for the next school year as justification for permit violations. In addition, they regularly cited the relief the parking lot would provide the neighborhood as rationale for why we should tolerate the violations.

8. In the early stages of the master plan, HRS NLC meetings were somewhat harmonious as HRS singularly focused on providing neighbors with updates on their construction project. Unfortunately, as neighbor representatives grew impatient with HRS' failure to respond to the issues listed above, we began to experience the meetings as uncomfortable and tense, and eventually hostile and disrespectful. Peter Smith eventually became angry, dismissive, and arrogant. HRS Trustee Scott Verges joined the HRS representatives on the committee (without consultation with the neighbors and request for approval). The neighbors experienced the two as bullying and hostile; the Burlington representative left the committee as a result.

9. Between 2006 and 2008, the school regularly cited lack of resources and infrastructure as reasons for its failure to institute systems to mitigate its impacts on the neighborhood. Further, HRS regularly pitted neighbors against each other, again citing limited resources, as reasons it could only focus on some neighbor impacts, but not all. HRS administration asked the neighbors to stop reporting violations to them directly, but to instead contact the neighborhood concern line. Those managing the neighborhood concern line referred us back to HRS administration to resolve the issues, as they lacked the authority or time to address the high volume of incidents impacting the neighborhood.

10. As these impacts remained or grew, and HRS continued to reference their plans to increase enrollment as part of Phase II of the master plan, the neighbors on the NLC vehemently argued that HRS had failed to fulfill many of the promises made to the neighborhood that were included in the use permit. Consistent with its historic arrogant and elitist approach to the neighborhood, the school was dismissive and made no effective efforts to alter their course or to resolve the issues listed in a-p above,

11. In 2008, HRS completed the additional parking spaces - one of several conditions for moving to Phase II of its master plan use permit. The neighbors formally opposed the intended move to Phase II enrollment levels and sought help from the City planning department. City planner Heather Klein agreed to attend an NLC meeting at HRS. The neighbor representatives reviewed the problems that were occurring in the neighborhood and the school's intransigence about correcting them. Peter Smith acknowledged the importance of maintaining a good relationship with neighbors in front of Heather, but continued refusing to accept that there were any serious problems or that the school was not complying with its use permit. Heather Klein encouraged the neighbors and HRS to work together to summarize outstanding issues, and suggested

that the use permit might be modified by replacing language in the neighbor agreements that were being interpreted differently by each party.

12. HRS refused to consider modifying the use permit, and continued to declare that they were in full compliance with the use permit and planned to increase enrollment. The City then made site visits to observe problems HRS created in the neighborhood. City planner Heather Klein then initiated a letter of complaint to HRS. Between November 16, 2009 and April 13, 2010, Heather Klein and Peter Smith corresponded with one another regarding the city's belief that HRS was not complying with its use permit, including the traffic mitigation measure. As in the NLC meetings, Peter continued to claim that there were no problems and that HRS was in compliance with its use permit. He also informed the city that the school planned to increase the enrollment from 798 students to 838 students, despite the planner's view that it should not do so. After the school increased enrollment in school year 09/10, issues listed above only worsened.

13. Neighbors and the City agreed HRS was out of compliance with its use permit. Neighbors engaged in discussion with the City Planning department to understand the City's role, why they lacked the authority to impose a consequence against the school, and the potential role of a hearing officer in hearing a formal complaint.

14. Neighbors asked for a meeting with HRS prior to the summer of 2010, and diagnostic of the polarization between HRS and neighbors at the time, no meeting happened, with both parties pointing fingers as to the reason.

15. In the summer of 2010, HRS removed all traffic monitors from my neighborhood. The Master Plan agreement included a commitment by HRS to treat summer and regular school programming the same regarding management of traffic and parking impacts in the neighborhood. HRS acknowledged that they had a difficult time managing summer school impacts in the neighborhood, as most summer school students were not regular school year students, and families were not educated about driving and parking expectations and laws in our neighborhood. One of the few improvements HRS did make after the master plan was approved was to post student monitors in many parts of the neighborhood during drop off and pick up times for the summer program, holding "No U turn" signs. When I observed HRS had removed all monitors and HRS summer school driving and parking violations were rampant, I contacted the school to complain.

Despite the school's promise to be responsive to any complaint within 48 hours, they did not reply to my complaint made the second week of the summer school program until the last day (8 weeks later) when its director called me to apologize.



In the attached email string between Peter Smith and myself (Exhibit A), some important points should be considered: Mr. Smith stated that the NLC was a fully functioning and productive body that had been solving problems for decades. From reading Peter Smith's letters to the city denying HRS being out of compliance, we had grown familiar with his manner of denial, reframe, and outright lying in written correspondence. His statements that the NLC was functional and productive are patently false, and all NLC neighbor reps can testify to how hostile and unproductive those meetings had become since the new Master Plan was approved. Of most importance, Peter Smith once again declared the school to be in full compliance with its use permit, despite all these transgressions.

16. In response, neighbors prepared to file for a revocation hearing. At that time, Paul Chapman, HRS long-standing Head of School, resigned, and current HRS Head Rob Lake was appointed to the position. On his arrival, Rob reached out to me and other neighbors, asking for an opportunity to get to know us and help the school be a better neighbor. Rob Lake came across as a decent and sincere person. The neighbors agreed to give him a chance under the condition that Peter Smith, Scott Verges, and Dennis Malone were removed from the neighborhood process entirely, given how unproductive, toxic and/or hostile their behavior had been toward neighbors. Rob agreed with our request. He claimed that as the head of the school, he could accomplish far more for the neighborhood than a hearing officer could, and he wanted a chance to work cooperatively with the neighbors.

In my first meeting with Rob, we respectfully agreed to disagree on two important issues. First, Rob expressed that he did not see the outstanding issues as urgent, but rather ones that would take time to resolve. Second, he saw the neighborhood issues as civil matters between the neighborhood and school, and not governed by the conditional use permit. To this day HRS and neighbors are at an impasse regarding these two critical points.

17. Neighbors notified City staff of the new exchange and expressed guarded optimism that Mr. Lake might be able to improve relations and resolve outstanding issues. In September 2010, the City let HRS and neighbors know there was urgency to resolving the impasse and to the school complying with its use permit. During these discussions, the City indicated their intent to initiate a hearing with an outside hearing officer to determine whether HRS was out of compliance with its use permit and if so, impose necessary corrections. The City made it clear that despite the potential for improved relations, it intended to see the use permit modified to ensure that compliance could be more clearly determined in the future.

Attached as Exhibit B is a true and correct copy of a September 29, 2010 email from Peter Smith, in which he acknowledges the city's intention to hold a hearing about noncompliance with the use permit, but claims that the hearing would be "months away.". In that email, Peter also suggested having a meeting with the neighbors since the hearing:

would consider whether or not there has been a violation of the terms of the use permit, not the broader range of issues that we address at NLC meetings. It strikes us that it would be productive to meet and discuss issues of mutual concern (whether or not they are addressed by the use permit) rather than wait for a hearing or the setting up of some other meeting . . .

18. The City officially agreed to hold off on scheduling a Compliance Hearing given neighbors' willingness to give Rob Lake an opportunity to improve relations and solve outstanding issues. Initially, the City imposed tight deadlines to develop language for a modified use permit, but as they observed HRS and neighbors working together and relations becoming more civil, they extended the deadlines.

19. Rob Lake substituted himself and Martha Sellers (an HRS trustee on the school's executive committee) in place of the prior HRS representatives Peter Smith, Scott Verges, and Dennis Malone. They each continued their roles at HRS. Peter Smith remained on HRS' executive committee.

20. With the primary goal of complying with the City's offer to postpone a compliance hearing if HRS and neighbors jointly developed language to modify the current use permit, the neighbors met a number of times with Rob and Martha. We found that discussing the issues with Rob and Martha was far better than trying to work with Peter, Scott, and Dennis. Rob and Martha were civil with us, asked questions, and listened to our issues. We began drafting modified use permit language, while Rob and Martha agreed to make changes immediately to resolve outstanding problems. They agreed to create a dedicated position to address neighborhood issues which was filled by Mary Fahey. We asked for her position to be made full time, but they had her split duties and committed her ½ time to work on these issues. Together, Rob, Martha, and Mary have made progress on some of the issues listed in a-p.

In particular, they increased monitoring in the Alida neighborhood, rewrote the HRS "Big 10" driving rules, expanded parent education about these rules, improved the license plate data system, mandated parent compliance with providing plate information as part of access to their HRS intranet, required parents of summer camp students to participate in the new license plate data system, initiated a training program for monitors (and fired a few who were performing poorly), and late in the 2010-11 school year they started to address one of the most vexing issues in my neighborhood- the voluminous number of events they hold. They were unwilling to reduce the number of events, but they did add more monitors to manage event traffic and introduced more signage and orange cones directing cars to flow through the neighborhood following one route.

21. In our many meetings, Rob and Martha agreed that the problems listed above were real, even if we disagreed on severity or urgency of resolving them. In particular, Rob repeatedly told us that his "heart is in my throat and I turn gray" every time he watched the drop-off and pick-up situation on Lincoln Avenue. After years of

feeling dismissed and bullied, their validation of these issues was welcome and meetings with them were more productive. However, they also both indicated that it would take much time to resolve the problems, due to the time and resources involved in doing so. In particular, they acknowledged many times when I complained about the obvious increase in events and their impact on my neighborhood, that they were unable to resolve those issues until they could finish their system changes to parent education and license plate data base issues. I repeatedly asked for HRS to make the neighborhood rep position filled by Mary Fahey to be full time, and as of this past school year, it remained half time.

22. As to the neighbors' major objection to the continuing expansion of the enrollment, neighbors and HRS agreed we were at an impasse. Rob and Martha expressed confidence that they could resolve the outstanding issues without needing to reduce enrollment. Further, they explained to us from a business perspective how their operations are dependent upon the revenues created by enrollment and HRS therefore couldn't reduce its size.

23. After numerous meetings, HRS and neighbors were eventually unable to come to full agreement on how to modify use permit language, which the City requested of us as a means to avoid a Hearing officer being assigned. Instead, HRS and the neighbors each produced and submitted recommendations for changes in permit language. We believed it was important to show the city that despite the civil and collaborative relationship that was beginning to develop, we were still at an impasse on some key issues. (See Exhibit C.)

24. After reviewing the two documents, the City Planning department convened a meeting with HRS, and neighbors in December 2010. Lead Planner Heather Klein took both documents and organized their content into 3 categories: (1) civil matters to which the City would not involve itself, (2) issues to be addressed in a TDM or traffic demand management plan and (3) items that can only be resolved through modifying the use permit itself, such as the issue of most concern to neighbors: enrollment size. (See attached document from Heather Klein, Exhibit D.)

At the conclusion of the meeting, HRS agreed to initiate a process to hire a TDM traffic engineer to develop a full TDM. HRS asked if it was possible to comply with the City's wishes by only developing a TDM, but not modify the use permit itself. The City clarified that but for those matters listed as "civil matters", both the development of a TDM and modification of the current use permit needed to happen before the city would consider the matter resolved. The City thanked HRS and neighbors for our efforts to date and willingness to collaborate further to resolve both the TDM and use permit issues. The City ended the meeting by reminding both HRS and neighbors that despite improved relations, these issues needed resolution or the City would file for a Hearing Officer to force a resolution.

25. Though I grew to appreciate Rob and Martha much more than their predecessors, I tracked a familiar theme in our subsequent meetings. For at least 6 months after the meeting with the City, every time we asked Rob and Martha to work on the use permit issues, they avoided the issue, and asked us to work in sequence, by focusing on the TDM matter first. They promised to eventually discuss use permit issues such as enrollment, but only after the development of the TDM. We reluctantly agreed, but periodically expressed concern regarding how long it was taking to develop a TDM and expressed urgency to resolving the issues created by their enrollment size.

In response, Rob's language drifted away from the plan agreed to with the city, as evidenced by statements such as "HRS might be willing to open the use permit to make changes" or "the TDM will resolve the issues concerning neighbors, so the use permit won't be an issue." We pushed Rob and Martha and reminded them of the City's expectations, and eventually they agreed that a "very limited modification" to the use permit would be needed, but to date they have not talked about the details.

26. Despite the improvements listed, there are at least 3 issues that have gotten worse since Rob Lake's appointment:

The most serious is the dramatic increase in the number of events taking place at HRS. Traffic from these regularly overflows into our neighborhood during evenings and weekends. In response to our repeated complaints about problems created by these events, Mr. Lake provided neighbors with his vision that HRS will be a "community center" to help assist the city of Oakland by offering its facility for a greater good. The school began loaning out the school facility to persons and organizations not related to HRS. Uses include sporting events in the evening that adversely impact neighbors on Whittle, as well as 2 or more events on a weekend day leading to parking and traffic congestion on and off all day.

Second, the summer camp they hold has generated more noise in the past two summers due to "chanting groups" of children who were led by staff in screaming sessions. The school also began using amplified sound and whistles for routine roll taking and directing students to their recreational activities. Because the school is located in a canyon, the noise reverberates around Whittle and other nearby streets.

Finally, the school instituted a policy inviting and encouraging parents and guests to patronize the school's café during school hours. This plan added even more traffic in the neighborhood and resulted in increased parking congestion and violations, as the school lot is already full during these hours. For some time, this opportunity was advertised on a large colorful banner hanging on a fence on Lincoln Avenue.

Even at a time of negotiations to avoid a Hearing officer, the school behaved the way it always has: moving forward with its business interests without notice or discussion with neighbors or the City. These actions by the school lead to exacerbation of existing problems and at times create new ones.

27. The school did hire a TDM traffic engineering company and began work on putting together a plan. Though this process is moving very, very slowly (some 18 months have passed since City staff ordered HRS to produce the plan), HRS did email City Planner Heather Klein and kept neighbors apprised of the process. In the Spring of 2012, Martha Sellers and I initiated a conference call with Heather Klein to check in with all 3 parties to see if we were on track to complying with the City's requests. Heather expressed disappointment in the time it was taking to develop the TDM. She let HRS know that the information provided to her was far from a full TDM, but rather the beginnings of some ideas toward developing one. She also reiterated that after the TDM was complete there was still a need to modify the use permit. She reminded HRS that this could only be done by HRS voluntarily agreeing to do so as the City asked, or otherwise it would be done involuntarily by the City or neighbors imposing a hearing officer process. Martha agreed to keep the neighbors and city apprised of progress in completing the TDM.

28. A few weeks after this phone conference, Martha Sellers contacted me to provide a courtesy heads up that a major new variable had been introduced into the equation. HRS had entered formal negotiations with Lincoln Child Center (LCC), located across the street from HRS, to purchase their property. Martha expressed interest in working with the neighbors to use this opportunity to resolve the many outstanding issues because HRS would have more property on which to move traffic, deliveries and parking. She scheduled a meeting to discuss this new development with the NLC.

29. At the meeting, Rob Lake announced that this opportunity to purchase LCC was a very recent development, and that he worried we would think that all his efforts of late to be a better neighbor would now be interpreted as merely an effort on the school's part to get something they need from the neighbors: full support of a now bigger use permit modification, one that includes integration of the LCC property as part of the solution to outstanding issues.

I did not share at the meeting what I know about the arrangement between HRS and LCC, due to my work with LCC in my professional position. Despite Rob's statements that this opportunity presented itself recently, I am aware that LCC and HRS began unofficial negotiations for HRS to purchase LCC in the fall of 2010, soon after Rob Lake was appointed. LCC made this known to me in my position with the County in 2010.

30. I am also most disappointed to have discovered through talk in the neighborhood and with friends whose children go to HRS, that HRS made a decision without advising the City or neighbors to add a Kindergarten and 6<sup>th</sup> grade classroom for school year 2012/13. At first, I did not believe the information to be true. The City had agreed to suspend plans to impose a hearing officer based on a belief held by neighbors and the City that they were already over enrolled and out of compliance with

their use permit. I contacted Rob and Martha to verify this information, and to ask how they could possibly increase enrollment to phase III levels only allowed in 2020, given there is a dispute if they are in compliance with phase II use permit requirements.

In response, they admitted that before hiring their current land use attorney Anne Mudge, their legal counsel advised that the purchase of LCC would afford them the opportunity to use the LCC use permit- which includes education of 80 or so severely emotionally disturbed students . Though they did not name specifically how they came to this decision, Peter Smith has historically been the school's legal advisor on land use issues. Anne Mudge has since publicly acknowledged that HRS cannot use the LCC use permit as part of their enrollment count. Given this mistake, HRS is now slated to over-enroll yet again, bringing in even more cars and the commensurate increase in impacts to our neighborhood.

31. When relations improved with HRS due to Rob and Martha's work with us, we stopped taking photographs of incidents impacting our neighborhood. We also stopped documenting the many outstanding issues in email complaints to the school and City, as we were addressing them in meetings in person. As part of its plans to develop a TDM, and new plans to integrate the purchase of LCC toward solutions, HRS announced a plan to take video and photos of their impact in the neighborhood. They discussed the importance of developing a baseline of their impact, as part of the TDM work.

Given our experience with Peter Smith, who despite his removal from the NLC remained on the HRS executive committee, we were extremely skeptical of HRS documentation being an accurate portrayal of the real issues. We have read Peter Smith's letters and emails, and heard him in enough NLC meetings to know how he reports HRS' impact on the neighborhood. The neighbors decided to do our own review, and let Rob and Martha know we were doing so.

We documented our review in a letter and DVD, and provided it to HRS and the City. In response, HRS brought Peter Smith back to neighbor relations allowing him to author the HRS reply to our report. His letter is attached to the neighbors' submitted documents (NSD), as is our response. We are all too familiar with Peter's dismissive attitude and efforts to reframe and divert focus from HRS failures to comply with their responsibilities as a neighbor.

32. My experience of HRS is that it is willing to discuss the possibility of becoming a good neighbor, and even makes positive changes, when it wants something from neighbors. When the school does not believe it needs neighbor support for something that requires City approval it simply reverts to its usual dismissive tactics. It has to date never behaved as a "good neighbor" outside of these few moments in time. I want to believe the current HRS administration is better than that of the past, but given the timing of everything listed here, and recent choice to reintroduce Peter Smith in the



neighborhood dialogue, neighbors have every reason to mistrust the HRS institution, even if some of its leaders are decent people.

33. Further, HRS administration will change over time, and as neighbors we need permanent changes in how HRS is allowed to operate to ensure our rights are protected. Without a hearing officer's enforcement actions, I have no assurance that the recent improvements made by HRS will remain. I have every reason to worry that once it comes to actually putting any agreements in writing that ensure lasting change, Peter Smith, hired legal counsel, and other HRS trustees will be the ones reviewing any documents developed collaboratively with Rob and Martha before HRS will sign.

34. Though I do sincerely appreciate some of the recent improvements I reference earlier in this declaration, I need to put in context that these are 'bandaids' on an underlying problem related to the size of HRS. My neighbors and I do not think that a residential street should have a security guard, monitors, big cones with signs, students holding no u-turn signs, 2-hour parking restriction and no u-turn signs- all added in recent years in an attempt to contain HRS driving and parking violations. These things are not consistent with our otherwise quiet neighborhood with well-maintained homes. HRS growth has arguably reduced our property values, as anyone considering buying a home in our neighborhood will inevitably observe all of this and realize there is something large being contained nearby.

When I moved to the neighborhood in 1997, HRS impact in the neighborhood was a real issue created by their being over-enrolled and out of compliance with their use permit at the time. Poor management, coupled with HRS' arrogant and self-serving attitude that it is entitled to most anything it deems necessary to its mission, created a polarization between HRS and the neighborhood. When HRS asked the neighborhood to support enrollment increases in the last Master plan process, they asked for a chance to change the relationship with us by instituting lasting changes that would significantly reduce their impact. Only with those commitments put in writing in the neighborhood agreements did we publicly support and sign the plan.

Unfortunately, most problems have only grown worse despite hours and hours of my time attempting to "negotiate" or "collaborate" toward a solution to these underlying problems. HRS refuses to decrease its enrollment, decrease the number of events it holds, or change use-permit language to something that legally holds them accountable to lasting changes. Because of this, I see a hearing officer as the only resolution to this impasse.

35. Of most importance, I would like to see the enrollment reduced significantly to a number where HRS can handle their student and employee transportation and parking needs.

36. Even with a substantial reduction in student enrollment, it is not enough to correct the problems and prevent their recurrence. Given the history of poor management, a newly written use permit must include language requiring the school to move all parking and transportation needs of the school completely off of Lincoln

Avenue and the residential streets. Unless enrollment is cut in half or more, the volume of cars HRS brings to the neighborhood creates too many safety and congestion issues without such a mandate.

37. Given how regularly HRS has disregarded both City and neighbor complaints about their impact, I would like to see the language in a modified permit so airtight that HRS does not have any room to simply evade its conditions. There needs to be strong enforcement provisions, with the expense for enforcement borne by HRS.

38. Regarding HRS events, the property should not be loaned, leased, or used in some sort of “partnership” arrangement with any outside institution or group, as occurs now. The events held by HRS for HRS related matters need to have an annual cap at a very low level and be eliminated altogether on weekends, given the noise factor and congestion in our neighborhood. Evening events need to end no later than 9pm. Event parking needs to be on the school parking lot, not on our streets. The modified use permit language needs to be clear how this will be enforced and consequences levied against the school for failure to ensure compliance.

39. Regarding deliveries, modified use-permit language or a new TDM needs to create a new system for all deliveries. The permit needs to limit the hours a delivery can be made, limit the size of any vehicle used to deliver to the school, and require vehicles over this size to drop deliveries at an alternate site. Here too, consequences against HRS need to be clearly outlined for their failure to hold delivery vendors accountable to such permit requirements.

40. The summer school program needs to eliminate the “camp” component given the noise generated. The hours need to be limited, and new permit language needs to detail HRS requirements to manage traffic and parking issues created by students and families who mostly are unfamiliar with the school and the neighborhood.

41. The improvements Rob, Martha, and Mary have implemented need to be codified and included in new permit language. This requirement is critical, especially given Peter Smith regularly articulating that HRS is not bound to sustain any of these improvements as a matter of compliance with its use permit

42. In closing, unless a third party reviewing issues of concern to neighbors and the City determines HRS permit is to be revoked entirely, we are stuck living near an institution that was allowed to grow from small (1960's) to medium (1980's) to very large (present) based in part on promises made to the neighborhood that have routinely been violated. HRS has never treated its use permit as something to which it must comply, but rather as a loose guideline at best. Every chapter of their use permit story involves HRS eventually violating the permit by over enrolling- bringing worse and worse problems to the neighborhood, and experiencing no consequences for their actions. Instead, the school then moves forward asking the City to approve their new increased enrollment size with a multitude of promises to be a better neighbor in exchange for the City's approval.

The end result of this story is that the neighborhood which was developed in the 1940's without a school in the small canyon HRS occupies, now deals with an institution that has outgrown itself and is unable to contain its impact on the surrounding neighborhood. The past three plus years in particular, when the school alone believed itself to be in compliance with requirements to increase enrollment, have been a tipping point in the neighborhood. Despite good efforts by current HRS leadership to manage some of these symptoms, there has been no resolution to the underlying causes of the symptoms and nothing put in writing to guarantee the efforts will be lasting.

When we push facts on the table to ask for relief from the City, HRS Board members, some of whom are experienced land use attorneys, and in the case of Peter Smith, a former chair of the planning commission as well, respond with letters that manipulate truths to paint us as unreasonable.

Our property values are impacted, our quiet enjoyment of our neighborhood is regularly disrupted, and even when HRS devotes resources to contain its impact, HRS is now "everywhere" and has "taken over" the neighborhood. Though I do appreciate the increase in monitoring and signage, my home is now essentially an extension of the HRS campus. The only way HRS can manage symptoms created by their size is by bringing themselves essentially in front of my home. Finally, as a consequence of better managing the traffic congestion in my neighborhood, this overwhelming volume of HRS traffic and congestion is now being pushed deeper and deeper into the neighborhood, spreading their footprint and adverse impact to more and more neighbors.

43. For years I hoped working collaboratively with the school's administration would lead to negotiated agreements that worked for all parties. Unfortunately, despite new leadership putting forward a reasonable effort to make change, I have come to accept that the institution is a business focused on educating a student body that is bigger than it can manage regarding neighborhood impact. It lacks the motivation to put neighbor issues at the top of their list unless there is a political or business advantage to doing so.

The school does not lack the financial resources to resolve these issues; instead they put them toward other priorities. HRS pays its Head of school over \$300,000 per year, its CFO over \$250,000 per year, and recently publicly announced that it could afford to finance an 11 million dollar bond to purchase LCC without an enrollment increase. With these financial resources, the school could have resolved these issues if it chose to, but did not. No amount of evidence or correspondence from the City planning department finding the school to be out of compliance with its permit has led the school to acknowledge any failures or shortcomings. Instead, the school continues to disagree with any assessment of the situation contrary to their own. I see the imposition of a hearing officer as the only way to penetrate this narcissistic view the school holds of itself.

I am hopeful that an objective 3<sup>rd</sup> party hearing officer reviewing the facts will impose restrictions upon the school through a modified use permit. Once imposed, HRS and neighbors may be able to live side by side in a relationship where the power is more in balance. Without such changes, the school holds too much power to do what it wants based on an impression it holds of itself, that its mission is more important than our rights as neighbors.

44. Attached as Exhibit E are true and correct copies of recent emails in which I included photos of problems with truck deliveries and/or complained to HRS about management issues.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: August 2, 2012

  
\_\_\_\_\_  
Randy Morris





Randy & Lori Morris <RandyLorimorris@comcast.net>  
Fwd: 100901 Head Royce / Neighborhood Liaison Committee  
July 15, 2012 11:25 AM

Leila- I want your advice re: putting this email in as an attachment to my declaration. This is a big reason why I am not continuing on the collaboration path with Rob and Martha. 1- Peter declared HRS is in full compliance with its use permit in summer 2010 when we were at an all time low. This email exchange juxtaposed to the formal letters Peter writes, show how HRS deals with CUP compliance. (2) HRS has brought Peter back into the mix to respond to our refreshed evidence, so I have no interest in continuing to work with HRS, as their board, Peter in particular, still run the show when it comes down to CUP compliance. HRS is out of compliance, Peter will never agree, so we need a hearing officer to impose this decision so we can break the impasse on modify the CUP.

RM

Begin forwarded message:

**From:** "Harold P. (Peter) Smith (Dhillon & Smith)" <[psmith@dhillonsmith.com](mailto:psmith@dhillonsmith.com)>  
**Subject:** RE: 100901 Head Royce / Neighborhood Liaison Committee  
**Date:** August 11, 2010 3:07:20 PM PDT  
**To:** "RANDYLORIMORRIS@comcast.net" <RANDYLORIMORRIS@comcast.net>  
**Cc:** Josh Thieriot <[jthieriot@mindspring.com](mailto:jthieriot@mindspring.com)>, Hollis Matson/Deborah Royal <[hollisanddeborah@att.net](mailto:hollisanddeborah@att.net)>, Don Dunning <[don@eastbayrealtypro.com](mailto:don@eastbayrealtypro.com)>, Meg Bowerman <[lmjtbow@pacbell.net](mailto:lmjtbow@pacbell.net)>, Michael Thilgen <[mthilgen@sbcglobal.net](mailto:mthilgen@sbcglobal.net)>, Heather Klein <[HKlein@oaklandnet.com](mailto:HKlein@oaklandnet.com)>, Richard Cowan <[RCowan@oaklandnet.com](mailto:RCowan@oaklandnet.com)>, "JQuan@oaklandnet.com" <[JQuan@oaklandnet.com](mailto:JQuan@oaklandnet.com)>, Walter Cohen <[WCohen@oaklandnet.com](mailto:WCohen@oaklandnet.com)>, Ray Derania <[RDerania@oaklandnet.com](mailto:RDerania@oaklandnet.com)>, Heather Lee <[HLee@oaklandcityattorney.org](mailto:HLee@oaklandcityattorney.org)>, "bquesada@oaklandnet.com" <[bquesada@oaklandnet.com](mailto:bquesada@oaklandnet.com)>, Dennis Malone <[dmalone@headroyce.org](mailto:dmalone@headroyce.org)>, Scott Verges <[SVerges@tmqpartners.com](mailto:SVerges@tmqpartners.com)>, Mary Fahey <[mfahey@headroyce.org](mailto:mfahey@headroyce.org)>, Rob Lake <[rlake@headroyce.org](mailto:rlake@headroyce.org)>

The reason that I have to respond to your emails is three fold.

First, you have initiated a complaint process against the school. That complaint process has not been concluded and, as such, I am compelled to address the issues that you raise.

Second, you have copied a City employee who might serve as a hearing officer in any complaint process, perhaps in an attempt to cause him to have some predisposed conclusions about the School when and if a hearing becomes necessary.

Third, given the first two, I have to firmly and directly correct any and all misstatements that might taint the complaint process.

You may recall, that I strongly urged you to not pursue a complaint process because such a process would detract from the very successful NLC process. I note that since the creation of the NLC process more than two decades ago (at the suggestion of Professor Ed Blakely), substantial improvements have been made with respect to addressing concerns raised in that process. During that time period substantial issues relating to parking, traffic, access, security, fencing, field usage and sharing, reduction of traffic on Whittle, and many other concerns were raised and resolved within the NLC. This process has worked and can continue to work, but you chose to implement a different process – a formal complaint with the City – and further chose to stop attending the NLC – where so much productive work has been done in the past.

I also note that you misinterpret what I have written regarding the summer session monitors (and monitors in general). Specifically, I stated:

"It has always been our policy to allow monitors to be moved around, sometimes on a random basis, to address the greatest level of concern, need, and safety, with an emphasis on safety."

To be clear, this means that the monitors monitor places where they observe problems, where senior administrators observe problems, and where complaints are received. If problems are not observed or reported or there are higher priority issues – such as safety - the monitors are moved to another location. Surely, you do not maintain that a monitor should be placed in a location where few problems are observed or reported just because the position was monitored in the past. I have not yet determined how the administrator managed the summer monitors, but expect to have a meeting



next week to find out. It is entirely possible that they were monitoring while you were on vacation, that there were an insignificant number of violations, and that they were moved to another location to address a more pressing need. Once I find out, I will either contact you or have some one else contact you.

As to agenda, the current agenda is driven by the complaint process that you initiated. We have been working with the City to provide all requested information and the number of issues that are outstanding have been narrowed significantly with the few remaining ones being those discussed in my correspondence of May. You have requested (and we have agreed) that we jointly prepare the agenda for the NLC. However, you have chosen not to participate in the NLC process since initiating the complaint process. As such, we are left to address the issues that remain in the complaint process. While you claim that there are a "dozen or so" issues, the communications to the School have been, by your choice, through the complaint process and not the NLC process. Moreover, with the failure to attend the NLC meetings, the communications (including your email herein which is nominally directed to me but is clearly directed to the City) are being made through the City and not through the less formal, and much broader and more open, NLC process. Should you decide to participate in the NLC process, we would welcome that and continue to be willing to have joint preparation of the agenda for those discussions.

As to tone, we are in a complaint process. A complaint process is, by its nature, an adversarial process. As such, we are compelled to state our positions in a firm and direct manner and, further, we have to base our positions on the written words contained in the development approvals. The School frequently goes well beyond what is required by the approval documents – event management comes to mind – but, because we are in a complaint process, we will focus on the issues in the complaint against the requirements of the development approvals. Moreover, in a review of City documents, I have noted that alleged or assumed violations are reported when there is no concurrent requirement in the conditions of approval. For instance, I noted that neighbors and City staff have linked the lack of responsiveness *by the City* in implementing a residential parking permit program to the School. To be clear, the School has no role in setting up a residential parking program except for a financial contribution.

I urge you to read the development approvals.

I would further urge you to withdraw the complaint because, as I advised you prior to your initiating the complaint, the process is detrimental to the two plus decades of successful work addressing problems within the NLC. Absent such a withdrawal, we must continue to focus on the complaint and the precise requirements of the development approvals.

I would also urge you to return to participating in the NLC process. It has worked well for over two decades and I have every reason to believe that it will work again. While not every issue has been solved immediately and fully, the substantial progress since my first association with the school in 1972 has been steady and impressive as noted above.

Finally, the School has responded fully to the issues raised in the complaint process. There is not a "growing impasse" and we hope to conclude the complaint process soon. Rest assured that there is a sincere and dedicated effort to resolve that process so that we can turn our attention to other issues of mutual concern.

Harold P. (Peter) Smith | Dhillon & Smith | 214 Grant Avenue, Suite 400 | San Francisco, California 94108 | Tel: (415) 433-1700 Fax: (415) 520-6593

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**From:** [RANDYLORIMORRIS@comcast.net](mailto:RANDYLORIMORRIS@comcast.net) [mailto:RANDYLORIMORRIS@comcast.net]

**Sent:** Wednesday, August 11, 2010 12:40 PM

**To:** Harold P. (Peter) Smith (Dhillon & Smith)

**Cc:** Josh Thieriot; Hollis Matson/Deborah Royal; Don Dunning; MegBowerman; Michael Thilgen; Heather Klein; Richard Cowan; [JQuan@oaklandnet.com](mailto:JQuan@oaklandnet.com); Walter Cohen; Ray Derania; Heather Lee; [bquesada@oaklandnet.com](mailto:bquesada@oaklandnet.com); Dennis Malone; ScottVerges; Mary Fahey; Rob Lake

**Subject:** Re: 100901 Head Royce / Neighborhood Liaison Committee

This will be my last email in this string as I won't be responding to any beyond this one. I do think it is important however, to point out two important issues to the city: the content and tone of this exchange between neighborhood and HRS.

As to content, I am hoping the city of oakland will read the important detail prompting this



exchange: Neighborhood complaint that HRS has removed monitors in arguably the key hot spot near HRS; HRS formally responds (many weeks after the complaint was made) that neighbors are wrong, that HRS has continued monitoring practices as they have the past summers; upon review, HRS now acknowledges that actually HRS leadership is not exactly aware of where the monitors were posted, that actually they always "roam". Over the last 4 summer school sessions, no HRS monitors in the Alida neighborhood ever "roamed" anywhere- they stayed where they needed to be to mitigate the issue that always plays out when they are not posted in the two spots I referenced. This is why I have indeed thanked HRS for posting monitors in our neighborhood during past summer school sessions, and I remain dissatisfied that a decision was made by HRS and without our knowledge or input to change this practice. I admit to adding this singular issue to the list of "compliance" matters needing attention.

As to tone, I am hoping the city will review this email exchange, and juxtapose it to the recent HRS letters to the city- so you can gain perspective as to what we neighbors describe as the "challenge" in making any headway on these issues with the school. It is difficult for us if the school continues to believe it holds the authority to define the agenda and scope of issues needing attention. Seeing this last email from HRS "declaring" that there are not a dozen or so (I didn't say dozens) issues outstanding is consistent with what neighbors have experienced at NLC. We continue to attempt to resolve the dozen or so issues we describe as outstanding to HRS via the NLC and in the past few school years it has been our experience that HRS determines which if any deserve attention and discussion. This issue of tone is significant as it seems consistent with the tone of recent HRS letters to the city: the city has declared HRS to be out of compliance with certain CUP issues, and HRS simply picks which ones worthy of response and declares they disagree with the city's opinion on others and simply doesn't respond to the particular issue the city has requested HRS to address.

I am hoping the city will consider the bind this puts us in as neighbors and provides perspective as to why we feel forced into requesting city assistance to resolve this growing impasse. I am not sure how future NLC discussions will be productive if HRS continues to believe it is the final arbitrator of what makes it to the list for discussion.

I think at this point we need the city's intervention to determine next steps.

Randy

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

From: "Peter Smith" <[psmith@dhillonsmith.com](mailto:psmith@dhillonsmith.com)>

To: [randylorimorris@comcast.net](mailto:randylorimorris@comcast.net)

Cc: "Josh Thieriot" <[jthieriot@mindspring.com](mailto:jthieriot@mindspring.com)>, "Hollis Matson/Deborah Royal" <[hollisanddeborah@att.net](mailto:hollisanddeborah@att.net)>, "Don Dunning" <[don@eastbayrealtyprom.com](mailto:don@eastbayrealtyprom.com)>, "MegBowerman" <[lmjtbow@pacbell.net](mailto:lmjtbow@pacbell.net)>, "Michael Thilgen" <[mthilgen@sbcglobal.net](mailto:mthilgen@sbcglobal.net)>, "Heather Klein" <[HKlein@oaklandnet.com](mailto:HKlein@oaklandnet.com)>, "Richard Cowan" <[RCowan@oaklandnet.com](mailto:RCowan@oaklandnet.com)>, [JQuan@oaklandnet.com](mailto:JQuan@oaklandnet.com), "Walter Cohen" <[WCohen@oaklandnet.com](mailto:WCohen@oaklandnet.com)>, "Ray Derania" <[RDerania@oaklandnet.com](mailto:RDerania@oaklandnet.com)>, "Heather Lee" <[HLee@oaklandcityattorney.org](mailto:HLee@oaklandcityattorney.org)>, [bquesada@oaklandnet.com](mailto:bquesada@oaklandnet.com), "Dennis Malone" <[dmalone@headroyce.org](mailto:dmalone@headroyce.org)>, "ScottVerges" <[SVerges@tmgpartners.com](mailto:SVerges@tmgpartners.com)>, "Mary Fahey" <[mfahey@headroyce.org](mailto:mfahey@headroyce.org)>, "Rob Lake" <[rlake@headroyce.org](mailto:rlake@headroyce.org)>

Sent: Wednesday, August 11, 2010 9:40:28 AM

Subject: Re: 100901 Head Royce / Neighborhood Liaison Committee



As I have stated repeatedly, the outstanding issues, in my opinion, are those contained in the complaint process with the city. We can add your request in this email and any others that may be raised in the NLC. Please see my letters and email of last May for the issues that are outstanding at this point in time. There are not "dozens" of issues.

Harold P. (Peter) Smith  
Dhillon & Smith LLP  
214 Grant Avenue, Suite 400  
San Francisco, California 94108  
(415) 433-1700  
Sent from my iPad

On Aug 11, 2010, at 8:08 AM, "[randylorimorris@comcast.net](mailto:randylorimorris@comcast.net)" <[randylorimorris@comcast.net](mailto:randylorimorris@comcast.net)> wrote:

To clarify, my stated concern in this email is narrowed to this one issue; however the dozen or so other outstanding issues all neighbors continue to report as outstanding to both HRS and the city are in no way resolved and still need attention as well.

I do look forward to HRS' review and response to this and all other outstanding matters. I also look forward to the city's next response to the last HRS letter to the city, whereby multiple issues are identified as needing attention and resolution.

Sent via BlackBerry by AT&T

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**From:** Peter Smith <[psmith@dhillonsmith.com](mailto:psmith@dhillonsmith.com)>  
**Date:** Wed, 11 Aug 2010 06:32:41 -0700  
**To:** Randy & Lori Morris<[randylorimorris@comcast.net](mailto:randylorimorris@comcast.net)>  
**Cc:** Josh Thieriot<[jthieriot@mindspring.com](mailto:jthieriot@mindspring.com)>; Hollis Matson/Deborah Royal<[hollisanddeborah@att.net](mailto:hollisanddeborah@att.net)>; Don Dunning<[don@eastbayrealtypro.com](mailto:don@eastbayrealtypro.com)>; MegBowerman<[lmjtbow@pacbell.net](mailto:lmjtbow@pacbell.net)>; Michael Thilgen<[mthilgen@sbcglobal.net](mailto:mthilgen@sbcglobal.net)>; Heather Klein<[HKlein@oaklandnet.com](mailto:HKlein@oaklandnet.com)>; Richard Cowan<[RCowan@oaklandnet.com](mailto:RCowan@oaklandnet.com)>; [JQuan@oaklandnet.com](mailto:JQuan@oaklandnet.com)<[JQuan@oaklandnet.com](mailto:JQuan@oaklandnet.com)>; Walter Cohen<[WCohen@oaklandnet.com](mailto:WCohen@oaklandnet.com)>; Ray Derania<[RDerania@oaklandnet.com](mailto:RDerania@oaklandnet.com)>; Heather Lee<[HLee@oaklandcityattorney.org](mailto:HLee@oaklandcityattorney.org)>; [bquesada@oaklandnet.com](mailto:bquesada@oaklandnet.com)<[bquesada@oaklandnet.com](mailto:bquesada@oaklandnet.com)>; Dennis Malone<[dmalone@headroyce.org](mailto:dmalone@headroyce.org)>; ScottVerges<[SVerges@tmgpartners.com](mailto:SVerges@tmgpartners.com)>; Mary Fahey<[mfahey@headroyce.org](mailto:mfahey@headroyce.org)>; Rob Lake<[rlake@headroyce.org](mailto:rlake@headroyce.org)>  
**Subject:** Re: 100901 Head Royce / Neighborhood Liaison Committee

I appreciate the fact that your stated concern has narrowed to a single precise issue regarding u turns at Alida Court during the summer program and the school's response thereto. There is not a "significant disconnect" between the Board (which sets policy) and the administration. Prior to the start of the summer, I confirmed that the significant efforts of the past would continue this summer. I did not ask where each monitor was to be placed on each day. It has always been our policy to allow monitors to be moved around, sometimes on a random basis, to address the greatest level of concern, need, and safety, with an emphasis on safety. I will again confirm whether this policy is fully understood, determine how it was implemented, and how the school responded to the monitoring of concerns that were either observed by staff or the subject of complaints.



Harold P. (Peter) Smith  
Dhillon & Smith LLP  
214 Grant Avenue, Suite 400  
San Francisco, California 94108  
(415) 433-1700  
Sent from my iPad

On Aug 11, 2010, at 5:43 AM, Randy & Lori Morris <[randylorimorris@comcast.net](mailto:randylorimorris@comcast.net)> wrote:

I'm not even sure where to start or how to respond?

The neighbors asked for a meeting with HRS prior to the summer school, as indicated at the bottom of the email string. For the reasons you describe, HRS was not willing to meet. By HRS own admission (discussed many times during the 2004 negotiations), HRS has less "control" over your summer school drivers, as they are often not associated with your regular school year, are only impacting the neighborhood for a few months and therefore harder to "train," and do not always return each summer- so you have to "re-educate" every summer. Because of the challenges in managing this cohort of HRS cars, and because you have chosen not to require collection of license plates for summer school related cars, HRS made the commitment to post monitors in the Alida neighborhood (and in other hot spots) as the only reasonable means to mitigate the inevitable traffic congestion that takes place when you do not.

I stand firm in my choice of language, and see that this last email only further substantiates my perspective that there is a "significant disconnect" between HRS board and what is happening every day in our neighborhood as a result of HRS related activities. Since the Master Plan was approved, HRS has always posted 2 monitors in the Alida neighborhood for the summer school drop off and pick up windows of time for the reasons stated. The first always stood at the driveway between Lincoln and Alida court, the second at the mouth of Alida Court. The choice of placement of these monitors is based on years of discussion and agreement that without HRS monitors, these are the 2 areas a majority of HRS cars use to U-turn to turn back up Lincoln ave, which are both a violation of HRS driving policy...and at the Court a violation of traffic law. I admit again, that this is one area I have indeed expressed appreciation to HRS for your efforts until this summer.

In our email exchange in May, I had no idea the school had any plans to remove these monitors so did not think to respond to the last email to confirm you would stick to this agreement. I was on vacation the first 3 weeks of summer, and when I returned was disturbed to see a noticeably higher volume of HRS summer school cars violating HRS driving rules and traffic laws in my neighborhood. I waited until I could observe a few days, to make sure I wasn't reacting to perhaps a day when some monitors called in sick. Once the pattern was established, that HRS stopped posting monitors in Alida during the summer school drop off / pick up times, I contacted HRS



via the means HRS has written in our neighborhood agreement (and therefore CUP) as our point of contact, the "neighborhood concern line." I made this call on approximately July 12th, about a week after returning from vacation.

No one responded to my message by July 18th, so I took the next step, and sent you the email below on July 18th. You responded quickly that you were on vacation, but would have someone follow up. Not until July 27th (I have the voice mail saved with time stamp)- a few days before the summer school was over, did someone from HRS contact me. As I state in my email below, none of my questions were addressed in that voice mail.

I have no idea why Dennis Malone is telling the HRS board that there have been no changes to summer school monitoring. I leave it to your own internal audit to sort out why both HRS board and the senior administrator believe monitors were posted in Alida as they have been years past. I observed approximately 12 days where there were no monitors in Alida during summer school drop off / pick up times. So yes, the fact that HRS board has spoken to HRS administration and personally to the summer school administrator to confirm monitoring would take place- yet no monitors were placed in Alida- to me is a "serious disconnect."

The backstop measures we agreed HRS would institute to control for the times no monitors are present to ensure HRS cars don't violate HRS driving rules and traffic laws are not working. Your commitment to impose "clear consequences" to HRS drivers violating driving expectations cannot be met when you have no monitors, do not collect license plates for summer school cars, and apparently have no one covering the neighborhood concern line to respond to a neighbor complaint about an HRS car violation during the summer.

I am hoping HRS will review why it took over two weeks to respond to a legitimate neighborhood issue brought to your attention, why the eventual response did not address any of the legitimate issues raised, and why still to this point you are under the impression the issue is not real and are convinced that you took the necessary steps to ensure this would not be an issue.

If this was the only instance of a breakdown in HRS efforts to comply with agreements to mitigate the adverse impact of your ever-increasing population on our neighborhoods, perhaps continued discussions between neighbors and HRS would be more effective. However, and as I hope this email string substantiates to the city of Oakland representatives copied, we have indeed resorted to requesting city intervention to assist in resolving these ever-increasing impasses and differing "perspectives" or "claims" between HRS and neighbors.

Randy

On Aug 10, 2010, at 8:58 AM, Harold P. (Peter) Smith (Dhillon & Smith) wrote:



I followed up with Dennis and understand that he followed up with the summer school staff and confirmed that the monitoring practices of this summer were the same as the monitoring practices in past summers.

I disagree with your statement that there is any serious disconnect regarding the information that I receive as Board representative to the Neighborhood Liaison Committee. In fact, I have attended virtually every NLC meeting. We can certainly discuss this further at the next NLC meeting.

With respect to the 2004/2005 school year, I disagree with your characterization of the status quo at that time and, in fact, found it very productive working with the neighborhood representatives at that time. I also note that I was not on the Board at that time, but was working with the neighbors. One of the significant changes made by the school in this master plan process was to institutionalize community relations as a part of the board process and to have regular reports from the board member designated by the Board to work with the community. There has ever been a period of time when the Board was more informed on community issues and relations.

I disagree with your claim that the School is failing to comply with its obligations in any material way. The School has committed and will continue to commit substantial resources to solving all issues that arise to the extent that they can be solved. In fact, we have made substantial commitments to solve issues that are not addressed in any neighborhood agreement or in our use permit and we continue to improve in our efforts. I would be happy to discuss those efforts at our meeting in the fall. I note that, although not specifically required by our use permit, we have added a bus line from the City of Alameda to serve what is now a significant number of students from Alameda and have conducted transit seminar that lead to increased interest in the current AC Transit usage.

There is no lack of understanding regarding the summer program. As I indicated to Josh (and copied you) on May 18, 2010, I personally discussed your issues with the head of the summer program and confirmed that the strong efforts (which you have repeatedly commended) would continue. Two months later, I still had the same understanding, but, based on your concerns, I wanted to again confirm that the program remained the same as it had in the past. I wrote you with this understanding and was subsequently able to again confirm it with the administration and the administrator in charge contacted you. You claim that the information in a voicemail from the administrator was incomplete. You do not indicate when the voicemail was received. In any event, I will follow up with the administration and determine if a more complete response can be made regarding the concerns that you raised in your email of July 18.

With respect to meeting with the neighbors, I explained to Josh (and copied you) on May 18, 2010 about our summer schedule and why it is difficult to schedule meetings given the varying vacation schedules of the senior administrators that have been tasked with working on neighborhood issues. I assumed at the time that everyone wants senior level administrators to be aware of and working on your concerns. There was no response to my email of May 18 until your email of July 18. Please note that, as I said I would do, I also personally discussed meetings with neighbors and neighbor relations with the new Head of School and stressed the need for positive and productive relationship with our neighbors.

I agree with you in the hope that the City will rely on the written word of the conditions of approval and the neighborhood agreements in finding that the school is in compliance with the same. Unfortunately, many of the



communications with the City (and internal communications between people at the City) appear to be trying to apply some other standard for the compliance review. We will continue to comply with the conditions of approval and with the neighborhood agreements and will make our best efforts to address those issues that are not addressed in those documents or where a higher than the required level of performance can improve the current situation. Rob Lake is on vacation this week, but we plan to meet to discuss the issues that you raise and other issues relating to the community next week.

In closing, as a Board member and as a member of the Head Royce community for nearly 40 years, I am and have always been committed to addressing concerns of our neighbors and the progress that I have observed over the past 40 years has been substantial. However, a Board member can not and should not be on campus every moment of every day. Moreover, over the past ten months, the somewhat limited time that I can dedicate to solving problems has largely been dedicated to responding to concerns raised by the City in response to your formal complaint regarding the school last fall. I look forward to completing that complaint process and to turning my attention again to working on those issues of mutual concern. Unfortunately, it usually takes months for the City to respond to us and we are currently waiting for a response to our latest letter. Hopefully, we can cover all of these issues at the NLC meeting this fall.

Harold P. (Peter) Smith | Dhillon & Smith | 214 Grant Avenue, Suite 400 | San Francisco, California 94108 | Tel: (415) 433-1700 Fax: (415) 520-6593

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**From:** Randy & Lori Morris [<mailto:randylorimorris@comcast.net>]

**Sent:** Tuesday, August 10, 2010 7:57 AM

**To:** Harold P. (Peter) Smith (Dhillon & Smith)

**Cc:** Josh Thieriot; Hollis Matson/Deborah Royal; Don Dunning; Meg Bowerman; Michael Thilgen; Heather Klein; Richard Cowan; [JQuan@oaklandnet.com](mailto:JQuan@oaklandnet.com); Walter Cohen; Ray Derania; Heather Lee; [bquesada@oaklandnet.com](mailto:bquesada@oaklandnet.com); Dennis Malone; Scott Verges; Mary Fahey; Rob Lake

**Subject:** Re: 100801 Head Royce / Neighborhood Liaison Committee

Peter- I am checking in to see if you have returned from vacation and had an opportunity to follow up on the concerns I have raised in this email. I acknowledge that since your email I received a friendly voice mail from the summer school administrator referencing this email. However, none of my questions nor issues were addressed in his voice mail, just a reference made to the school paying for more student monitors and the purchase of better No U-turn signs. Though this is appreciated, it doesn't address the question as to why no monitors were posted in the Alida neighborhood all summer during the drop off and pick up hours. Of no surprise, HRS cars violating HRS driving rules and No U-turn laws significantly increased this summer as a result. There was no reference in the voice mail to my other 3 questions in this email inquiry, nor have I ever received a response to my message left on the neighborhood concern line- the method of communication HRS has asked neighbors to use for communication with HRS. Lack of response to my message and lack of agreement to meet with neighbors prior to or during summer school cuts of ability for neighbors to advise HRS what we see - for example, it was common to see summer school



student monitors texting on their personal cell / handheld devices, with No U-turn signs laying by their feet.

Your email acknowledges that as a board member you were not aware of any changes made to how HRS monitors summer school activity in the neighborhoods. If you recall, during the negotiations of the current HRS master plan during 2004/5, it was well documented that there was a significant disconnect between what was happening in neighborhoods surrounding HRS, and what the HRS board of trustees were made aware by HRS administration. The HRS board was shocked (words used by HRS board president at the time) to realize how upset neighbors were with HRS failure to comply with its 1988 CUP (over-enrollment, lack of monitors, aloof and arrogant attitude toward neighbors, etc). These dynamics came to light when neighbors organized in opposition to the HRS 15-year master plan. HRS won over neighbor support based on a commitment to enter a new era of positive neighbor relations, including commitment to comply with past and the renewed CUP, as well as negotiated agreements with each neighborhood now embedded in the CUP.

To see in 2010, after years of neighbors reporting to HRS that HRS has failed to come into compliance with neighbor agreements and the CUP, that the HRS Board is writing letters to the city of Oakland declaring with a high degree of confidence that HRS is in compliance with the current CUP and neighborhood agreements, given the HRS board lack of understanding of what decisions are being made and implemented by HRS administration (summer school in this instance) is a serious issue for neighbors to HRS.

I remain hopeful that the city of Oakland will take the necessary measures to put HRS letters declaring compliance in perspective, as they don't match the day to day experience of us neighbors adversely impacted by HRS failures to comply with agreements reached in the current CUP and neighbor agreements. Finally, I am cautiously optimistic that perhaps with Rob Lake's recent appointment that HRS will choose to approach this matter differently and we may be able to reach some resolution to these outstanding and long-standing problems.

Randy

On Jul 19, 2010, at 6:53 AM, Peter Smith wrote:

Unfortunately, I am on vacation this week and cannot follow up on your requests right away. I will pass the requests for information on to Dennis Malone and Rob Lake for follow up with the administrators of the summer program. It is my understanding that there was no change made to the admittedly successful monitoring program from past years. I will confirm this when I return from vacation.

Harold P. (Peter) Smith



Dhillon & Smith LLP  
214 Grant Avenue, Suite 400  
San Francisco, California 94108  
(415) 433-1700  
Sent from my iPad

On Jul 18, 2010, at 11:42 PM, Randy & Lori Morris  
<[randylorimorris@comcast.net](mailto:randylorimorris@comcast.net)> wrote:

Peter- I would like to take you up on your offer to contact you with questions regarding summer school activities.

1. I left a message at the HRS neighborhood concern line (ext. 2562) on Monday AM (perhaps tuesday?) and have not received a response, though I requested one. Is the neighborhood concern line monitored during the summer? What is HRS' preferred method of communication from neighbors during the summer if the neighborhood concern line is not operational? If it is operational, what is a reasonable response time.

2. Since 2005 when the master plan was approved, I am indeed one of the neighbors who has expressed appreciation for the school using student counselors to stand in key hot spots holding no-U signs to help mitigate this issue. I particularly appreciated that given the regular illegal U-turns at Alida court, U's in the Court, and in driveways along Alida, student interns were posted there every AM and PM during drop off / pick up times. This summer, there are no monitors (that I have seen) beyond Lincoln Avenue. Is there a reason HRS has reduced the number of monitors in our neighborhood this summer?

3. It is always appreciated when HRS posts a monitor at Alida and Lincoln, as HRS cars routinely illegally U-turn there if there are no monitors. This summer, as HRS has since 2005, you have a student counselor posted there; however, they are standing on the up-side of the street each day I have driven by on my way to work. Can I recommend posting them on the down side of Alida- so cars coming down the hill, after dropping of their student at the school, see the signage before making the U.

4. As to my message left on the concern line: given HRS does not collect license plates of summer school cars, and there are no monitors in the Alida street / court area at the drop off / pick up times (I haven't observed every single summer school day...about 1/2 of the mornings, and haven't seen any) what does HRS propose neighbors do when we see HRS summer school cars illegally U-turning



or otherwise violating the HRS "big 10" driving policies. I'm neither sure where or to whom to report these license plates, nor of what effect it will have if you don't have plates.

thanks for any information on these items.

Randy

On May 18, 2010, at 4:55 PM, Harold P. ((Peter)) Smith wrote:

Dear Josh,

Thank you for your email. Please note that the School DID make ample time for NLC meetings as it has done every year since the NLC process began decades ago. Some of the neighborhood representatives CHOSE not to attend and have requested additional alternative meeting times in lieu of the meeting that were skipped. The School is committed to continue participating in meetings as it has in the past and looks forward to jointly working on a schedule of meetings again next year. There has NEVER been a significant issue about the scheduling of meetings which, generally, have been held approximately once a quarter during the academic year. If you would like to propose the meeting times, we have no problem with that. Generally, we have met at 6 pm early in the week. The school does have regularly scheduled administrative, Board and Committee meetings so we should avoid those conflicting dates because we want Board Members and senior administrators to be available for the NLC meetings as they have been in the past. Paul or Dennis can advise you of those regularly scheduled dates.

As for the Summer Program, representatives of the NLC have regularly commended the school on the operation of the summer time activities, particularly the drop off, pick up, and circulation. As you know, we staff the Summer Program with part time position (usually HR students) and generally have many extra people to serve as monitors, etc. If there is a new concern regarding the Summer Program, please raise that with me right away so that I can bring it to the attention of the appropriate people. Please note that I have personally discussed the drop off, pick up, and



circulation issue with the head of our summer program so that he is committed to continuing the strong performance that has been in place for several years.

With respect to the collection of information, the school continues to collect information from people that are associated with the school in both a formal (by collecting license plate information at registration) and informal (by visually spotting and tracking license plates that are not in our system) means. We also expect to implement a new system with registration for the 2010-2011 academic year that will have even stricter requirements regarding license plate registration than in the past. We will report on that effort at the first NLC meeting next fall.

With respect to a meeting prior to the beginning of the school year, please consider the following. First, Paul Chapman will be retiring after 26 years as Head of School. Our new Head, Rob Lake, will be starting July 1<sup>st</sup>. I have already discussed the importance that the School, the Administration, and the Board of Trustees places on our relationship with our neighbors. When he arrives this summer, I will make sure that we take some time to make sure that he understands our commitment in this regard. I will also recommend that he make a point of setting aside some time to work on all concerns regarding issues important to the community, including some time to hear these concerns directly from the NLC. However, and this is my second concern, the summer is a slow period for school administration and many senior administrators take vacations. As you know, the active involvement of senior administrators like Dennis Malone, Mary Fahey, Mike Lopez are important to our process. As such, we will want to make sure that any meeting includes these individuals and scheduling may be difficult. Third, late August is a busy time for the school because the school needs to quickly ramp up for the school year (and a bad time for me because I will be taking my only child back to College in Ohio). Finally, undoubtedly the members of the NLC have a busy summer and vacation schedule so it may be difficult to set up a meeting. Typically, our first NLC meeting has been scheduled for the period after the back to school nights, usually in October. However, if it works for everyone's schedule, we can try to set a



meeting for early August.

As always, please feel free to contact me with any questions or concerns.

Peter

Harold P. (Peter) Smith | Dhillon & Smith | 214 Grant Avenue, Suite 400  
| San Francisco, California 94108 | Tel: (415) 433-1700 Fax: (510) 588-4673

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**From:** Josh Thieriot [<mailto:jthieriot@mindspring.com>]  
**Sent:** Tuesday, May 18, 2010 4:01 PM  
**To:** 'Harold P. (Peter) Smith'; 'Hollis Matson/Deborah Royal'; 'Randy & Lori Morris'; 'Don Dunning'; [lmittbow@pacbell.net](mailto:lmittbow@pacbell.net); 'Michael Thilgen'  
**Cc:** [HKlein@oaklandnet.com](mailto:HKlein@oaklandnet.com); [RCowan@oaklandnet.com](mailto:RCowan@oaklandnet.com); [JQuan@oaklandnet.com](mailto:JQuan@oaklandnet.com); [WCohen@oaklandnet.com](mailto:WCohen@oaklandnet.com); [RDerania@oaklandnet.com](mailto:RDerania@oaklandnet.com); [HLee@oaklandcityattorney.org](mailto:HLee@oaklandcityattorney.org); [bquesada@oaklandnet.com](mailto:bquesada@oaklandnet.com); [jthieriot@mindspring.com](mailto:jthieriot@mindspring.com)  
**Subject:** RE: 100801 Head Royce / Neighborhood Liaison Committee

Peter,

I am responding on behalf of all neighborhood representatives of the NLC. It is unfortunate the school is unable to make time for another NLC meeting prior to the end of the 2009/10 school year. We agree there have been additional demands on your time as well as ours, though the demands seem to stem from the school operations, not from the neighbors going about their lives.

As we are all aware, the school runs a summer program every year and even though the primary school year ends soon, the issues that stem from school operations persist throughout the year due to the summer program. So, it is a bit concerning when you write "this time of the school year is extremely busy with year end tasks" because there really is no end to the school year for the neighbors, or for the issues created by the school's operations.

In lieu of a meeting, for the summer school program please verify the school collects license plate numbers of staff, students and parents/caretakers so when neighbors report violations, HRS will be able to fulfill its commitment to impose consequences on the violators.

With regard to scheduling a meeting for the 2010/11 school year, we request this be done jointly so the neighbors have the opportunity to coordinate schedules and ensure we can



all attend. We request the first meeting be scheduled prior to the start of the 2010/11 school year so the neighbors and the school have an opportunity to discuss the issues from the summer program and to provide the school with sufficient time to incorporate solutions to those issues into its message to the incoming parents.

Kind Regards,

Josh Thieriot  
On behalf of the neighbors

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**From:** Harold P. (Peter) Smith [<mailto:psmith@dhillonsmith.com>]  
**Sent:** Wednesday, May 05, 2010 1:02 PM  
**To:** 'Hollis Matson/Deborah Royal'; 'Randy & Lori Morris'; 'Josh Thieriot'; 'Don Dunning'; [lmjtbow@pacbell.net](mailto:lmjtbow@pacbell.net); 'Michael Thilgen'  
**Cc:** [HKlein@oaklandnet.com](mailto:HKlein@oaklandnet.com); [RCowan@oaklandnet.com](mailto:RCowan@oaklandnet.com); [JQuan@oaklandnet.com](mailto:JQuan@oaklandnet.com); [WCohen@oaklandnet.com](mailto:WCohen@oaklandnet.com); [RDerania@oaklandnet.com](mailto:RDerania@oaklandnet.com); [HLee@oaklandcityattorney.org](mailto:HLee@oaklandcityattorney.org); [bquesada@oaklandnet.com](mailto:bquesada@oaklandnet.com)  
**Subject:** 100801 Head Royce / Neighborhood Liaison Committee

Dear NLC Members,

Paul asked me to respond to your email.

The NLC meetings are scheduled at the beginning of the year along with dozens of other Trustee meetings. Because the NLC process is of critical importance to the Head of School and to the Board of Trustees, we have to work with many competing demands on time, including demands on your valuable time. Moreover, we try to space the meeting out so that they occur regularly enough to address issues, but not so often to not allow for corrective efforts if any are needed. Unfortunately, since initiating a complaint process with the City, several members of the NLC have decided to "wait and see" what the City does rather than continue to engage the school. Moreover, the School is compelled to address the City's concerns usually on a very short time frame and with requests for documentation that are voluminous. The need to respond to the City has taken resources, including my time, that otherwise would have been spent on efforts to put in place measures that go well beyond the requirements in the CUP. Nevertheless, we have continued to hold the NLC meetings in spite of the decision by some to not attend.



As far as scheduling additional NLC meetings, this time of the school year is extremely busy with year end tasks and it is very difficult to coordinate schedules on such short notice in such a busy time of the year. Of course, we will set a schedule for next years' NLC meetings and hope that we can put the complaint process behind us and refocus on the limited number and nature of the problems at hand.

I hope that you have a nice summer and, as always, please feel free to contact me with any questions or concerns.

Peter Smith  
Head Royce Board of Trustees representative to the NLC.

Harold P. (Peter) Smith  
Dhillon & Smith  
214 Grant Avenue, Suite 400  
San Francisco, California 94108

Tel: (415) 433-1700 Fax: (510) 588-4673

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Harold P. (Peter) Smith (Dhillon & Smith) <psmith@dhillonsmith.com>  
FW: Neighborhood Liaison Committee - October 5, 2010  
September 29, 2010 9:45 AM

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Josh,

The City has not informed us of any hosted meetings and we do not know of any intention to schedule such a meeting. In fact, in a meeting with the City two weeks ago (which included the CEDA Director and Deputy Director), we informed the City about this scheduled NLC meeting. The City representatives advised us that participation in the NLC (by all sides) is important and that they would convey their thoughts to you on this issue.

We have been informed that there may be a hearing officer appointed to hold a hearing in order to consider the complaint that you filed, but we understand that process may be several months away and, in any event, would consider whether or not there has been a violation of the terms of the use permit, not the broader range of issues that we address in NLC meetings.

It strikes us that it would be productive to meet and discuss issues of mutual concern (whether or not they are addressed by the use permit) rather than wait for a hearing or the setting up of some other meeting.

We will keep the NLC meeting on calendar should anyone wish to attend.

Peter

Harold P. (Peter) Smith | Dhillon & Smith | 214 Grant Avenue, Suite 400 | San Francisco, California 94108 | Tel: (415) 433-1700 Fax: (415) 520-6593

----- Forwarded message -----

From: **Josh Thieriot** <jthieriot@mindspring.com>

Date: Tue, Sep 28, 2010 at 9:02 PM

Subject: RE: Neighborhood Liaison Committee - October 5, 2010

To: Susana Estrada <sestrada@headroyce.org>, Rob Lake <rlake@headroyce.org>, Dennis Malone <dmalone@headroyce.org>, Mary Fahey <mfahey@headroyce.org>, psmith@smithlawcal.com, sverges@tmgpartners.com, hollisanddeborah@att.net, randylorimorris@comcast.net, don@eastbayrealtvpro.com, mthilgen@sbcglobal.net, lmitbow@pacbell.net

Susana,

Thank you for the reminder. The neighbors have recently learned the City will be hosting meetings in the near future between HRS and the neighbors and taking into account individual schedules and time constraints the neighbors will not be attending the NLC meeting on 10/5 since we will be attending the meetings with the City.

Kind Regards,  
The Neighbors

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**From:** Susana Estrada [mailto:sestrada@headroyce.org]

**Sent:** Tuesday, September 28, 2010 9:24 AM

**To:** Rob Lake; Dennis Malone; Mary Fahey; psmith@smithlawcal.com; sverges@tmgpartners.com; hollisanddeborah@att.net; randylorimorris@comcast.net; don@eastbayrealtvpro.com; jthieriot@mindspring.com; mthilgen@sbcglobal.net; lmitbow@pacbell.net

**Subject:** Neighborhood Liaison Committee - October 5, 2010

Good Morning All:

Just a reminder that the first of the Neighborhood Liaison Committee meetings for the 2010/2011 school year will take place next Tuesday, October 5th from 6:00 to 7:00 p.m. in the Head's Office.

If you plan to attend, please rsvp to [sestrada@headroyce.org](mailto:sestrada@headroyce.org) just prior to the meeting.

Thank you.



Susana

--

Susana E. Estrada  
Administrative Assistant  
Business Office  
The Head-Royce School  
4315 Lincoln Avenue  
Oakland, California 94602  
(510) 531-1300

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Robert A. Lake  
Head of School  
Head-Royce School  
510-531-1300



Ms. Heather Klein, CGBP, LEED AP  
Planner III  
City of Oakland  
Oakland, CA

January 10, 2011

Dear Ms. Klein:

Head Royce School (the School) and the Neighborhood Liaison Committee (NLC) have had a series of meetings this fall, and these meetings have been productive in many respects. We have gotten to know each other better, clarified the School's and Neighbors' issues and constraints, and created what we feel will be an effective working relationship to address these and future issues. Note that "Neighbors" and "NLC" are used interchangeably.

This document is a joint report from the School and the Neighbors to the City of Oakland (the City) that we hope will accomplish two things:

1. From the Neighbors' perspective, acknowledge the positive actions that the School has taken this school year
2. Specify processes and principles we have agreed on to make the CUP more clear and effective, including future NLC structure.

Neighbor's acknowledgement of administration efforts this school year

The Neighbors appreciate the proactive approach of Rob Lake, Head of School, and Martha Sellers, Trustee, with regard to the following actions and/or commitments. The ultimate goal is to respect the Neighbors' right to "quiet enjoyment" of their homes while providing a safer school environment.

- The School has drafted a new set of traffic rules, discussed them with the NLC and incorporated NLC feedback. These have been sent electronically to the parents in a special communication from the Head of School's office (see attached).
- The new rules and related documents have been provided to the NLC.
- The School has sent, under the Head of School's name, an email that lays out the urgency and priority of complying with the Driving Rules. This letter solicits license plate information in a form that feeds directly into a database. The NLC was given access to the link for the solicitation document. The School's families are denied access to the School's intranet (needed for students) if they do not provide license plate numbers of their family cars.
- The School has initiated a process for the Neighbors to report unregistered plates to ensure that each additional reported violation will be responded to and recorded.

- The Head of School's senior administrators, the Assistant Head of School, the three Division Heads and the Head of the Summer Program have joined the Monitor Team out into the neighborhood to understand the issues on the ground. They have been asked to use this experience to consider solutions for better rule adherence and to reach out to parents and students they can influence.
- A Trustee, the Assistant Head of School and a group of parents joined the Monitor Team to hand out flyers with the new rules, targeting kids and parents who are doing pick-ups below the campus. This activity will be repeated three more times when school resumes after winter break.
- Monitor training will be held in January 2011. A monitor job description has been drafted and shared with the NLC. Neighbors have committed to sharing the description with the neighborhood and are hopeful that there will be interest.
- The School has revised the event planning form used to schedule events at the School to emphasize parking in the School's lot. All communications about events outside of school hours will request drivers to park in the School's lot.
- The Head of School is exploring designating an Event Coordinator. This coordinator would review upcoming events each month to look for situations where several smaller events happen at the same time and that person will order the necessary additional monitors to manage the total event size. She or he will also email Neighbors the list of events.
- Two-hour parking is in place on Alida and the School agrees to email parents and notify them.
- The School is researching the size and weight limits of trucks on Lincoln. These will be shared with vendors in a new document the School is creating to specify truck routes (with a map), request smaller trucks and lay out hours for receiving deliveries.

#### CUP modification

Below are the areas we believe can make the revised CUP clearer. These are ideas and principles, not legal language, and we would be glad to meet with the City if more details on our proposals are desired.

#### 1. CUP structure:

- Eliminate individual Neighborhood Agreements and fold any modified language into one broader CUP.
- Eliminate contradictory language between Neighborhood Agreements, such as deliveries to school on Lincoln and Whittle.
- CUP applies to all School operations, including regular school year, summer school program, any events and any activity run by or from the School.
- All School communications regarding traffic, parking, deliveries, events, etc. need to clearly present compliance with rules as mandatory, with defined consequences for violation.

2. Enrollment: Neighbors express concern that the single, best predictor of the impact on the surrounding neighborhood is enrollment numbers. The School has a history of exceeding CUP limits, and, to date, the City has enforced no consequences for such CUP violations. Letters from the City to the School, on November 16, 2009 and December 18, 2009, indicate the City's position that the School was above its enrollment limit. This was reinforced at the joint meeting of the School and Neighbors at City offices on November 17, 2010. At that meeting, City officials made it clear that, as of this school year, the School is again beyond its enrollment limit. New and clear CUP language is needed to maintain the School's student population at specified limits.
- Neighbors are concerned that the School has 815 students enrolled this school year, and that there is a plan to increase enrollment next school year as well. Neighbors stress that until the School has fully complied with current CUP requirements, it should not be allowed to maintain enrollment at these levels; rather, the School should be required to return to what is currently listed in the latest CUP as "Phase I" level.
  - The "flux" metric needs to be eliminated and replaced with a straight enrollment cap. The current "Phase I, II, III" metric needs to be eliminated and replaced with new language.
  - Clear consequences, such as financial penalties imposed by the City, need to be established should the School's student enrollment exceed the new CUP cap(s).
3. Mitigation queue:
- CUP needs to delineate that mitigation queue includes both drop-off and pick-up hours, as well as both sides of Lincoln (queue coming down the hill and queue going up the hill).
  - Uphill queue: Prior to 2005 Master Plan and enrollment increases, there was no significant queue of traffic going up Lincoln to drop-off/pick-up School students. Consequently, to address the significant safety issue this additional queue has created, new CUP language regarding the uphill queue needs to be added.
    - Create drop-off/pick-up zone above the School gatehouse for School cars approaching the School from below campus.
    - Prohibit drop off/pick up of School students anywhere below the School gatehouse.
  - The School has agreed to make permanent the practice of measuring the queue (traffic surveys), at the School's expense,, three times a year. The first survey will be in September, the second after the winter break and third when the summer program is in session. These measurements need to be accurate and conducted with consistent protocol.



- Measurement of the queue each September will be conducted by an independent, professional consultant, following a process comparable to the one in place at Bentley School. Measurements two and three will use a similar process and will be conducted by School employees and one or more Neighbors (paid to assist) if Neighbors are available to do so.
  - The new CUP needs to clearly delineate mandated actions that the School will take if traffic surveys indicate that the downhill and/or uphill queues exceed newly established metrics. Reference Bentley School Conditions of Approval as a benchmark.
  - The School agrees to pay for any analysis needed to be performed by City traffic staff.
4. HRS monitoring and enforcement requirements: At the core of School and Neighbor disputes are different perspectives regarding what the School is required to do regarding monitoring and enforcing its policies. The Neighbors have consistently expressed that it is not the lack of systems, but the lack of resources put in place by the School to implement and adhere to such systems, that has led to repeated disagreements. As a reference point, the City recently established a new CUP with Bentley School, which has an enrollment of approximately 360 students, -- less than one-half the size of Head-Royce School. The Neighbors believe it is reasonable to use the Bentley School process and metrics approved by the City as a guideline for establishing a revised CUP with the School.
- Newly written School driving rules will serve as basis for monitoring and enforcement by the School.
  - As many of these issues involve traffic laws, Neighbors and the School have agreed to write a joint letter to the City at least once a year to request more aggressive driving and parking enforcement.
  - Monitors: Bentley School is required to have nine monitors, working in specific areas, during drop-off/pick-up hours each school day, including a requirement to have backup monitors, to ensure compliance. As the School is more than twice the size of Bentley School, Head-Royce School drop-off/pick-up times should be resourced at this level or more.
  - Neighbors acknowledge that hiring of monitors for limited hours of work is difficult, and Neighbors have agreed to work with the School to advertise monitoring positions to surrounding neighbors who may be interested in participating.
  - Monitor positioning: drop-off/pick-up: Traffic on both sides of Lincoln creates the greatest safety hazard for students; therefore, the bulk of monitoring resources need to be deployed to Lincoln. In addition, Alida Street/Court, Whittle gate, Funston, Tiffin/Lincoln and Tiffin/Whittle intersections and Burlington are all areas where School cars routinely violate driving/parking and drop-off/pick-up policies. The School needs to increase monitoring resources and establish systems to staff these areas during key

- times. Neighbors and the School will agree on what is considered an adequate number of monitors and designated times/places for their deployment prior to the City finalizing new CUP language.
- Previous written agreements regarding Whittle need to be carried forward to new CUP:
    - "...That the Whittle Avenue access be used only for ingress and egress of emergency, garbage, service and vendor vehicle and wheelchair access...." Student and staff pedestrian access are not included in that list, and pick-up and drop-off on Whittle are specifically prohibited. Despite this, Neighbors agree that School students who live within one-half mile of the school may be granted access cards to the Whittle gate (so they can walk, not be driven, to School). Monitors will be present at the Whittle gate to ensure that only pedestrians with valid access cards use the gate and that no students are being dropped off or picked up from/by a vehicle on Funston or Whittle..
    - School rules and the CUP need to stipulate that teachers and employees may not use the Whittle gate for ingress/egress unless they live behind the School (Whittle side), within one-half mile, and walk to work.
    - Whittle gate not to be used by students and teachers for weekend activity ingress/egress.
    - Per long-standing agreements, all vehicular traffic to and from the School's Whittle gate is to come via Fruitvale and then Funston, not Tiffin to Whittle.
  - The School and Neighbors agree that monitoring and enforcement includes vehicular traffic (following established route and driving rules), pedestrian traffic (agreed upon drop-off and pick-up zones), and parking (no illegal parking, including partially blocking driveways or temporary blocking of red zones).
  - Monitor training: Neighbors have pointed out to the School that monitors present in the neighborhood often are not actually monitoring or recording infractions, including taking photos. The School agreed to write a training manual and conduct regular training sessions for the monitors and use the same materials and training processes for the summer session monitors. In these sessions, the school needs to set expectations for a realistic number of photos and violation reports from the monitors.
  - Independent Rule Enforcers: Bentley School agreement with the City requires Bentley School to hire three such positions, with the option of reducing to one if objectives can be achieved by one position. As the School is more than twice as large, Neighbors believe that, at least, similar resources should be provided by the School. To date, the School has assigned these duties to existing School faculty as additional duties to their current assignments. This level of staffing has not been sufficient. Per the Bentley School agreement with the City, such position(s) can serve to:
    - i. Train School monitors

- ii. Manage School data base
    - iii. Monitor School traffic impact on neighborhood throughout the day -- beyond drop-off/pick-up hours when monitoring staff is at highest levels
    - iv. Coordinate and monitor events
    - v. Compile necessary reports for the City/NLC
  - School data base: 2005 Master plan included agreements with Neighbors to establish a data base system for School license plates to assist in enforcement of "clear consequences" for School cars violating driving and parking laws and School policies in the neighborhood. This system has fallen significantly short of achieving the agreements. To address this issue:
    - i. The School needs to establish systems to collect license plate numbers of all student drivers, drivers of students (parents, relatives, nannies, etc.), faculty/other employees and vendors.
    - ii. As conditions of enrollment and employment of School faculty and other employees, the School needs to obtain license plate numbers of all such drivers at the beginning of each school year. This data base needs to be updated consistently upon change/addition of vehicles and for those who join after the school year begins.
    - iii. The School's current consequence system needs to be delineated as a new CUP requirement.
    - iv. The School agrees that for School cars which fail to provide their license plate, such action will be considered a violation and part of the consequence system.
    - v. The School agrees that, once identified, School cars that were not in the data base will be subject to the consequence system, beginning with time running from the first Neighbor complaint.
    - vi. The School will apply monitoring resources to any car reported as a repeat violator by directing monitors to the time and location of such reported violations. This will allow monitors to take photographs of the car/license number and identify the party.
  - The School acknowledges that at present, this data base will not assist in monitoring or enforcement of either summer school or events for non-School families; therefore, monitoring resources need to be increased for such activities, as the school is limited in its ability to hold such cars accountable to its policies.
  - The School has taken responsibility for purchase of traffic cones and signs to use in a jointly designed effort to make it more obvious that driveways and courts are off limits, while the Neighbors have agreed to contact residents and let the School know where it may place the new equipment.
  - The school agrees to continue to mandate that no student may park below the campus at any time
5. Event management: Unlike the Bentley School agreement with the City, which specifies the number of events Bentley School is allowed to hold per year, the

days/hours such events can be held, and notice requirements of events to the surrounding neighborhood, the current School CUP has vague language regarding events. Though some Neighbors are retired or work from home, for a majority of neighbors, evenings and weekends are the primary time they can enjoy their homes and neighborhood. New CUP language needs to be clear and specific as to which/how many School events are allowed and how they will be managed.

- The School needs to send Neighbors a yearly event calendar at the beginning of each year. The School and Neighbors to establish new process for mailing to be electronic.
- Neighbors are concerned that the School historically adds many events each year, without notice. Neighbors propose Bentley School language, which requires School to notice Neighbors 30 days in advance of any event not included in its yearly calendar.
- A maximum number of evening and Saturday events the School is allowed to operate per calendar year needs to be established.
- School events on Sundays need to be eliminated.
- Parameters need to be established for event hours. Evening events must end by 9 PM to eliminate the current, chronic issue of these events letting out late on workday evenings, often waking up children and others on Lincoln and nearby streets.
- Event parking: the School has a parking lot with 137 parking spots. Approximately 10 spots are permanently used by the School and are not available for events. The remaining spots serve as a guide to event size: For events anticipated to attract under 75 cars (available parking spots on School campus), School monitoring resources will be deployed to surrounding streets to direct all cars coming to the event to the School lot. Event announcements need to include mandate that participants park in the school lot.
- For events anticipated to attract over 75 cars, an alternative parking plan needs to be developed and implemented, including agreements with Greek Church, Cerebal Palsy Center and/or Mormon Temple lots to avoid current issue of significant School car overflow into surrounding neighborhoods. Monitors need to be in place to direct cars to alternative parking.
- For events not intended for School families/faculty, the School needs to utilize a higher number of monitors, as non-School cars are not in their data base and enforcement of the School's event management plan is more difficult. These events need to be limited in number and part of the new CUP requirement bifurcating School cars from non-School cars.
- Weekend activities: For events requiring parents to drop-off students at the School on any weekend day, the School will require all drop-offs to be in the school parking lot. No drop-offs to be allowed in front of Lincoln gate (to eliminate noise and congestion).

- Overnight events: School rules need to require owners of School cars not to park overnight in the neighborhood. Any events, such as yearly camping trip, will require School cars to park in the School parking lot.
6. HRS Deliveries: To address the conflicting language in the Neighborhood Agreements, the Neighbors recommend the City revise the language using the following guidelines:
- Deliveries need to be made in one of two locations: 1) a designated loading zone to be established by the School and the City between the upper School pedestrian access gate on Lincoln and the driveway to the upper parking lot, or, 2) the upper parking lot accessed from Lincoln.
  - To avoid the negative impact of deliveries on pick-up and drop-off activities, the delivery timetable needs to be limited to hours between drop-off and pick-up times. Any deliveries made outside of the specified loading zone times need be made in the upper School parking lot.
  - Deliveries to the School need to be limited to Monday through Friday 7:00 AM to 6:00 PM.
  - The School needs to require all delivery vehicles conform with City weight limits specified for Lincoln.
  - The School needs to provide all vendors with a map identifying loading zones and recommended neighborhood ingress and egress routes to discourage vendors from making illegal U-turns on local streets.
  - The School needs to advise all vendors in writing of delivery requirements and restrictions. Delivery rules and maps also need to be posted on the School website.
  - If a School vendor breaks driving rules on three separate occasions the school needs to stop doing business with that vendor.
7. NLC
- Needs to meet four times per year -- once in August before school starts, once in late May/early June, before summer school session begins, and two other, mutually agreeable, times.
  - The School needs to provide NLC members with copies of all reports provided to the City.
  - School and Neighbors agree to alternate chairing of NLC meetings and to establish a process for generating action items to track discussions and to serve as agenda for subsequent meetings.
  - School and Neighbors agree to collaborate in conducting a regular survey of a broader group of Neighbors. The goal is to identify whether problems are under control and to identify new issues as they emerge. Survey results are to be pooled and shared at regular NLC meetings.
  - The School and Neighbors agree to work together to establish any other metrics not identified in the CUP.



## 8. Other items:

- Students have easy access to the concrete steps and path on the upper slope above the athletic field and tennis courts. The path was installed as a temporary structure to allow pedestrian access during construction of the gymnasium. It was not shown on the approved construction documents, and it was to be removed on completion of gymnasium construction. That removal has not yet occurred. Neighbors have observed loitering, noise, matches and cigarettes at the edges of school grounds and are concerned about a fire starting and spreading into the neighborhood. The concrete path is an attractive nuisance, and the School needs to remove it, as promised. Before the concrete is removed and path and step area re-vegetated with trees and shrubs to block hillside access, the School needs to install a 20' permanent fence between the concrete steps and the decomposed granite running path near the south corner of the tennis courts. The School needs to ensure that the existing gate to the concrete step area is kept locked at all times, except as needed for occasional access by grounds maintenance staff.
- The School fire prevention plan needs to be identified in the CUP and the School agrees to share its fire prevention plan with Neighbors.
- School campus lights and vehicle headlights on Lincoln shine into the homes of Whittle neighbors near Funston in the evenings. Landscaping and other light shielding measures agreed upon at Planning Commission meetings have not been implemented and/or are not effective. Hours of nighttime lighting on campus were increased in fall of 2008, which has had a negative light pollution impact on the Whittle neighborhood.
- School needs to implement landscaping and lighting agreements by establishing shrub or vine planting along the Lincoln fence adequate to screen headlights on Lincoln from Whittle houses. Existing vines are not establishing well. Trees need to be planted to screen views between the Administration building on Lincoln and houses on Whittle. The School needs to establish and maintain a policy of turning unneeded exterior and interior lights off at night to conserve energy and lessen light pollution.
- Garbage trucks arrive for pick-up in the early morning hours, disturbing sleep of nearby Whittle residents. Dumpsters near the back gate sometimes overflow with trash. This is not only unsightly, but is a food and shelter source for rodents, which have been observed by neighbors. The School needs to request that garbage pickups not occur before 7 AM and assure that dumpster capacity is not exceeded by increasing size or frequency of pick-up as needed.

- Nighttime service vendors arrive and leave through the Whittle gate, disturbing the sleep of nearby residents. The School needs to require cleaning crews and other nighttime service providers to access the campus from the upper school parking lot and not through the Whittle gate.
- The School agrees to continue paying for annual, City of Oakland, permit parking for Neighbors on all streets around the School that have restricted, two-hour parking.
- The School's two homes on one lot at 4200 and 4220 Whittle are to be used for employee housing and no other purpose. This was specifically committed to by the School before Neighbors agreed to support a gymnasium expansion in 1995. Despite that, in subsequent years and without consulting Neighbors, the School had plans for two different, major projects on this property that were scuttled only after Neighbors learned of them and objected. Specific CUP language is needed to restrict the use of these properties as above and to limit parking and access to the School from these properties to only those employees who live there.
- The new CUP needs to incorporate language that is in the same spirit as the Whittle Agreement regarding use of the School's single-family home at 4233 Lincoln. It is to be used for employee housing and no other purpose.
- The School and the City will establish target dates for all of the above prior to finalizing of new CUP by the City.

Neighbors and the School thank you for your patience in providing time for the new School administration and Neighbors to have the in-depth discussions necessary to reach an understanding. We are available to discuss this document and other issues at your convenience.

Best Regards,

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Randy Morris

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Hollis Matson

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Rob Lake

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Michael Thilgen

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Martha Sellers

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Don Dunning

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Josh Thieriot

Ms. Heather Klein, CGBP, LEED AP  
Planner III  
City of Oakland  
Oakland, CA

January 10, 2011

Dear Ms. Klein:

Head Royce School (the School) and the five Neighbor Representatives (the Neighbors), together comprising the Neighborhood Liaison Committee (NLC), have had a series of meetings this fall, and these have been productive in many respects. We have gotten to know each other better, clarified the School's and Neighbors' issues and constraints, and created what we feel will be an effective working relationship to address these and future issues.

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This document is a joint report from the School and the Neighbors to the City of Oakland (the City) that we hope will accomplish two things:

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1. From the Neighbors' perspective, acknowledge the positive actions that the School has taken this school year.
2. Specify processes and principles we have agreed on to make the CUP more clear and effective.

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#### Neighbor's acknowledgement of administration efforts this school year

The Neighbors appreciate the proactive approach of Rob Lake, Head of School, and Martha Sellers, Trustee, with regard to the following actions and/or commitments.

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- The School has drafted a new set of traffic rules, discussed them with the NLC, and incorporated NLC feedback. These have been sent electronically to the parents in a special communication from the Head of School's office (see attached).
- The new rules and related documents have been provided to the NLC.
- The School has sent, under the Head of School's name, an email that lays out the urgency and priority of complying with the Driving Rules. This letter solicits license plate information in a form that feeds directly into a database.
- The NLC was given access to the link for the solicitation document. The School's families are denied access to the School's intranet (needed for students) if they do not provide license plate numbers of their family cars.
- The School has initiated a process for the Neighbors to report unregistered plates to ensure that each additional reported violation will be responded recorded. When the family responsible for an unidentified plate in this database is subsequently identified, The School will handle them as a repeat violator of School rules, subjecting them to the consequences laid out in the new driving rules.

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- The School has met with the Summer Program director to plan for traffic control in Summer 2011 consistent with new policies being implemented for the school year. He is changing the Summer Program enrollment forms to make provision of license plates mandatory.
- The Head of School's senior administrators, the Assistant Head of School, the three Division Heads and the Head of the Summer Program have joined the Monitor Team out into the neighborhood to understand the issues on the ground. They have been asked to use this experience to consider solutions for better rule adherence and to reach out to parents and students they influence.
- A Trustee, the Assistant Head of School and a group of parents joined the Monitor Team to hand out flyers with the new rules, targeting kids and parents who are doing pick-ups below the campus. This activity will be repeated three more times when the School resumes after winter break.
- Monitor training will be held in January 2011. A monitor job description has been drafted and shared with the NLC. Neighbors have committed to sharing the description with the neighborhood and are hopeful that there will be interest.
- The School has revised the web site and the event planning form used to schedule events at the School to emphasize parking in the School's lot. All communications about events outside of school hours will request drivers to park in the School's lot.
- The Head of School is exploring designating an Event Coordinator. This coordinator would review upcoming events each month to look for situations where several smaller events happen at the same time and that person will order the necessary additional monitors to manage the total event size. She or he will also email Neighbors the list of events.
- Two-hour parking is in place on Alida and the School has notified parents.
- The School maintains its Neighbor Concern Line, to speed the reporting of problems.
- The School is researching the size and weight limits of trucks on Lincoln. These will be shared with vendors in a new document the School is creating to specify truck routes (with a map), request smaller trucks and lay out hours for receiving deliveries.
- The School has offered preferred parking in its lot for carpoolers. It has just launched a highly subsidized bus service to Alameda, and continues to subsidize service to Contra Costa County. With the addition of the modified AC Transit 39 bus line on Lincoln, active recruitment has removed 6-10 children from auto pickup in the afternoon.
- The school provides a set of tools to encourage carpooling, including a Google map where parents can see a cluster of dots indicating information on families that live near them, to facilitate ride sharing.
- The school updated the Neighbors on the policy to actively recruit children from the neighborhood as part of our green mission and our commitment to a good relationship with the neighborhood. This policy operates like the sibling preference policy; it is not a guarantee of admission, but for a qualified child, it significantly increased the probability that they will be admitted in the competitive admissions process.

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## CUP modification



Below are the areas we believe can make the revised CUP clearer. These are ideas and principles, not legal language.

## 1. CUP structure:

- a. Eliminate individual Neighborhood Agreements and fold any modified language into one broader CUP.
- b. Eliminate contradictory language between Neighborhood Agreements, such as deliveries to school on Lincoln and Whittle.
- c. Apply CUP to all School operations, including regular school year, summer school program, any events and any activity run by or from the School.

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## 2. Enrollment:

- a. The School and the Neighbors agree that the new CUP will remove the cap and flux language in the current CUP, whose 3% plus-or-minus results in ranges from 795 to 845 in Phase II, and 854 to 906 in Phase III. In place of the ranges, the School would implement a temporary enrollment limit of 830 students which would sunset in 2 years at which time the limit would revert to the Master Plan limit of 880 students (but without the flux mechanism to 906 students).
- b. For a number of reasons, such as the recent cutbacks in the public school system, and the strong reception we have had from the Oakland community about the new Head of School, we think it is possible that the future Middle and Upper School "yields", or number of acceptances of offers the School sends out, may be higher than the historical trends. We have built an estimate of higher yields into our planning for offers and financial aid, but want a mechanism that will satisfy our neighbors and the City if we find ourselves with unanticipated acceptances well in excess of historic rates. The School proposes liquidated remedies during the two-year temporary enrollment limit period consisting of specific actions and additional resources that are tied directly to any overage on acceptances. If we have even one child beyond the defined limit, the School will add one Traffic Monitor to the minimum standard described later in this document. The School will also increase its transit subsidies by half of the sum of the paid tuition collected from the over-limit students. By setting remedies at such levels, we want to demonstrate our commitment to meet the cap, while accommodating unforeseen operational issues that could generate greater numbers than our anticipated and historical trends.
- c. Under the Master Plan, the school's physical infrastructure was built to eventually accommodate more than the capped enrollment of 830 students. The School believes that its current active work to reduce both the number of car trips and the School Community's impact on the neighborhood will also allow us to demonstrate to our neighbors the School's permanent commitment to good neighbor relations.

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- d. The undersigned neighbors agree to endorse and publicly support HR's master plan, including existing enrollment limits as amended herein, and to actively participate with HR in supporting approvals consistent with the master plan. The undersigned neighbors will also assist HR in creating a more constructive relationship with the communities surrounding the school. [NLC – this is existing language we put in to try to capture your feedback that if things are proceeding well in the next couple of years, you committed to join the School in its approach to the Planning Commission as we go forward, you may have other wording in mind.]

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### 3. Traffic Procedures and Mitigation Queue:

- a. CUP needs to delineate that mitigation queue includes both drop-off and pick-up hours, as well as both sides of Lincoln (queue coming down the hill and queue going up the hill).
- b. The School has agreed to engage professional traffic consultants to provide the procedures for safe, effective queuing that minimizes the impact on the neighbors and traffic. Any experts from the City's staff will be included in this process, if the City would like to provide them. The professional consultants will also conduct another training for the school's monitors.
- c. The School has agreed to make permanent the practice of measuring the queue (traffic surveys), at the School's expense, three times a year. The first survey will be in September, the second after the winter break and third when the summer program is in session. These measurements need to be accurate and conducted with consistent protocol. The School will engage an independent, professional consultant to measure the queue each September and any employee and neighbor who will conduct the count. Measurements two and three will use a similar process and will be conducted by School employees and one or more Neighbors (paid to assist) if Neighbors are available to do so.
- d. The new CUP needs to clearly delineate actions identified by the traffic consultants, that the School will take if traffic surveys indicate that the downhill and/or uphill queues exceed newly established metrics.

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### 4. HRS monitoring and enforcement requirements:

- a. The School will monitor traffic and the queues, train monitors, enforce driving rules and impose consequences for violations.
- b. The School and Neighbors agree that monitoring and enforcement include vehicular traffic (following established route and driving rules), pedestrian traffic, and parking (no illegal parking, including partially blocking driveways or temporary blocking of red zones).



- c. Newly written School driving rules will serve as basis for monitoring and enforcement by the School.
- d. As many of these issues involve traffic laws, Neighbors and the School have agreed to write a joint letter to the City at least once a year to request more aggressive driving and parking enforcement.
- e. Based on current conditions, the School and Neighbors as set out minimum standards of 6 monitors in the school year and 7 monitors in the summer session. [The School currently has 4 in the AM and 5 in the afternoon.]
- f. Neighbors acknowledge that hiring of monitors for limited hours of work is difficult, and Neighbors have agreed to work with the School to advertise monitoring positions to surrounding neighbors who may be interested in participating.
- g. The School agreed to write a training manual for its monitors and conduct regular training sessions. The School will use the same materials and training processes for the summer session monitors.
- h. Whittle gate access will continue to be granted to emergency vehicles, garbage trucks, service or vendor vehicles and those requiring wheelchair access. Card access will be granted to students or employees who live within one-half mile of the school so they can walk or bicycle to school. Cards will be issued to those teachers who have been permitted (by the school's lottery system) to park behind the School or to park on campus in those parking spaces accessed by the Whittle Gate.
- i. The School will place a monitor near the Whittle gate once at least every two weeks to prevent vehicles from dropping off children and to catch non-card holders who follow a car or cardholder through the gate.
- j. The School has positioned a security camera on the Whittle gate and retains the images for 72 hours. The School will provide the Neighbors a process to report specific incidents with date and time so the School can efficiently follow-up on problems.
- k. All vendor truck traffic to and from the School's Whittle gate will be directed to come via Fruitvale and then Funston, not Tiffin to Whittle.
- l. The School and the Neighbors continue to have concern about the limited visibility at the Funston/Whittle intersection. The City, after the School paid for a study, concluded that a 4-way stop sign was not warranted. The School and the Neighbors plan to request that the City consider a 2-way stop sign.
- m. The School will continue the processes of gathering and enforcement that it has put in place this fall to expand the comprehensive license plate database system, as detailed in the first section on accomplishments.
- n. The School has taken responsibility for purchase of traffic cones and signs to use in a jointly designed effort to make it more obvious that driveways and courts are off limits, while the Neighbors have agreed to contact residents and let the School know where it may place the new equipment.
- o. The School agrees to continue to mandate that no student may park below the campus at any time.

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## 5. Event management:

- a. The School will send Neighbors a yearly event calendar at the beginning of each year. The School and Neighbors will establish new electronic process for receiving the list.
- b. The School agrees to notify Neighbors as soon as any new event is added. It will notify neighbors 30 days in advance of any event not included in its yearly calendar that is expected to attract more than 25 cars parked outside the School's parking lot (other than those called on an emergency basis or as a result of athletic playoff competitions or similar events that are not known to the school 30 days prior to the event).
- c. The School will not schedule events on Sundays if the number of cars attracted cannot be parked in the parking lot, with one exception. The all-school picnic and Head's Up fundraiser will continue to be held in mid-day on a single Sunday in September.
- d. Evening events will end by 9pm, except for school dances and the September Back-to-School nights, which have generally gone to 9:30pm to accommodate teacher meetings.
- e. The School will actively remind evening attendees to leave quietly and minimize the impact on neighbors.
- f. The School has 137 parking spots, 10 spots are permanently used by the School and are not available for events and others are difficult to access. The remaining spots serve as a guide to event size: for events anticipated to attract 100 or fewer cars (available parking spots on School campus), School monitoring resources will be deployed to surrounding streets to direct all cars coming to the event to the School lot. Event announcements will include the mandate that participants park in the school lot.
- g. For events anticipated to attract over 100 cars, an alternative parking plan needs to be developed and implemented, including agreements with Greek Church, Cerebral Palsy Center and/or Mormon Temple lots to avoid current issue of significant School car overflow into surrounding neighborhoods. Monitors need to be in place to direct cars to alternative parking.
- h. For events not intended for School families/faculty, the School needs to utilize a higher number of monitors, as non-School cars are not in their database and enforcement of the School's event management plan is more difficult.
- i. The School will direct weekend drop-offs to be in the school parking lot.
- j. School rules will forbid parents and employees to park their cars overnight in the neighborhood while on School trips or business travel.

## 6. HRS Deliveries

- a. The School will send a letter to the vendors from whom it receives deliveries laying out maximum truck size for Whittle and Lincoln, the location of the loading zones, the hours for deliveries, a map for approaching the Whittle Gate via Fruitvale and a set of consequences for drivers and vendors that do not respect our delivery policies.

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- b. Lincoln Avenue deliveries will be made in a newly defined Delivery Zone that will be identified by signage or curb paint at a location near the Middle School Gate. While this will increase the time to unload somewhat, the accommodation is being made to better insulate the first few houses across from the School from the noise of ramps dropping, dollies on the ramp and engines running in refrigerated trucks. The materials will still be taken through the main gate.
- c. Once or twice a year, a truck delivers the mulch to safely cushion the playground. The vendor has informed the School that the only way to reach the area is to park near the main gate and blow the material down with a specialized hose.
- d. The school will define the size of truck that can deliver on Lincoln Avenue by number of wheels. Trucks delivering to Lincoln Avenue must have fewer than 14 wheels. Because of the danger in the narrow streets, trucks with trailers shall not enter the Whittle gate.
- e. Deliveries to the School need to be limited to Monday through Friday 7:00am to 6:00pm. If there are one-off occasions when the School must receive a delivery outside of the days/times specified here, the School will notify the Neighbors and take all efforts to mitigate the impact on neighbors.
- f. The School will require all delivery vehicles conform with City weight limits specified for Lincoln.

## 7. NLC

- a. Needs to meet four times per year -- once in August before school starts, once in late May/early June, before summer school session begins, and two other, mutually agreeable, times.
- b. The School needs to provide NLC members with copies of all reports provided to the City.
- c. School and Neighbors agree to alternate chairing of NLC meetings and to establish a process for generating action items to track discussions and to serve as agenda for subsequent meetings.
- d. School and Neighbor Representatives on the NLC agree to collaborate in conducting a regular survey of a broader group of Neighbors. The goal is to identify whether problems are under control and to identify new issues as they emerge. Survey results are to be pooled and shared at regular NLC meetings.
- e. The School and Neighbors commit to work together in good faith to identify and address problems.
- f. All the current participants intend to continue working on the NLC for the foreseeable future, but the group agreed that when any representatives are replaced the group, the outgoing members will meet to discuss history and procedures of the NLC, to help maintain and improve the positive working environment in place beyond the current members.

## 8. Other Items

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- a. The School will ban students from the path on the upper slope of the athletic field and define consequences for violating that ban. If loitering continues there, the School will fence off the area.
- b. The School fire prevention plan needs to be identified in the CUP and the School agrees to share its fire prevention plan with Neighbors.
- c. The School will request both the City and the City's franchisee to ensure that garbage pickups not occur before 7 AM and will assure that dumpster capacity is not exceeded by increasing size or frequency of pick-up as needed.
- a. The School will require cleaning crews and other nighttime service providers to access the campus from the upper school parking lot and not through the Whittle gate.
- b. The School agrees to continue paying for annual, City of Oakland, permit parking for Neighbors on all streets around the School that have restricted, two-hour parking.
- c. The School's two homes on one lot at 4200 and 4220 Whittle are to be used for employee housing and no other purpose. The School's home at 4233 Lincoln will continue to be used for employee housing and no other purpose.
- d. The School and the City will establish target dates for all of the above prior to finalizing of new CUP by the City.
- e. Neighbors will withdraw the Complaint initiated in the Fall of 2009.

Neighbors and the School thank you for your patience in providing time for the new School administration and Neighbors to have the in-depth discussions necessary to reach an understanding. We are available to discuss this document and other issues at your convenience.

Best Regards,

\_\_\_\_\_  
Randy Morris                      Hollis Matson

\_\_\_\_\_  
Rob Lake                      Michael Thilgen

\_\_\_\_\_  
Martha Sellers                      Don Dunning

\_\_\_\_\_  
Josh Thieriot

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Note that "Neighbors" and "NLC" are used interchangeably.

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The ultimate goal is to respect the Neighbors' right to "quiet enjoyment" of their homes while providing a safer school environment.

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and we would be glad to meet with the City if more details on our proposals are desired

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Neighbors express concern that the single, best predictor of the impact on the surrounding neighborhood is enrollment numbers. The School has a history of exceeding CUP limits, and, to date, the City has enforced no consequences for such CUP violations. Letters from the City to the School, on November 16, 2009 and December 18, 2009, indicate the City's position that the School was above its enrollment limit. This was reinforced at the joint meeting of the School and Neighbors at City offices on November 17, 2010. At that meeting, City officials made it clear that, as of this school year, the School is again beyond its enrollment limit. New and clear CUP language is needed to maintain the School's student population at specified limits.

- Neighbors are concerned that the School has 815 students enrolled this school year, and that there is a plan to increase enrollment next school year as well. Neighbors stress that until the School has fully complied with current CUP requirements, it should not be allowed to maintain enrollment at these levels; rather, the School should be required to return to what is currently listed in the latest CUP as "Phase I" level.
- The "flux" metric needs to be eliminated and replaced with a straight enrollment cap. The current "Phase I, II, III" metric needs to be eliminated and replaced with new language.
- Clear consequences, such as financial penalties imposed by the City, need to be established should the School's student enrollment exceed the new CUP cap(s).



- Uphill queue: Prior to 2005 Master Plan and enrollment increases, there was no significant queue of traffic going up Lincoln to drop-off/pick-up School students. Consequently, to address the significant safety issue this additional queue has created, new CUP language regarding the uphill queue needs to be added.
  - Create drop-off/pick-up zone above the School gatehouse for School cars approaching the School from below campus.
  - Prohibit drop off/pick up of School students anywhere below the School gatehouse.

Reference Bentley School Conditions of Approval as a benchmark.

- The School agrees to pay for

At the core of School and Neighbor disputes are different perspectives regarding what the School is required to do regarding monitoring and enforcing its policies. The Neighbors have consistently expressed that it is not the lack of systems, but the lack of resources put in place by the School to implement and adhere to such systems, that has led to repeated disagreements. As a reference point, the City recently established a new CUP with Bentley School, which has an enrollment of approximately 360 students, -- less than one-half the size of Head-Royce School. The Neighbors believe it is reasonable to use the Bentley School process and metrics approved by the City as a guideline for establishing a revised CUP with the School.

- Monitors: Bentley School is required to have nine monitors, working in specific areas, during drop-off/pick-up hours each school day, including a requirement to have backup monitors, to ensure compliance. As the School is more than twice the size of Bentley School, Head-Royce School dropoff/pick-up times should be resourced at this level or more.

• N



- Monitor positioning: drop-off/pick-up: Traffic on both sides of Lincoln creates the greatest safety hazard for students; therefore, the bulk of monitoring resources need to be deployed to Lincoln. In addition, Alida Street/Court, Whittle gate, Funston, Tiffin/Lincoln and Tiffin/Whittle intersections and Burlington are all areas where School cars routinely violate driving/parking and drop-off/pick-up policies. The School needs to increase monitoring resources and establish systems to staff these areas during key times. Neighbors and the School will agree on what is considered an adequate number of monitors and designated times/places for their deployment prior to the City finalizing new CUP language.

- Previous written agreements regarding Whittle need to be carried forward to new CUP:

- "...That the Whittle Avenue access be used only for ingress and egress of emergency, garbage, service and vendor vehicle and wheelchair access...." Student and staff pedestrian access are not included in that list, and pick-up and drop-off on Whittle are specifically prohibited. Despite this, Neighbors agree that School students who live within one-half mile of the school may be granted access cards to the Whittle gate (so they can walk, not be driven, to School). Monitors will be present at the Whittle gate to ensure that only pedestrians with valid access cards use the gate and that no students are being dropped off or picked up from/by a vehicle on Funston or Whittle..
- School rules and the CUP need to stipulate that teachers and employees may not use the Whittle gate for ingress/egress unless they live behind the School (Whittle side), within one-half mile, and walk to work.
- Whittle gate not to be used by students and teachers for weekend activity ingress/egress.

- Per long-standing agreements, a

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Martha Sellers

1/11/11 2:39 PM

The School and Neighbors agree that monitoring and enforcement includes vehicular traffic (following established route and driving rules), pedestrian traffic (agreed upon drop-off and pick-up zones), and parking (no illegal parking, including partially blocking driveways or temporary blocking of red zones).

- Monitor training: Neighbors have pointed out to the School that monitors present in the neighborhood often are not actually monitoring or recording infractions, including taking photos. The School agreed to write a training manual and conduct regular training sessions use the same materials and training processes for the summer session monitors. In these sessions, the school needs to set expectations for a realistic number of



photos and violation reports from the monitors.

- Independent Rule Enforcers:

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Martha Sellers

1/11/11 2:32 PM

Bentley School agreement with the City requires Bentley School to hire three such positions, with the option of reducing to one if objectives can be achieved by one position. As the School is more than twice as large, Neighbors believe that, at least, similar resources should be provided by the School. To date, the School has assigned these duties to existing School faculty as additional duties to their current assignments. This level of staffing has not been sufficient. Per the Bentley School agreement with the City, such position(s) can serve to:

- i. Train School monitors
- ii. Manage School data base
- iii. Monitor School traffic impact on neighborhood throughout the day -- beyond drop-off/pick-up hours when monitoring staff is at highest levels
- iv. Coordinate and monitor events
- v. Compile necessary reports for the City/NLC

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Martha Sellers

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2005 Master plan included agreements with Neighbors to establish a data base system for School license plates to assist in enforcement of "clear consequences" for School cars violating driving and parking laws and School policies in the neighborhood. This system has fallen significantly short of achieving the agreements. To address this issue:

- i. The School needs to establish systems to collect license plate numbers of all student drivers, drivers of students (parents, relatives, nannies, etc.), faculty/other employees and vendors.
- ii. As conditions of enrollment and employment of School faculty and other employees, the School needs to obtain license plate numbers of all such drivers at the beginning of each school year. This data base needs to be updated consistently upon change/addition of vehicles and for those who join after the school year begins.
- iii. The School's current consequence system needs to be delineated as a new CUP requirement.
- iv. The School agrees that for School cars which fail to provide their license plate, such action will be considered a violation and part of the consequence system.
- v. The School agrees that, once identified, School cars that were not in the data base will be subject to the consequence system, beginning with time running from the first Neighbor complaint.



vi. The School will apply monitoring resources to any car reported as a repeat violator by directing monitors to the time and location of such reported violations. This will allow monitors to take photographs of the car/license number and identify the party.

- The School acknowledges that at present, this data base will not assist in monitoring or enforcement of either summer school or events for non-School families; therefore, monitoring resources need to be increased for such activities, as the school is limited in its ability to hold such cars accountable to its policies.

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**Martha Sellers**

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Unlike the Bentley School agreement with the City, which specifies the number of events Bentley School is allowed to hold per year, the days/hours such events can be held, and notice requirements of events to the surrounding neighborhood, the current School CUP has vague language regarding events. Though some Neighbors are retired or work from home, for a majority of neighbors, evenings and weekends are the primary time they can enjoy their homes and neighborhood. New CUP language needs to be clear and specific as to which/how many School events are allowed and how they will be managed.

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**Martha Sellers**

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- Neighbors are concerned that the School historically adds many events each year, without notice. Neighbors propose Bentley School language, which requires

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**Martha Sellers**

**1/11/11 3:28 PM**

To address the conflicting language in the Neighborhood Agreements, the Neighbors recommend the City revise the language using the following guidelines:

- Deliveries need to be made in one of two locations: 1) a designated loading zone to be established by the School and the City between the upper School pedestrian access gate on Lincoln and the driveway to the upper parking lot, or, 2) the upper parking lot accessed from Lincoln.
- To avoid the negative impact of deliveries on pick-up and drop-off activities, the delivery timetable needs to be limited to hours between drop-off and pick-up times. Any deliveries made outside of the specified loading zone times need be made in the upper School parking lot.

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**Martha Sellers**

**1/11/11 3:44 PM**

- The School needs to provide all vendors with a map identifying loading zones and recommended neighborhood ingress and egress routes to discourage vendors from making illegal U-turns on local streets.
- The School needs to advise all vendors in writing of delivery



requirements and restrictions. Delivery rules and maps also need to be posted on the School website.

- If a School vendor breaks driving rules on three separate occasions the school needs to stop doing business with that vendor.

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Martha Sellers

1/11/11 3:54 PM

- Students have easy access to the concrete steps and path on the upper slope above the athletic field and tennis courts. The path was installed as a temporary structure to allow pedestrian access during construction of the gymnasium. It was not shown on the approved construction documents, and it was to be removed on completion of gymnasium construction. That removal has not yet occurred. Neighbors have observed loitering, noise, matches and cigarettes at the edges of school grounds and are concerned about a fire starting and spreading into the neighborhood. The concrete path is an attractive nuisance, and the School needs to remove it, as promised. Before the concrete is removed and path and step area re-vegetated with trees and shrubs to block hillside access, the School needs to install a 20' permanent fence between the concrete steps and the decomposed granite running path near the south corner of the tennis courts. The School needs to ensure that the existing gate to the concrete step area is kept locked at all times, except as needed for occasional access by grounds maintenance staff.

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Martha Sellers

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- The new CUP needs to incorporate language that is in the same spirit as the Whittle Agreement regarding use of t





"Klein, Heather" <HKlein@oaklandnet.com>  
RE: HRS - Neighbor meeting with city; next steps  
March 14, 2011 10:07 AM

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All,  
First, I want to thank you for doing such a great job on narrowing down the issues with your letter. City staff appreciates all of your hard work to get to this point. Secondly, I believe that our meeting last week was very productive. I hope that the next steps continue in that vein.

As promised, I have provided a summary of the letter and what I believe the TDM should include, what we believe should/can be enforced, and what should be in a civil agreement. Hopefully I captured everything.  
We would like the neighborhood agreements removed entirely from the CUP and will not support a new civil agreement attached to it.

#### **TDM sections**

- Traffic and parking handbook, rules, process for enforcement, etc
- Onsite-parking space management
- Transit subsidy program
- Mitigation Measure monitoring, compliance, recommendations
- Traffic queues so that City streets and highway functions are not impaired, identify drop-off/pick-up locations
- Dispersal of traffic through the neighborhood
- Traffic assistants roles, training, locations, and overall number
- Event and parking procedures and locations
- Delivery times, types and, locations, however if noisy enforcement is through OPD
- Independent third-party monitoring and reporting
- Monitoring times, reporting times, cure period for all items above

#### **City Planning ability to enforce**

- Implementation of the TDM
- Enrollment limit with no fluctuation factor
- Neighbor notification of events and size
- Loading on other side of street needs approval from Planning and TSD and will be given only with a traffic analysis
- NLC to meet and provide copies to City of reports
- School improvements noted in the master plan
- Annual fire prevention inspections
- Campus lights turned off to the greatest extent feasible without compromising safety
- Garbage truck pick-up, request Waste Management to pickup later, School to provide a good faith effort(City can't require Waste Management to change pick-up times
- School to provide/pay for parking permits for residents who succeed in applying for one
- Land use of SFD on Whittle and Lincoln
- Landscaping above athletic field
- Security gate at athletic field/parking lot to deter use when School is not in session
- Preparation of an emergency plan

#### **Civil Agreement**

- Traffic rules, enforcement (enforcement of illegal U-turns, parking permits, etc is the OPD)
- Consequences for violation of school rules
- Whittle Gate access
- Parking on City non-metered streets for overnight parking
- NLC procedures
- Access to school grounds above tennis courts and athletic field
- School improvements not noted in master plan approval



- Vegetation to screen headlights
- Nighttime access to Whittle Gate
- Traffic calming plan
- Lincoln beautification, cleanliness program
- Will not include a process to resolve compliance with other non-civil agreement issues

I hope this helps with the retention of a TDM consultant and further progress on this project.

Heather Klein, CGBP, LEED AP  
Planner III  
City of Oakland

250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612  
ph: (510) 238-3659  
fax: (510) 238-6538  
email: [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com)

**P** Please consider the environment before printing this e-mail

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**From:** Rob Lake [mailto:[rlake@headroyce.org](mailto:rlake@headroyce.org)]  
**Sent:** Wednesday, February 02, 2011 9:57 AM  
**To:** Klein, Heather  
**Cc:** Randy & Lori Morris; Michael Thilgen; Don Dunning; Hollis Matson; Josh Thieriot; Martha Sellers  
**Subject:** Re: HRS - Neighbor meeting with city; next steps

Thanks all.

As we also discussed last night, while the CUP process is moving along, we (HRS) are still working hard on our end to improve systems, follow-up, training, monitoring and the like. It is important, ongoing work that we are fully invested in.

Thanks to all for the time that you have committed. We are all busy and your collective efforts are much appreciated by me.

Best,

Rob

On Wed, Feb 2, 2011 at 9:28 AM, Klein, Heather <[HKlein@oaklandnet.com](mailto:HKlein@oaklandnet.com)> wrote:

I'm glad to hear that you have made even more progress. I have looked at the letter and have routed it to my supervisor and the City Attorney for review. Once they have had a chance to look at it we can set up a meeting to discuss that and the next steps.

Heather Klein, CGBP, LEED AP  
Planner III  
City of Oakland

250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612  
ph: (510) 238-3659  
fax: (510) 238-6538  
email: [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com)

**P** Please consider the environment before printing this e-mail





"randylorimorris@comcast.net" <randylorimorris@comcast.net>  
Fw: HRS counselor parking on Alida  
August 5, 2012 8:16 PM

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-----Original message-----

**From:** "randylorimorris@comcast.net" <randylorimorris@comcast.net>  
**To:** Mary Fahey <mfahey@headroyce.org>  
**Sent:** Tue, Jul 24, 2012 06:25:55 PDT  
**Subject:** HRS counselor parking on Alida

Mary, do you collect license plates of student counselors working the summer achool program? Yesterday, a blue station wagon, whose plate i didn't collect, was parked on Alida for many more hours than 2...as i was pulling out around 6pm or so i observed a counselor in the HRS summer camp t-shirt get in and drive away. If the monitors have counselor license plates, perhaps they can record and get the counselor to move the car....good news if this already happened.

Thanks for any follow up.

RM

"randylorimorris@comcast.net" <randylorimorris@comcast.net>  
Fw: 5MJS302- u in court now  
August 5, 2012 8:16 PM

---

-----Original message-----

**From:** "randylorimorris@comcast.net" <randylorimorris@comcast.net>  
**To:** Mary Fahey <mfahey@headroyce.org>  
**Sent:** Thu, Jul 12, 2012 08:25:58 PDT  
**Subject:** 5MJS302- u in court now

Seems like lots of U activity after student monitors leave...is the security guard picking these up?



"randylorimorris@comcast.net"<randylorimorris@comcast.net>

Fw: 5TFE816

August 5, 2012 8:15 PM

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-----Original message-----

**From:** "randylorimorris@comcast.net" <randylorimorris@comcast.net>

**To:** Mary Fahey <mfahey@headroyce.org>

**Sent:** Mon, Jul 2, 2012 12:56:59 PDT

**Subject:** 5TFE816

Illegal u at court now...father driver, student child in back seat...

"randylorimorris@comcast.net" <randylorimorris@comcast.net>  
Fw: U-turns  
August 5, 2012 8:14 PM

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-----Original message-----

**From:** "randylorimorris@comcast.net" <randylorimorris@comcast.net>  
**To:** Mary Fahey <mfahey@headroyce.org>  
**Sent:** Thu, Jun 28, 2012 12:56:38 PDT  
**Subject:** U-turns

1. 5VCL614- U in court @ 12:30; mother driving, daughter in passenger seat
2. 5TFE816- illegal U @ 12:50...

Thanks  
RM



"randylorimorris@comcast.net" <randylorimorris@comcast.net>  
Fw: 6TJU449  
August 5, 2012 8:13 PM


---

-----Original message-----

**From:** "randylorimorris@comcast.net" <randylorimorris@comcast.net>  
**To:** Mary Fahey <mfahey@headroyce.org>  
**Sent:** Tue, Jun 26, 2012 08:37:56 PDT  
**Subject:** 6TJU449

Mary- i've noticed on vacation this week that the student counselors doing monitoring go back to the school around 8:20, and there are a number of u-turns between then and 8:40...subject line is one such.



"randylorimorris@comcast.net" <randylorimorris@comcast.net>   
Fw: HRS vendor...illegal U @ Alida  
August 5, 2012 8:13 PM

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-----Original message-----

**From:** "randylorimorris@comcast.net" <randylorimorris@comcast.net>  
**To:** Mary Fahey <mfahey@headroyce.org>, Randy & Lori Morris <randylorimorris@comcast.net>  
**Sent:** Mon, Jun 25, 2012 10:09:26 PDT  
**Subject:** HRS vendor...illegal U @ Alida

Illegal U from Palo Alto egg co just now





"Morris, Randy, SSA/CWS" <MORRIR@acgov.org> 

(No Subject)

August 5, 2012 8:06 PM

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June 18<sup>th</sup> 6:30am

Randy & Lori Morris <Randylorimorris@comcast.net>  
"The Athenian School" yellow bus, U-turn @ Alida court  
September 27, 2011 7:17 PM

---

A big yellow school bus, with students / athletes (?) in it, just made a 5 or 6 point U-turn at Alida Court. The bus is marked "The Athenian school." I'm passing this along as you're putting together systems / lists with whom to communicate regarding HRS driving routes...I think this has come up a few times, how HRS will communicate with other schools that need to bring bus loads of students / athletes to HRS...

thanks for any follow up-  
RM



Randy & Lori Morris <Randylorimorris@comcast.net>  
dangerous U on Lincoln: 5TWN893  
September 15, 2011 3:56 PM

---

Mary- I just came down Lincoln and at the light above HRS, right where you turn into the HRS parking lot, 5TWN893- which I see listed in the HRS data base Martha provided us last year, made a dangerous U in front of us coming down the hill. The light turned green, and this car going up the hill and at the front of the up-hill line, turned left very fast into the driveway to your lot in order to "beat" down hill cars- but then left its rear in Lincoln Avenue, holding us all up from going down hill. The car proceeded to reverse back into Lincoln, in order to face down hill, then got in the queue for pick up.

Of the reports / complaints I file, this one was one of the most dangerous, and at one of the worse times of day to be driving this way as an HRS parent...I hope you can escalate the response given the nature of this driving behavior.

thanks-  
RM

Randy & Lori Morris <RandyLorimorris@comcast.net>  
HRS monitor expectations...  
September 15, 2011 10:59 AM

---

1. I'm following up to see if by chance you ever received the report of the Cintas truck illegal U from your monitor?
2. 7:30am, on my way out this AM, as I was driving toward Lincoln, I observed a car turn from Lincoln, onto Alida, U-turn in my driveway, then back up Lincoln. This all happened with the HRS monitor on the corner of Lincoln / Alida, who didn't seem particularly focused and had her back to this event happening right across the way from her.

When we dig into the TDM write up, I want to make sure we focus on expectations beyond how many and where to post monitors, but what quality controls HRS will establish and maintain to ensure monitors are monitoring.

thanks for listening.

RM  
On Sep 13, 2011, at 2:52 PM, Mary Fahey wrote:

Randy,

Thank-you for the report. I am meeting with our food group to go over the procedures for the vendors and what happens when there are repeat offenses. We do want to avoid these situations instead of dealing with it after the fact. I do hope this violation gets reported to me!

Mary

On Tue, Sep 13, 2011 at 2:42 PM, Randy & Lori Morris <RandyLorimorris@comcast.net> wrote:

I just came home and observed a large HRS vendor truck illegally U-turn at Alida Court. Cintas linen services (which I see parked in front of HRS often...hence my assumption), license: 63449A1. I also observed an HRS monitor posted on the corner of Lincoln / Alida when this happened.

1. In addition to contacting Cintas, can you review vendor compliance with driving in general, given two violations in two days- am wondering how this ties into TDM and what level of regular communications need to go out to pre-empt. If they already have, repeat violations seem to indicate general expectations of vendor admin don't always translate to what is happening on the road.
2. As a test- can you wait a day or two to see if the HRS monitor reported this violation back to HRS...if so, I am very, very pleased, and this is a good indication that HRS is on top of this. If not, can we add this to the list of how to include reasonable expectations in the TDM regarding what to do regarding simply posting monitors...if they aren't actually monitoring and catching violations.

Thanks much-

RM

--  
Mary Fahey  
Assistant Director of Admissions  
Director of Community Relations  
510-531-1300 ext 2219



Randy & Lori Morris <Randylorimorris@comcast.net>  
US food service truck: illegal U @ Alida / Lincoln  
September 12, 2011 7:28 AM

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Mary- I just observed one of the big Food delivery trucks reverse U-turn from Lincoln, backwards onto Alida, then turned up Lincoln. Though I appreciate that they are not coming into my neighborhood to turn around, U-turning on Lincoln is dangerous.

Thanks for anything you can do to speak to the vendor to nip this type of behavior early on in the school year.

RM

Randy & Lori Morris <Randylorimorris@comcast.net>  
Fwd: HRS cars parked more than 2 hours on Alida / Ct  
June 27, 2012 10:42 AM

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Heather- though you might want to see that HRS board members parked illegally in my neighborhood for a board meeting this AM. I just saw the new Board president get in the Gold Lexus and drive away, along with another Board member I didn't recognize.

Irony, as they were probably meeting to talk about neighbor issues: parking, etc, and they violated city of Oakland 2-hour parking limits as they were in the meeting.

RM

Begin forwarded message:

**From:** Randy & Lori Morris <randylorimorris@comcast.net>  
**Subject:** HRS cars parked more than 2 hours on Alida / Ct  
**Date:** June 27, 2012 10:34:48 AM PDT  
**To:** Mary Fahey <mfahey@headroyce.org>  
**Cc:** Martha Sellers <marthasellers@yahoo.com>, Rob Lake <rlake@headroyce.org>

Mary- 2 HRS cars in your DB parked in the neighborhood around 7am, both are still parked. I'm copying Martha and Rob, as I saw Martha park at the same time so am wondering if these cars came for a 7am meeting like Martha? If so, they might be board members, so I'm particularly concerned they would violate the 2-hour parking limit in the neighborhood.

1. 6JJY100- Gold Lexus SUV (on Alida street)
2. 6DUB229- Black Audi Sedan (in the Court)

Thanks-  
RM

Randy & Lori Morris <Randylorimorris@comcast.net>  
illegal U by HRS Vendor "Shred-it"  
February 28, 2012 12:26 PM

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I dropped by my house now, and on the way up Lincoln saw this truck parked in front of the HRS gate. It proceeded to come into our neighborhood and illegally U-turn at Alida Court to get back to Lincoln and go up the hill.

Thanks for any follow up with this vendor, and continued efforts to pre-empt these violations through your vendor contracts / communications.

RM

Randy & Lori Morris <Randylorimorris@comcast.net>  
YALE 91- illegal U @ Alida court  
May 7, 2012 1:33 PM

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I'm home for a minute now, and just saw this car illegally U. It is in your DB.

thanks-  
RM



Randy & Lori Morris <Randylorimorris@comcast.net>  
4YUB040- illegal U @ Alida court just now...looked like students  
May 18, 2012 1:24 PM

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Randy & Lori Morris <Randylorimorris@comcast.net>  
5PPZ546 subaru wagon- illegal U @ Alida  
June 26, 2012 10:26 AM

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Mary- above car illegally U turned at Alida Court just now, then parked on Alida street. Gentleman with a briefcase walked toward HRS...perhaps for a meeting?

Randy & Lori Morris <Randylorimorris@comcast.net>

U's at Alida

July 23, 2012 5:44 PM

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4WZG240- female parent / grandparent driver, elementary school child in back seat: U in Court now

5MMX638- College Age driver? 3 students in back seat, and another counselor age passenger: Illegal U now

RM

I, Deborah Royal, declare:

1. Since 1993 I have co-owned my home at 4191 Laguna Avenue with my partner Hollis Matson. Hollis is retired and I work as a Nurse-Practitioner at East Bay AIDS Center, located at Summit Hospital. Our plans have been for me to retire in a year or two so that Hollis and I can enjoy our lovely home. We have spent countless hours renovating the house and creating outdoor space for our peaceful enjoyment during our retired years.

2. When we moved into our home on the corner of Laguna and Alida, we were aware of Head Royce School and that it seemed to be responsible for an inordinate amount of traffic on Lincoln Avenue in comparison to other schools in the neighborhood. However, we did not experience anything like the problems that developed as the school increased its enrollment from about 2004 to the present. Nor did I have so many problems trying to get out of my driveway in order to get to work on time.

3. I am employed full-time and usually leave home shortly after 8:00 a.m. The first problem I have experienced on a daily basis for at least the last three years is that I have a great deal of trouble backing my car out of my driveway. The Head Royce parents, after dropping their children off at school, and in a hurry to leave the neighborhood; come around the corner of Alida and Laguna with too much speed and little careful observation of other vehicles. Since they cannot U-turn on Lincoln, Alida Court or Linnet, they turn left off Lincoln onto Alida and turn right onto Laguna to get around the block and back onto Lincoln to head back up Lincoln toward Highway 13.

4. Time and time again, I have been close to being T-boned or rear-ended as I



tried to back out of my driveway. There have been many days when I waited for extreme amounts of time rather than take a chance of being hit by a parent, often talking on a cell phone, speeding around the corner. There have been days when Hollis or someone else had to help me get out of the driveway by stopping Head Royce traffic coming around the corner so I could finish backing out of the driveway.

5. To avoid the congestion on Lincoln created by Head Royce traffic, I drive down Laguna Avenue over many speed bumps and closely parked cars in order to access Interstate 580. Attempting a left turn onto Lincoln from Alida is too frustrating because parents coming up Lincoln to drop off students often stop in the middle of the intersection, blocking cars attempting to turn left onto Lincoln. If I go that direction, I often have to wait an inordinate amount of time for a rare polite driver to let me make my turn.

6. My preferred route would be turning right from Alida onto Lincoln in order to approach Highway 13. However, that route is nearly impossible to use at all during the school's drop off period and I don't know how much of a delay there might be on any given day. Periodically, I have tried to use Lincoln and have found that parents dropping off their children pull into and out of red zones, older students dash across the street, and cars coming down the hill suddenly appear in my lane as they cross the double yellow line to get around a double-parked parent's car or car stopped half-in and half-out of the downhill lane. To avoid this, I end up going back to my other longer and less-convenient route to my workplace just to avoid this morning drop-off chaos.

7. The issue of my getting to work on time is not just one of convenience or personal preference. Like all medical offices, our clients are seen on a tight schedule and if medical personnel are consistently late, for whatever reason, the

entire day's schedule is thrown off and the entire clinic is affected. Some of our patients are very ill and they need to feel that we are able to keep our commitments to them, including seeing and treating them when we promise to do so.

8. Another problem that has been exacerbated within the past year or so, since the City No U-Turn signs have been installed at Alida Court and Linnet, is that a number of parents do not go around the block but, instead, U-turn at the intersection of Alida and Laguna. There is a No U-Turn sign at this intersection which is often ignored as there are no monitors watching the intersection and it cannot be seen unless someone walks to Linnet to observe. Previously, parents u-turned in driveways along Alida as well as at the Court and Linnet, causing long back-ups of traffic while they did this. They are now waiting until they cannot be seen by monitors and are u-turning at Alida and Laguna as well as in driveways near that intersection.

9. Having watched the traffic problems related to Head Royce increase over the years, I am of the opinion that the school cannot manage the number of students that they have enrolled. They seemed to do a somewhat poor job with a much smaller enrollment but once they increased enrollment from 2004 to the present, they have been unable or unwilling to manage the traffic problems. Other schools, including much larger high schools, seem to be able to protect their students and the public from traffic dangers; Lincoln Avenue and the surrounding neighborhood streets are not as safe as they should be.

10. I only see the Head Royce drop-off process since I come home after their pick-up time is over. Based on what I see of HR traffic, however, I would like to see the drop-off process completely removed from Lincoln Avenue as it is too chaotic, uncontrolled and dangerous.

11. Attached to the neighbors' May 2012 traffic memo to Heather Klein is an article about a terrible accident that occurred on Lincoln Avenue about eleven years ago. A large truck came down the hill, lost control, and plowed into a house and cars. There was a fatality. I happened to be turning from Alida onto Lincoln just moments after the crash and, along with a nurse from the CP Center, stopped and immediately ran to the scene to help. I saw the gentleman in his burning car who could not be helped. I assessed the truck driver, who was alive but hurt and within a few minutes first responders arrived. This occurred at 9 a.m. Had it been just a half-hour earlier, many students and parents would have been in extreme danger and there undoubtedly would have been greater devastation and loss of life.

12. In my view, the amount of traffic congestion caused by Head Royce over the last three years would more probably than not slow down responders if any accident occurred on Lincoln. It would also slow down emergency vehicles that may need to access the feeder streets, including Alida, that are located off of Lincoln Ave.

13. Over the last three years, Hollis has volunteered our home for meetings with Head Royce representatives. The meetings were in the evening and I often got home in time to sit in and listen to some of them. Until two years ago, the Head Royce Neighborhood Liaison Committee, of which Hollis is a member, met at the school. Other neighbor-members met in our home to talk about issues to bring up at NLC meetings, and to draft recommendations and responses related to Head Royce – neighbor issues. Two years ago, the neighbors on the NLC filed a formal complaint with the City of Oakland; the result was the planning staff intention to hold a hearing about Head Royce's noncompliance with its use permit. At that point, Head Royce hired a new Head (Robert Lake) and he and a Head Royce trustee, Martha Sellers, asked the neighbors to put off the hearing over the use

permit in order to work together on these important issues. Most of these meetings were held at our home.

14. Over the last two years, I overheard NLC neighbor representatives repeatedly ask Rob and Martha for two things: to quickly implement corrections to all of the nuisance problems created by Head Royce including traffic issues mentioned here, numbers of events, use of HRS parking lot, etc.; and putting in legally enforceable writing the corrections. Although always pleasant, Rob and Martha always had excuses for why neither or these could be accomplished or said it would take time for the school to implement any real changes.

15. I was present for a recent meeting that occurred with Rob, Martha, Hollis and neighbor Randy Morris. At that time, Randy and Hollis made it clear that conversations needed to move from talking about fostering a good relationship between neighbors and the school and into the "business" of making real and permanent changes. I noticed that this news was not well-received by Rob and Martha, who seemed to want to continue to talk about relationships rather than progress with issues.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Dated: August 5, 2012

A handwritten signature in cursive script, reading "Deborah Royal", written over a horizontal line.

Deborah Royal



## DECLARATION OF INMA LIÑERO

I, Inma Liñero, declare:

1. My husband and I bought our home at 4301 Whittle Avenue, Oakland, CA 37 years ago. Our home is located near the upper end of Whittle Avenue, across the street from houses that border Head Royce School. I am a retired bi-lingual secretary and have been a homemaker for many years. My husband, Joe Brecher, is a semi-retired attorney, who works in our home office. As of a few years ago, we finally reached the point in our lives when we could stay home together. We love this neighborhood for its tranquility, semi-rural aspect and, until the past few years, its peace and quiet.

2. For many years after we purchased our home, Head Royce was a very small school that did not disrupt anyone and seemed to be reasonably well managed. It began growing exponentially around 2004 and has continued growing to the present time. With the expansion of the school facilities and the increased enrollment, we have experienced increased problems in our neighborhood with traffic issues, deliveries, noise, and other nuisance problems that our neighborhood leader, Don Dunning, has discussed repeatedly with Head Royce. I also have complained on many occasions about the situation at Head-Royce, primarily about its failure to follow good gardening and landscaping practices. The school never just fixes problems when we complain and instead, the same nuisance activities just continue uncorrected.

3. The most recent problem that my husband and I have had with Head Royce has been their summer day camp. While there are a few classes offered, the program at Head Royce is a day camp, not a summer school. Children are dropped off early in the morning at Head Royce and primarily engage in recreational activities until their parents pick them up in the middle or end of the afternoon.

4. For the last several years, the noise at the summer day camp has become louder with each passing year. The children scream constantly. It sounds as if someone at the camp organizes the children into "screaming sessions" during which all of the children scream at one time. It is not the sound of children joyfully playing, but rather mindless screaming.

5. Last year and this year, the summer camp operator, who leases or borrows the school's facility over the summer, has had his or her staff using amplified loud speakers and megaphones. The combination of the screaming and the amplified noise goes on from early in the morning until late in the afternoon, greatly disturbing us. It can be heard throughout our house and especially in our back yard. The noise is so loud that we have to keep our windows closed during much of the day.

6. In the past, our neighbor representatives, Don Dunning and Michael Thilgen, have brought the noise problem to the attention of the school. However, they tell us the answer has always been that since Head Royce leases or loans out its facilities for the summer to a vendor, the neighbors have to take up the matter with that vendor. Calls to the vendor go nowhere and we are stuck with the noise all summer until the regular school year starts in September.

7. This year, the noise was particularly disturbing as it is louder and goes on for more hours than in previous years. I wrote to the head of the school and complained because I felt that if Head Royce could not control its vendor running the summer camp, it should refuse to allow the summer

camp in the future. Attached as Exhibit A to my declaration is a true and correct copy of my email to Rob Lake and his reply. As of this date, he has not responded further, the vendor has not responded, and the noise continues unabated. A mere promise to talk to somebody running the summer camp is not acceptable. As the head of the school, Rob Lake should have immediately stopped the noise problem. Instead, Mr. Lake merely passed the word on to the head of the camp, who exchanged the attached e-mails with me. He took no further responsibility for the situation.

8. After the exchange of e-mails, the loudspeakers ceased, but the screaming went on unabated and continued at the same level until the end of the camp session.

9. Another issue that impacts my house and the neighbors near me is the lack of landscape maintenance by Head Royce. In the past, the school had an arborist and landscape service that cleared the overgrown vegetation away from Whittle Avenue, especially along the fence on the block between Funston and Tiffin. They also removed the ivy off of the trees and cut back the vegetation so that it was not in the street. About three years ago, the school abandoned all landscape maintenance along our part of Whittle. As a result, there is vegetation growing into the street and ivy choking beautiful oak trees bordering the school's property. I included this issue in my attached email, but Rob Lake did not respond to it in any way.

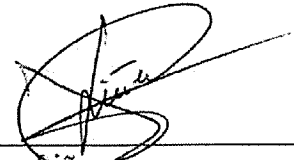
10. Having watched Head Royce grow over the years, I think that it has become way too big an operation and has too many students, including in the summer. As the school has increased its enrollment, it has become less able to manage its impacts on our neighborhood. The people who operate the school have increasingly developed a dismissive and arrogant attitude toward the neighbors. They either will not or cannot fix the nuisance problems as they arise in the neighborhood.

1. I would like to see Head Royce's enrollment cut way back and the summer camp discontinued entirely. I don't understand how the city can allow a school to turn itself into a summer camp in the first place. If the hearing officer decides that the summer camp can continue, the amplified noise and screaming should be forbidden.

12. It is frustrating for me to have to live with all of the longstanding nuisance problems that we have complained about to Don and Michael over these last several years. My husband and I have invested substantial savings into our home with the idea that we will live the remainder of our days here. It is patently unfair for Head Royce to intrude into our house with noise and disrupt our enjoyment of our own home.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: August 6, 2012

  
Inma Linaero



Date: Tue, 3 Jul 2012 10:03:18 -0700  
From: inmalinero@yahoo.com  
To: rlake@headroyce.com; mfahey@headroyce.com  
Subject:

As a long time resident on Whittle Avenue, I want to bring to your attention two matters of concern to me and my neighborhood.

First: to complain about the constant screaming from the children and counselors and the super loud PA system at your summer camp. The noise begins at 8 in the morning and continues until ??? At times, it gets so loud as to be unbearable.

As you well know, this is a residential neighborhood. For many years, we have had to put up with an ever-expanding enrollment at Head-Royce, and the concomitant increase in traffic and noise. But at least we could look forward to the end of the school year, when we could finally regain some of our tranquility. But when the summer camp was added a few years back, that small window of peace and quiet was eliminated. Since then, it seems the camp enrollment has been expanding every year, making the situation worse and worse. The camp personnel are constantly using a highly-amplified public address system. They also appear to be using the area by the pool more, rather than the playing field. The result is an almost constant din at ear-splitting.

While you call this summer session a "summer program," it is, in fact, a profitable summer camp that has nothing to do with the educational function of the school. We neighbors should not be forced to put up with this inconvenience so that Head-Royce can make money at our expense. This situation must stop immediately. The staff should be told to ask the kids to keep down the noise and bullhorn should be eliminated entirely. And next summer, the number of campers should be significantly reduced.

Second: Grounds upkeep, specifically ivy control and tree protection. It has been at least 3 years since I last saw any gardeners trim the ivy along the back fence on Whittle Avenue, and around the back driveway. As a result, it is very overgrown sticking out into the street, growing over the curb onto the already narrow road. Also it is climbing on the tree trunks and all over the canopy of some of the trees. The same applies to the oaks facing Lincoln, close to your main entrance. I would like to see the school take better care of these trees, since they provide a visual and sound barrier for the neighborhood and we appreciate our oaks. Your consideration and cooperation on this matter as well will be much appreciated.

Sincerely  
Inma Linero



**Dear Ms. Frazier:**

**Please see my comments below.**

**Inma Linero**

--- On **Mon, 7/9/12, Mikki Frazier <mfracier@headroyce.org>** wrote:

From: Mikki Frazier <mfracier@headroyce.org>

Subject:

To: inmalinero@yahoo.com

Date: Monday, July 9, 2012, 9:22 PM

Dear Inma,

Hello, my name is Mikki Frazier, I'm the Summer Program Director at Head-Royce School. I wanted to respond to your concerns regarding the noise in the summer program to provide some information and share a context.

I understand that you called the office to speak to me today and I was out helping to manage our pick-up process on Lincoln Avenue, I apologize for missing you and would be happy to speak to you by phone tomorrow. Also, in addition to our many trainings, I spent a good amount of time in the afternoon today with our counselor staff to explain to them to have a general understanding/appreciation for an "appropriate" noise level on campus and am continuing to provide coaching for them in this area. We are hopeful that we can strike a delicate balance in supporting our neighborhood and also providing an exciting, engaging program for the many students in Oakland who are enjoying their experience on our campus. **I'm afraid that a "balance" is not acceptable. Frankly, the needs and desires of myself and other neighbors must come first -- we live here, while the camp constitutes a profit-making enterprise of the school for the benefit of outsiders. Therefore, I must insist that you find a way to run the camp in a way that does not interfere with our peace and quiet, even if this means that all your objectives may not be fulfilled.**

Daily, we use the PA system for a camp-wide meeting from 3:05-3:20 pm in our lower school which takes place on the patio next to the pool. This is the only opportunity that all of the students have to be in one place and where we are most capable of creating a sense of community in the summer months. Many students report this short 15 minute window as their favorite part of the day and their most memorable experience on campus. **We are happy that you are no longer using the bullhorn and expect that policy to continue. We do not think it is necessary or appropriate for the students to hear amplified messages in order to create a "sense of community."** Today, that consisted of a group chant that seemed unusually loud, I'm sorry for the poor timing of it in light of your concerns. We are exploring options to move that group activity to an indoor space on campus to insulate the noise. We also attempted to manage our pick-

up process today without the use of megaphone as I understand that it carries more than a human voice. **Unfortunately, the school is located in a canyon where sound is naturally amplified. This means that any "group chant," megaphone or other concentrated human voice activity is transmitted directly to our homes. I'm afraid you will have to confine this activity to an indoor location or perhaps on the ballfield, where the natural amplification conditions do not exist.**

**Aside from the "group chants," etc., there is the disorganized yelling and screaming by the individual campers, which can get quite loud. We must insist that the counselors use their authority to make sure that the kids keep it down.**

To reiterate, I'd be happy to speak with you more by phone to address your concerns. Please feel free to call me at 510-531-1300 x2500 or email me directly at [mfrazier@headroyce.org](mailto:mfrazier@headroyce.org). **I don't believe it will be necessary for us to speak by phone. If you carry out the actions contained in this e-mail, there will be nothing for us to discuss and this problem will be solved. (We have numerous other issues with Head-Royce, but that is a subject for another time).**

Sincerely,

Mikki Frazier

## DECLARATION OF VICTOR AELION

I, Victor Aelion, declare:

1. I reside at 60 Camellia Place and was one of the volunteers who watched and recorded traffic conditions on Lincoln Ave. in May 2012. My film is located on the DVD that was submitted to the city planning department and it shows both still photos and moving film.

2. Below is a log or summary of my observations from the filming that I completed:

RE: Observation of HRS parking queue on Lincoln Ave.

I started observing the traffic and parking queue on the North side of Lincoln Ave adjacent to Head Royce and up to the Greek Orthodox Church.

5/22/2012 – Clear and dry:

At about 2:30pm I positioned myself at the Greek Church parking lot at the top of the stairs overlooking Lincoln Ave.

Between 2:45pm and 3:00pm cars started to line up in the queue and come up around the corner from the electronic “Your Speed” sign. As the cars started to line up further up the hill to just above the upper driveway across from the Cerebral Palsy Center, they would park in the red zone, the “KEEP CLEAR” zone and block the fire hydrant. As one car would leave an open spot, another car would pull in, front first, leaving the rear of the car sticking out in the lane of traffic. This would cause vehicles coming down Lincoln including trucks and busses to move into the oncoming lane of traffic to avoid hitting the poorly parked car. By about 3:15pm cars would be parked further up Lincoln blocking the driveways to the 2 houses and private driveway above the 2 houses across from the Greek Church.

5/24/2012 – Clear and dry:

I started this observation the same as on 5/22/2012 with very similar results and pattern.

I did note that at 3:20pm a car had parked in front of the fire hydrant across from the Cerebral Palsy Center with its rear end completely sticking out into traffic. If it were to get hit from behind the impact would have caused the car to hit and damage or break the hydrant. At the same moment there was another car (same make and model) further up the hill so poorly parked that it was at least 2 feet from the curb (from my observation and photo) and its rear was

severely sticking out into oncoming traffic. Several cars, buses and trucks coming down Lincoln had to move into the oncoming traffic lane to avoid hitting both cars.

5/25/2012 – Overcast and some rain:

Same observation point with similar results as the last 2 observations.

A yellow school bus from another school was dropping off their baseball/softball team players at HRS. They parked across from the Cerebral Palsy Center just above the upper driveway in the red zone and in the "KEEP CLEAR" zone. They also parked about 3 feet from the curb in the lane of traffic. If this bus were to have been hit from behind, several passengers could have been injured.

3. In summary: I observed the parking queue for three days from about 2:45pm till about 3:30pm from the same location. Too many cars were dangerously parking/stopping on Lincoln's downhill direction waiting to pick up their child with no regards to traffic safety. While observing the drivers of the vehicles blocking driveways and sticking out into traffic, I noticed that they were ALL on their cell phones and had no concern as to what they were doing wrong, even when large buses or trucks were coming down on them and going around them. They were completely oblivious to the situation.

Only on one occasion did I see a representative from HRS patrol the parking queue, and that was on 5/24/2012 at about 3:25pm, in which they didn't do much of anything. It appears by my observations that if HRS were concerned about the traffic they would at the very least have more people directing traffic.

I declare under penalty, under the laws of the state of California, that the foregoing is true and correct.

Dated: August 6, 2012

  
Victor Aelion



I, Hollis N. Matson, declare:

1. I live at 4191 Laguna Avenue with my partner Deborah Royal. I am a retired San Francisco State University administrator (Director of Space Management) and Deborah is a Nurse-Practitioner at the East Bay AIDS Center, housed at Summit Hospital in Oakland.
2. We purchased our home in March, 1993. Until I retired in November, 2000, I was not particularly aware of the presence of Head Royce School, as I generally was on BART at 6 a.m. and did not return from work until 6 p.m. After my retirement, and particularly in the past three years, I became acutely aware of HRS traffic and parking, especially during drop-off and pick-up times. I quickly learned that it was almost impossible to leave my home to travel up or down Lincoln Avenue at those times, as snarled and slow traffic, non-observant and often rude drivers double-parked at and near the school, crossed double yellow lines, forced other vehicles to cross the yellow lines in an attempt to move up or down the travel lanes and, in general, made driving highly difficult within several blocks of the school.
3. I have read the declaration of Randy Morris, 1 Alida Ct, and concur with his historical record of events over the past years. I also agree with his recounting of the issues and problems with which the larger neighborhood surround Head Royce School has had to deal. To avoid repetition of these many events, I will write of my perceptions related to working with HRS administrators over continuing issues.
4. In 2004, as a result of my interest and involvement in dealing with HRS related to its planned construction and expansion of enrollment, I became a member of the Neighborhood Liaison Committee (NLC). I have served on that group since that time.
5. The NLC was to meet, according to the Neighborhood Agreements, several times a year, with additional meetings as called for by the neighbors. Neighbor members were never part of the scheduling process for meetings, although we consistently asked to be included; rather, HRS simply advised us of meetings and

expected that we would attend. When we asked for meetings to be scheduled prior to the beginning of the school year (mid to late August, preferably), in order to plan solutions for potential early traffic and parking problems, we were told that administrators were too busy for these meetings as they prepared for the beginning of classes. First meetings of the NLC never occurred prior to mid-October, almost two months after the problems had begun and had not been addressed unless there were complaints by neighbors. When we made complaints by email, we seldom received responses other than “we have received your email and will look into the complaint.” When we phoned the Head Royce neighborhood phone line with concerns, we seldom heard from anyone at the school.

6. HRS started a complaint line for people to call. When we called, or emailed, about driving rule infractions, even providing license plate information, HRS often did not respond. When we got responses, more often than not the vehicle plates were not part of the database. We consistently called for a greater HRS effort in updating and maintaining a meaningful data base. It took five or more years to create a database with over 90 percent accuracy. We also asked for data on drivers who had received any “consequence” for infractions, whether phone calls, meeting with administrators or expulsion of students; we were given few details of consequences. Data by numbers of consequences were never reported to us. It is only this year that the data base is better and we were told that one student was denied enrollment because of driving infractions.

7. For years, NLC meetings were chaired by HRS members, usually the Head, sometimes a trustee, although we asked to be included in that responsibility. We also asked to have minutes taken and distributed and offered to take our turns doing this job, but to my knowledge there were never any meeting minutes taken.

8. Agendas for NLC meetings were always decided and written by HRS members. We asked to be included in setting agendas and were usually able to add to the agenda at the meetings but were never included in planning meetings. Often we did not get to our issues. In the main, meetings were used by HRS members to “report” HRS activities on behalf of the neighborhood.

9. Over time, meetings became more and more difficult. One member, representing Burlington, simply stopped attending, although she and her neighbors had major concerns about HRS parent vehicles using their cul-de-sac street for turning cars around to return uphill. From time to time, as monitors were used to control U-turns and three-point driveway turns, monitors were placed at the entrance to Burlington but not on a very irregular basis. It was also reported that students used front yards at that intersection as waiting lounges for pick-up, although students were not supposed to be picked up below the school.

10. Over time, as neighbors watched HRS continue to increase enrollment without fulfilling their obligations to the neighborhood, NLC meetings deteriorated, with angry voices on both sides of the table and seemingly nowhere to go. At that point, in 2009, the neighborhood representatives filed a formal complaint with the City of Oakland Planning Office. Paul Chapman, the HRS Head, retired at that time and a new Head, Rob Lake, was hired.

11. When it became apparent that the city planning office might call for a hearing on the formal complaint, neighborhood representatives met with Mr. Lake and members of the planning office. At that time, Mr. Lake asked for an extension of time during which he would work with us to find solutions for the many problems HRS continued to produce. Neighbors agreed and began meeting with Mr. Lake and then with Lake and Martha Sellers, a trustee of HRS. Neighbor NLC representatives refused to meet as a group with Peter Smith and Scott Verges, trustees who had been NLC representatives. Because earlier meetings with them had gotten almost vicious, they were excluded from these meetings.

12. Many meetings were held in 2011, usually in my home around my dining room table. A cordial beginning made neighbors think that we would see rapid and clear changes. In fact, some things did change; monitors were placed at the intersection that was most often used for u-turning - Alida Ct. Orange cones with large signs were eventually placed at Alida Ct. and Linnet as well, and monitors and security guards watched traffic. Two-hour parking was instigated and HRS drivers began finding other places to park. HRS reportedly encouraged parents and others to abide by their driving rules: this worked for some drivers and not for others.

However, as two-hour parking took hold from Lincoln to Linnet, HRS parking moved down toward the Laguna intersection. U-turns, forbidden by the city at Alida Street, Alida Court and Linnet Avenue, were made at Laguna even though a city No U-Turn sign was also placed there. Drivers began speeding the moment they passed Linnet and could no longer be seen by monitors standing near Lincoln, and the Laguna corner became even more dangerous than it had been. Vehicles come to this intersection from four streets and there is only one stop sign at the intersection; speeding cars from all directions make for potential serious accidents and I have seen far too many close calls in nineteen years. At several NLC meetings I asked for an orange cone and sign at the Laguna intersection; never was one left there for those busy driving times.

13. While HRS can be credited for security guards, monitors, and orange reminder cones, and traffic is somewhat better than it was three years ago, the neighborhood now appears “occupied.” I have been asked numerous times by friends what all those cones and people are about and why they are necessary. Should anyone attempt to sell their home along Alida Street, potential buyers would certainly have questions about living in the neighborhood when seeing all the people and paraphernalia that goes into off-loading and loading students at HRS.

14. I do not use Lincoln Avenue at drop-off and pick-up times unless I am forced to do so by meetings and appointments. I do not enjoy having to plan outings based on Head Royce schedules; in fact, I quite resent it. My partner goes to work by taking a longer and less convenient route because of HRS traffic and I try to stay at home until classes have begun.

15. I would like to see modifications of the HRS use permit that would disallow parking on Lincoln Avenue and would force drop-off and pick-up to occur on school property rather than on city streets, whether Lincoln or any nearby streets.

16. As HRS continues to increase its enrollment, even while out of compliance with its present use permit, the traffic increases. And the safety of students and others decreases as cars and busses cross double yellow lines, double park, people



jaywalk or run, and impatient drivers attempt to sneak in and out of the normal traffic lanes. HRS' enrollment must be capped at a real number, without "flux" and, in fact, should be cut back to a more reasonable number. Its size has outgrown the neighborhood and creates far too much trouble and anxiety for those of us who want to enjoy our homes and yards.

17. Neighbor representatives have spent almost two years meeting with Mr. Lake and Ms. Sellers, consistently asking for discussions on enrollment; none have occurred. We have consistently asked to have HRS put in writing the changes that have been made in order to codify them; this has not happened. We have asked for modification of the Conditions of Use Permit; that, of course, was rejected.

18. We have been asked to trust an institution which has always done what is best for itself and never for the greater good of the entire neighborhood. While we initially grew to trust Mr. Lake and Ms. Sellers, we remained skeptical of the institution and its board. When HRS decided to add a kindergarten class and a sixth grade class to their enrollment for this coming fall (2012) without letting the NLC neighbor members know, we understood more clearly than ever, that the neighborhood was on its own and would receive little, if any, help from HRS in creating a safe and enjoyable place to live.

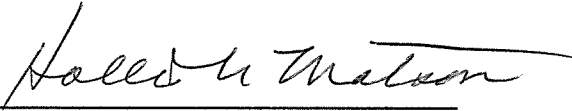
19. When HRS decided to purchase the Lincoln Child Center property and kept that information from us as they planned further expansion of the campus and enrollment, talks broke down almost immediately. Meetings were requested, by HRS, of small groups of neighbors, so that HRS could "get to know the neighbors" and let people know about the potential purchase of LCC. Those meetings did not go well, as neighbors were more concerned about past practices and the lack of HRS' handling of their traffic problems while HRS representatives wished to talk only about the future of the school. When neighbors repeatedly asked what those plans were, we were told that it was too early to say anything in detail. At the same time HRS would not talk about our areas of concern (traffic, enrollment, numbers of events, etc.)

20. HRS administration has shown itself to be secretive and uncaring of its

neighborhood. It is now necessary for the city to roll back Head Royce School's enrollment to a manageable number, modify its use permit for the good of the neighborhood, and enforce all that in writing.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Dated: August 6, 2012

A handwritten signature in cursive script, reading "Hollis N. Matson", written over a horizontal line.

Hollis N. Matson

I, Kathy Simon, declare:

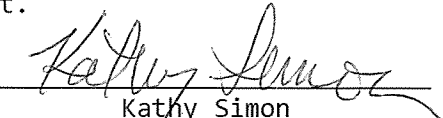
1. I live at 14 Alida Court, and the expansion of Head Royce School over the last few years has had a significant and negative impact on me as a neighbor of the school. My sense is that there are simply more people trying to access the school than the infrastructure can support, without significantly diminishing the quiet, safety, and ease of living in this neighborhood.

2. Since the expansion, traffic has increased very noticeably around the school. It's particularly hard during the morning drop-off and afternoon pick-up times. At those times, it is almost impossible to make a left turn off of Alida onto Lincoln and it is very difficult to make it to my home from Hwy 13 -- traffic backs up well past the traffic lights. Parking has also become a problem since the expansion. Now, our street has become a permit-parking zone (to protect from Head Royce parents and staff parking all day), and so visitors to my house frequently have to move their cars or risk getting ticketed. The problems are not limited to weekdays; frequent evening and weekend events at the school bring the traffic and parking problems into those time periods, as well.

3. I understand that HRS has entered into negotiations with Lincoln Child Center to purchase their property and that HRS intends to increase their enrollment still more significantly. There is simply not space in the traffic corridors for more people coming and going down Lincoln.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Dated: August 6, 2012

  
Kathy Simon

**NEIGHBORHOOD STEERING COMMITTEE ET AL.  
VERSUS HEAD ROYCE SCHOOL**

**NEIGHBORHOOD SUBMITTED DOCUMENTS (NSD)  
VOLUME 4**

**AUGUST 8, 2012**



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## DECLARATION OF DON DUNNING

I, Don Dunning, declare:

1. My wife, Sonia, and I have owned and lived in our home at 4181 Whittle Avenue since August, 1980. I am a full-time real estate broker and past president of the Oakland Association of Realtors. My wife is a self-employed computer consultant. As we each basically work out of our home, we are intimately aware of a myriad of problems caused by the Head-Royce School (HRS).
2. I have read and generally agree with Randy Morris' declaration. It well-represents a summary of issues and dealings with HRS.
3. The following are my comments after having experienced over 30 years of frustration and aggravation from the school.
4. I have been a neighborhood representative, dealing with the school for more than 25 years. I believe HRS is an excellent educational institution; however, I view their business practices and treatment of neighbors as pretentious and insincere. The school's *modus operandi* is an example of how so many of our country's least-respected companies and organizations function: "It is better to ask forgiveness than permission."
5. HRS has been a troublesome, inconsiderate neighbor for the entire time we have lived here. They rarely take full responsibility for the neighborhood problems they create. Their approach is to "manage" and placate neighbors, rather than working jointly with us on mutually-developed solutions which they will agree to in writing.
6. My wife and I experience the often-repeated occurrences of HRS parents on Lincoln Ave either U-turning in front of us or cutting us off as they enter or leave the enormous, twice-daily, Lincoln parking queue. I have complained about this to HRS innumerable times over the years, including twice in the past six months. The school has never been able to identify the offenders, whose license plate numbers I supplied, or taken any action against them. (See my attached emails to, and responses from, HRS, Exhibit A. Also, see my attached email to Heather Klein, City of Oakland Planning, Exhibit B.)
7. HRS has developed an impressive-looking "Big 10 Driving Rules," but, like almost everything else from the school, it looks and sounds good but has no teeth or actual consequences. As an example, the document states, "If a parent violates these rules even one time in four years, our neighbors will see us fail our neighborhood agreement every single day." In fact, neighbors observe the same vehicles and license plates violate many of the rules on a regular basis, report them to the school, and nothing changes. (See Exhibit C.)

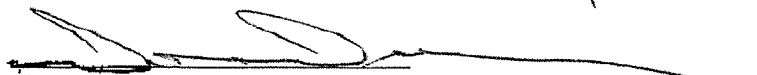
8. Every week, during the regular school year, I see HRS students waiting to be picked up after school on Lincoln Avenue, near Tiffin Road, and on Tiffin Road, between Lincoln Avenue and Whittle Avenue. This is a dangerous situation for the students and those who happen to be driving or walking nearby. As an example, this past winter, two parent vehicles caused traffic to back up on Lincoln Avenue while they double-parked to pick up HRS students. It was impossible to go forward on Lincoln or make a right turn on Tiffin Road without crossing into oncoming traffic. This is a routine occurrence that HRS is failing to manage properly. As in so many other areas, parents are ignoring the school's instructions. Monitors are supposed to prevent this, but I never see them at these times.
9. I see trucks of various sizes, from small to very large, speeding on Whittle Avenue (despite a 15 mile-per-hour sign), to or from the school. This is very dangerous for those of us who live here. At various times, I also see parents driving from the HRS Whittle back gate toward Tiffin Road after they have picked up their child (in violation of school rules).
10. Contrary to prior conditional use agreements regarding the use of properties owned by HRS (two single-family homes on one lot, located directly across the street from my house) at 4200 and 4220 Whittle Avenue, the school applied to the City of Oakland to develop 35 parking spaces on this property. Note that, prior to their application, HRS never had the decency to even discuss this with me. Needless to say, when I and other neighbors found out and protested about it in 2004, HRS dropped those plans.
11. Part of the Whittle Avenue neighborhood agreement regarding 4200 and 4220 Whittle Avenue is that only the tenants who live there may use the lower parking area and upper driveway/street area for parking. Despite this, my wife and I have been put in the position of being the school's "parking police," constantly having to report HRS staff for parking in these areas. Obviously, there is no negative consequence for staff to park there because the school does not effectively communicate and take meaningful action to stop these violations. Acknowledging the receipt of my email complaint and responding that they will check their database is not enough. In fact, it is always I, and not the school, who follows up, usually to find out the license number was not in their database.
12. Years ago, and again contrary to written agreement, the school already had architect plans for using part of the property of the two school-owned homes to construct a park-like play area for younger HRS students. Once again, these plans were dropped after I heard about it and complained. This is another example of the school's disdain for their agreements and relationships with neighbors.



13. In a 2006 email exchange between Peter Smith and myself, I asserted that I believe the school modified the downstairs of 4220 Whittle Avenue and converted it into a rental unit. Peter Smith responded that the downstairs unit "existed long before the school purchased the property." This Peter Smith legal language was a clever use of words. I don't question that the space existed, but I was personally told by one of the contractors who worked on it at the time that they were making it into a second unit by creating a kitchen in the existing space. I am not sure if a bathroom already existed. When I asked Peter Smith to order a 3-R report, which would provide the City of Oakland's statement as to whether or not the property is considered a legal duplex, Peter refused. I dropped the issue at the time because we neighbors had so many other problems with the school. Despite that, I continue to maintain that the property is not a legal duplex and that HRS should go through a process of having the City of Oakland make a determination. I also question whether the work I cited was done under permit and finalized.
14. HRS runs a summer camp, in violation of its use permit. This is yet another instance of the school's utter disregard for its signed agreements and its relationships with neighbors. The noise and traffic from this unauthorized activity has disturbed neighbors for years. This summer was the worst ever. Even after written complaints from a plethora of angry neighbors, including me, it took HRS weeks to tone down the screaming sessions and use of a really loud bullhorn and public address system that reverberated throughout the neighborhood. Neighbors are unified in our insistence that the summer camp must never be allowed again and that summer school hours be severely restricted. (See attached for HRS web site advertising of summer camp, Exhibit D.)
15. After recent conversations with many of my Whittle neighbors, as well as those on both sides of Lincoln, it is sad to say that HRS is mainly looked upon with disdain and disgust because of its dismissive attitude and poor treatment of those of us who live nearby.
16. My wife and I, like all our neighbors, simply request that we be allowed to experience the quiet enjoyment of our homes and backyards and that we be able to drive in the neighborhood without having to run a daily gauntlet around HRS's disruptive activities.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: August 6, 2012

  
Don Dunning



## Don Dunning

---

**From:** Don Dunning <don@eastbayrealtypro.com>  
**Sent:** Thursday, June 28, 2012 8:25 PM  
**To:** 'Rob Lake'  
**Cc:** 'Mary Fahey'  
**Subject:** RE: U-turn on Lincoln

Rob,

Thanks for the quick response. I look forward to hearing back about today's U-turn on Lincoln.

You said Mary will "try" to follow up "appropriately," but you did not indicate if there is a system for registering license numbers of cars for summer school. Please advise.

I appreciate your offer to speak in person, but I am not sure how that will improve anything. As I mentioned in my email, there have been numerous times in the past where I have provided specifics about cars that were violating rules. They were never identified. Further, I can't count the number of times Randy and others have sent HRS photos of the same cars, day after day, blocking driveways, etc. with no identification of or consequences to the driver.

HRS telling neighbors you have an "improved" system is not enough. We need more than just a response that the email was received. Unless we get prompt communication that the driver (probably a parent) was identified and what action was taken, it looks like simply lip service.

Below, I have copied a string of recent emails between Mary and me showing two times since February where I have provided info and the car was not in the database.

I never heard back from Mary after her email to me on 5/17.

Regards,  
Don Dunning  
=====

Hi Mary,

Congrats on your grandchild.

I will wait to hear from you about this car on Whittle.

Thanks,  
Don Dunning

---

From: Mary Fahey [mailto:mfahey@headroyce.org]  
Sent: Thursday, May 17, 2012 11:22 AM  
To: Don Dunning  
Subject: Re: FW: Car parking on Whittle

Don,

I am fairly certain I know who this car belongs to. I will double check and get the message to them I am currently in Seattle helping my daughter with her second baby. Checking e-mail and have several contacts on campus I am in touch with during my absence.

Mary

On Tue, May 15, 2012 at 11:24 AM, Don Dunning <don@eastbayrealtypro.com> wrote:

Hi Mary,

The same I car I wrote to you about on 4/5 has been parked in the exact same place since before 8 AM. I left a note on the windshield.

If you have a moment, I would appreciate it if you would walk over to Whittle (or send someone) to take a look. It is inconceivable to me that anyone would park on Upper Whittle all day (for the third time) unless that person was associated with the school.

Given that you told me the license number is not in the HRS database, would it be possible for you to send out a memo or email with the photos so the car can be identified?

NOTE: I NEVER GOT AN ANSWER TO THIS. IMO, SENDING PHOTOS OF CARS MAKING ILLEGAL U-TURNS AND BLOCKING FIRE HYDRANTS AND RED ZONES TO PARENTS AND STAFF WOULD MAKE THEM REALIZE THIS IS SERIOUS AND UNACCEPTABLE. THAT IS THE KIND OF AGGRESSIVE ACTION WE EXPECT, BUT DO NOT GET FROM THE SCHOOL.

Thanks,  
Don Dunning  
=====

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

From: Don Dunning [mailto:don@eastbayrealtypro.com]  
Sent: Thursday, April 05, 2012 2:33 PM  
To: mfahey@headroyce.org  
Subject: Car parking on Whittle

Hi Mary,

Ford Focus, photos below, was parked on Whittle all day yesterday and today near driveway of school houses. I suspect it belongs to either a regular or contract employee of HRS or a student. Please check and let me know.

BTW, did you ever find out who owned car that made illegal Lincoln U-turn in front of my wife (my Feb 2nd email)?

MARY RESPONDED SAME DAY: "The answer is no, I was not able to find the name of the person from February!" NOTE THAT I HAD TO ASK, BECAUSE WE DON'T HEAR BACK WHEN HRS CAN'T FIND THE OWNER.



Thanks,

Don Dunning

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

From: Rob Lake [mailto:rlake@headroyce.org]

Sent: Thursday, June 28, 2012 5:39 PM

To: Don Dunning

Cc: Mary Fahey

Subject: Re: U-turn on Lincoln

Don,

I'm sorry to hear about this unfortunate and driving incident. Mary will certainly do her very best to try to follow up appropriately.

I'm surprised to hear that you believe that Head-Royce has never identified the drivers of cars.

If you would like to continue this conversation, I am happy speak in person or via phone. My direct line to the office is 510-228-1515.

Sincerely,

Rob

Robert A. Lake

Head of School

Head-Royce School

www.headroyce.org

510-531-1300

On Jun 28, 2012, at 4:31 PM, Don Dunning <don@eastbayrealtypro.com> wrote:

> Hi Rob,

>

> Once again, Head-Royce disrupts our day. A few minutes ago (around

> 3:55 PM) my wife was driving down Lincoln (west), returning home. To

> her amazement, a gold or light brown, late-model luxury sedan (CA

> license #1177576) that was going up Lincoln drove past the Lincoln

> Child Center driveway and the BACKED UP into the driveway before making a U-turn and cutting off my wife's car.

> The car pulled in front of the school and the driver waved to a 10-12

> year-old boy to quickly enter the car, which he did.

>

> HRS, despite specific info from me including car type and license

> plate #, has never identified the driver of cars I have witnessed

> making U-turns and creating other problems on Lincoln during the

> regular school year. That is why I am not hopeful you will be able to identify the driver this time.

> Please let me know if you have him in your database or not. If yes,

> what steps will be taken by the school?

>

> As I think about it, do you even have a database of drivers for summer

> school? The NLC has requested this a number of times in the past.

>

> Regards,  
> Don Dunning  
>  
>



## Don Dunning

---

**From:** Don Dunning <don@eastbayrealtypro.com>  
**Sent:** Monday, October 04, 2010 11:10 PM  
**To:** 'HKlein@oaklandnet.com'  
**Cc:** 'Hollis Matson (hollisanddeborah@att.net)'; 'Josh Thieriot (jthieriot@mindspring.com)'; 'Michael Thilgen (mthilgen@sbcglobal.net)'; 'Randy Morris (Randylorimorris@comcast.net)'  
**Subject:** FW: Head-Royce Pick-up Dangerous as Ever

Heather,

Last March I emailed you with photos and an explanation of the dangerous situation on Lincoln Avenue during Head-Royce drop-offs and pick-ups. Please see that email below.

Today, between 3:30 and 3:40 PM I took some photos of the queue and traffic back-up it causes. At its peak, I saw what appeared to be well over 30 cars waiting to pick up students on the downhill side of Lincoln. The line extended past the top section of the Greek Church.

As I have seen many times before, parents' cars were blocking red zones, driveways and the street itself. Note the photo of the two downhill lines. The only way cars attempting to go down Lincoln could navigate the double-parked parent cars was by going around them.

Although there were security guards present, none approached those cars illegally forming a second line. As I have said before, I hope it does not take an injury before a school representative or employee, on a twice-daily basis, chases double - parked cars down the street and forces them to the back of the line. (Hopefully, if that happens, they will also watch to make sure these same cars do not make illegal U-turns to go back up Lincoln and then down again.)

In addition, the school is still allowing parents to park on the uphill side of Lincoln to pick-up and drop-off students. Having students cross Lincoln during these hours also exposes them to potential accidents. Further, this uphill parking causes a jam-up on both sides of the street during these busy times.

Despite the pleas (numerous times orally and in writing) of those of us on the Neighborhood Liaison Committee, this state of affairs continues unresolved. It appears obvious to the neighbors that the school's increased enrollment, above and beyond CUP limits, has exacerbated the situation. Interestingly, as recently as May 5, 2010, Peter Smith emailed me and characterized issues between the neighbors and Head-Royce as the "limited number and nature of the problems at hand." We strongly disagree with that assessment.

Another continuing problem is that, despite school rules to the contrary, parents routinely pick up students below the school. As an example, last Thursday there was a big backup at 3:45 PM when several students were being picked up at the top of Tiffin and Lincoln. Two parent SUVs blocked traffic on Lincoln as they double parked on Tiffin to pick up their children. This lasted three to four minutes and was another dangerous situation.

Then, when I finally got down to Whittle Ave, my street, there on the corner of Whittle and Tiffin was a young fellow who looked about seven or eight years old. I asked if he was a Head-Royce student waiting for his parents. He said "yes."

On a positive note, to the school's credit, today there was a security guard, pen and pad in hand, on the corner of Lincoln and Alida. That is appreciated.

Regards,  
Don Dunning





Parent pick-up car blocking driveway and partially out into street away from curb

=====

Next two photos show parent queue that extended to top of Greek Church.  
Line extended even further uphill when I initially parked to take the shot.







=====

Next two photos show SUV double-parked, sticking out into traffic, forcing downhill traffic to swerve around him (and cars in front of him).

Similar photos taken in March are below.







---

**From:** Don Dunning [mailto:don@eastbayrealtypro.com]

**Sent:** Saturday, March 13, 2010 1:41 PM

**To:** 'Klein, Heather'

**Cc:** 'Hollis Matson (hollisanddeborah@att.net)'; 'Josh Thieriot (jthieriot@mindspring.com)'; 'Michael Thilgen (mthilgen@sbcglobal.net)'; 'Randy Morris (Randylorimorris@comcast.net)'

**Subject:** Head-Royce Parents Causing Dangerous Situation on Lincoln Ave

Heather,

The lineup of parent cars dropping off and picking up students on Lincoln Ave has been ridiculous for many years, but it has deteriorated further this year. I suspect it is due to the ever-increasing number of students and the lack of a functional system to handle them all. The situation has regressed to the point that I personally took time out on Tuesday March 2, 2009 and Thursday, March 4, 2009 to document with photos what is a twice-daily nightmare: parents or caretakers of Head-Royce students parking on both sides of Lincoln Ave.

What I saw was disturbing, but not surprising. My visit on March 4th was between 3:15 and 3:30 PM. As I stood across the street and well above the school driveway, I was approached by a uniformed guard. He said, "My boss sent me over to find out what you are taking pictures of." I said, "I am entitled to stand on the street and take photographs of anything I like." Note that the guard had to pass the parent cars that were sticking out into traffic and causing an extremely dangerous scene and that neither he nor his "boss," nor anyone from the school, approached those cars.

At its peak, I counted 35 cars with parents parking on the downhill side, above the school driveway, in addition to those lined up below the driveway. The line went past the Greek Church.

Two days earlier, on March 2nd between 3:20 and 3:35 PM, I took photos of parents parking and picking up students across the street from HRS. The traffic situation on the uphill side of Lincoln was not anticipated in previous Conditional Use Permits, although, we, the neighbors, have discussed this with HRS many times. It was highlighted in our written list of suggestions to the school in September 2009, but not addressed in the HRS response to those suggestions. The congestion has been getting worse and I do not see HRS providing adequate, trained, motivated staff or hired security to deal with this.

These lines of parent cars not only slow down traffic and make it inconvenient for neighbors trying to get home or to work, they are also extremely dangerous. I can't tell you how many times I have been cut off by one of these cars pulling out suddenly without looking or signaling -- on both sides of Lincoln. This is not to mention how dicey it is to be heading in one direction on Lincoln only to have cars coming at me, across the double yellow line, on my side of the street because of parents blocking traffic. See my photos of this below, including two from March 2nd showing a van, with a child inside, making a U-turn over the double yellow line across from the Greek Church.

Why don't the city's parking enforcement personnel come by twice a day and ticket these people? Will some action, on both sides of Lincoln, be taken by the school before there is a serious accident and a student or neighbor is injured or worse?

By the way, I am assuming my identity will not be divulged by the city or the school if action is taken against any of the individuals in my photos. There are a lot of crazies out there and neither I, nor any of the neighbors should be concerned about our personal safety when we are simply trying to improve life in the neighborhood.

Please email acknowledgement that you received this.

Regards,  
Don Dunning  
=====

**The following photos are from March 4th:**

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**Line-up of waiting parents extends above school driveway; note cars in red zone and blocking section labeled "Keep Clear."**





=====

**Next series of 4 photos show grey Volvo (lic# 6LCH874) angling into line where there is not enough room and blocking downhill traffic. Once Volvo straightens out, along comes a Mercedes (lic# 6FGA360) trying to squeeze into the same spot, but sticking out even further into the road.**













=====

**Shows Mercedes sticking out into road and Buick (lic# 5BUB131) double parked**



=====

**Next 2 photos - Cars and bus having to go into oncoming traffic lane to get around double-parked Buick and Mercedes with rear end in traffic.**







=====

**Line-up of waiting parents continues to extend up the hill past the Greek Church.**





**End of March 4th photos**

=====

**The following photos are from March 2nd:**

**Parents waiting to pick-up students across from HRS**

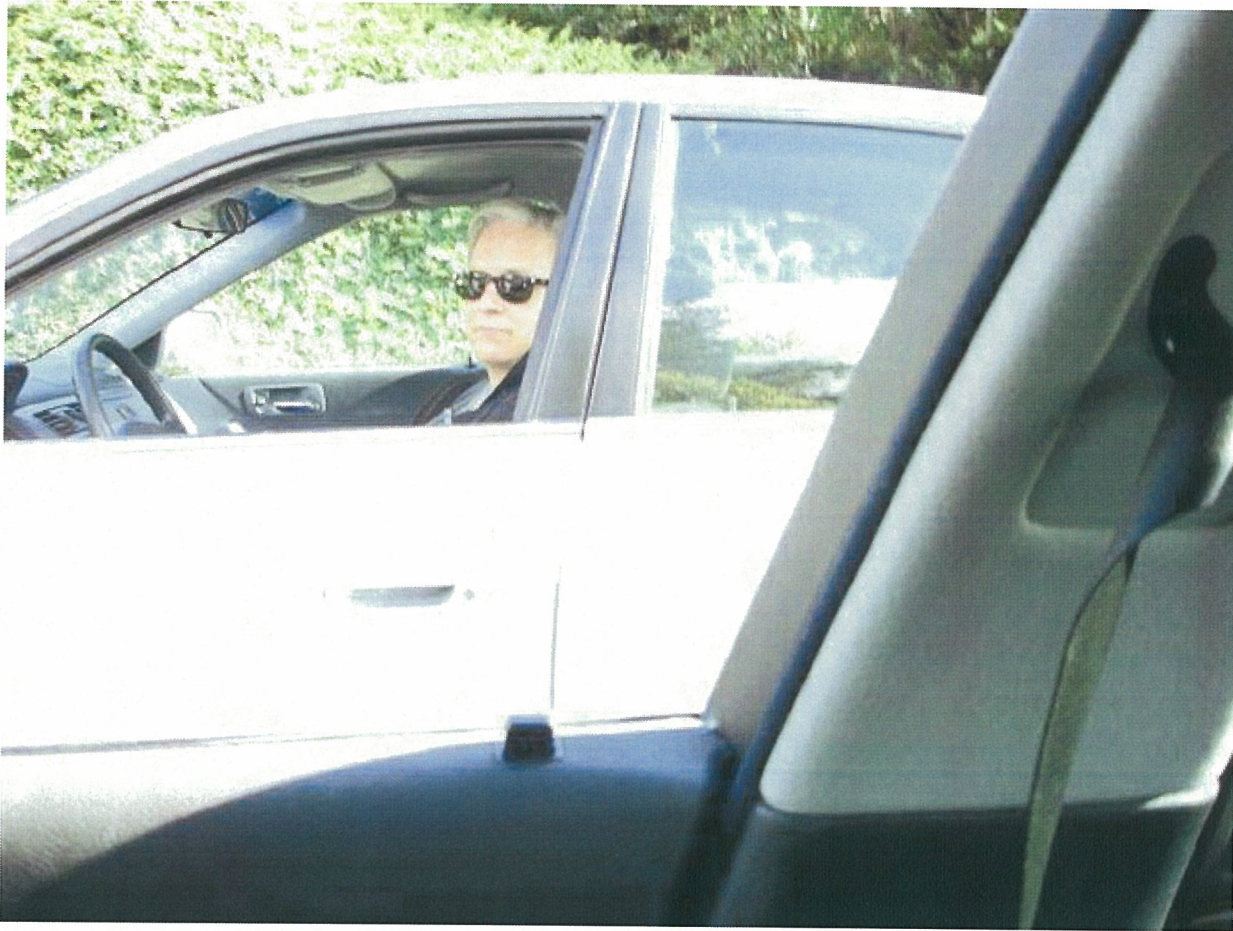




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I asked this parent(?), who was parked across from HRS, if he was waiting to pick-up a student and was told, "Yes." I then asked, " Don't you know you are not supposed to pick-up here?" Parent said, "Okay."





=====

**Another parent waiting for student across from school**



=====

**Line up of parents waiting to pick-up across the street from school**





=====

**Next two photos -- illegal U-turn on Lincoln near Greek Church after pick-up**

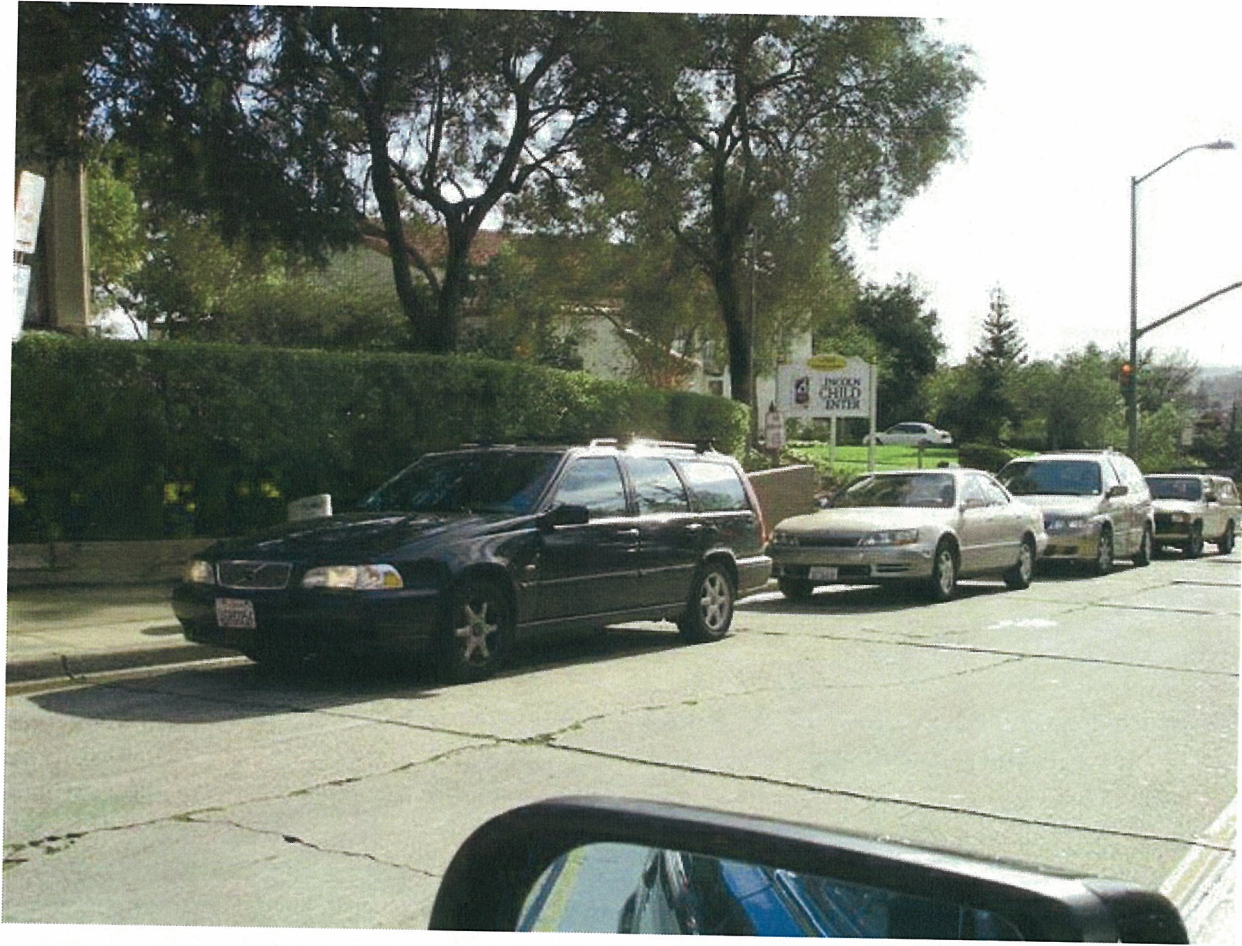






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**Another line-up across from school**









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## Safety and Respect in Our Neighborhood The Big 10 Driving Rules

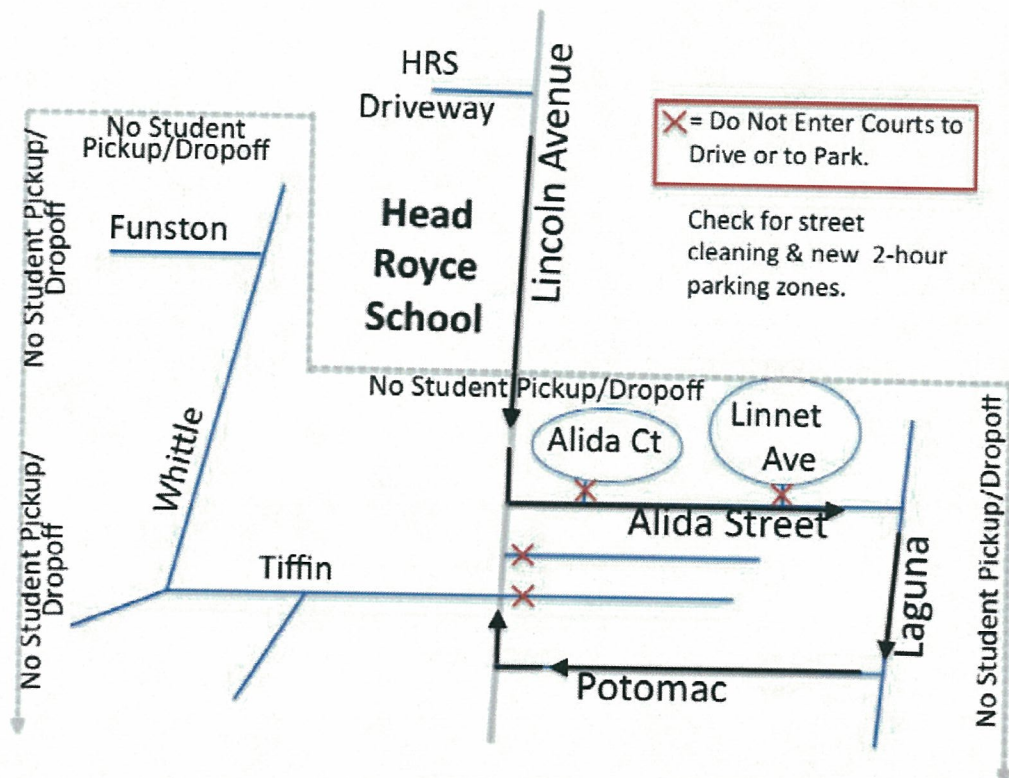
Head-Royce has promised its neighbors, as a condition of being allowed to operate in this location, that its employees, parents and students will respect the neighborhood they are visiting. Violating these rules places the school in a very difficult position with its neighbors. If a parent violates these rules just one time in four years, our neighbors will see us fail our neighborhood agreement every single day.

As our campus has grown and changed, so have the traffic rules. Please review the rules below:

1. Respect & obey the Traffic Monitors. They work hard to keep your children safe and the school operating well in a residential neighborhood.
2. For efficient traffic flow and the school's obligation to see each child safely collected, children may not walk down Lincoln for a pickup **anywhere** below campus. You may park legally and walk to the school from below campus.
3. Do not make U-turns, 3-point turns or any other change of direction on Lincoln, Alida, Linnet, Burlington, Laguna, Tiffin, the Greek Church, Lincoln Child Center or anywhere within 3 blocks of Head-Royce. Do "the loop" below.
4. Do not drive into Alida Ct. or Linnet Ave or other non-through streets. Do not use Whittle Avenue or back gate for any drop-off or pickup.
5. Children must NEVER exit from the street side of your car.
6. Never enter or block any driveway to turn around, to park or to wait.
7. Do not double park, whether you are sitting in your car or not.
8. Never protrude into traffic as this is extremely dangerous.\*
9. Double-check when parking legally to ensure you are not blocking a driveway.
10. Obey all traffic laws.

\* No place to go without your car sticking out?

- In the AM, slow down to allow time for cars to move forward, or park & walk.
- Before care is free from 7:30 on, so drop off 5-10 minutes earlier.
- In the afternoon, pass the Mormon Temple at 3:35-3:40 (after the buses go) for a really easy pickup. Child friendships benefit from this free time to visit.



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## K-5 AFTERNOON RECREATION CAMP

**SUPERVISOR: John Miottel**  
[jmiottel@headroyce.org](mailto:jmiottel@headroyce.org)

Session 1: June 18 - July 6, 2012

Session 2: July 9 - July 27, 2012

12:00 pm- 4:00 or 6:00pm

(Kindergartners start at 12:30.)

**Lunch is fully included for students coming from the morning program!**

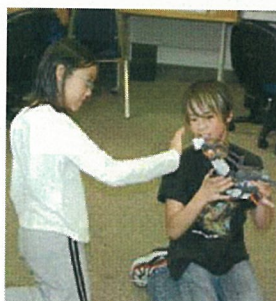
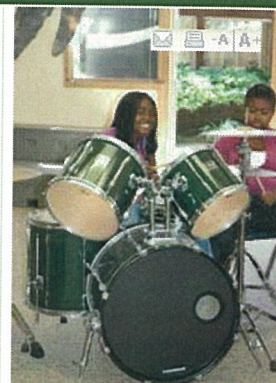
Click here for more [lunch](#) information.

**Includes Recreational Swim\***

### **2012 CALENDAR for THEME DAYS and SPECIAL EVENTS**

When the K-5 Morning Enrichment Program finishes, many children transition into our K-5 Afternoon Recreation Camp, where fun, learning, and good old-fashioned camp spirit are everywhere. Throughout the day, well-trained counselors lead campers through structured activities that allow them to explore talents and develop new skills. Specialist teachers enhance the program with enrichment activities that typically include dance, gardening, visual arts, and more. Campus thrives with wonder, growth, and laughter as kids explore new talents, whether that means making movies, learning to drum, solving theatrical mysteries, building forts with expert carpenters, or shaking a leg with professional dancers. At Camp Meeting we groove to the hokey poky, parade around in costumes for the theme of the week, and bellow our groups' camp cheers! And of course we all put on sunscreen for daily [free swim\\*](#) and...**Weekly Water Slides!** Finally, Camp overflows with fun during our end-of-the-year carnival featuring snow cones, face painting, summer slideshow, and much, much more. In short, Afternoon Recreation Camp is filled with spectacular summer opportunities. Along the way kids make great new friends and form special bonds with counselors.

### **TRANSITION AND SCHEDULE**





Afternoon K-5 Campers are grouped according to their morning program homerooms. Afternoon counselors pick up campers in the morning classrooms and lead them through their afternoon activity rotations, which are taught by specialists. For those enrolling in Afternoon Recreation Camp *only*, the day will start in lunch groupings at 12:00 (12:30 for kindergartners). Parents of afternoon-only children should walk children down to the child's counselor for drop-off.

Our daily schedule (scroll below) provides a balance of enrichment activities and larger group gatherings. Depending on pick-up time (4:00 or 6:00 PM), campers will be led through three to five activities, including optional free-swim as one of the activities for qualified participants\*. Activities may include African Dance, T-ball, Soccer, Arts and Crafts, Movie Making, Marimba Madness, Yoga, Theater Games, Dramatic Adventures, Drumming, Journalism, and more!

#### 2012 Sample Daily Schedule

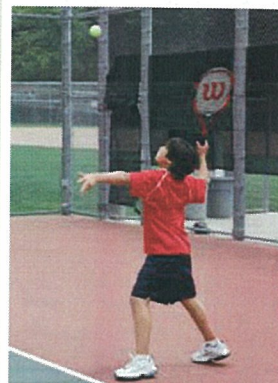
<b>12:00-1:00</b>	<b>Seated Lunch and Free Time</b>
<b>1:00-1:15</b>	<b>"Campfire" Check-ins with Counselors</b>
<b>1:15-1:45</b>	<b>Activity 1</b>
<b>1:50-2:20</b>	<b>Activity 2</b>
<b>2:25-2:55</b>	<b>Activity 3</b>
<b>3:05-3:20</b>	<b>Camp Meeting</b>
<b>3:25-4:00</b>	<b>Snack and Prep for 4:00 departures</b>
<hr/> <b>6:00 PM Departure Schedule</b> <hr/>	
<b>4:00-4:30</b>	<b>Free Time</b>
<b>4:30-5:00</b>	<b>Activity 4</b>
<b>5:00-5:30</b>	<b>Activity 5</b>
<b>5:30-6:00</b>	<b>Clean Up and Prep for 6:00 departure</b>

Participants will follow this schedule for the first two weeks of each session. Our third week of camp for both sessions is dedicated to Special Events and Programs to wrap up the summer experience! Click for more details:

\*Swimmers in level 3 and above will have the option of participating in daily afternoon free swim. Each swimmer will be assessed to determine free-swim section eligibility (shallow, mid, and deep water). Assessment will take place within the first two days of the program, with free-swim activities beginning thereafter. Level 2 swimmers will be assessed weekly in their morning swim lesson to determine possible movement to free swim eligibility in afternoon programs. Click [here](#) for swim program details

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# Head-Royce School

scholarship, diversity, citizenship

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## 6-8th Grade Sports Camp

**Supervisor: Joey Elftmann**

[jelftmann@headroyce.org](mailto:jelftmann@headroyce.org)

**Session One: June 18 – July 6, 2012**

**Session Two: July 9 – July 27, 2012**

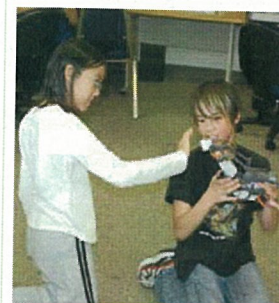
**12:45 – 3:45 PM**

**Lunch is fully included for students coming from the morning program 12:00 -12:45 pm.**

**Head-Royce is proud to introduce our 2012 Summer Sports Camp director...** Born and raised in Sacramento, Coach Elftmann was a three-sport, all-city athlete at Jesuit High School ('00), competing in football, basketball, and volleyball. After a prolific high school career, Joey chose to attend UC Davis on a football scholarship, where he knew he would also be encouraged to participate on the men's volleyball team. After two years of participation with both the football and volleyball programs, Joey decided to hang up the cleats and focus on volleyball. During his 4-year stint on the team, he was voted 1st team All-Conference 3 times, highlighted by a nod as 1st team All-American in 2003. After completing his collegiate playing career, he continued his tenure with the Davis program as the head men's volleyball coach for 5 seasons. Most recently, Joey continued to coach Division 1 collegiate women's volleyball at Sacramento State while working towards a Master's Degree in Kinesiology, with an emphasis Sports Performance.

Joey has recently made the transition to the Bay Area and works as the After School Program director at the Schools of the Sacred Heart in San Francisco. He continues to compete in a variety of sports and leagues, and is anxious to bring his passion for coaching youth sports to the Summer Sports Program at Head Royce!

Variety, student choice, great leadership, and super facilities make this program a winner. Students in the Head-Royce Sports Camp will engage in a number of athletic activities throughout the course of the afternoon. Every Monday, students will choose from a selection of "activity blocks," each of which contains a sequence of three activities (see sample list below). The activities are purposefully grouped so that each day students experience a range of activities that vary in several key areas: competitiveness; individual and team events; events requiring higher and lower energy levels; and traditional and less traditional games. As each student chooses a new block weekly, over the course of the session students will





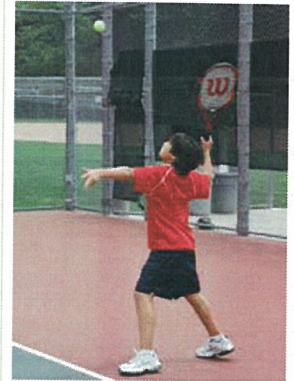
participate in a wide variety of activities, some more and others less familiar. **Cool Down Care, a combination of optional free swim, low-key activities, and supervised free time, is available after Sports Camp until 6 pm.**

Activities may include basketball, team handball, softball, table tennis, volleyball, dodgeball, ultimate frisbee, pickleball, soccer, flag football, floor hockey, and more. If one of the above is not available this summer, it will be replaced by another desirable choice. There will be three activity blocks each day. Transition breaks will allow students to rest and move to the next site on campus as they prepare for their next activity. Participants may opt to participate in our Weekly Waterslide, fully refreshing and included in the sports camp experience, for part of the afternoon rotation once a week.

In each activity period our teachers will focus on skill development, teamwork, and game-play where appropriate. Of course, fun is always the main goal.

Free Swim:

Swim-qualified participants will be offered the daily opportunity to swim in our pool as a fun way to end the Sports Camp experience. Students who do not wish to swim will participate in an alternative low-key activity. In addition to free swimming time, several water based games will be introduced as well, including modified water polo and "bucket ball". Click here for more [swim program](#) information.



## Grades 6-8 Afternoon Tennis Program

12:45 – 2:15 PM (Block A)

2:15 – 3:45 PM (Block B)

**May be combined with Grade 6-8 Afternoon Workshops**

Our newly expanded tennis program with phenomenal teachers (see below) will include an emphasis on developing the basic ground strokes, working on individual serving skills, and introducing volleying. Discussion of match strategy will also be a focus. Students will hone their skills through many fun and competitive drills, and will get a chance to exhibit what they've learned during match play.

All students will be evaluated and placed in the appropriate skill level groups by our tennis staff. Students will need to provide their own racket and proper tennis shoes. This is a great opportunity for students of all ability levels to receive outstanding instruction and gain invaluable experience in competitive matches.

Game, Set, Match!

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## Declaration of Josh Thieriot

I, Josh Thieriot, declare:

1. I purchased my house located at 4224 Lincoln Ave in 2005. The house on Lincoln Ave was my only residence until 2009 at which time I moved to Reno, NV. I currently use my home on Lincoln Ave as a second home for spending time with friends and family in the Bay Area.
2. Within weeks of purchasing my home I became the Lincoln Ave neighbor representative on the NLC. The neighbor who was representing the Lincoln Ave neighbors was dying of cancer and I offered to take over. I have been an active member on the NLC since. Considering my involvement on the NLC and working closely with my fellow neighbors I will refer to the declaration of Randy Morris in order to avoid redundancy and conserve time for all involved. I generally agree with many of Randy's comments and as a fellow NLC member share in many of the experiences he details. I would like to add a few my own experiences as a Lincoln Ave resident.
3. My relationship with HRS started in a similar fashion to drinking from a fire hose. After moving in to my home I quickly learned that HRS had established neighborhood agreements with several other groups of neighbors (based on street and location of their residences) in the neighborhood in order to gain their support for the 2005 HRS Master Plan that was being presented to the Oakland planning commission. Unfortunately, there was no agreement with the Lincoln Ave neighbors and the issues addressed in other agreements were only worse on Lincoln Ave, mainly the traffic, noise, event management. Additionally, and similarly to the Whittle Avenue neighbors, HRS owns two residential homes on Lincoln Ave which they wanted to convert into commercial buildings in order to accommodate the enrollment increase and subsequently the increase in faculty.
4. Establishing a Lincoln Avenue neighborhood agreement with HRS was not easy, was quite time consuming, and was frustrating. Within months after moving into my house I considered selling it, as I did not enjoy the environment in which I was living. However, the Lincoln Ave neighbors finally established an agreement with HRS and thus supported the HRS Master Plan in front of the planning commission. I thought I would finally be able to enjoy my house and my neighborhood.
5. The HRS Master Plan construction started out well, but quickly turned into another frustrating experience for the neighborhood. The contractor for HRS doing the construction (Cahill) got behind schedule due to weather and

unforeseen issues with stabilizing the hill on the south side of the HRS campus. As the Lincoln Ave representative Cahill would call me to request permission to start working early on Saturdays and to work on Sundays. At first the neighbors were willing to agree to the work variance since we felt the sooner the work was done the sooner we would be able to enjoy the lull in traffic and noise on the weekends. However, after the weekend work schedule started to become routine I communicated to the school and to Cahill that the neighbors were no longer willing to agree to a work schedule that did not comply with the City job parameters. Unfortunately, the weekend work continued even while the neighbors complained to the school and to the City. The construction annihilated our ability to enjoy our homes. Early morning deliveries, equipment operation, dirt and debris, and increased traffic plagued Lincoln Avenue.

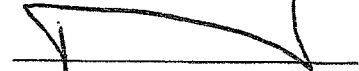
6. Post Master Plan construction lead to an increase in NLC meetings as the neighbors wanted HRS to begin addressing many of the items they agreed to in the neighborhood agreements. Meetings were scheduled by HRS and one neighbor from each street adjacent to HRS attended the meetings. The meetings were not very effective and eventually became a waste of time as tempers flared. HRS ran the meetings in a dictatorship fashion. There was a time the school excluded me from the NLC meetings without first notifying me of their intent or the reasoning. I later learned after I called Peter Smith the school NLC members falsely accused me of being a racist without ever contacting me to confirm or clarify the situation. I never received an apology from the school and was guilty until I proved myself innocent. This was the turning point in my relationship with the schools administration.
7. The school continued to dishonor the Lincoln Ave agreement by allowing semi trucks to deliver items to the school campus as early as 5:00am and as late as 10:00pm. I recall helping the driver of a full sized 18 wheeled semi truck delivering office furniture determine where he could park his truck for the night since his delivery was scheduled for the next morning at 6:00am. I thought to myself, welcome to Lincoln Ave, the Port of Head Royce School.
8. As HRS increased enrollment traffic congestion and noise grew as well. Weekday mornings were and continue to be chaos with the uphill and downhill traffic lines growing longer. The number of weekend events grew in frequency and size. Weekend events go until late hours in the evening disrupting a quiet traffic time on Lincoln Ave as HRS parents and children attempt to have conversation back and forth across the avenue. Early morning Saturday rendezvous would occasionally disrupt another quiet traffic time on the street.
9. The new HRS NLC members and certain members of the Board and administration have made some progress in controlling and minimizing the issues. With the introduction of Rob Lake the school began making a genuine

effort to address some of the neighbor concerns and the NLC meetings became a more productive environment to discuss solutions rather than a finger pointing session.

10. The common problems associated with traffic congestion, noise, trash, early and late deliveries with large trucks continue to persist even with additional effort and resources.
11. Lincoln Ave continues to be a hazard to students and neighbors and school parents as well as non associated drivers routinely disregard the laws of the road and the City does very little to enforce the very laws it implemented.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Dated: August 6, 2012



Josh Thieriot



I Linda Juratovac declare:

1. I live at 4324 Whittle Avenue. My home is located behind the playing field and tennis courts of the Head Royce School campus.
2. When I moved into the neighborhood in 1992, the HRS playing field and tennis courts were seldom used, and the area behind my home was very quiet. At that time the HRS property on the upper edge of the hill behind my house, was filled with native growth and it was rare to see a person up there. I moved into this neighborhood because it was a quiet area, which is one of the most important issues I value in finding a comfortable home.

**History: 1996 New Gymnasium Construction. Head Royce's deception through omission during the City of Oakland's planning and neighborhood meetings creates a continued environmental nuisance.**

3. In 1995 the neighbors of Whittle, were notified by HRS of their plans to build a gymnasium. The school wanted the neighbors' approval for the construction project. My husband and I attended all the planning meetings, looked carefully over HRS architectural drawings and specifications presented. (We are both landscape architects and are well versed in reading plans) Most of what the school presented, seemed to be fine with the Whittle neighbors, as there was no indication that there would be much impact for the Whittle Avenue area. We supported the school on the construction project, with the stipulation that noise from their campus would not increase in our area. I went to the city-planning meeting, stood up and spoke about the concern of noise, during the construction phase and after the gym would be built. The city planners listened and asked HRS representatives about this and the school assured us all that they would work with their architects on the issue, and there would not be a problem. They received their permit.
4. Construction began on the HRS campus and one morning in 1996, my husband and I were awakened by the sound of chainsaws cutting trees and shrubs, which had been a beautiful living barrier between the school and our house. We went outside to find all the growth on the property line was being cut down. The manager of Cahill Construction Company responded to our questioning about what was going on, by saying that they were pouring a concrete path near our property line, so the school could move all pedestrian traffic across the campus via the hillside. This would keep people away from the construction zone. Head Royce never mentioned this at any of the planning meetings they held. It is clear that the city planning department was not aware of the path either, as their documents about this project state that HRS would not be making any significant changes in pedestrian traffic or pedestrian access to it's campus.

5. Every weekday morning for over a year, while the gym was being built, staff and facility getting to school early talking loudly, and then students following with screaming and other loud noises, awakened me. A count of over 130 facility, staff and students were using this path mornings, lunchtime, when school let out and in the evenings when there were after school programs. This was all happening only 30 feet from our bedroom. Because awakening in the morning to screaming, and other pedestrian noise became traumatic for me, we moved our back bedroom to a room at the front of the house (not the best layout for our home situation) so I could sleep in the morning, when I worked a late night.

6. When we and other neighbors met with members of the HRS board about this ongoing disturbance, and expressed our dissatisfaction about how they did not disclose this construction detail in advance at the planning meetings, the representatives acted arrogant and as if they were at no fault, and showed no feelings of responsibility to the neighbors. However during the meeting, they did promise us they would remove the concrete walk after the gym was built.

7. After construction was complete, the concrete path was remained. Pedestrian traffic and noise continued. To remind the school of their promise to remove the pathway, and bring their attention back to the importance of this issue, a petition was signed by 10 of the Whittle neighbors who lived adjacent to the pathway. It was presented to two HRS representatives at a meeting on March 10, 1997. The neighbors felt HRS was not communicating with them and was violating the spirit of the agreement with the neighbors. The school continued to become less concerned about its neighbors and more forgetful of their promises to protect the quality of our neighboring environment, now that they had their permit to build. (Neighbors petition available upon request)

8. Through the 20 years of contact I have had with this school, I have learned that their representatives have an engrained pattern of forgetting their promises, and the removal of the concrete walk is just one example. I suspect they promised the removal of the path early on, to keep the neighbors from initiating contact with the city about the new nuisance, during the construction process. As usual, the school representatives later had no recollection of their promise to remove the path.

9. Again, after more neighbors complained, the board and headmaster promised to install a fenced barrier at either end of the path with gates to remain locked at all times. This fence and gate was installed as promised in 1997 by the school. However, there was a repeating problem with the school failing to keep the gates locked, so the pedestrian traffic and noise problem continued. Later, construction near the bottom of the hillside created an opening near the gate and there is no longer a suitable barrier. I continue to repeat my request to HRS through the NLC to reinstall the barrier, and lock the gates. The school again chooses to forget

that promise or even remember that they had previously built the barrier. At this time there is no real barrier.

10. Over the years, I have attended many meetings with the Head Royce School representatives and have spoken the headmaster, grounds manager, board members, and teachers about the problems, which still exist, on the pathway, also in the playing field, only to get no change in the situation.

#### **Current nuisance problems.**

11. Now this path behind my home increasingly has become a hangout for students and trespassers who cannot be supervised because it is so far away from the main campus. I continue to be disturbed by the noise of screaming students on weekdays, and trespassers who come in on weekends to hang out. (There is no security on campus during off hours and people come and go as they please.) I have also witnessed sex, pot and tobacco smoking, have seen evidence of lit matches on the ground, and alcohol consumption on this path behind my home.

12. My neighbors and I are very concerned about students and trespassers starting a fire on the hillside and threatening our environment during the dry summer and fall season.

13. This spring of 2012, I contacted head Royce representatives through the liaison committee, twice about their students having sex on the upper pathway behind our home. Their only attempt to respond to this alert was to place a wooden street barricade that said "Lane Closed", in front of the stairway to the path, with caution tape strung across. (Photo provided upon request). The next day, I witnessed more sex on the hill and found the caution tape had been ripped down and the barricade moved to the side. I do not understand why HRS would ignore this problem. Its obvious the school does not seem to care about its reputation or the safety of its students.

14. In June of 2012, I continued my requests for a fenced barrier with a locked gate at either end of the path, through the neighborhood liaison committee. HRS responded by asking neighbors to call the school and report people on the path, when we see them. This is not a solution to these problems, just another smoke and mirrors game, which further stalls the installation of a simple, inexpensive, and reasonable solution to the nuisance they have, which is negatively affecting our neighborhood.

### **Other HRS problems that continue and have existed for years**

15. On weekends and weeknights, I continue to witness use of the playing field by non Head Royce players. Many of the people using the premises are adults who bring their families and children with them. They leave their children unattended to play and scream anywhere on campus they wish, including the concrete path behind our home. This has been repeatedly reported to the school. It seems they are doing nothing to prevent unauthorized use of the playing field. The CUP states HRS is not to lend or rent the athletic grounds. The school will not tell us who is using the field, however these people are not wearing Head Royce jerseys, and again many are adult. A number of years ago there was a full-televised soccer game held on their playing field with over 100 spectators. The school had no knowledge of this, and denied it even happened until a student at the liaison meeting who was assigned to take the minutes, announced that she had known about it and that the game was indeed televised.

16. There is another issue. HRS holds summer programs that seem to be nothing but a camp for screaming children. Megaphones, whistles, are used to encourage children to scream at the top of their lungs. Year after year, we must contact the school to find out who is the new head representative of the program, so we can direct our calls to them about this nuisance. We then hope the director will be cooperative and heed our requests to calm the camp students down so we can get some summer quiet before the regular school year opens again. It would be nice to have quiet summers.

17. Over the years HRS has maintained a pattern of response to the neighbors, which they use when we have met, written or called in a complaint. "We will look into it", is the reply they use most frequently to keep us waiting for an answer, which we rarely receive. They have repeatedly shown me they will do as little as possible and truly do not care to remedy difficulties they're school creates in our neighborhood environment.

18. Also, It is clear that HRS cannot control their campus. They let their students wander to far corners of their property where they create problems for neighbors. Year after year, the noise continues to amp up, despite neighbor's complaints.

19. At this time, HRS officials refuse to respond to my complaints, because the NLC members are now asking them to respond in writing. The schools' long time reputation of taking as much time as possible to act on a neighbor complaint has gotten old. We have been shown that talking in person with these people, result in promises to improve the problems, but which become forgotten promises too quickly.



20. A response from them in writing might require them become more accountable, but instead they have decided to stop all written communication to neighbors.

21. I have copies of early HRS/neighborhood meeting notes, the petition signed by neighbors and recorded history in much more detail, which I will be happy to supply to you upon your request.

I declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct.

Sincerely,



---

Linda Juratovac

Dated: August 6, 2012

## DECLARATION OF BRIAN PETRASKA

I, Brian Petraska, declare:

1. My husband, Rodney Thompson, and I have lived at 4232 Lincoln Avenue since July 2002, when we bought our home. After six years of renting in San Francisco, we had become tired of the traffic, homeless problems, MUNI, erratic neighbors, and the general stench of San Francisco, and chose to search for a house in Oakland as our first choice. Our house is located directly across the street from Head Royce School. Rodney works for Chevron as an accountant and I work in advertising, although right now I am between jobs and home a great deal of the time.

2. We love our home. It has gardens in the front and back with room between us and the next door neighbors, and it has terrific views from the windows in our living room of the Bay Bridge, Golden Gate Bridge, downtown San Francisco and Oakland.

3. Unfortunately, once we had lived in our home a few months, our rose-colored glasses came off and we were able to see what we were actually dealing with living at 4232 Lincoln Ave. The Head-Royce School (HRS) had been sold to us as a positive influence for the neighborhood and we were told it would increase our house value, but we found HRS' impact strikingly different.

4. The traffic on Lincoln Ave is nothing short of horrendous and unbelievable. HRS parents are so self-absorbed that even with a red traffic light immediately in front of our driveway, HRS parents refuse to let our car out of our driveway. They will pull up in the queue and block our driveway so they are not inconvenienced by waiting 30 additional seconds to allow a Lincoln Ave resident out of his or her driveway.

5. The problems also became evident to us when we offered our close friend and parent of two HRS students that she could park in our driveway during drop off or pick up. When we noticed that she was not taking advantage of our offer, she confessed to us that it was because once she parked in our driveway, she could not get out because of the parents preventing her from doing that. She told us that she could not understand how we could live in our home when the traffic prevented us from getting out of the driveway!

6. The queue for HRS' pick up and drop off parking is so out of hand, it blocks Lincoln Ave for nearly a mile in each direction, congests Lincoln Ave, the Highway 13 exit, and is a serious risk for responding emergency vehicles needing to utilize Lincoln Ave as a route to their destination. We continuously find HRS cars parked up and down Lincoln Ave as far as we can see.

7. Even though we have two-hour restricted parking, parents park in the first street spot that they can find that is close to the HRS entrance. The monitors do not stop them from using Lincoln Ave. and Alida St. for this purpose. Also, the monitors keep changing so that it does not appear to me that the same people are doing the monitor jobs. Periodically, it appears that the school puts orange vests on students, and has them just stand on the sidewalk pretending to be monitors. Whether adults or adolescents, these monitors do not actively do anything to stop the parents from engaging in bad driving maneuvers or from blocking traffic.

8. Another major problem that has been escalating over the last several years is the number of events at HRS. It feels like HRS holds school and non-school events nearly 365 days/nights a year. It just seems that every time Rodney and I are trying to have a peaceful dinner or enjoy a nice, quiet weekend, HRS is hosting another event. What this means is that we have to listen to constant car doors opening and closing, voices talking to one another – often across the street from one another, and valet service attendants yelling to drivers and to one another. At night, we are often awakened by event attendees

leaving around 11:00 p.m. or later; they laugh and talk to each other as they leave and we also have to listen to the car doors slamming.

9. HRS holds a summer camp every year and this also has become a huge nuisance for us. I am often at home during the weekdays and I have to listen to the amplified sound from the summer camp counselors giving directions to the campers and screaming children. It makes no sense why there is even a summer camp in my neighborhood of densely populated housing. Shouldn't this summer camp be in the mountains or another open space location?

10. A particularly disturbing problem that we have involves huge delivery trucks that pull up in front of HRS' gate at ungodly hours. In May, Rodney and I met personally with Rob Lake to discuss some of the problems that we have had with HRS and to talk about the possibility of HRS buying LCC's property. (We wanted to better understand how that purchase might affect our property.)

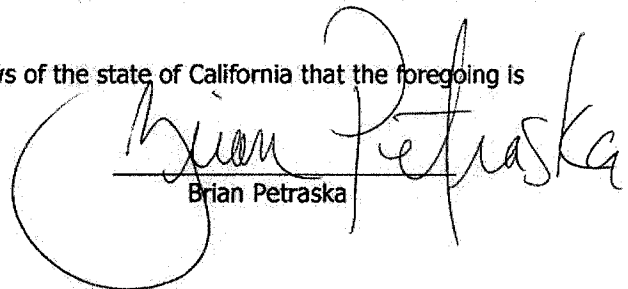
11. During the meeting, we brought up with Rob the problem with the truck deliveries. He led us to believe that he had just been hired by HRS and needed many months to fix the problems. It was only later that we learned he had been hired two years prior to our meeting! We let him know that these huge trucks are disturbing us with their loud generators and engines that the drivers leave idling. We also explained that the metal doors and metal rollers used to unload the goods for HRS are also a major disturbance.

12. After the meeting, and despite our telling Rob that we needed the school to stop having delivery trucks arrive before 7:00 a.m. in the morning on weekdays, we again had the problem. Attached as Exhibit A is an email exchange between Rob Lake and me regarding this problem. For the last two weeks, the trucks have been arriving during the daytime, but it is just a matter of time until they go back to their prior habit of coming to the gate between 4:30 a.m. and 6:30 a.m. Frankly, these trucks look very large and I think many of them violate the weight restriction (four-and-a-half tons) for Lincoln Ave.

13. We would appreciate the hearing officer putting a stop to the problems that we are having just living in our own home. We have to get sleep and we have to be able to use our home for peaceful living like normal people. There is nothing that we have done to deserve these problems that HRS causes on a daily basis.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Dated: August 6, 2012

  
Brian Petraska





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**From:** Rob Lake <[rlake@headroyce.org](mailto:rlake@headroyce.org)>  
**Date:** June 18, 2012 4:34:34 AM PDT  
**To:** Brian Petraska <[brianpetraska@gmail.com](mailto:brianpetraska@gmail.com)>, Dennis Malone <[dmalone@headroyce.org](mailto:dmalone@headroyce.org)>, Dennis Tani <[Dtani@headroyce.org](mailto:Dtani@headroyce.org)>, Mary Fahey <[mfahey@headroyce.org](mailto:mfahey@headroyce.org)>  
**Cc:** Rob Lake <[ssmith@headroyce.org](mailto:ssmith@headroyce.org)>, "[marthasellers@yahoo.com](mailto:marthasellers@yahoo.com)" <[marthasellers@yahoo.com](mailto:marthasellers@yahoo.com)>  
**Subject:** Re: 4am delivery 6/18/12

Dear Brian,

I am sorry that this has occurred. We are not supposed to have any delivery trucks arrive at this hour. I don't know what happened, but will make sure that this behavior is looked into and stopped.

I have copied our CFO, facilities director, and Mary Fahey on this email as well.

Again, this should not have happened and it is not ok with Head-Royce.

Sincerely,

Rob

Rob Lake  
Head of School  
Head-Royce School  
ph. 510-531-1300

On Jun 18, 2012, at 4:26 AM, Brian Petraska <[brianpetraska@gmail.com](mailto:brianpetraska@gmail.com)> wrote:

This is okay with hrs?!?!

Sent from my iPhone

Begin forwarded message:

From: Brian Petraska <[brianpetraska@gmail.com](mailto:brianpetraska@gmail.com)>  
Date: June 18, 2012 4:02:05 AM PDT  
To: Rob Lake <[ssmith@headroyce.org](mailto:ssmith@headroyce.org)>  
Subject: 4am delivery 6/18/12

Sent from my iPhone  
<photo.JPG>







On Jun 25, 2012, at 10:26 AM, Brian Petraska <[brianpetraska@gmail.com](mailto:brianpetraska@gmail.com)> wrote:

- > Hi Rob and Martha-
- > Well, 6am - 7am this morning..
- > Again.
- > They are so loud!!!
- > Unbelievable the amount of noise this delivery is.
- > I am so tired.
- > This delivery took one hour today.
- > A second smaller truck
- > also came for a delivery and made a U turn in my driveway
- > but I was not able to take a photo of it.
- > Please add this to your formal complaints from the neighborhood.
- >
- > Brian Petraska
- > 4232 Lincoln Ave.
- > 510.846.1532 cell
- >
- > Sent from my iPhone
- > <photo.JPG>

From: **Rob Lake** <[rlake@headroyce.org](mailto:rlake@headroyce.org)>

Date: Mon, Jun 25, 2012 at 10:28 AM

Subject: Re: HRS 6am delivery on 6/25/12

To: Brian Petraska <[brianpetraska@gmail.com](mailto:brianpetraska@gmail.com)>

Cc: "[marthasellers@yahoo.com](mailto:marthasellers@yahoo.com)" <[marthasellers@yahoo.com](mailto:marthasellers@yahoo.com)>, Mary Fahey <[mfahey@headroyce.org](mailto:mfahey@headroyce.org)>, Dennis Malone <[dmalone@headroyce.org](mailto:dmalone@headroyce.org)>

Yes, I just learned of this delivery a few minutes ago from Josh. We are looking into it right now and I will most likely all the delivery company myself.

I am very disappointed in them.

We will keep you posted.

Thanks,

Rob

Rob Lake  
Head of School  
Head-Royce School  
ph. 510-531-1300







## DECLARATION OF TERRY TOBEY

I, Terry Tobey, declare:

1. My family has lived at 4549 Lincoln Avenue since the mid-1940s. Our property is located directly above the Head Royce upper parking lot, and we share a common property line. We have been impacted by the Head Royce School ever since it became Head Royce. All our complaints voiced over the years, by both phone calls and letters, have for the most part been ignored. The situation is now worse than ever.

2. I am unable to enter or exit my property without experiencing a frustrating delay twice a day (for approx. 45 min. each time,) every day school is in session. That's 1.5 hours daily. Parents line up in their cars to drop off or pick up their kids and they consistently block my driveway. Even when they see me drive up the driveway and wait to exit, they will not leave the line to let me out. It isn't until I drive my car forward within inches of their cars that they will finally leave the line to let me exit. It has gotten to the point that I sometimes just wait 45 minutes to leave my property because I do not want to get angry and upset yet again.

3. When I happen to come home when the line is blocking my driveway I have to stop in traffic leaving myself in harms way until a car finally moves. (This causes me a lot of anxiety and stress because I was in a serious auto accident previously where I was hit from behind, and I still suffer from those injuries.) Usually I have to wait there in the street while the driver waits for the cars in the line to move forward, because the drivers refuse to leave the line. Finally the next person in line realizes what is happening and waits above my driveway to let me in. Then they simply move up and block my driveway themselves.

4. The line waiting at the curb to drop off and pick up kids extends past my house up to the driveway above me. The backup in the lanes of traffic, however, blocks the whole street up to Highway 13. I have asthma and I often wonder what would happen if I needed an ambulance quickly during an attack. Would I die waiting? Or, what if a fire started on the Head Royce property and burned up the canyon. Would the fire trucks be able to reach us if it happened during the morning or afternoon backups? Would our houses burn because of the wait time? Would people die because of it?

5. It always makes me nervous to drive up or down Lincoln during the pickup and drop-off times because cars frequently pull out into traffic unexpectedly, and kids often enter and exit vehicles into the lanes of traffic. I am constantly afraid of hitting someone by accident or being hit.

6. I also own a property on Tiffin Road, and when school lets out cars coming from Head Royce drive very fast around the corner and past my house. I only see this happen at that time of day and there is always a child in the car with the parent headed in the direction of Park Blvd.

6. From my Lincoln Ave. property I hear a lot of noise from the ball field and upper parking lot area. After school and into the evening kids in the upper parking lot scream and yell, spin donuts, blast their stereos, and honk horns as they are leaving. I have never seen an adult down there supervising the kids during those times. Of course when the school holds games there is a lot of noise, especially when visiting schools participate. The noise on my property is especially bad because the noise bounces off the hillsides and travels up the canyon.

7. The line of cars on Lincoln is much smaller during the summer, but the noise from the summer camp held on the field is amplified and very loud. Usually there are two adults yelling directions while the kids are running around yelling. This goes on for hours and I am able to hear everything they say very clearly while on my own property.

8. There have been many other events held on the ball field as well like the Native American Pow Wow's and the Walkathon's. The Pow Wow drumming and chanting doesn't bother me but people from the Pow Wow were climbing up the hill towards my barn until I chased them off. The amplified noise from the Walkathons however, both music and speaking, has been VERY loud and annoying. The noise goes on for hours and I am forced to listen to it while on my own property. The events seem to be happening more frequently than before. It's a huge problem for me that I should not have to be subjected to. It's ruining the quality of my life and it has to stop.

9. When Head Royce allows the Greek Church to use their upper parking lot for their Festival there is a lot of congestion in the lot. People come back to their cars after they have clearly consumed quite a bit of alcohol. I have seen them smoking and I worry that all it would take would be someone to throw

out a cigarette to start a fire. Usually I see little to no supervision of the lot during the Greek Festival.

10. Kids from the school regularly climb up the steep hill and trespass onto my property. This has happened for years and continues to happen about once every month or two. Some come after hours, but I have even caught them on my property wearing Head Royce gym clothes during noon time! They have left things behind (cigarette butts, soda cans) and have tried to break into doors in my house and barn. I have asked, but Head Royce has refused to spend the money to install a fence between our properties.

11. All of the properties in this canyon have large eucalyptus trees and every year the trees drop numerous branches and debris which the homeowners must clean up or it becomes a fire hazard, often referred to as a "fire ladder." I have problems every year with Head Royce being unwilling to fully clean up their vegetation. They now hire goats, but goats don't eat the scotch broom or large eucalyptus branches. The cleanup of that takes manpower. I have had to get the fire dept. and even the Mayors office involved in the past to make Head Royce clear the debris on their hillside abutting my property. There are eucalyptus branches and scotch broom on the hillside now as I type. It's an ongoing problem as they refuse to do anything until I, or other neighbors, complain. I have the same type of vegetation and I clear my own property every year, but what good is it if Head Royce doesn't do the same? If a fire were to start on Head Royce property it would burn up the hill and destroy my barn and/or house and continue uphill possibly destroying more homes and structures as well. The access above me on Melvin Road is very bad (narrow) and would make fighting a fire in that area extremely difficult.

12. The huge mature eucalyptus trees that are next to the upper parking lot have grown a lot over the years and are now blocking my once beautiful view. They are very dangerous and extremely heavy trees and if they fall they will destroy any cars underneath and kill any students, teachers, or visitors that are unfortunate enough to be in that area. Large eucalyptus that size have been falling regularly in this canyon. The most recent one fell earlier this year on Melvin Road. That tree was smaller than the Head Royce trees but it still caused considerable damage to four adjoining properties. The Head Royce trees should be topped and then maintained when they form the sprouts known as a "witch's broom" If they are topped at a 5-6ft level they will bush out, helping to form a privacy barrier between my property and the parking lot and hopefully decrease the noise level a little.

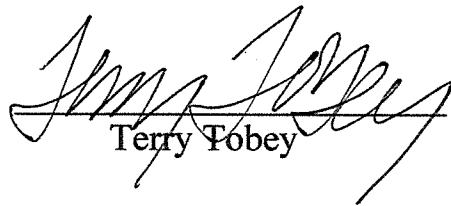
Topping the trees will also give me back the once beautiful view of the bay that my family enjoyed for many years.

13. As you can see from my declaration, Head Royce has consistently had a major (bad) effect on both my property and on me in a myriad of ways. I do not mind having a school as a neighbor, but I do object to the callous disregard that Head Royce shows towards me and my neighborhood. I grew up on the Lincoln Ave. property and have watched as Head Royce grew very large and became increasingly disruptive. A school should not have the right to destroy my enjoyment of my property and family home, which has such strong emotional ties for me.

14. Attached as Exhibit A is a true and correct copy of my notes in which I logged problems concerning Head Royce. Also included in this exhibit is correspondence between Head Royce and myself, including my letter of September 9, 2004 to Mr. Chapman, and his response dated September 16, 2004; my letter to Jim Kemp, dated April 27, 2005, where I ask for attention to the eucalyptus trees; and my letter to city planner Heather Klein, dated January 3, 2006. I also have included a 2010 email to the fire department regarding the fire danger and a response from the mayor's office.

15. Attached as Exhibit B are photos that I took several weeks ago showing the Head Royce parking lot below my property and the fire ladder from neglected debris on the Head Royce hillside. That dried out eucalyptus debris is next to my property.

Dated: August 7, 2012



Terry Tobey





## ***Head Royce Incidents***

### **Between 2004-2005:**

I made many calls to Mary Fahey at the HR Neighborhood Hotline to report problems with the line of cars on Lincoln, hazardous conditions in the upper parking lot area, and kids trespassing onto my property from HR. Although Mary always promised she would take care of things when I got thru to her directly, I didn't see evidence that anything was ever done.

### **Mar 4, 2009:**

I found two different sets of footprints in and around my barn. Because of the muddy ground I was able to trace them back to the corral fence by the property line with HR. The two people who trespassed on my property came from the HR property.

### **Fri Oct 8, 2010:**

At 12:55 pm I chased 4 boys off my back hill. The boys were approx. 10-12 years old and wearing HR gym outfits. There was a gym class being held on the field, and the boys went back to it when they left my property. I called the principal of the high school Carl Kiernan (228-1522) and spoke to his secretary, Carol. She said she would get in touch with Coach Mike Talps who was with the boys that age on the field. She got back to me later and told me that Coach Talps said "my boys wouldn't go up there" and "they have too little time at lunch" etc. I told Carol that if it happens again we will hold the kids until HR comes to pick them up, so that we can make a formal complaint with their names.

### **NOTE:**

There were other calls made to the school over the years, by both my Mother and myself that were not documented, unfortunately. The calls were in regard to the same type of issues that I have reported in my letters. The same problems have been going on for years and years, the problems just get worse.

Terry L Tobey  
4549 Lincoln Ave.  
Oakland, Ca. 94602

Paul Chapman  
Head of School  
Head-Royce School  
4315 Lincoln Ave.  
Oakland, Ca. 94602

Sept. 9, 2004

Dear Mr. Chapman,

I received your letter dated August 31, 2004 concerning the reopening of the school for the fall season. In it you addressed the ongoing traffic problems caused by the school and its impact on the neighborhood. I wish to make you aware of problems that I personally have experienced when parents arrive to drop off or pick up their children.

I live directly above the school on Lincoln Ave. across from the Greek Church. I have had numerous problems entering and exiting my driveway when parents are waiting in the long line that forms every morning and afternoon. Instead of leaving my driveway open and accessible, parents drive forward to get close to the car in front of them effectively blocking my entrance or exit. **Do not** think that this is done only when I am **not visibly** trying to enter or exit my property. I have had more than one occasion where a parent looks right at me trying to exit, could easily wait and let me out, but chooses to move up anyway to **deliberately** block my right of way.

Another problem I have had on numerous occasions happens when parents have finally picked up their children and are starting to leave the "line". I have come very close to getting in an accident and have had to slam on my brakes **several** times because these parents do not look before pulling out into the line of traffic.

I am aware of and have used your Neighborhood Hotline to report these problems in the past. I have begun to take license plate numbers of any offenders per the advice of Mary Fahey and will continue to report them to the Hotline. However, I feel that it is important for me to advise you of these situations directly.

I hope that the problems that I have addressed above will be effectively dealt with.

Sincerely,

Terry L Tobey



# Head-Royce School

4315 Lincoln Avenue · Oakland · California · 94602 TEL 510·531·1300 [www.headroyce.org](http://www.headroyce.org)

September 16, 2004

Terry Tobey  
4549 Lincoln Avenue  
Oakland, CA 94602

Dear Ms. Tobey:

I wanted to acknowledge your letter of September 9, which arrived this week, describing problems with traffic congestion on upper Lincoln Avenue.

I regret that traffic congestion on Lincoln is making it difficult for you to enter and leave your home. I will share your concerns with our Safety Committee, in hopes that the group might be able to develop strategies to reduce this problem. I will also share your letter with our Neighborhood Liaison Committee, which meets periodically to work on neighborhood concerns.

Thank you for bringing this problem to my attention.

Sincerely,  


Paul Chapman  
Head of School



Terry L. Tobey  
4549 Lincoln Ave.  
Oakland, Ca. 94602

Jim Kemp  
John Malick & Associates  
1195 Park Ave, Suite 102  
Emeryville, Ca. 94608

April 27, 2005

Dear Mr. Kemp,

It was nice meeting with you the other day. I appreciated the chance to discuss my concerns with you regarding the proposed parking structure on the Head Royce property.

I also would like to thank you for sending me a copy of the proposed planting designs for the hillside which abuts my property. I have reviewed it and feel that it would be a very good solution for the hillside. I will look forward to seeing it completed.

Before the work commences on the plantings, however, it may be a good time to top the eucalyptus that we talked about. Not only would it give me back the view that we once had but it would also protect the school from liability should one of them fall on the parking lot which is a definite possibility given their tremendous height. As we discussed, I will be planting my own "grove" of redwoods along the fence line in the near future. I think it would be better to do the topping of the eucalyptus before I have the redwoods planted, though, because of the possibility of damage from falling eucalyptus branches during the topping process.

Again, thank you for your time and concern. If you have any further questions please do not hesitate to call.

Sincerely,

Terry L. Tobey

CC: Paul Chapman

Terry L. Tobey  
4549 Lincoln Ave.  
Oakland, CA 94602

Heather Klein  
Planner II  
City of Oakland  
Community and Economic Development Agency  
Planning Division  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94611

January 3, 2006

RE: Head- Royce Master Plan

Dear Ms. Klein,

I live directly above the Head- Royce upper parking lot. My family has owned this property since the 1940's, long before Head- Royce was ever formed. I have seen many changes since Head-Royce acquired the property and began "growing" the school at an astonishing rate.

I wish to bring to your attention the following ongoing problems that I have had with the Head- Royce School. I hope that they will be addressed and seriously considered before the Planning Commission agrees to approve the final Master Plan.

I have had terrible ongoing problems trying to enter or exit my driveway because of the line of cars that forms to pick up or drop off students each morning and afternoon. I sent Paul Chapman a letter informing him of the problem on Sept. 9, 2004. I received a letter back from him on Sept. 16, 2004 telling me that he had received my letter. He stated that he would take actions to try and reduce the problem I was having. As of this date, over a year later, the problem has not changed at all. If anything I would say it is actually worse. I can only speculate that adding more students, and hence even more cars, would make my problem much, much worse.

I am very concerned by the proposal to restrict on-street parking during pick up and drop off times in order to allow for a longer "queue" The line that forms is very long now and the drivers always stop in front of my driveway. Even when they have seen me trying to exit, they have sometimes moved up closer to the car in front of them and completely blocked my right of way to exit. I believe they do this so that another car cannot cut in line, since I have witnessed that happen several times in the past. Penalizing the neighbors by taking away our on-street parking, however, is simply NOT the answer. It will do nothing to stop the problem for the neighbors but will make it much easier and more convenient for the parents. Obviously, there are far too many cars now and allowing even more enrollment will only make the problem worse. Head-Royce needs to come up

with another way to handle the problem we have now before they are allowed to, if ever, add any more students.

I am also opposed to the new two story parking structure proposed on the site of the existing upper parking lot. I have already had my once beautiful bay view blocked by the extremely tall, mature eucalyptus that are growing on the Head-Royce property. I have had the piece and quiet that I enjoyed for years disrupted by the yelling ever since they built the ball field. I hear yelling daily when school is in session and it is even worse when the school hosts games with other schools. I feel that Head-Royce has already ruined my property values enough without me having to look out onto an ugly parking structure as well. As it stands now, at least I can see the green of the ball field and it is still a somewhat pleasant view, and is still peaceful, when the kids are absent that is.

I have also had many problems with teenage kids coming onto my property from the Head-Royce property. They have left garbage and have even tried to break in my house on one occasion. I am fearful that they may start a fire from smoking in my barn area. I have brought it to Head-Royce's attention and have asked them to go in on a fence with me. So far they have yet to do so. Head-Royce allows unlimited access to the upper parking lot because they do not have a locked gate. On weekends and after hours many people drive down there and park. Bay Alarm drives by once in awhile but obviously that is not helpful because it is so infrequent. If a fire was to start in this parking lot area it would burn up the hill, destroy my barn and/or house and continue upwards with the possibility of destroying numerous homes and structures. Yet Head-Royce has failed to address this problem. When the lot was rented out to the Greek Festival I witnessed many drunken people coming back from the festival to their cars in the lot. I was very concerned about a dropped cigarette from one of these people starting a massive fire. Allowing unlimited access to this area is a disaster waiting to happen. Head-Royce needs to see to it that this area is fenced and secured ASAP.

Obviously there are many problems with Head- Royce that need to be addressed and solutions that need to be found before they are allowed to expand any further. I do not think it is right that the neighbors should be penalized just because Head-Royce wants to expand. After all, we were here first and our quality of life should be taken into consideration when deciding just how big to let this school grow. It is, after all, a residential neighborhood.

Sincerely,

Terry L. Tobey

To: Lee, Andrew L  
Cc: Quan, Jean; Office of the Mayor  
Subject: Re: neighbors fire ladders

Andrew,

I originally contacted you by phone a few days before June 24. I told you that there were branches, brush, and weeds forming dangerous "fire ladders" on the Head Royce property, very close to my barn. I stressed how frequent strong winds whip up this canyon, as there are no structures left to break their path.

Because of all the students and non-students who are on the property on a daily basis, I am terribly afraid that a fire will start and come roaring up the hill, taking out my antique barn and possibly continuing up into Joaquin Miller Park. Once started, extinguishing a fire in this populated area with narrow streets would be extremely difficult. With the plentiful and highly flammable eucs in these hills, a fire could quickly and easily become out of control.

Despite my numerous emails, and your numerous promises that you would have Head Royce clear the area in question, it has now been over SEVEN weeks and Head Royce has done ABSOLUTELY NOTHING. The hundreds of dollars I have spent to clear my own property to comply with Oakland's Fire Regulations will have been wasted, if my surrounding neighbors are not made to do the same.

I am asking that you take immediate action and order Head Royce to clear the dangerous area ASAP, or have your own fire crew clear the area for them.

Regards,

Terry Tobey  
4549 Lincoln Ave.

Subj: RE: neighbors fire ladders  
Date: 8/16/2010 12:23:53 PM Pacific Daylight Time  
From: KSchuerholz@oaklandnet.com  
To: ZebraelT@aol.com  
Sent from the Internet (Details)

Dear Terry Tobey,

Please contact me directly about this problem at 510-238-4464.

Sincerely,

Keith S. Schuerholz  
Office of the Mayor

I spoke to Kieth at the Mayors office on Aug 18, 2010. He said to call Mr Valensuela at 879-8582. Mr Valensuela is a Parental Ombudsman that oversees the schools in this district. Kieth said to ask to speak to him regarding the Head Royce issues. If Head Royce doesn't clean up the mess, call him (Kieth) back.























I, Stacy Ward, declare:

1. I live at 4196 Laguna Avenue with my husband Marc and our two children Reese and Davis. I am a stay-at-home mom. My husband is a commercial realtor with an office in downtown Oakland.

3. My daughter will be in fourth grade this fall and my son in kindergarten. For the past three years I have driven them to school and pre-school, both of which begin about the same time as does HRS.

4. My driveway is at the Laguna Avenue stop sign at the intersection of Alida and Laguna where HRS drivers turn right to proceed to Potomac for their return to Lincoln Avenue. On too many occasions to count, because of HRS increased traffic, I have waited extraordinary amounts of time to back out of my driveway in order to take my children to school. There have been several occasions when a neighbor has stopped traffic coming around the corner so that I could get out of my driveway.

5. Reese attends Redwood Day School and Davis has, until now, attended a pre-school in Montclair. I quickly found it next to impossible to turn from Alida left onto Lincoln in the morning and began driving down Laguna (a much slower route), eventually taking a cross street to Lincoln. The stop sign at Tiffin slows HRS traffic sufficiently for me to get onto Lincoln Avenue and down the hill to Macarthur.

6. If I attempted to take my son to preschool first, I would have to negotiate the chaos of Lincoln Avenue and HRS drivers in both directions so I must take my daughter to school first, then return via Lincoln to Montclair. Traffic at HRS is still heavy and potentially dangerous even then, with drivers weaving in and out of the travel lane to drop students at the school gate, and other drivers crossing the yellow double lines to get past vehicles partially blocking the lane.

7. On days when I have volunteered in my daughter's class, I have had to forego taking my son to preschool and had to take him to his sister's class instead because there was no time to get past HRS to his school and back in time to be present at the time I was expected at Redwood Day.

8. Through each school day, I must gauge my errands and other driving in order to avoid HRS traffic. Picking my children up at their schools in the afternoon has been as inconvenient as taking them to their schools. I have generally picked up my daughter first, then had to negotiate afternoon HRS traffic to get to Highway 13 and Thornhill Drive. I am usually attempting to pass HRS at their busiest time of the afternoon and am confronted by it on the way home as well. If picking my son up first, I had to do so a half-hour ahead of the end of his school day in order to get back down Lincoln to get to Redwood Day School.

9. I have been particularly concerned about traffic stopped on the Warren Freeway at the Lincoln off-ramp and by potentially dangerous traffic from the top of the Lincoln hill all the way to my turn at Alida. I have often continued to Potomac, turned left, driving an extra four blocks to get to my home because of the left turn mess at Alida Street.

10. While many HRS parents follow the prescribed route off Lincoln and around the block, quite a few turn right on Laguna and immediately into my driveway and back out onto Laguna to return to Alida and then to Lincoln. And far too many drivers continue to U-turn at the intersection of Alida and Laguna, even though there is a No U-turn sign.

11. I recognize that Redwood Day School is just over a third the size of Head Royce but traffic and safety are seldom an issue even in the very small neighborhood in which Redwood Day is located. Drop-off and pick-up are allowed only on the school side of the residential street or in the parking lot. There is no parking allowed on the other side of the street and parents obey that rule. Parents do not get out of their vehicles to help their children enter or exit the vehicle; school monitors do that in order to speed the process along.

12. Head Royce drop-off and pick-up should not be allowed on the east side of Lincoln Avenue where jaywalking occurs and vehicles use red zones as parking areas. For that matter, there should only be drop-off and pick-up on the campus itself, clearing Lincoln Avenue for regular traffic that is heavy especially during the morning work commute. It seems reasonable to unload and load not only in the HRS parking lot but also in the Greek Church and Mormon Temple lots.

13. More succinctly, Head Royce School must begin managing traffic at these busy times so that students, parents and neighbors can safely and easily negotiate neighborhood streets.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Dated: August 6, 2012

Stacy M. Ward  
Stacy Ward



## DECLARATION OF DREW LAU-REGENT

I, Drew Lau-Regent, declare:

1. I live at 15 Camellia Place with my husband and two children. We raised our two sons here and plan to eventually retire in our home. I am the neighborhood representative for my immediate neighborhood, which is in the back of Lincoln Child Center (LCC). We also are located next door to East Bay Agency for Children (EBAC); both of these institutions are schools for emotionally-challenged children. As the neighborhood representative, I worked with EBAC and LCC toward reducing their impacts on our neighborhood. LCC has been responsive over the years and we have worked out a good relationship. We meet for check-ins and make sure we are continuing to maintain a good place for their work, but also a quiet and peaceful neighborhood for residents. Since institutions and residential housing are not always completely compatible, these meetings are generally friendly.

2. I am a college advisor who assists Oakland public school students who are applying for and choosing colleges; prior to that I was a scientist in the biotech industry for over 20 years. My husband works as the senior applications engineer for a large corporation. We both work long hours and our home and neighborhood are important to us as this is where we recharge over the weekends and evenings.

3. I work in the Oakland Unified School District, my work hours coincide with Head Royce school hours. The most direct route to and from my work, as well as for dropping my children at Oakland public schools, is to travel on Lincoln Avenue in each direction every day.

4. My driving time has been seriously impacted by HRS traffic. We must leave at least twenty minutes earlier than just three years ago in order to get to our destinations. HRS enrollment expansion has resulted in many more vehicles attempting to pull in and out of traffic lanes, stopping in intersections so that other drivers are unable to move into the lanes and, in general, creating havoc within several blocks of the campus.

5. Our direct travel to school is no longer a good option. Getting through Lincoln has been a nightmare for some years now. We now cross residential streets to Park in order to access Highway 13, adding even more driving time to our schedule.

6. I have read both Randy and Lori Morris' declarations and find them to be correct in terms of the impact of Head Royce on our greater neighborhood.

7. In the spring of 2012, I heard that HRS planned to purchase the eight acre property of Lincoln Child Center. I am not happy to consider the possibility of their further expansion, both of space and enrollment.

8. I began talking with neighbors living closer than I to HRS and heard that many shared my concerns related to possible expansion of the school.

9. Subsequently, I read in the newspaper that HRS intended build an Olympic sized pool, a performing arts center, a large sports field on the LCC property they would purchase. They also planned to use the LCC property as a parking lot. These were potential uses that caused me concern because sound reverberates around the LCC property which is located in a canyon where echoing sound bounces around.

10. Shortly after the news article, Rob Lake invited my neighbors and me to attend a meeting with him to discuss HRS's future plans for the LCC property. At the meeting, however, he told us that there were no plans and would not discuss the interview he had given the newspaper. He said that the media sometimes gets their stories wrong.

11. At a later time, a large group of neighbors met with Rob Lake and the director of LCC. As he had done in the earlier meeting, Rob Lake would not discuss HRS' plans for the LCC property, but he did tell us that he wanted to expand the enrollment of the school, and he intended to continue expanding events at HRS as he viewed the school as a "community center." He told us that he had been "loaning" the facility to groups and organizations that wanted to use it though not charging rent. As a neighbor, I cannot share his vision of more HRS events or activities. Why would I want more of their intrusion? HRS has an inordinate number of events of its own throughout the school year; these should be restricted to a lesser number and the school should not be allowed to share its facilities with others.

12. I am noticing increased HRS negative "footprint" impacts on the neighborhood's front lawns, drive ways; as in, more orange cones, and more signage placed in front of homes. HRS created more of a signage footprint and increased their vehicle footprint on the neighborhood. They have yet to implement a sustainable correction to their traffic mess.

13. HRS monitors are supposed to control traffic during drop-off and pick-up times. They purportedly carry cameras and paper and pen in order to take down license plates of cars violating rules HRS driving and parking rules. I do not know if or how the monitors have been trained to control the heavy traffic on Lincoln Avenue; it is clear, however, that they are overwhelmed by it and unable to create an environment that is safe for students or anyone else in the vicinity.

14. In late April, a number of neighbors organized themselves as the Neighborhood Steering Committee (NSC). The group is made up of individuals who agreed to work together to re-create their small neighborhoods (and a greater neighborhood as well) as places where their families could enjoy their homes and properties without the nuisance created by HRS of: uncontrolled traffic, noise, cones, orange and green vests, waving arms and disrespectful drivers.

15. HRS administrators have failed to manage their school appropriately; certainly the operation is below the standards for a public school in Oakland. In my experience, our Oakland public schools would not be allowed to manage traffic in such a sloppy manner. An administrator who performed as badly as the ones at HRS would be deemed as a failure, especially given the lack of supervision both for traffic safety and for failing to supervise the students on the campus.

16. While the NLC neighbors have given credit to Rob Lake and Martha Sellers for being cordial and working with them, I did not feel any credit was due. The changes that these individuals made amounted to "band-aids," and in almost two years, they never really fixed anything. The enrollment is too high for what the school could manage and instead of reducing it to a more manageable level; HRS just provided excuses to the NLC neighbors.

17. I made it very clear to Rob Lake during the two meetings that my neighbors and I attended that we would not want HRS for a neighbor, given his and HRS' history of being dismissive of their obligations to neighbors. As an example of how insensitive these HRS administrators are: one day Martha Sellers (HRS trustee on their executive committee) was passing out flyers for their meeting with us. I met her in the street and we chatted for a minute. She pointed to the beautiful trees on the LCC property that have been enjoyed by the LCC children and our neighborhood for decades, and asked, "Don't you want to get rid of all this vegetation?" I was offended by her lack of appreciation for the neighborhood's natural beauty and realized that this showed me that they/HRS would not think twice in disrespecting the gifts bestowed on our neighborhood by Mother Nature.

18. I am hopeful that the city will require a hearing on these matters which will result in a mandated modification of the Conditional Use Permit held by HRS. That modification should include decreased enrollment, drop-off and pick-up either on the campus or in a remote location, a reduction in event numbers, an increase in staff and student use of mass transit, camp elimination and prohibition of campus use by other than HRS.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: August 6, 2012

  
Drew Lau-Regent



## DECLARATION OF MARIANNE NEWMAN

I, Marianne Newman, declare:

1. I have lived at 4371 Whittle since July 1987. My house is in close proximity to the Head Royce campus. HRS is located at the base of a canyon and the housing is located along the rim of that canyon. As such, noise travels from the school to our houses.

2. Although my house is located three houses from the very end of Whittle Avenue, if the noise on the school campus is excessive, it will reach my home. Over this summer, HRS has used amplification for routine communications. Attached as Exhibit A is a true and correct copy of my complaint email exchange with HRS regarding the problem.

3. In their email exchange, HRS did respond, but said that the bull horn/megaphone was only used for an hour a day. I replied that this wasn't the case as I heard it for several days from about 10 am to after 3 pm. I could hear the names of the children that were called even way up here. I suggested that they walk the area/blocks so that they could hear the reality but didn't receive a reply to that message.

4. This is a residential neighborhood and I hope that we can keep it that way. I do understand that businesses, including private schools, desire to expand. However, forward thinking businesses today understand that they need to work with the community and one solution seen often is the opening of satellite locations (even schools) away from the primary site because of the permit limitations (which should be enforced in fairness to all) and the existing limitations of the area under consideration.

5. My concerns at this point are the following;

- Whittle Avenue is narrow and as a walker I often have to step aside into a driveway or enter other private property areas to let cars and trucks pass that turn into HRS. It is forgotten that pedestrians have the right of way. The continual expansion of HRS has, and will continue to diminish the safety of neighbors and those who enjoy a walk in the area. The street can't get wider.

- I have observed that those HRS staff who leave from the 'back gate' located at Whittle and Funston at the end of their day are most often on their hand held cell phones as they exit the short driveway onto the street. The drivers often don't stop even though they are entering a road and there is a stop sign. I have personally had some 'near misses' as a walker and as a driver. I don't see this improving with expansion. People return to old habits.

- We already know that traffic on Lincoln is clogged up during several hours of each day (even in summertime) and that both sides of the street are full to brimming. I have been and remain concerned about the overflow traffic that comes down Lincoln Avenue, turns onto Tiffin and then tries to make a turnaround (at a curve no less) so that the driver/vehicle can return to Lincoln to change street sides and then complete their pick up. The u-turns are unsafe for everyone and there seems to be a disregard for the speed limit as the parent/picker-uppers zoom down Lincoln onto Tiffin and then make their turn just below Forest Hill and back up Tiffin. We know that OPD resources are stretched and so I don't see that kind of help, traffic. The drivers haven't been deterred by neighborhood signs "pleading" for NO-U-TURNS. And yes, we do know that these drivers are a part of the HRS parade as it's clear they turn left and seek a place in line on Lincoln.

-Each time I cross Tiffin from Whittle I hope I make it. So, I don't feel Tiffin from Lincoln to Fruitvale is particularly safe now and I'm concerned that it will get worse with the addition of more students, ~~(and staff) (that HRS has just added)~~ and resulting vehicles. *JKV*

6. I want to say that I do enjoy the sound of children playing, absent bull horns/megaphones. I don't live next door to the school though. Schools have a place in the community and no one argues that point. I do believe that fair-is-fair. I have been away from the area for some time and returned here because I so enjoyed the neighborhood and the community. Upon returning, I understand there is an issue of trust in that HRS administration appears to have ignored the use permit limitations. It's felt that they do what they have wanted and have been permitted to do so by the Officers and Offices of the City of Oakland and that they conduct their business as though the permit rules don't apply to them. And this approach is indeed unfortunate and that is why I am providing my comments about the situation today.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Dated: August 7, 2012

*Marinane Newman*  
Marinane Newman

Marianne Newman

I, Michael Thilgen, declare:

1. I have lived at 4324 Whittle Avenue since 1992. The rear of the property is adjacent to Head-Royce School (HRS) property, above the tennis courts.
2. I am a landscape architect and landscape contractor.
3. I have served as a volunteer on the Neighborhood Liaison Committee since 2004.
4. I had long wanted a home that was close to the city but possessed a strong character of natural land. I was delighted to find and purchase the home with its many mature oak trees on a narrow, wooded, quiet cul-de-sac.
5. When I arrived, I was aware of the school as an unintrusive presence. I occasionally heard the sounds of children playing on the tennis courts and ball field behind our house, but was not bothered by the activity. My neighbors expressed grief that HRS had recently expanded and covered a wild canyon and creek with the new athletic field, and also told me of a history of disagreement with the school regarding vehicle traffic and parking in the neighborhood, and use of the Whittle driveway. I hoped that the house would be far enough away from the campus not to be affected by the HRS related problems. For the most part it was, for the first few years.
6. In 1995 HRS announced plans to construct a gymnasium, and held a series of meetings with the neighbors to introduce the plans and the details. I attended those meetings, and examined the plans closely to see if the new building would be likely to impact my daily life. There was little of concern to me, and I did not oppose the project. The Neighborhood Liaison Committee (NLC) reached a negotiated agreement, and the neighbors supported the HRS permit application.
7. The quiet enjoyment of my home ended one morning in the spring of 1996 when I was awakened to the sound of chainsaws clearing vegetation immediately behind the property. The contractors informed me that they were building a concrete walk and steps to provide students and faculty temporary access from the school parking lot around the gymnasium construction zone to the main campus. The walk was not illustrated on any of the construction plans presented to the neighbors, and no one from HRS mentioned it to me or other adjacent neighbors either publicly or privately. The unannounced construction came as a complete surprise.
8. As the walk was being constructed a school representative told the Whittle neighbors that it would be temporary, to be removed when the gym was complete. Neighbors then endured over a year of highly visible and noisy pedestrian traffic just a few feet from our properties. But when the time came to remove the steps and walk, the school reneged on its promise, announcing that the concrete would remain in place. Exchanges with

- school representatives left us with the impression that they were not only unconcerned about the neighbors' interests, but arrogantly self-centered.
9. In lieu of removal, HRS built a gate at the base of the steps, which they said would remain locked except for maintenance access. But the gate was left unlocked, and then the lock disappeared and was not replaced, despite neighbors' requests. There followed a period of regular use of the walk as a running path by the PE classes, which brought a high level of noise to our homes again.
  10. The walk also became a place for students and visitors to linger. Trespassers who were on the campus outside of school hours also moved into this area. Neighbors repeatedly witnessed and/or found evidence of lit matches, cigarettes and pot smoking, and empty liquor bottles along the path. The potential for wildfire was clear, and of great concern to the neighbors, but HRS did nothing to control access.
  11. In 2003 HRS announced plans to build new facilities on the campus as part of a proposed 15-year master plan. In 2004 the school held a series of meetings with the neighbors with intent to make agreements prior to application for a new conditional use permit. I volunteered to participate in the neighborhood planning sessions. I subsequently volunteered to participate in the Neighborhood Liaison Committee (NLC), of which I am still a member.
  12. Jeff Horowitz, the HRS representative at the meetings, learned of the history of the concrete walk, and expressed his regrets about the situation. HRS refused our requests to include removal of the concrete walk in the neighborhood agreement that was ultimately attached to the conditional use permit. But Jeff made a personal donation to construct a new running path on the lower slope, close to the ball field. This was to lessen the amount of pedestrian traffic on the upper path. I emphasize that the running path was Jeff's personal contribution, not HRS'.
  13. Unfortunately, the gate must be open to allow access to the running path, so there is now no means of keeping people from using the concrete steps and walk. While foot traffic is reduced from previous high levels, students and trespassers continue to use the upper slope for a variety of unauthorized activities that affect the neighbors.
  14. In 2011 at an introductory meeting with the NLC, new Head of School Rob Lake indicated that he thought removal of the walk was a reasonable measure to deal with the problem, but no action has been taken.
  15. In the last few months, neighbors have again witnessed increased use of the area. It has recently become a make-out place, with students visiting to have sex in the afternoons while they are on lunch break or in between classes.
  16. In May of 2012 I informed HRS representatives of the problem and once again requested that HRS keep their original promise to remove the concrete path and steps. I also requested that adequate gates and fencing



- be installed at the base of the slope near the tennis court gates and near the upper parking lot to restrict pedestrian access from each area.
17. HRS' response was to place a folding construction barricade and tie plastic caution tape across the gate. Within days, the barricade was moved, the tape broken, and the students returned. The cast aside barricade and broken tape remain at this time. Attached as Exhibit A is a true and correct copy of the email exchange that I had with HRS about this problem.
  18. As each summer camp season arrives, neighbors experience more student use of the upper slope - the summer program operators are not vigilant about restricting access or lowering noise levels. And with each dry season, the neighbors again face the very real concern about the potential for wildfire starting near the path and spreading though the area.
  19. It is clear to me that HRS does not have control of the student population's use of the upper slope, and does not appear to be concerned about their lack of control.
  20. The concrete walk is an attractive nuisance and hazard that threatens the adjacent neighborhood. I propose that its removal and the establishment of an effective buffer zone become a condition of continued operation for HRS.
  21. An acceptable solution would include removal of the concrete walk and steps, construction of a fence on the uphill side of and adjacent to the gravel running track that connects to property line fences near the tennis courts at one end and the parking lot at the other. Any gates would be kept locked except during landscape maintenance activities.
  22. In 1988, HRS applied for and received a CUP allowing construction of athletic facilities (a ball field and tennis courts). One of the conditions states that "The use of the external athletic facilities be limited to HRS related activities only."
  23. HRS has repeatedly violated this condition by allowing various groups access to the field for both casual and organized use on weekdays and on weekends. Neighbors are disturbed by noise from these activities, and spectators regularly use the aforementioned concrete walk.
  24. At one time HRS let an employee's soccer team use the field for practice and games on the weekends. During that season there frequently were large crowds in and around the playing field. The parking lot was regularly overflowing with cars. One weekend, there was a television crew covering the game! The neighbors repeatedly called the security service and HRS to complain about the weekend use of the field. The security firm did nothing to stop the events, as the players declared they had permission to use the field. This was one of many violations of the CUP conditions.
  25. Neighbors have repeatedly complained to HRS administration regarding illegal use of the facility, which was sometimes approved by HRS

administration, and sometimes not sanctioned, but tolerated by HRS security services. The most recent events, on two occasions in spring of 2012, were sanctioned by HRS administration. Attached as Exhibit B is a true and correct copy of the email exchanges that I had with HRS about this problem.

26. While most of the daily vehicle traffic generated by HRS moves through the Lincoln Avenue corridor, a considerable amount gains access to the campus through the Whittle gate. Neighbors on Whittle and Funston are accustomed to seeing vendors' trucks, garbage trucks, faculty and parents' cars moving through the neighborhood. Neighbors recognize the physical need for emergency egress, and for a reasonable level of traffic to and from the campus.
27. For many years there was no gate to prevent access to the campus from Whittle. Whittle neighbors negotiated installation of a locked gate as part of HRS' conditional use permit (CUP) of 1988. They also negotiated the allowable uses of the driveway. Condition #14 states, "That the Whittle Avenue access be used only for ingress and egress of emergency, garbage, service and vendor vehicles and wheelchair access and to allow the exiting of the 20 parking spaces located in the central portion (academic building area) of the campus...." Condition #16 states, "That HRS will assign staff and/or volunteers to monitor Whittle Avenue and enforce the policy of not allowing student dropoffs/pickups in that location."
28. HRS chose not to enforce the rules prohibiting drop-off, pickup, and student pedestrian access. Parents who recognized the advantage of approaching the school from the Whittle side did so in large numbers, ignoring the sign prohibiting pickup and drop-off that was posted as required by the 1988 CUP. Parents also ignored neighbors' reminders that they were in violation of the schools traffic agreements. Faculty members, without adequate parking on campus, chose to ignore the prohibition against parking in the Whittle neighborhood and entering through the Whittle gate. The school administration chose to ignore the faculty and student violations of the CUP.
29. When Jeff Horowitz began to negotiate the 15-year master plan with the Whittle neighbors in 2004, he faced a hostile group. HRS had unveiled a plan to construct a parking lot on the two residential properties it had recently purchased, a proposal that Whittle residents found unacceptable. Jeff declared his commitment to establishing a harmonious relationship, asked many questions of the neighbors, and listened respectfully to our answers. He expressed surprise that as a member of the board of trustees he had not been informed of the widespread dissatisfaction with HRS among the neighbors. Administration members reporting to the board had downplayed the atmosphere of strife. Jeff declared a commitment to changing the culture at HRS toward greater respect and consideration for neighbors' well being. He attempted to incorporate physical solutions to the problems into the revised design proposal. Little by little, he won the e

neighbors' respect, and a mood of cautious optimism began to grow in the neighborhood.

30. Student pickup and drop-off and faculty parking in the area were important issues in the 2005 discussions. Jeff repeatedly supported the neighbors' requests for aggressive training and monitoring, an effective database with license plate numbers of all HRS related vehicles, and a system of escalating consequences to enforce behavior change in the HRS community. Those items were incorporated into the neighborhood agreement that was ultimately attached to the permit.
31. The master plan was approved, construction occurred, and Jeff Horowitz departed. HRS action to implement the promised new measures was slow to start. Administration cited the organizational challenges of managing new construction and limited administrative budgets.
32. When neighbors on the NLC asked the school to enforce the rules governing use of the gate, HRS representatives led by Peter Smith responded that a Whittle neighbor who lives close to the gate had made threatening comments to the female monitor, so they considered it reasonable for them to not place a monitor at the gate. Whittle neighbors on the NLC acknowledged the problem with the one neighbor, and suggested the school assign a large male monitor to the gate area. We also stated that if HRS wished to pursue a restraining order against the resident, that the NLC neighbors would support that move. HRS chose not to explore either of those options, and the monitor was removed.
33. In one NLC meeting, Peter Smith acknowledged that the school was continuing its tradition of having a yearly lottery to allow faculty members to park in the neighborhood and enter campus through the Whittle gate. This was another violation of the 1988 CUP limiting use of the gate.
34. The promised tracking of vehicle license plates and system of escalating consequences likewise was not developed. After months of ineffective traffic control, NLC neighbors asked to see a report of incidents and HRS actions toward rule breakers. Head of School Paul Chapman refused to provide a report.
35. Relations became strained and went into decline, and the NLC neighbors appealed to City of Oakland staff to investigate HRS' non-compliance with its permit. Please see Randy Morris' declaration of August 2, 2012 for more details.
36. Rob Lake instituted changes upon assuming his current role as Head of School. He, like Mr. Horowitz before him, expressed concern about neighbor relations, promised to try to improve the situation, and followed through with some improvements. Monitors were posted at the Whittle gate daily. Unauthorized use of the gate has declined as a result.
37. Note: The 1988 CUP stipulated presence of monitors to control access from Whittle. Monitors were finally assigned in 2011, some 23 years later!

This is another example of HRS' non-cooperation and unwillingness to implement City imposed conditions.

38. Use of the Whittle gate remains a problem for neighbors. Traffic volume is reduced, but noise from garbage trucks, vendor deliveries, auto traffic, and pedestrian traffic remains an issue, beginning early and continuing late. Employees on break use the area to smoke, which impacts adjacent neighbors.
39. Over the last 20 years I have witnessed the school's increasing impact on the surrounding community as one round of expansion has followed another. What was a small school in a residential neighborhood has grown incrementally through the years. Neighbors all around the school feel the growing impact of school operations on a daily basis in many ways.
40. I have also witnessed an HRS behavior pattern of sending friendly, good communicators as its representatives to the neighborhood during times when it is in the school's interest to secure neighbors' support for planned expansions. Once the agreements are secured (and codified in CUP conditions) the school has been lax about implementing agreed changes to protect the neighborhood from HRS impact. I have seen several apparently well-meaning representatives make small gestures to lessen the school's impact and improve the neighbors' experience. But the big issues remain unsolved, or change at glacial speed. Some of them get worse as the student population continues to grow. HRS remains unchanged in its focus on expansion and it's lack of prompt action to live up to its mandated agreements. The institution's self-centered and irresponsible behavior speaks for itself, despite its representatives' claims that they want to be good neighbors.
41. I have read Randy Morris' declaration of August 2, 2011, and find that his statement corresponds substantially with my understandings and recollections of events.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: August 7, 2012

  
Michael Thilgen



# Exhibit A

[Flag this message](#)

## Re: Problems on concrete walk

Tuesday, June 5, 2012 8:09 AM

From:

[This sender is DomainKeys verified](#)

"Martha Sellers" <marthasellers@yahoo.com>

[View contact details](#)

"Michael Thilgen" <mthilgen@sbcglobal.net>

To:

"Mary Fahey" <mfahey@headroyce.org>

Cc:

Michael,

Thank you for such a thoughtful response. We can't tackle the past, but we've heard where you are coming from. We need to understand impact on neighbors on each issue/request.

The kids go unsupervised off campus at lunch hour based on the policies in place today, so continual supervision is not a current policy nor an expectation of parents. But knowing the impact this might have on you is useful to help us develop solutions in the planning process and just day to day. I will get back to you with more on this, but am flat out in the next few weeks.

Martha

---

**From:** Michael Thilgen <mthilgen@sbcglobal.net>  
**To:** Martha Sellers <marthasellers@yahoo.com>  
**Cc:** Mary Fahey <mfahey@headroyce.org>  
**Sent:** Monday, June 4, 2012 10:56 PM  
**Subject:** Re: Problems on concrete walk

Hi Martha,

This is in response to your question about our disappointment with the signage solution to the slope problems.

It seems to us like a continuation of the HRS tradition of downplaying this very long-standing, unresolved problem. Signs are easy to walk around. Unlocked gates are easy to walk through. Reminders to teachers last as long as the memory is fresh, or until the staff changes. Then the problem comes back.

We've seen the syndrome unfold enough times to believe that what is needed to stop inappropriate activities on the upper slope is physical access control – a steep, unpaved, fenced area. We've been down this road before, and when I hear that "facilities has asked for some signage", it sounds familiar.

It is especially disconcerting that this latest event - sexual encounters between students in an unsupervised area of the campus - is not being addressed aggressively by HRS administration. I don't think your parents would be amused to learn that the school has such poor control of the students. I would expect a responsible school administration to recognize the liability potential, and take strong steps to control access onto the back slope.

The only tangible response I have seen is someone put up a folding barricade with a "lane closed" sign, and wrapped some plastic caution tape around the gates. By the time I saw it, someone had simply broken the tape, and the gates were open again. As usual.

The following Tuesday, the two students walked past the sign, through the open gates, and up the steps for more sex. We are astonished that the school is treating this issue so casually.

As for security services, we've seen them come and go several times through the years. For the most part, the agents did their observations from their cars - drive by, make a note in the log, and move on to the next place. Then the contract expired and they weren't around at all for a few years. And then they were back, but not doing a serious job of enforcing restrictions on campus use.

Do you know about the time (2002) when HRS let an employee's soccer team use the field for practice and games on the weekends? During that season there frequently were large crowds in and around the playing field. The parking lot was regularly overflowing with cars. One weekend, there was a television crew covering the game! The neighbors

repeatedly called the security service and HRS to complain about the weekend use of the field. The security firm did nothing to stop the events, as the players declared they had permission to use the field. Later, HRS administration said to neighbors that they had known nothing about it the games. How is your current security service different from the firms we have seen in the past?

On the fire issue: yes, HRS does comply with fire department fuel reduction regulations. The goats were here last weekend. Fuel reduction helps, but this is a wooded neighborhood, and a fire can start from a discarded match. If the wind is right, it moves into the surrounding community. Another liability.

So, that's what the disappointment is about. The neighbors look forward to seeing you address these issues quickly and effectively.

Michael

--- On Fri, 6/1/12, Martha Sellers <[marthasellers@yahoo.com](mailto:marthasellers@yahoo.com)> wrote:

From: Martha Sellers <[marthasellers@yahoo.com](mailto:marthasellers@yahoo.com)>  
Subject: Re: Problems on concrete walk  
To: "Michael Thilgen" <[mthilgen@sbcglobal.net](mailto:mthilgen@sbcglobal.net)>  
Cc: "Mary Fahey" <[mfahey@headroyce.org](mailto:mfahey@headroyce.org)>  
Date: Friday, June 1, 2012, 4:55 PM

Thanks for the note

Don't worry, call when things slow down. So far patrols seem to be visible and effective. I think the head of the high school has also spoken at assembly. But keep us apprised of what you observe.

Martha



On May 30, 2012, at 10:17 PM, Michael Thilgen <[mthilgen@sbcglobal.net](mailto:mthilgen@sbcglobal.net)> wrote:

Hi Martha,

It's been a very busy few days - I'd expected to get back to you by now, but the time has flown by. The rest of this week also looks very dense - I'm in the middle of a cluster of deadlines.

But I want to send this note to acknowledge your message. Thanks for your expression of interest in getting this worked out. I look forward to having a more exchange with you - I'll get in touch at my first opportunity.

Michael

--- On Thu, 5/24/12, Martha Sellers <[marthasellers@yahoo.com](mailto:marthasellers@yahoo.com)> wrote:

From: Martha Sellers <[marthasellers@yahoo.com](mailto:marthasellers@yahoo.com)>

Subject: Re: Problems on concrete walk

To: "Michael Thilgen" <[mthilgen@sbcglobal.net](mailto:mthilgen@sbcglobal.net)>

Date: Thursday, May 24, 2012, 1:07 PM

Michael, I am surprised by your response. My understanding is that you were asking us to keep kids off the slope (I missed the fire part, more on that). If patrols don't keep kids off, we take the next step, but we should define what that would be. Can you ring me and let me know what the source of your disappointment is? Maybe in an in-person discussion we can source ideas that are workable and affordable. I haven't found any signed agreement to take the concrete out but we are willing to cost that and see if it would keep kids from going up there, or fence, but in our last years' efforts, we have found more bang for the buck by increasing the live patrols and monitoring as well as our increased surveillance cameras. I can't fix the past before Rob and I started working on this, but I remain committed to continue working on solutions going forward.

On the fire issue, we contract to put goats on the hill each year for the big reduction in material for fire control. I will find out the plan now that the rain has stopped.

Martha

c:510-435-5891

---

**From:** Michael Thilgen <[mthilgen@sbcglobal.net](mailto:mthilgen@sbcglobal.net)>  
**To:** Martha Sellers <[marthasellers@yahoo.com](mailto:marthasellers@yahoo.com)>  
**Sent:** Thursday, May 24, 2012 11:00 AM  
**Subject:** Re: Problems on concrete walk

Hi Martha,

We're disappointed to hear your response on the concrete walk problems. It sounds like the same old school.

I'll contact our neighbors who live closer to the Whittle gate about the conditions there.

Regards,

Michael

--- On Mon, 5/21/12, Martha Sellers <[marthasellers@yahoo.com](mailto:marthasellers@yahoo.com)> wrote:

**From:** Martha Sellers <[marthasellers@yahoo.com](mailto:marthasellers@yahoo.com)>  
**Subject:** Re: Problems on concrete walk  
**To:** "Michael Thilgen" <[mthilgen@sbcglobal.net](mailto:mthilgen@sbcglobal.net)>  
**Cc:** "Mary Fahey" <[mfahey@headroyce.org](mailto:mfahey@headroyce.org)>  
**Date:** Monday, May 21, 2012, 9:03 AM

Hi Michael,

Facilities has asked for some signage (one thought I had is to post that the area is under video surveillance, that has reduced incidents in my own neighborhood) -- I'll show you what we put in after it is up. We have added security patrols to the area. If you have any insight to target the patrols, such as seeing kids more often in the afternoon than morning, please share that with me so the officers can be most effective.

We have had a complete drop-off in complaints about Whittle drop-offs and u-turns and back gate usage with our procedures in place. Our monitoring of Tiffin/Whittle resulted in some calls and letters, and we aren't seeing u-turns there. Does that line up with your experience on Whittle and the Whittle/Tiffin intersection?

thanks for your input,

Martha

---

**From:** Michael Thilgen <[mthilgen@sbcglobal.net](mailto:mthilgen@sbcglobal.net)>  
**To:** Martha Sellers <[marthasellers@yahoo.com](mailto:marthasellers@yahoo.com)>  
**Cc:** Mary Fahey <[mfahey@headroyce.org](mailto:mfahey@headroyce.org)>  
**Sent:** Friday, May 18, 2012 5:42 PM  
**Subject:** Re: Problems on concrete walk

Thanks, Martha, for your quick response.

Michael

--- On Fri, 5/18/12, Martha Sellers <[marthasellers@yahoo.com](mailto:marthasellers@yahoo.com)> wrote:

From: Martha Sellers <[marthasellers@yahoo.com](mailto:marthasellers@yahoo.com)>  
Subject: Re: Problems on concrete walk  
To: "Michael Thilgen" <[mthilgen@sbcglobal.net](mailto:mthilgen@sbcglobal.net)>  
Cc: "Mary Fahey" <[mfahey@headroyce.org](mailto:mfahey@headroyce.org)>  
Date: Friday, May 18, 2012, 3:02 PM

Hi Michael,

I thought it was gated off per our discussions with you, but thanks for the update. We will get on it today.

Martha

---



**From:** Michael Thilgen <[mthilgen@sbcglobal.net](mailto:mthilgen@sbcglobal.net)>  
**To:** Mary Fahey <[mfahey@headroyce.org](mailto:mfahey@headroyce.org)>; 'Martha Sellers' <[marthasellers@yahoo.com](mailto:marthasellers@yahoo.com)>  
**Sent:** Friday, May 18, 2012 2:45 PM  
**Subject:** Problems on concrete walk

Hello Mary and Martha,

This is to call your attention to a recurrence of the chronic problems on the concrete walk on Head-Royce property above the tennis courts, and to request that you take immediate steps to solve the problems.

To put this in context, I will begin with a short summary of events. You probably recall that the concrete walk and steps were built at the beginning of the gymnasium construction to provide temporary access around the construction zone. The walk was not shown on any of the construction documents, and the adjacent neighbors were given no advance notice that it would be built or that facility and students would be rerouted on this path until construction was completed.

During construction a school representative told the Whittle neighbors the walk would be removed when the gym was complete. Neighbors endured over a year of highly visible and noisy pedestrian traffic just a few feet from our properties. But when the time came to remove the steps and walk, the school reneged on its promise, and the concrete remained in place.

Instead of removal, HRS built a gate at the base of the steps, which was to remain locked except for maintenance access. But the lock soon disappeared, and was not replaced, despite neighbors' requests. There followed a period of use as a running path by the PE classes, which brought a high level of noise to our homes again.

The walk also became a place for students and visitors to linger. Trespassers who are on the campus outside of school hours also make use of this area. Neighbors have repeatedly witnessed and/or found evidence of lit matches, tobacco and pot smoking, and alcohol consumption along the path.

During the community meetings that preceded the 2005 master plan, Jeff Horowitz became aware of the history, and expressed his regrets about the situation. He then donated his personal money to construct a running path on the lower slope. This provided PE students a good exercise route without disturbing the neighbors. We remain deeply grateful to Jeff for his inspired design, his generosity, and his sense of fair play.

.....



Unfortunately, during construction of the running path, the gate was removed, so there is now no means of keeping people from using the concrete steps and walk.

Last year at an NLC meeting Rob Lake indicated that he thought removal of the walk was a reasonable measure to deal with the problem.

In the last year I have been in touch with Mary to let her know that classes were using the upper walk, and she has taken care of the problem promptly. Thank you, Mary, for your efforts on behalf of the neighbors!

In the last few months, neighbors have again have witnessed an increase in use of the area.

It has recently become a make-out place, and students are now visiting to have sex in the afternoons while they are on lunch break or are in between classes. This is a problem Mary cannot control by contacting teachers, as it is not a class related issue. Please be alerted, sex on the HR campus is a reality.

Also, as the summer school season approaches, we anticipate more student use of the upper slope - the summer program operators are not vigilant about restricting access or lowering noise levels. And as the dry season comes on, the neighbors again face the very real concern about the potential for fire. It is clear that HRS does not have control of the student population's use of this corner of the campus, and the result is a nuisance and hazard to the neighborhood.

We appreciate the efforts you and your team have made to get better control of the Lincoln traffic problems over the last year and a half. We ask that you make a similar effort on the Whittle side of campus. We request that HRS keep their original promise and remove the concrete path and steps. We also request that adequate gates and fencing be installed at the stairway by the tennis courts and near the upper parking lot to restrict pedestrian access from either area. In order to secure the area, gates would remain locked, only to be opened for maintenance. The cost would be modest. The benefits would be an improvement of campus security, protection from future liability, and a happier relationship with the Whittle neighbors.

We look forward to your response to these problems. I would be pleased to meet with you to discuss construction details.

Thank you,

Michael

# Exhibit B

[Flag this message](#)

## Ball field use

Saturday, July 14, 2012 12:43 PM

From:

[This sender is DomainKeys verified](#)

"Michael" <mthilgen@sbcglobal.net>

[Add sender to Contacts](#)

"Michael Thilgen" <mthilgen@sbcglobal.net>

To:

Message contains attachments

3 Files (121KB) | [Download All](#)

- [photo 1.JPG](#)
- [photo 2.JPG](#)
- [photo 3.JPG](#)

Hi Mary,

We were disturbed this morning by screaming from the ball field, even with all of our doors and windows closed.

This after a week of high noise from the summer camp.

On investigation, I found a full softball game with associated spectators, including people wandering on the concrete path. Most of the players were in uniform, see photos below. Conspicuous in their absence were Jayhawks uniforms. The players were adult. This clearly was not an HRS varsity event. Who were those people?

I'd like to restate the same question about the soccer event I reported to you last week. You told me it was approved, but will you please tell me who were they?

Also, would you tell the summer program director to reduce the excessive noise level in the playing field.

Thanks for your assistance,

Michael

# Re: Unauthorized Field Use?

Friday, June 29, 2012 10:13 PM

From:

"Mary Fahey" <mfahey@headroyce.org>

[Add sender to Contacts](#)

To:

"Michael Thilgen" <mthilgen@fourdimensionslandscape.com>

Hi Michael,

I apologize for the children on the path disturbing you last evening. I have spoken with the adults who were on the field and reminded them about keeping everyone off that path. The group did have authorization to use the field last night. I appreciate your e-mail because we have had several instances in the past where unauthorized groups have used the field.

Mary

On Thu, Jun 28, 2012 at 9:41 PM, Michael Thilgen  
<[mthilgen@fourdimensionslandscape.com](mailto:mthilgen@fourdimensionslandscape.com)> wrote:

Hello Rob and Mary,

This to inform you that Linda and I were disturbed at 7:30 this evening (Thursday) by children running and screaming on the concrete path behind our house.

Looking closer, I saw a soccer scrimmage happening on your field. The 18 players were adult Latinos, and the kids on the path were their unsupervised children. See attached photos.

The activities continued until 8pm, when the field irrigation sprinklers came on. The players then got in their cars in the parking lot and drove out the Lincoln gate.

What group was using your field tonight? Were they authorized by you to be there? If not, how did they get vehicle access into the parking lot and the field?

Looking forward to your response,

Michael



Form **990**

Department of the Treasury  
Internal Revenue Service

# Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

The organization may have to use a copy of this return to satisfy state reporting requirements

OMB No 1545-0047

**2008**

**Open to Public Inspection**

**A** For the 2008 calendar year, or tax year beginning 07-01-2008 and ending 06-30-2009

- B** Check if applicable:
- ☐ Address change
  - ☐ Name change
  - ☐ Initial return
  - ☐ Termination
  - ☐ Amended return
  - ☐ Application pending

Please use IRS label or print or type. See Specific Instructions.

**C** Name of organization  
HEAD-ROYCE SCHOOL

Doing Business As

Number and street (or P O box if mail is not delivered to street address) Room/suite  
4315 LINCOLN AVENUE

City or town, state or country, and ZIP + 4  
OAKLAND, CA 94602

**D** Employer identification number

94-1518656

**E** Telephone number

(510) 531-1300

**G** Gross receipts \$ 22,537,331

**F** Name and address of Principal Officer  
DENNIS MALONE  
4315 LINCOLN AVENUE  
OAKLAND, CA 94602

**H(a)** Is this a group return for affiliates? ☐ Yes ☒ No

**H(b)** Are all affiliates included? ☐ Yes ☐ No  
(If "No," attach a list See instructions )

**H(c)** Group Exemption Number

**I** Tax-exempt status ☒ 501(c) ( 3 ) (insert no ) ☐ 4947(a)(1) or ☐ 527

**J** Web site: WWW.HEADROYCE.ORG

**K** Type of organization ☒ Corporation ☐ trust ☐ association ☐ other

**L** Year of Formation 1887

**M** State of legal domicile CA

## Part I Summary

Activities & Governance	<b>1</b>	Briefly describe the organization's mission or most significant activities OPERATION OF A SCHOOL, GRADES KINDERGARDEN THROUGH 12TH GRADE		
	<b>2</b>	Check this box <input type="checkbox"/> if the organization discontinued its operations or disposed of more than 25% of its assets		
	<b>3</b>	Number of voting members of the governing body (Part VI, line 1a)	3	25
	<b>4</b>	Number of independent voting members of the governing body (Part VI, line 1b)	4	25
	<b>5</b>	Total number of employees (Part V, line 2a)	5	427
	<b>6</b>	Total number of volunteers (estimate if necessary)	6	246
	<b>7a</b>	Total gross unrelated business revenue from Part VIII, line 12, column (C)	7a	0
	<b>7b</b>	Net unrelated business taxable income from Form 990-T, line 34	7b	0
Revenue	<b>8</b>	Contributions and grants (Part VIII, line 1h)	Prior Year	Current Year
	<b>9</b>	Program service revenue (Part VIII, line 2g)	2,968,069	1,546,347
	<b>10</b>	Investment income (Part VIII, column (A), lines 3, 4, and 7d)	18,650,306	20,080,163
	<b>11</b>	Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	918,605	395,201
	<b>12</b>	Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12)	188,477	217,355
			22,725,457	22,239,066
Expenses	<b>13</b>	Grants and similar amounts paid (Part IX, column (A), lines 1–3)	2,301,582	2,633,999
	<b>14</b>	Benefits paid to or for members (Part IX, column (A), line 4)		0
	<b>15</b>	Salaries, other compensation, employee benefits (Part IX, column (A), lines 5–10)	12,342,807	13,434,737
	<b>16a</b>	Professional fundraising fees (Part IX, column (A), line 11e)		0
	<b>b</b>	(Total fundraising expenses, Part IX, column (D), line 25 797,329)		
	<b>17</b>	Other expenses (Part IX, column (A), lines 11a–11d, 11f–24f)	5,613,000	6,535,071
	<b>18</b>	Total expenses—add lines 13–17 (must equal Part IX, line 25, column (A))	20,257,389	22,603,807
	<b>19</b>	Revenue less expenses Subtract line 18 from line 12	2,468,068	-364,741
Net Assets or Fund Balances	<b>20</b>	Total assets (Part X, line 16)	Beginning of Year	End of Year
	<b>21</b>	Total liabilities (Part X, line 26)	79,806,189	73,463,751
	<b>22</b>	Net assets or fund balances Subtract line 21 from line 20	25,225,889	23,354,574
			54,580,300	50,109,177

## Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge

**Please Sign Here**

\*\*\*\*\*  
Signature of officer  
Date 2010-02-16  
DENNIS MALONE DIRECTOR OF FINANCE  
Type or print name and title

**Paid Preparer's Use Only**

Preparer's signature Matthew J Noonan Date  
Firm's name (or yours if self-employed), address, and ZIP + 4 LAUTZE & LAUTZE  
303 SECOND STREET SUITE 950N  
SAN FRANCISCO, CA 94107  
Check if self-employed ☐  
Preparer's PTIN (See Gen Inst )  
EIN  
Phone no (415) 543-6900

May the IRS discuss this return with the preparer shown above? (See instructions) ☒ Yes ☐ No

**Part III** Statement of Program Service Accomplishments (See the instructions.)**1** Briefly describe the organization's mission:

THE MISSION OF HEAD-ROYCE SCHOOL IS TO INSPIRE IN OUR STUDENTS A LIFELONG LOVE OF LEARNING AND EXUBERANCE FOR ACADEMIC EXCELLENCE, TO PROMOTE UNDERSTANDING OF AND RESPECT FOR THE DIVERSITY THAT MAKES OUR SOCIETY STRONG, AND TO ENCOURAGE CONSTRUCTIVE AND RESPONSIBLE, GLOBAL CITIZENSHIP

**2** Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? ☐ Yes ☒ No

If "Yes," describe these new services on Schedule O

**3** Did the organization cease conducting or make significant changes in how it conducts any program services? ☐ Yes ☒ No

If "Yes," describe these changes on Schedule O

**4** Describe the exempt purpose achievements for each of the organization's three largest program services by expenses. Section 501(c)(3) and (4) organizations and 4947(a)(1) trusts are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

<b>4a</b>	(Code )	(Expenses \$	14,468,016	including grants of \$	(Revenue \$	18,883,564 )
INDEPENDENT, CO-EDUCATIONAL COLLEGE PREPARATORY DAY SCHOOL WITH CLASSES FROM KINDERGARTEN THROUGH TWELFTH GRADE FOR APPROXIMATELY 800 STUDENTS						

<b>4b</b>	(Code )	(Expenses \$	586,388	including grants of \$	(Revenue \$	874,806 )
SUMMER ENRICHMENT AND HEADS UP PROGRAMS						

<b>4c</b>	(Code )	(Expenses \$	279,582	including grants of \$	(Revenue \$	321,793 )
AFTER SCHOOL CHILD CARE AND ENRICHMENT PROGRAMS						

<b>4d</b>	Other program services (Describe in Schedule O )					
	(Expenses \$		including grants of \$		(Revenue \$	)

<b>4e</b>	Total program service expenses \$	15,333,986	Must equal Part IX, Line 25, column (B).			
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**Part IV Checklist of Required Schedules**

	Yes	No
<b>1</b> Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? If "Yes," complete Schedule A	<b>1</b> Yes	
<b>2</b> Is the organization required to complete Schedule B, Schedule of Contributors?	<b>2</b> Yes	
<b>3</b> Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I . . . . .	<b>3</b>	No
<b>4</b> Section 501(c)(3) organizations Did the organization engage in lobbying activities? If "Yes," complete Schedule C, Part II . . . . .	<b>4</b>	No
<b>5</b> Section 501(c)(4), 501(c)(5), and 501(c)(6) organizations Is the organization subject to the section 6033(e) notice and reporting requirement and proxy tax? If "Yes," complete Schedule C, Part III . . . . .	<b>5</b>	
<b>6</b> Did the organization maintain any donor advised funds or any accounts where donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? If "Yes," complete Schedule D, Part I	<b>6</b>	No
<b>7</b> Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas or historic structures? If "Yes," complete Schedule D, Part II . . . . .	<b>7</b>	No
<b>8</b> Did the organization maintain collections of works of art, historical treasures, or other similar assets? If "Yes," complete Schedule D, Part III	<b>8</b>	No
<b>9</b> Did the organization report an amount in Part X, line 21, serve as a custodian for amounts not listed in Part X, or provide credit counseling, debt management, credit repair, or debt negotiation services? If "Yes," complete Schedule D, Part IV	<b>9</b>	No
<b>10</b> Did the organization hold assets in term, permanent, or quasi-endowments? If "Yes," complete Schedule D, Part V	<b>10</b> Yes	
<b>11</b> Did the organization report an amount in Part X, lines 10, 12, 13, 15, or 25? If "Yes," complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable . . . . .	<b>11</b> Yes	
<b>12</b> Did the organization receive an audited financial statement for the year for which it is completing this return that was prepared in accordance with GAAP? If "Yes," complete Schedule D, Parts XI, XII, and XIII . . . . .	<b>12</b> Yes	
<b>13</b> Is the organization a school as described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E	<b>13</b> Yes	
<b>14a</b> Did the organization maintain an office, employees, or agents outside of the U S ? . . . . .	<b>14a</b>	No
<b>b</b> Did the organization have aggregate revenues or expenses of more than \$10,000 from grantmaking, fundraising, business, and program service activities outside the U S ? If "Yes," complete Schedule F, Part I . . . . .	<b>14b</b>	No
<b>15</b> Did the organization report on Part IX, column (A), line 3, more than \$5,000 of grants or assistance to any organization or entity located outside the United States? If "Yes," complete Schedule F, Part II . . . . .	<b>15</b>	No
<b>16</b> Did the organization report on Part IX, column (A), line 3, more than \$5,000 of aggregate grants or assistance to individuals located outside the United States? If "Yes," complete Schedule F, Part III . . . . .	<b>16</b>	No
<b>17</b> Did the organization report more than \$15,000 on Part IX, column (A), line 11e? If "Yes," complete Schedule G, Part I . . . . .	<b>17</b>	No
<b>18</b> Did the organization report more than \$15,000 total on Part VIII, lines 1c and 8a? If "Yes," complete Schedule G, Part II . . . . .	<b>18</b>	No
<b>19</b> Did the organization report more than \$15,000 on Part VIII, line 9a? If "Yes," complete Schedule G, Part III . . . . .	<b>19</b>	No
<b>20</b> Did the organization operate one or more hospitals? If "Yes," complete Schedule H . . . . .	<b>20</b>	No
<b>21</b> Did the organization report more than \$5,000 on Part IX, column (A), line 1? If "Yes," complete Schedule I, Parts I and II	<b>21</b>	No
<b>22</b> Did the organization report more than \$5,000 on Part IX, column (A), line 2? If "Yes," complete Schedule I, Parts I and III	<b>22</b> Yes	
<b>23</b> Did the organization answer "Yes" to Part VII, Section A, questions 3, 4, or 5? If "Yes," complete Schedule J . . . . .	<b>23</b> Yes	
<b>24a</b> Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, that was issued after December 31, 2002? If "Yes," answer questions 24b-24d and complete Schedule K. If "No," go to question 25 . . . . .	<b>24a</b> Yes	
<b>b</b> Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception? . . . . .	<b>24b</b>	No
<b>c</b> Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds? . . . . .	<b>24c</b>	No
<b>d</b> Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year? . . . . .	<b>24d</b>	No
<b>25a</b> Section 501(c)(3) and 501(c)(4) organizations Did the organization engage in an excess benefit transaction with a disqualified person during the year? If "Yes," complete Schedule L, Part I . . . . .	<b>25a</b>	No
<b>b</b> Did the organization become aware that it had engaged in an excess benefit transaction with a disqualified person from a prior year? If "Yes," complete Schedule L, Part I . . . . .	<b>25b</b>	No
<b>26</b> Was a loan to or by a current or former officer, director, trustee, key employee, highly compensated employee, or disqualified person outstanding as of the end of the organization's tax year? If "Yes," complete Schedule L, Part II . . . . .	<b>26</b>	No
<b>27</b> Did the organization provide a grant or other assistance to an officer, director, trustee, key employee, or substantial contributor, or to a person related to such an individual? If "Yes," complete Schedule L, Part III . . . . .	<b>27</b>	No

**Part IV Checklist of Required Schedules (Continued)**

	Yes	No
<b>28</b> During the tax year, did any person who is a current or former officer, director, trustee, or key employee		
<b>a</b> Have a direct business relationship with the organization (other than as an officer, director, trustee, or employee), or an indirect business relationship through ownership of more than 35% in another entity (individually or collectively with other person(s) listed in Part VII, Section A)? If "Yes," complete Schedule L, Part IV . . . . .		No
<b>b</b> Have a family member who had a direct or indirect business relationship with the organization? If "Yes," complete Schedule L, Part IV . . . . .		No
<b>c</b> Serve as an officer, director, trustee, key employee, partner, or member of an entity (or a shareholder of a professional corporation) doing business with the organization? If "Yes," complete Schedule L, Part IV . . . . .		No
<b>29</b> Did the organization receive more than \$25,000 in non-cash contributions? If "Yes," complete Schedule M <input checked="" type="checkbox"/>	Yes	
<b>30</b> Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? If "Yes," complete Schedule M <input checked="" type="checkbox"/>		No
<b>31</b> Did the organization liquidate, terminate, or dissolve and cease operations? If "Yes," complete Schedule N, Part I <input checked="" type="checkbox"/>		No
<b>32</b> Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? If "Yes," complete Schedule N, Part II . . . . .		No
<b>33</b> Did the organization own 100% of an entity disregarded as separate from the organization under Regulations section 301.7701-2 and 301.7701-3? If "Yes," complete Schedule R, Part I . . . . .		No
<b>34</b> Was the organization related to any tax-exempt or taxable entity? If "Yes," complete Schedule R, Parts II, III, IV, and V, line 1 . . . . .		No
<b>35</b> Is any related organization a controlled entity within the meaning of section 512(b)(13)? If "Yes," complete Schedule R, Part V, line 2 . . . . .		No
<b>36</b> 501(c)(3) organizations Did the organization make any transfers to an exempt non-charitable related organization? If "Yes," complete Schedule R, Part V, line 2 . . . . .		No
<b>37</b> Did the organization conduct more than 5 percent of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? If "Yes," complete Schedule R, Part VI . . . . .		No



**Part V Statements Regarding Other IRS Filings and Tax Compliance**

		Yes	No
<b>1a</b>	Enter the number reported in Box 3 of Form 1096, <i>Annual Summary and Transmittal of U.S. Information Returns</i> . Enter -0- if not applicable . . . . .		
	<b>1a</b> 68		
<b>b</b>	Enter the number of Forms W-2G included in line 1a. Enter -0- if not applicable		
	<b>1b</b> 0		
<b>c</b>	Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners? . . . . .	<b>1c</b> Yes	
<b>2a</b>	Enter the number of employees reported on Form W-3, <i>Transmittal of Wage and Tax Statements</i> filed for the calendar year ending with or within the year covered by this return . . . . .		
	<b>2a</b> 427		
<b>b</b>	If at least one is reported in 2a, did the organization file all required federal employment tax returns? . . . <b>Note:</b> If the sum of lines 1a and 2a is greater than 250, you may be required to e-file this return.	<b>2b</b> Yes	
<b>3a</b>	Did the organization have unrelated business gross income of \$1,000 or more during the year covered by this return? . . . . .	<b>3a</b>	No
<b>b</b>	If "Yes," has it filed a Form 990-T for this year? If "No," provide an explanation in Schedule O . . . . .	<b>3b</b>	
<b>4a</b>	At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)? . . . . .	<b>4a</b>	No
<b>b</b>	If "Yes," enter the name of the foreign country _____ See the instructions for exceptions and filing requirements for <b>Form TD F 90-22.1, Report of Foreign Bank and Financial Accounts</b> .		
<b>5a</b>	Was the organization a party to a prohibited tax shelter transaction at any time during the tax year? . . .	<b>5a</b>	No
<b>b</b>	Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?	<b>5b</b>	No
<b>c</b>	If "Yes," to 5a or 5b, did the organization file Form 8886-T, <i>Disclosure by Tax-Exempt Entity Regarding Prohibited Tax Shelter Transaction</i> ? . . . . .	<b>5c</b>	
<b>6a</b>	Did the organization solicit any contributions that were not tax deductible? . . . . .	<b>6a</b>	No
<b>b</b>	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible? . . . . .	<b>6b</b>	
<b>7</b>	<b>Organizations that may receive deductible contributions under section 170(c).</b>		
<b>a</b>	Did the organization provide goods or services in exchange for any quid pro quo contribution of \$75 or more? . . . . .	<b>7a</b>	No
<b>b</b>	If "Yes," did the organization notify the donor of the value of the goods or services provided? . . . . .	<b>7b</b>	
<b>c</b>	Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282? . . . . .	<b>7c</b>	No
<b>d</b>	If "Yes," indicate the number of Forms 8282 filed during the year . . . . .	<b>7d</b>	
<b>e</b>	Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? . . . . .	<b>7e</b>	No
<b>f</b>	Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract? . . .	<b>7f</b>	No
<b>g</b>	For all contributions of qualified intellectual property, did the organization file Form 8899 as required? . . .	<b>7g</b>	No
<b>h</b>	For contributions of cars, boats, airplanes, and other vehicles, did the organization file a Form 1098-C as required? . . . . .	<b>7h</b>	No
<b>8</b>	<b>Section 501(c)(3) and other sponsoring organizations maintaining donor advised funds and section 509(a)(3) supporting organizations.</b> Did the supporting organization, or a fund maintained by a sponsoring organization, have excess business holdings at any time during the year? . . . . .	<b>8</b>	
<b>9</b>	<b>Section 501(c)(3) and other sponsoring organizations maintaining donor advised funds.</b>		
<b>a</b>	Did the organization make any taxable distributions under section 4966? . . . . .	<b>9a</b>	
<b>b</b>	Did the organization make a distribution to a donor, donor advisor, or related person? . . . . .	<b>9b</b>	
<b>10</b>	<b>Section 501(c)(7) organizations.</b> Enter		
<b>a</b>	Initiation fees and capital contributions included on Part VIII, line 12 . . . . .	<b>10a</b>	
<b>b</b>	Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities	<b>10b</b>	
<b>11</b>	<b>Section 501(c)(12) organizations.</b> Enter		
<b>a</b>	Gross income from members or shareholders . . . . .	<b>11a</b>	
<b>b</b>	Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them) . . . . .	<b>11b</b>	
<b>12a</b>	<b>Section 4947(a)(1) non-exempt charitable trusts.</b> Is the organization filing Form 990 in lieu of Form 1041? . . .	<b>12a</b>	
<b>b</b>	If "Yes," enter the amount of tax-exempt interest received or accrued during the year	<b>12b</b>	

**Part VI Governance, Management, and Disclosure (Sections A, B, and C request information about policies not required by the Internal Revenue Code.)****Section A. Governing Body and Management**

		Yes	No
<i>For each "Yes" response to lines 2-7 below, and for a "No" response to lines 8 or 9b below, describe the circumstances, processes, or changes in Schedule O. See instructions.</i>			
<b>1a</b>	Enter the number of voting members of the governing body . . .	25	
<b>1b</b>	Enter the number of voting members that are independent . . .	25	
<b>2</b>	Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee? . . .		No
<b>3</b>	Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors or trustees, or key employees to a management company or other person? . . .		No
<b>4</b>	Did the organization make any significant changes to its organizational documents since the prior Form 990 was filed? . . .		No
<b>5</b>	Did the organization become aware during the year of a material diversion of the organization's assets? . . .		No
<b>6</b>	Does the organization have members or stockholders? . . .		No
<b>7a</b>	Does the organization have members, stockholders, or other persons who may elect one or more members of the governing body? . . .		No
<b>7b</b>	Are any decisions of the governing body subject to approval by members, stockholders, or other persons? . . .		No
<b>8</b>	Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following		
<b>a</b>	the governing body? . . .	Yes	
<b>b</b>	each committee with authority to act on behalf of the governing body? . . .	Yes	
<b>9a</b>	Does the organization have local chapters, branches, or affiliates? . . .		No
<b>9b</b>	If "Yes," does the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with those of the organization? . . .		
<b>10</b>	Was a copy of the Form 990 provided to the organization's governing body before it was filed? All organizations must describe in Schedule O the process, if any, the organization uses to review the Form 990 . . .		No
<b>11</b>	Is there any officer, director or trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? If "Yes," provide the names and addresses in Schedule O . . .		No

**Section B. Policies**

		Yes	No
<b>12a</b>	Does the organization have a written conflict of interest policy? If "No," go to line 13 . . .	Yes	
<b>12b</b>	Are officers, directors or trustees, and key employees required to disclose annually interests that could give rise to conflicts? . . .	Yes	
<b>12c</b>	Does the organization regularly and consistently monitor and enforce compliance with the policy? If "Yes," describe in Schedule O how this is done . . .		No
<b>13</b>	Does the organization have a written whistleblower policy? . . .	Yes	
<b>14</b>	Does the organization have a written document retention and destruction policy? . . .	Yes	
<b>15</b>	Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision		
<b>a</b>	The organization's CEO, Executive Director, or top management official? . . .	Yes	
<b>b</b>	Other officers or key employees of the organization? . . . Describe the process in Schedule O		No
<b>16a</b>	Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year? . . .		No
<b>16b</b>	If "Yes," has the organization adopted a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable Federal tax law, and taken steps to safeguard the organization's exempt status with respect to such arrangements? . . .		

**Section C. Disclosure**

**17** List the States with which a copy of this Form 990 is required to be filed CA

**18** Section 6104 requires an organization to make its Form 1023 (or 1024 if applicable), 990, and 990-T (501(c)(3)s only) available for public inspection. Indicate how you make these available. Check all that apply.  
☐ own website ☐ another's website ☒ upon request

**19** Describe in Schedule O whether (and if so, how), the organization makes its governing documents, conflict of interest policy, and financial statements available to the public. See Additional Data Table

**20** State the name, physical address, and telephone number of the person who possesses the books and records of the organization  
 DENNIS MALONE DIRECTOR OF FINANCE  
 THE HEAD ROYCE SCHOOL 4315 LINCOLN  
 OAKLAND, CA 94602  
 (510) 531-1300

## Section A Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees

List persons in the following order: individual trustees or directors; key employees, highest compensated employees, and former such persons

[illegible]

[illegible]

2 Total number of individuals (including those in 1a) who received more than \$100,000 in reportable compensation from the organization: 12

- |   |  |
|---|--|
| 3 | Did the organization list any <b>former</b> officer, director or trustee, key employee, or highest compensated employee on line 1a? <i>If "Yes," complete Schedule J for such individual</i> . . . . .                                       |
| 4 | For any individual listed online 1a, is the sum of reportable compensation and other compensation from the organization and related organizations greater than \$150,000? <i>If "Yes," complete Schedule J for such individual</i> . . . . . |
| 5 | Did any person listed on line 1a receive or accrue compensation from any unrelated organization for services rendered to the organization? <i>If "Yes," complete Schedule J for such person</i> . . . . .                                    |

	Yes	No
3		No
4	Yes	
5		No

1 Complete this table for your five highest compensated independent contractors that received more than \$100,000 of compensation from the organization

(A) Name and business address	(B) Description of services	(C) Compensation
CAHILL CONTRACTORS INC 425 CALIFORNIA ST 2200 SAN FRANCISCO, CA 94104	CONSTRUCTION AND CONSTRUCTION MANAGEMENT	6,982,422
SODEXO INC & ASSOCIATES DEPT 43283 LOS ANGELES, CA 900883283	MAINTENANCE/JANITORIAL/SECURITY	882,733
JOHN MALICK & ASSOCIATES 1195 PARK AVE 102 EMERYVILLE, CA 94608	ARCHITECTURAL DESIGN	595,862
EPICUREAN GROUP 111 MAIN STREET SUITE 3 LOS ALTOS, CA 94022	FOOD SERVICES	530,143
MICHAEL'S TRANSPORTATION SERVICES INC 2029 BENNINGTON DRIVE VALLEJO, CA 94591	STUDENT BUS SERVICES	198,949
<b>2</b> Total number of independent contractors (including those in 1) who received more than \$100,000 in compensation from the organization		8



**Part  
VIII****Statement of Revenue**

			(A) Total Revenue	(B) Related or Exempt Function Revenue	(C) Unrelated Business Revenue	(D) Revenue Excluded from Tax under IRC 512, 513, or 514
<b>Contributions, gifts, grants and other similar amounts</b>	<b>1a</b>	Federated campaigns . . . . . <b>1a</b>				
	<b>b</b>	Membership dues . . . . . <b>1b</b>				
	<b>c</b>	Fundraising events . . . . . <b>1c</b>				
	<b>d</b>	Related organizations . . . . . <b>1d</b>				
	<b>e</b>	Government grants (contributions) <b>1e</b>				
	<b>f</b>	All other contributions, gifts, grants, and similar amounts not included above 1,546,347 <b>1f</b>				
	<b>g</b>	Noncash contributions included in lines 1a-1f \$ 74,200				
	<b>h</b>	<b>Total (Add lines 1a-1f)</b> . . . . . 1,546,347				
<b>Program Service Revenue</b>	<b>2a</b>	TUITION & FEES Business Code 611,600	18,883,564	18,883,564		
	<b>b</b>	SUMMER, AFTER SCHOOL & E 611,600	1,196,599	1,196,599		
	<b>c</b>					
	<b>d</b>					
	<b>e</b>					
	<b>f</b>	All other program service revenue				
	<b>g</b>	<b>Total. Add lines 2a-2f</b> . . . . . \$ 20,080,163				
	<b>3</b>	Investment income (including dividends, interest other similar amounts) . . . . . 395,201				395,201
<b>4</b>	Income from investment of tax-exempt bond proceeds . . . . .					
<b>5</b>	Royalties . . . . .					
<b>Other Revenue</b>	<b>6a</b>	Gross Rents (i) Real 73,180 (ii) Personal				
	<b>b</b>	Less rental expenses				
	<b>c</b>	Rental income or (loss) 73,180				
	<b>d</b>	Net rental income or (loss) . . . . . 73,180				73,180
	<b>7a</b>	Gross amount from sales of assets other than inventory (i) Securities 253,152 (ii) Other				
	<b>b</b>	Less cost or other basis and sales expenses 253,152				
	<b>c</b>	Gain or (loss)				
	<b>d</b>	Net gain or (loss) . . . . .				
	<b>8a</b>	Gross income from fundraising events (not including \$ of contributions reported on line 1c) See Part IV, line 18 Attach Schedule G if total exceeds \$15,000 . . . . . a				
	<b>b</b>	Less direct expenses . . . . . b				
	<b>c</b>	Net income or (loss) from fundraising events . . . . .				
	<b>9a</b>	Gross income from gaming activities See part IV, line 19 Complete Schedule G if total exceeds \$15,000 . . . . . a				
	<b>b</b>	Less direct expenses . . . . . b				
	<b>c</b>	Net income or (loss) from gaming activities . . . . .				
	<b>10a</b>	Gross sales of inventory, less returns and allowances . . . . . a 47,321				
	<b>b</b>	Less cost of goods sold . . . . . b 45,113				
	<b>c</b>	Net income or (loss) from sales of inventory . . . . . 2,208	2,208	2,208		
	<b>11a</b>	MISCELLANEOUS INCOME Business Code 611,600	141,967	141,967		
<b>b</b>						
<b>c</b>						
<b>d</b>	All other revenue					
<b>e</b>	<b>Total. Add lines 11a-11d</b> . . . . . \$ 141,967					
<b>12</b>	<b>Total Revenue. Add lines 1h, 2g, 3, 4, 5, 6d, 7d, 8c, 9c, 10c, and 11e</b> . . . . .	22,239,066	20,224,338	0	468,381	

**Part IX Statement of Functional Expenses****Section 501(c)(3) and 501(c)(4) organizations must complete all columns.****All other organizations must complete column (A) but are not required to complete columns (B), (C), and (D).**

<b>Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.</b>		<b>(A)</b> Total expenses	<b>(B)</b> Program service expenses	<b>(C)</b> Management and general expenses	<b>(D)</b> Fundraising expenses
<b>1</b>	Grants and other assistance to governments and organizations in the U.S. See Part IV, line 21				
<b>2</b>	Grants and other assistance to individuals in the U.S. See Part IV, line 22	2,633,999	2,633,999		
<b>3</b>	Grants and other assistance to governments, organizations and individuals outside the U.S. See Part IV, lines 15 and 16				
<b>4</b>	Benefits paid to or for members				
<b>5</b>	Compensation of current officers, directors, trustees, and key employees . . . . .	577,683		577,683	
<b>6</b>	Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B) . . . . .				
<b>7</b>	Other salaries and wages	10,504,738	8,110,459		426,208
<b>8</b>	Pension plan contributions (include section 401(k) and section 403(b) employer contributions) . . . . .	635,422	510,793	92,663	31,966
<b>9</b>	Other employee benefits . . . . .	887,093	685,952	168,521	32,620
<b>10</b>	Payroll taxes . . . . .	829,801	616,648	180,304	32,849
<b>11</b>	Fees for services (non-employees)				
<b>a</b>	Management . . . . .				
<b>b</b>	Legal . . . . .	11,059		11,059	
<b>c</b>	Accounting . . . . .	42,000		42,000	
<b>d</b>	Lobbying . . . . .				
<b>e</b>	Professional fundraising See Part IV, line 17 . . . . .				
<b>f</b>	Investment management fees . . . . .	43,717		43,717	
<b>g</b>	Other . . . . .	1,044,274	956,139	88,135	
<b>12</b>	Advertising and promotion . . . . .	60,617	29,280	31,337	
<b>13</b>	Office expenses . . . . .	21,811	6,611	13,939	1,261
<b>14</b>	Information technology . . . . .	34,261	12,144	22,117	
<b>15</b>	Royalties . . . . .				
<b>16</b>	Occupancy . . . . .				
<b>17</b>	Travel . . . . .	124,895	120,039	4,856	
<b>18</b>	Payments of travel or entertainment expenses for any Federal, state or local public officials . . . . .				
<b>19</b>	Conferences, conventions and meetings . . . . .	66,287	35,296	30,981	10
<b>20</b>	Interest . . . . .	511,324		511,324	
<b>21</b>	Payments to affiliates . . . . .				
<b>22</b>	Depreciation, depletion, and amortization . . . . .	1,441,628		1,441,628	
<b>23</b>	Insurance . . . . .	321,777	30,000	291,777	
<b>24</b>	Other expenses—Itemize expenses not covered above (Expenses grouped together and labeled miscellaneous may not exceed 5% of total expenses shown on line 25 below)				
<b>a</b>	FOOD PROGRAM	458,054	458,054		
<b>b</b>	PROFESSIONAL SERVICES	392,887	226,147	54,673	112,067
<b>c</b>	OUTSIDE ACTIVITIES	291,524	291,524		
<b>d</b>	BAD DEBT EXPENSE	263,881		263,881	
<b>e</b>	SUPPLIES	191,592	121,007	69,895	690
<b>f</b>	All other expenses	1,213,483	489,894	563,931	159,658
<b>25</b>	<b>Total functional expenses.</b> Add lines 1 through 24f	22,603,807	15,333,986	6,472,492	797,329
<b>26</b>	<b>Joint Costs.</b> Check <input type="checkbox"/> if following SOP 98-2. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation				

**Part X Balance Sheet**

		(A) Beginning of year		(B) End of year
<b>Assets</b>	<b>1</b> Cash—non-interest-bearing . . . . .	1,821	<b>1</b>	1,821
	<b>2</b> Savings and temporary cash investments . . . . .	15,270,960	<b>2</b>	8,699,782
	<b>3</b> Pledges and grants receivable, net . . . . .	2,326,078	<b>3</b>	1,118,428
	<b>4</b> Accounts receivable, net . . . . .	110,379	<b>4</b>	132,150
	<b>5</b> Receivables from current and former officers, directors, trustees, key employees or other related parties <i>Complete Part II of Schedule L</i> . . . . .		<b>5</b>	
	<b>6</b> Receivables from other disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B) <i>Complete Part II of Schedule L</i> . . . . .		<b>6</b>	
	<b>7</b> Notes and loans receivable, net . . . . .	84,611	<b>7</b>	52,797
	<b>8</b> Inventories for sale or use . . . . .	29,709	<b>8</b>	36,769
	<b>9</b> Prepaid expenses and deferred charges . . . . .	328,432	<b>9</b>	287,653
	<b>10a</b> Land, buildings, and equipment—cost basis	<b>10a</b> 58,062,679		
	<b>b</b> Less accumulated depreciation <i>Complete Part VI of Schedule D</i> . . . . .	<b>10b</b> 10,211,705	25,278,332	<b>10c</b> 47,850,974
	<b>11</b> Investments—publicly traded securities . . . . .		<b>11</b>	
	<b>12</b> Investments—other securities See Part IV, line 11 <i>Complete Part VII of Schedule D</i> . . . . .	18,064,779	<b>12</b>	14,948,499
	<b>13</b> Investments—program-related See Part IV, line 11 <i>Complete Part VIII of Schedule D</i> . . . . .		<b>13</b>	
	<b>14</b> Intangible assets . . . . .		<b>14</b>	
<b>15</b> Other assets See Part IV, line 11 <i>Complete Part IX of Schedule D</i> . . . . .	18,311,088	<b>15</b>	334,878	
<b>16</b> <b>Total assets.</b> Add lines 1 through 15 (must equal line 34)	79,806,189	<b>16</b>	73,463,751	
<b>Liabilities</b>	<b>17</b> Accounts payable and accrued expenses . . . . .	4,839,053	<b>17</b>	1,802,362
	<b>18</b> Grants payable . . . . .		<b>18</b>	
	<b>19</b> Deferred revenue . . . . .	7,610,329	<b>19</b>	7,917,609
	<b>20</b> Tax-exempt bond liabilities . . . . .	12,000,000	<b>20</b>	12,000,000
	<b>21</b> Escrow account liability <i>Complete Part IV of Schedule D</i> . . . . .		<b>21</b>	
	<b>22</b> Payable to current and former officers, directors, trustees, key employees, highest compensated employees, and disqualified persons <i>Complete Part II of Schedule L</i> . . . . .		<b>22</b>	
	<b>23</b> Secured mortgages and notes payable to unrelated third parties . . . . .		<b>23</b>	
	<b>24</b> Unsecured notes and loans payable . . . . .		<b>24</b>	
	<b>25</b> Other liabilities <i>Complete Part X of Schedule D</i> . . . . .	776,507	<b>25</b>	1,634,603
	<b>26</b> <b>Total liabilities.</b> Add lines 17 through 25 . . . . .	25,225,889	<b>26</b>	23,354,574
<b>Net Assets or Fund Balances</b>	<b>Organizations that follow SFAS 117, check here</b> <input checked="" type="checkbox"/> <b>and complete lines 27 through 29, and lines 33 and 34.</b>			
	<b>27</b> Unrestricted net assets . . . . .	33,942,115	<b>27</b>	36,708,390
	<b>28</b> Temporarily restricted net assets . . . . .	6,009,185	<b>28</b>	1,242,885
	<b>29</b> Permanently restricted net assets . . . . .	14,629,000	<b>29</b>	12,157,902
	<b>Organizations that do not follow SFAS 117, check here</b> <input type="checkbox"/> <b>and complete lines 30 through 34.</b>			
	<b>30</b> Capital stock or trust principal, or current funds . . . . .		<b>30</b>	
	<b>31</b> Paid-in or capital surplus, or land, building or equipment fund . . . . .		<b>31</b>	
	<b>32</b> Retained earnings, endowment, accumulated income, or other funds . . . . .		<b>32</b>	
	<b>33</b> Total net assets or fund balances . . . . .	54,580,300	<b>33</b>	50,109,177
	<b>34</b> Total liabilities and net assets/fund balances . . . . .	79,806,189	<b>34</b>	73,463,751

**Part XI Financial Statements and Reporting**

		Yes	No
<b>1</b>	Accounting method used to prepare the Form 990 <input type="checkbox"/> cash <input checked="" type="checkbox"/> accrual <input type="checkbox"/> other		
<b>2a</b>	Were the organization's financial statements compiled or reviewed by an independent accountant? . . . . .	<b>2a</b>	No
<b>b</b>	Were the organization's financial statements audited by an independent accountant? . . . . .	<b>2b</b> Yes	
<b>c</b>	If "Yes" to lines 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant? . . . . .	<b>2c</b>	No
<b>3a</b>	As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133? . . . . .	<b>3a</b>	No
<b>b</b>	If "Yes," did the organization undergo the required audit or audits? . . . . .	<b>3b</b>	

**SCHEDULE A**  
(Form 990 or 990EZ)

Department of the Treasury  
Internal Revenue Service

**Public Charity Status and Public Support**

To be completed by all section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts.

Attach to Form 990 or Form 990-EZ. See separate instructions.

OMB No 1545-0047

**2008**

**Open to Public Inspection**

Name of the organization  
HEAD-ROYCE SCHOOL

Employer identification number  
94-1518656

**Part I Reason for Public Charity Status** (to be completed by all organizations) (See Instructions)

The organization is not a private foundation because it is (Please check only **one** organization )

- 1 ☐ A church, convention of churches, or association of churches described in **Section 170(b)(1)(A)(i)**.
- 2 ☒ A school described in **Section 170(b)(1)(A)(ii)**. (Attach Schedule E )
- 3 ☐ A hospital or a cooperative hospital service organization described in **Section 170(b)(1)(A)(iii)**. (Attach Schedule H )
- 4 ☐ A medical research organization operated in conjunction with a hospital described in **Section 170(b)(1)(A)(iii)**. Enter the hospital's name, city, and state \_\_\_\_\_
- 5 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit described in **Section 170(b)(1)(A)(iv)**. (Complete Part II )
- 6 ☐ A federal, state, or local government or governmental unit described in **Section 170(b)(1)(A)(v)**.
- 7 ☐ An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in **Section 170(b)(1)(A)(vi)** (Complete Part II )
- 8 ☐ A community trust described in **Section 170(b)(1)(A)(vi)** (Complete Part II )
- 9 ☐ An organization that normally receives (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions—subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975 See **Section 509(a)(2)**. (Complete Part III )
- 10 ☐ An organization organized and operated exclusively to test for public safety See **Section 509(a)(4)**. (See instructions )
- 11 ☐ An organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2) See **Section 509(a)(3)**. Check the box that describes the type of supporting organization and complete lines 11e through 11h
  - a ☐ Type I      b ☐ Type II      c ☐ Type III - Functionally Integrated      d ☐ Type III - Other
- e ☐ By checking this box, I certify that the organization is not controlled directly or indirectly by one or more disqualified persons other than foundation managers and other than one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2)
- f ☐ If the organization received a written determination from the IRS that it is a Type I, Type II or Type III supporting organization, check this box
- g ☐ Since August 17, 2006, has the organization accepted any gift or contribution from any of the following persons?
  - (i) a person who directly or indirectly controls, either alone or together with persons described in (ii) and (iii) below, the governing body of the the supported organization?
  - (ii) a family member of a person described in (i) above?
  - (iii) a 35% controlled entity of a person described in (i) or (ii) above?
- h ☐ Provide the following information about the organizations the organization supports

	Yes	No
<b>11g(i)</b>		
<b>11g(ii)</b>		
<b>11g(iii)</b>		

(i) Name of Supported Organization	(ii) EIN	(iii) Type of organization (described on lines 1- 9 above or IRC section (See Instructions))	(iv) Is the organization in col (i) listed in your governing document?		(v) Did you notify the organization in col (i) of your support?		(vi) Is the organization in col (i) organized in the U S ?		(vii) Amount of support?
			Yes	No	Yes	No	Yes	No	
<b>Total</b>									



**Part III Support Schedule for Organizations Described in IRC 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)**

(Complete only if you checked the box on line 5, 7, or 8 of Part I.)

**Public Support**

Calendar year (or fiscal year beginning in)	(a) 2004	(b) 2005	(c) 2006	(d) 2007	(e) 2008	(f) Total
<b>1</b> Gifts, grants, contributions, and membership fees received (Do not include any "unusual grants.")						
<b>2</b> Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
<b>3</b> The value of services or facilities furnished by a governmental unit to the organization without charge						
<b>4 Total.</b> Add line 1-3						
<b>5</b> The portion of total contribution by each person (other than a government unit or publicly supported organization) included on line 1 that exceed 2% of the amount shown on line 11, column (f)						
<b>6 Public Support</b> subtract line 5 from line 4						

**Total Support**

Calendar year (or fiscal year beginning in)	(a) 2004	(b) 2005	(c) 2006	(d) 2007	(e) 2008	(f) Total
<b>7</b> Amounts from line 4						
<b>8</b> Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources						
<b>9</b> Net income from unrelated business activities, whether or not the business is regularly carried on						
<b>10</b> Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.)						
<b>11 Total Support</b> (Add lines 7 through 10)						
<b>12</b> Gross receipts from related activities, etc. (See instructions.)					<b>12</b>	
<b>13 First Five Years.</b> If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a 501(c)(3) organization, check this box and <b>stop here</b>						<input type="checkbox"/>

**Computation of Public Support Percentage**

<b>14</b> Public Support Percentage for 2008 (line 6 column (f) divided by line 11 column (f))	<b>14</b>	
<b>15</b> Public Support Percentage for 2007 Schedule A, Part IV-A, line 26f	<b>15</b>	
<b>16a 33 1/3% Test - 2008.</b> If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and <b>stop here.</b> The organization qualifies as a publicly supported organization	<input type="checkbox"/>	
<b>b 33 1/3% Test - 2007.</b> If the organization did not check the box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and <b>stop here.</b> The organization qualifies as a publicly supported organization	<input type="checkbox"/>	
<b>17a 10% Facts and Circumstances Test - 2008.</b> If the organization did not check a box on line 13, 16a, or 16b and line 14 is 10% or more, and if the organization meets the "facts and circumstances" test, check this box and <b>stop here.</b> Explain in Part IV how the organization meets the "facts and circumstances" test. The organization qualifies as a publicly supported organization	<input type="checkbox"/>	
<b>b 10% Facts and Circumstances Test - 2007.</b> If the organization did not check a box on line 13, 16a, 16b, or 17a and line 15 is 10% or more, and if the organization meets the "facts and circumstances" test, check this box and <b>stop here.</b> Explain in Part IV how the organization meets the "facts and circumstances" test. The organization qualifies as a publicly supported organization	<input type="checkbox"/>	
<b>18 Private Foundation.</b> If the organization did not check the box on line 13, 16a, 16b, 17a or 17b, check this box and see instructions	<input type="checkbox"/>	

**Part III Support Schedule for Organizations Described in IRC 509(a)(2)**

(Complete only if you checked the box on line 9, of, Part I.)

**Section A. Public Support**

Calendar year (or fiscal year beginning in)	(a) 2004	(b) 2005	(c) 2006	(d) 2007	(e) 2008	(f) Total
<b>1</b> Gifts, grants, contributions, and membership fees received (Do not include any "unusual grants.")						
<b>2</b> Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose						
<b>3</b> Gross receipts from activities that are not an unrelated trade or business under section 513						
<b>4</b> Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
<b>5</b> The value of services or facilities furnished by a governmental unit to the organization without charge						
<b>6 Total</b> Add lines 1-5						
<b>7a</b> Amounts included on lines 1, 2, and 3 received from disqualified persons						
<b>b</b> Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of 1% of the total of lines 9, 10c, 11, and 12 for the year or \$5,000						
<b>c</b> Total of lines 7a and 7b						
<b>8 Public Support</b> (Subtract line 7c from line 6)						

**Total Support**

Calendar year (or fiscal year beginning in)	(a) 2004	(b) 2005	(c) 2006	(d) 2007	(e) 2008	(f) Total
<b>9</b> Amounts from line 6						
<b>10a</b> Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources						
<b>b</b> Unrelated business taxable income (less section 511 taxes) from businesses acquired after 30 June, 1975						
<b>c</b> Add lines 10a and 10b						
<b>11</b> Net income from unrelated business activities not included in line 10b, whether or not the business is regularly carried on						
<b>12</b> Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.)						
<b>13 Total Support</b> (Add lines 9, 10c, 11 and 12)						
<b>14 First Five Years</b> If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a 501(c)(3) organization, check this box and <b>stop here</b> <input type="checkbox"/>						

**Computation of Public Support Percentage**

<b>15</b> Public Support Percentage for 2008 (line 8 column (f) divided by line 13 column (f))	<b>15</b>	
<b>16</b> Public Support Percentage for 2007 Schedule A, Part IV-A, line 27g	<b>16</b>	

**Computation of Investment Income Percentage**

<b>17</b> Investment Income Percentage for <b>2008</b> (line 10c column (f) divided by line 13 column (f))	<b>17</b>	
<b>18</b> Investment Income Percentage from <b>2007</b> Schedule A, Part IV-A, line 27h	<b>18</b>	
<b>19a 33 1/3% Tests - 2008.</b> If the organization did not check the box on line 14, and line 15 is more than 33 1/3%, and line 17 is not more than 33 1/3%, check this box and <b>stop here</b> . The organization qualifies as a publicly supported organization <input type="checkbox"/>		
<b>b 33 1/3% Tests - 2007.</b> If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33 1/3% and line 18 is not more than 33 1/3%, check this box and <b>stop here</b> . The organization qualifies as a publicly supported organization <input type="checkbox"/>		
<b>20 Private Foundation</b> If the organization did not check a box on line 14, 19a or 19b, check this box and see instructions <input type="checkbox"/>		

**Part II** **Supplemental Information.** Complete this part to provide the information required by Part II, line 10; Part II, line 17a or 17b, or Part III, line 12. Provide and any other additional information. (see instructions)

Facts and Circumstances Test

Schedule A (Form 990 or 990-EZ) 2008

## Additional Data

**Software ID:**  
**Software Version:**  
**EIN:** 94-1518656  
**Name:** HEAD-ROYCE SCHOOL

### Form 990, Part VII - Section Aaa

(A) Name and Title	(B) Average hours per week	(C) Position (check all that apply)						(D) Reportable compensation from the organization (W- 2/1099MISC)	(E) Reportable compensation from related organizations (W- 2/1099- MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual Trustee or Director	Institutional Trustee	Officer	Key employee	Highest compensated employee	Former			
LAURA BAXTER-SIMONS , TRUStee	1 00	X						0	0	0
BETSY CRABTREE , trustee	1 00	X						0	0	0
ROBERT STEIN , CHAIR	1 00	X						0	0	0
DANIEL CHAO , TREASURER	1 00	X						0	0	0
MS LILLY MAR-CHEE , trustee	1 00	X						0	0	0
JON STREETER , TRUStee	1 00	X						0	0	0
HON LEO DORADO , TRUSTee	1 00	X						0	0	0
MR NEETESH KUMAR , TRUStee	1 00	X						0	0	0
PETER DRAKE , TRUSTEE	1 00	X						0	0	0
JIM CAVALIERI , TRUSTee	1 00	X						0	0	0
LORI FOGARTY , SECRETARY	1 00	X						0	0	0
SCOTT VERGES , TRUSTee	1 00	X						0	0	0
MS LUCINDA LEE KATZ , TRUSTee	1 00	X						0	0	0
jacqueline moore , trustee	1 00	X						0	0	0
CHARLES FREIBERG , VICE-CHAIR	1 00	X						0	0	0
DRNATALIE ROE , TRUStee	1 00	X						0	0	0
MRS KYM LUQMAN , TRUSTee	1 00	X						0	0	0
LISA HARDY , TRUStee	1 00	X						0	0	0
DR DENISE BASS ALLEN , TRUStee	1 00	X						0	0	0
MARTHA SELLERS , TRUSTee	1 00	X						0	0	0
STEVEN READ , TRUStee	1 00	X						0	0	0
PETER SMITH , TRUStee	1 00	X						0	0	0
MS JENNIFER WALKER , TRUSTee	1 00	X						0	0	0
MR EDDIE ORTON , TRUStee	1 00	X						0	0	0
MR TIM RIPSTEEN , TRUSTee	1 00	X						0	0	0
Paul Chapman , HEADMASTER	40 00			X				303,176	0	30,378
DENNIS MALONE , CHIEF FINANCIAL OFFICER	40 00			X				194,500	0	23,331
CARL THIERMANN , UPPER SCHOOL HEAD	40 00					X		137,190	0	17,531
CAROL SWAINSON , MIDDLE SCHOOL HEAD	40 00					X		122,720	0	15,817
CRYSTAL LAND , ASSIST HEAD OF SCHOOL	40 00					X		131,193	0	17,014



Form 990, Part VII - Section Aaa

(A) Name and Title	(B) Average hours per week	(C) Position (check all that apply)						(D) Reportable compensation from the organization (W- 2/1099MISC)	(E) Reportable compensation from related organizations (W- 2/1099 - MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual Trustee or Director	Institutional Trustee	Officer	Key employee	Highest compensated employee	Former			
SUZANNE ABBEY , LOWER SCHOOL HEAD	40 00					X		123,820	0	15,913
CATHERINE EPSTEIN , DIRECTOR OF ADMISSIONS	40 00					X		119,413	0	17,329

**SCHEDULE D**  
(Form 990)Department of the Treasury  
Internal Revenue Service**Supplemental Financial Statements**▶ Attach to Form 990. To be completed by organizations that  
answered "Yes," to Form 990, Part IV, line 6, 7, 8, 9, 10, 11, or 12.

OMB No 1545-0047

**2008****Open to Public  
Inspection****Name of the organization**  
HEAD-ROYCE SCHOOL**Employer identification number**

94-1518656

**Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts.** Complete if the organization answered "Yes" to Form 990, Part IV, line 6.

	(a) Donor advised funds	(b) Funds and other accounts
1 Total number at end of year		
2 Aggregate Contributions to (during year)		
3 Aggregate Grants from (during year)		
4 Aggregate value at end of year		
5 Did the organization inform all donors and donor advisors in writing that the assets held in donor advised funds are the organization's property, subject to the organization's exclusive legal control?		<input type="checkbox"/> Yes <input type="checkbox"/> No
6 Did the organization inform all grantees, donors, and donor advisors in writing that grant funds may be used only for charitable purposes and not for the benefit of the donor or donor advisor or other impermissible private benefit?		<input type="checkbox"/> Yes <input type="checkbox"/> No

**Part II Conservation Easements.** Complete if the organization answered "Yes" to Form 990, Part IV, line 7.

1 Purpose(s) of conservation easements held by the organization (check all that apply)	
<input type="checkbox"/> Preservation of land for public use (e.g., recreation or pleasure)	<input type="checkbox"/> Preservation of an historically important land area
<input type="checkbox"/> Protection of natural habitat	<input type="checkbox"/> Preservation of certified historic structure
<input type="checkbox"/> Preservation of open space	
2 Complete lines 2a-2d if the organization held a qualified conservation contribution in the form of a conservation easement on the last day of the tax year	
a Total number of conservation easements	<b>Held at the End of the Year</b>
b Total acreage restricted by conservation easements	2a
c Number of conservation easements on a certified historic structure included in (a)	2b
d Number of conservation easements included in (c) acquired after 8/17/06	2c
3 Number of conservation easements modified, transferred, released, extinguished, or terminated by the organization during the taxable year ▶	2d
4 Number of states where property subject to conservation easement is located ▶	
5 Does the organization have a written policy regarding the periodic monitoring, inspection, violations, and enforcement of the conservation easements it holds?	<input type="checkbox"/> Yes <input type="checkbox"/> No
6 Staff or volunteer hours devoted to monitoring, inspecting and enforcing easements during the year ▶	
7 Amount of expenses incurred in monitoring, inspecting, and enforcing easements during the year ▶ \$	
8 Does each conservation easement reported on line 2(d) above satisfy the requirements of section 170(h)(4)(B)(i) and 170(h)(4)(B)(ii)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
9 In Part XIV, describe how the organization reports conservation easements in its revenue and expense statement, and balance sheet, and include, if applicable, the text of the footnote to the organization's financial statements that describes the organization's accounting for conservation easements	

**Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.** Complete if the organization answered "Yes" to Form 990, Part IV, line 8.

1a If the organization elected, as permitted under SFAS 116, not to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education or research in furtherance of public service, provide, in Part XIV, the text of the footnote to its financial statements that describes these items	
b If the organization elected, as permitted under SFAS 116, to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide the following amounts relating to these items	
(i) Revenues included in Form 990, Part VIII, line 1	▶ \$
(ii) Assets included in Form 990, Part X	▶ \$
2 If the organization received or held works of art, historical treasures, or other similar assets for financial gain, provide the following amounts required to be reported under SFAS 116 relating to these items	
a Revenues included in Form 990, Part VIII, line 1	▶ \$
b Assets included in Form 990, Part X	▶ \$

## Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets (continued)

- 3** Using the organization's accession and other records, check any of the following that are a significant use of its collection items (check all that apply)

<b>a</b> <input type="checkbox"/> Public exhibition	<b>d</b> <input type="checkbox"/> Loan or exchange programs
<b>b</b> <input type="checkbox"/> Scholarly research	<b>e</b> <input type="checkbox"/> Other
<b>c</b> <input type="checkbox"/> Preservation for future generations	

**4** Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIV

**5** During the year, did the organization solicit or receive donations of art, historical treasures or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? ☐ Yes ☐ No

**Part IV Trust, Escrow and Custodial Arrangements.** Complete if the organization answered "Yes" to Form 990, Part IV, line 9 or reported an amount on Form 990, Part X, line 21.

- 1a** Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? ☐ Yes ☐ No

	Amount
1c	
1d	
1e	
1f	

- 2a** Did the organization include an amount on Form 990, Part X, line 21? ☐ Yes ☐ No

**b** If "Yes," explain the arrangement in Part XIV

**Part V Endowment Funds.** Complete if the organization answered "Yes" to Form 990, Part IV, line 10.

	(a)Current Year	(b)Prior Year	(c)Two Years Back	(d)Three Years Back	(e)Four Years Back
<b>1a</b> Beginning of year balance . . . . .	15,254,051				
<b>b</b> Contributions . . . . .	440,826				
<b>c</b> Investment earnings or losses . . . . .	-2,437,858				
<b>d</b> Grants or scholarships . . . . .					
<b>e</b> Other expenditures for facilities and programs . . . . .	620,529				
<b>f</b> Administrative expenses . . . . .					
<b>g</b> End of year balance . . . . .	12,636,490				

- 2 Provide the estimated percentage of the year end balance held as

- |   |                                     |          |
|---|-------------------------------------|----------|
| a | Board designated or quasi-endowment | 3 790 %  |
| b | Permanent endowment                 | 96 210 % |
| c | Term endowment                      |          |

- 3a** Are there endowment funds not in the possession of the organization that are held and administered for the organization by

	Yes	No
(i) unrelated organizations . . . . .	3a(i)	No
(ii) related organizations . . . . .	3a(ii)	No
If "Yes" to 3a(ii), are the related organizations listed as required on Schedule R? . . . . .	3b	

- 4** Describe in Part XIV the intended uses of the organization's endowment funds

**Part VI Investments—Land, Buildings, and Equipment.** See Form 990, Part X, line 10.

Description of investment	(a) Cost or other basis (investment)	(b) Cost or other basis (other)	(c) Depreciation	(d) Book value
<b>1a</b> Land . . . . .		3,255,688		3,255,688
<b>b</b> Buildings . . . . .		51,311,249	8,350,352	42,960,897
<b>c</b> Leasehold improvements . . . . .				
<b>d</b> Equipment . . . . .		3,058,322	1,483,435	1,574,887
<b>e</b> Other . . . . .		437,420	377,918	59,502
<b>Total.</b> Add lines 1a-1e (Column (d) should equal Form 990, Part X, column (B), line 10(c).) . . . . .				47,850,974

**Part VII Investments—Other Securities.** See Form 990, Part X, line 12.

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation Cost or end-of-year market value
Financial derivatives and other financial products		
Closely-held equity interests		
Other INVESTMENT IN SECURITIES	14,948,499	F
<b>Total.</b> (Column (b) should equal Form 990, Part X, col (B) line 12 ) ▶	14,948,499	

**Part VIII Investments—Program Related.** See Form 990, Part X, line 13.

(a) Description of investment type	(b) Book value	(c) Method of valuation Cost or end-of-year market value
<b>Total.</b> (Column (b) should equal Form 990, Part X, col (B) line 13 ) ▶		

**Part IX Other Assets.** See Form 990, Part X, line 15.

(a) Description	(b) Book value
<b>Total.</b> (Column (b) should equal Form 990, Part X, col.(B) line 15.) . . . . . ▶	

**Part X Other Liabilities.** See Form 990, Part X, line 25.

(a) Description of Liability	(b) Amount
Federal Income Taxes	
INTEREST RATE SWAP AGREEMENT	1,634,603
<b>Total.</b> (Column (b) should equal Form 990, Part X, col (B) line 25 ) ▶	1,634,603

In Part XIV, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48



**Part XI Reconciliation of Change in Net Assets from Form 990 to Financial Statements**

<b>1</b>	Total revenue (Form 990, Part VIII, column (A), line 12)	<b>1</b>	22,239,066
<b>2</b>	Total expenses (Form 990, Part IX, column (A), line 25)	<b>2</b>	22,603,807
<b>3</b>	Excess or (deficit) for the year Subtract line 2 from line 1	<b>3</b>	-364,741
<b>4</b>	Net unrealized gains (losses) on investments	<b>4</b>	
<b>5</b>	Donated services and use of facilities	<b>5</b>	
<b>6</b>	Investment expenses	<b>6</b>	
<b>7</b>	Prior period adjustments	<b>7</b>	
<b>8</b>	Other (Describe in Part XIV)	<b>8</b>	-4,106,382
<b>9</b>	Total adjustments (net) Add lines 4 - 8	<b>9</b>	-4,106,382
<b>10</b>	Excess or (deficit) for the year per financial statements Combine lines 3 and 9	<b>10</b>	-4,471,123

**Part XII Reconciliation of Revenue per Audited Financial Statements With Revenue per Return**

<b>1</b>	Total revenue, gains, and other support per audited financial statements	<b>1</b>	17,719,743
<b>2</b>	Amounts included on line 1 but not on Form 990, Part VIII, line 12		
<b>a</b>	Net unrealized gains on investments	<b>2a</b>	-4,106,382
<b>b</b>	Donated services and use of facilities	<b>2b</b>	
<b>c</b>	Recoveries of prior year grants	<b>2c</b>	
<b>d</b>	Other (Describe in Part XIV)	<b>2d</b>	45,113
<b>e</b>	Add lines <b>2a</b> through <b>2d</b>	<b>2e</b>	-4,061,269
<b>3</b>	Subtract line <b>2e</b> from line <b>1</b>	<b>3</b>	21,781,012
<b>4</b>	Amounts included on Form 990, Part VIII, line 12, but not on line 1		
<b>a</b>	Investment expenses not included on Form 990, Part VIII, line 7b	<b>4a</b>	
<b>b</b>	Other (Describe in Part XIV)	<b>4b</b>	458,054
<b>c</b>	Add lines <b>4a</b> and <b>4b</b>	<b>4c</b>	458,054
<b>5</b>	Total Revenue Add lines <b>3</b> and <b>4c</b> . (This should equal Form 990, Part I, line 12)	<b>5</b>	22,239,066

**Part XIII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return**

<b>1</b>	Total expenses and losses per audited financial statements	<b>1</b>	22,190,866
<b>2</b>	Amounts included on line 1 but not on Form 990, Part IX, line 25		
<b>a</b>	Donated services and use of facilities	<b>2a</b>	
<b>b</b>	Prior year adjustments	<b>2b</b>	
<b>c</b>	Losses reported on Form 990, Part IX, line 25	<b>2c</b>	
<b>d</b>	Other (Describe in Part XIV)	<b>2d</b>	45,113
<b>e</b>	Add lines <b>2a</b> through <b>2d</b>	<b>2e</b>	45,113
<b>3</b>	Subtract line <b>2e</b> from line <b>1</b>	<b>3</b>	22,145,753
<b>4</b>	Amounts included on Form 990, Part IX, line 25, but not on line 1:		
<b>a</b>	Investment expenses not included on Form 990, Part VIII, line 7b	<b>4a</b>	
<b>b</b>	Other (Describe in Part XIV)	<b>4b</b>	458,054
<b>c</b>	Add lines <b>4a</b> and <b>4b</b>	<b>4c</b>	458,054
<b>5</b>	Total expenses Add lines <b>3</b> and <b>4c</b> . (This should equal Form 990, Part I, line 18)	<b>5</b>	22,603,807

**Part XIV Supplemental Information**

Complete this part to provide the descriptions required for Part II, lines 3, 5, and 9, Part III, lines 1a and 4, Part XIV, lines 1b and 2b, Part V, line 4, Part X, Part XI, line 8, Part XII, lines 2d and 4b, and Part XIII, lines 2d and 4b

Identifier	Return Reference	Explanation
Part XI, Line 8 - Other Adjustments		UNREALIZED GAINS (LOSSES) ON INVESTMENTS - UNRESTRICTED ASSETS -1524186 UNREALIZED GAINS (LOSSES) ON INVESTMENTS - PERMANENTLY RESTRICTED ASSETS -2582196
Part XII, Line 2d - Other Adjustments		COST OF GOODS SOLD
Part XII, Line 4b - Other Adjustments		FOOD PROGRAM
Part XIII, Line 2d - Other Adjustments		COST OF GOODS SOLD
Part XIII, Line 4b - Other Adjustments		FOOD PROGRAM

**SCHEDULE E**  
(Form 990 or 990-EZ)

# Schools

OMB No 1545-0047

**2008**

Department of the Treasury  
Internal Revenue Service

Attach to Form 990 or Form 990-EZ. To be completed by organizations that answer "Yes" to Form 990, Part IV, line 13, or Form 990-EZ, Part VI, line 48.

Open to Public Inspection

**Name of the organization**  
HEAD-ROYCE SCHOOL

**Employer identification number**

94-1518656

**1** Does the organization have a racially nondiscriminatory policy toward students by statement in its charter, bylaws, other governing instrument, or in a resolution of its governing body?

	YES	NO
<b>1</b>	Yes	

**2** Does the organization include a statement of its racially nondiscriminatory policy toward students in all its brochures, catalogues, and other written communications with the public dealing with student admissions, programs, and scholarships?

<b>2</b>	Yes	
----------	-----	--

**3** Has the organization publicized its racially nondiscriminatory policy through newspaper or broadcast media during the period of solicitation for students, or during the registration period if it has no solicitation program, in a way that makes the policy known to all parts of the general community it serves? If "Yes," please describe. If "No," please explain.

<b>3</b>	Yes	
----------	-----	--

THE SCHOOL ADVERTISES ITS NON-DISCRIMINATION POLICY IN THE LEGAL NOTICES SECTION OF THE SAN FRANCISCO CHRONICLE

**4** Does the organization maintain the following?

**a** Records indicating the racial composition of the student body, faculty, and administrative staff?

<b>4a</b>	Yes	
-----------	-----	--

**b** Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory basis?

<b>4b</b>	Yes	
-----------	-----	--

**c** Copies of all catalogues, brochures, announcements, and other written communications to the public dealing with student admissions, programs, and scholarships?

<b>4c</b>	Yes	
-----------	-----	--

**d** Copies of all material used by the organization or on its behalf to solicit contributions?

<b>4d</b>	Yes	
-----------	-----	--

If you answered "No" to any of the above, please explain. (If you need more space, attach a separate statement.)

**5** Does the organization discriminate by race in any way with respect to

**a** Students' rights or privileges?

<b>5a</b>		No
-----------	--	----

**b** Admissions policies?

<b>5b</b>		No
-----------	--	----

**c** Employment of faculty or administrative staff?

<b>5c</b>		No
-----------	--	----

**d** Scholarships or other financial assistance?

<b>5d</b>		No
-----------	--	----

**e** Educational policies?

<b>5e</b>		No
-----------	--	----

**f** Use of facilities?

<b>5f</b>		No
-----------	--	----

**g** Athletic programs?

<b>5g</b>		No
-----------	--	----

**h** Other extracurricular activities?

<b>5h</b>		No
-----------	--	----

If you answered "Yes" to any of the above, please explain. (If you need more space, attach a separate statement.)

**6a** Does the organization receive any financial aid or assistance from a governmental agency?

<b>6a</b>		No
-----------	--	----

**b** Has the organization's right to such aid ever been revoked or suspended?

<b>6b</b>		No
-----------	--	----

If you answered "Yes" to either 6a or b, please explain using an attached statement.

**7** Does the organization certify that it has complied with the applicable requirements of sections 4 01 through 4 05 of Rev. Proc. 75-50, 1975-2 C.B. 587, covering racial nondiscrimination? If "No," attach an explanation.

<b>7</b>	Yes	
----------	-----	--

# Schedule I (Form 990)

## Grants and Other Assistance to Organizations, Governments and Individuals in the U.S.

Department of the Treasury  
Internal Revenue Service

Name of the organization

Complete if the organization answered "Yes," on Form 990, Part IV, lines 21 or 22. Attach to Form 990.

Name of the organization  
HEAD-ROYCE SCHOOL

Employer identification number

94-1518656

## Part I

- |   |   | Yes | No |
|---|---|-----|----|
| 1 | Does the organization maintain records to substantiate the amount of the grants or assistance, the grantees' eligibility for the grants or assistance, and the selection criteria used to award the grants or assistance? |     |    |
| 2 | Describe in Part IV the organization's procedures for monitoring the use of grant funds in the United States  |     |    |

## Part II

**Grants and Other Assistance to Governments and Organizations in the United States.** Complete if the organization answered "Yes" on Form 990, Part IV, line 21 for any recipient that received more than \$5,000. Check this box if no one recipient received more than \$5,000. Use Part IV and Schedule I-1 if additional space is needed.

[illegible]

- 2 Enter total number of section 501(c)(3) and government organizations . . . . .
- 3 Enter total number of other organizations . . . . .





**Schedule J**  
(Form 990)**Compensation Information**

OMB No 1545-0047

**2008**Department of the Treasury  
Internal Revenue ServiceFor certain Officers, Directors, Trustees, Key Employees, and Highest  
Compensated Employees▶ **Attach to Form 990. To be completed by organizations  
that answered "Yes" to Form 990, Part IV, line 23.****Open to Public  
Inspection****Name of the organization**  
HEAD-ROYCE SCHOOL**Employer identification number**

94-1518656

**Part I Questions Regarding Compensation****1a** Check the appropriate box(es) if the organization provided any of the following to or for a person listed in Form 990, Part VII, Section A, line 1a. Complete Part III to provide any relevant information regarding these items

- |   |   |
|---|---|
| <input type="checkbox"/> First class or charter travel            | <input checked="" type="checkbox"/> Housing allowance or residence for personal use |
| <input type="checkbox"/> Travel for companions                    | <input type="checkbox"/> Payments for business use of personal residence            |
| <input type="checkbox"/> Tax idemnification and gross-up payments | <input type="checkbox"/> Health or social club dues or initiation fees              |
| <input type="checkbox"/> Discretionary spending account           | <input type="checkbox"/> Personal services (e.g., maid, chauffeur, chef)            |

**b** If line 1a is checked, did the organization follow a written policy regarding payment or reimbursement or provision of all the expenses described above? If "No," complete Part III to explain**2** Did the organization require substantiation prior to reimbursing or allowing expenses incurred by all officers, directors, trustees, and the CEO/Executive Director, regarding the items checked in line 1a?**3** Indicate which, if any, of the following the organization uses to establish the compensation of the organization's CEO/Executive Director. Check all that apply

- |  |   |
|--|---|
| <input type="checkbox"/> Compensation committee              | <input checked="" type="checkbox"/> Written employment contract                     |
| <input type="checkbox"/> Independent compensation consultant | <input type="checkbox"/> Compensation survey or study                               |
| <input type="checkbox"/> Form 990 of other organizations     | <input checked="" type="checkbox"/> Approval by the board or compensation committee |

**4** During the year, did any person listed in Form 990, Part VII, Section A, line 1a**a** Receive a severance payment or change of control payment?**b** Participate in, or receive payment from, a supplemental nonqualified retirement plan?**c** Participate in, or receive payment from, an equity-based compensation arrangement?

If "Yes" to any of lines 4a-c, list the persons and provide the applicable amounts for each item in Part III

**501(c)(3) and 501(c)(4) organizations only must complete lines 5-8.****5** For persons listed in form 990, Part VII, Section A, line 1a, did the organization pay or accrue any compensation contingent on the revenues of**a** The organization?**b** Any related organization?

If "Yes," to line 5a or 5b, describe in Part III

**6** For persons listed in form 990, Part VII, Section A, line 1a, did the organization pay or accrue any compensation contingent on the net earnings of**a** The organization?**b** Any related organization?

If "Yes," to line 6a or 6b, describe in Part III

**7** For persons listed in form 990, Part VII, Section A, line 1a, did the organization provide any non-fixed payments not described in lines 5 and 6? If "Yes," describe in Part III**8** Were any amounts reported in Form 990, Part VII, paid or accrued pursuant to a contract that was subject to the initial contract exception described in Regs. section 53.4958-4(a)(3)? If "Yes," describe in Part III

Yes No

**1b** No**2** No**4a** No**4b** No**4c** No**5a** No**5b** No**6a** No**6b** No**7** No**8** No





Schedule K  
(Form 990)

Supplemental Information on Tax Exempt Bonds

Department of the Treasury  
Internal Revenue Service

To be completed by organizations that answered "Yes" to Form 990, Part IV, line 24a.  
Provide descriptions, explanations, and any additional information in Schedule O.

Name of the organization  
HEAD-ROYCE SCHOOL

Employer identification number  
94-1518656

2008

Open to Public Inspection

Part I Bond Issues (Required for 2008)						
(a) Issuer Name	(b) Issuer EIN	(c) CUSIP #	(d) Date Issued	(e) Issue Price	(f) Description of Purpose	(g) Defeased
ABAG FINANCE AUTHORITY FOR NONPROFIT CORPORATIONS		00037CJC5	11-01-2006	12,000,000	TO FINANCE THE CONSTRUCTION AND ACQUISITION OF EDUCATIONAL FACILITIES	

Part II Proceeds (Optional for 2008)						
	A		B		C	
	Yes	No	Yes	No	Yes	No
1 Total Proceeds of Issue						E
2 Gross Proceeds in Reserve Funds						
3 Proceeds in Refunding or Defeasance Escrows						
4 Other Unspent Proceeds						
5 Issuance Costs from Proceeds						
6 Working Capital Expenditures from Proceeds						
7 Capital Expenditures from Proceeds						
8 Year of Substantial Completion						

	Yes	No	Yes	No	Yes	No	Yes	No
	A		B		C		D	
9 Were the bonds issued as part of a current refunding issue?								
10 Were the bonds issued as part of an advance refunding issue?								
11 Has the final allocation of proceeds been made?								
12 Does the organization maintain adequate books and records to support the final allocation of proceeds?								

Part III Private Business Use (Optional for 2008)						
	A		B		C	
	Yes	No	Yes	No	Yes	No
1 Was the organization a partner in a partnership, or a member of an LLC, which owned property financed by tax-exempt bonds?						
2 Are there any lease arrangements with respect to the financed property which may result in private business use?						



**Part III Private Business Use (Continued)**

	A		B		C		D		E	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
<b>3a</b> Are there any management or service contracts with respect to the financed property which may result in private business use?										
<b>3b</b> Are there any research agreements with respect to the financed property which may result in private business use?										
<b>3c</b> Does the organization routinely engage bond counsel or other outside counsel to review any management or service contracts or research agreements relating to the financed property?										
<b>4</b> Enter the percentage of financed property used in a private business use by entities other than a 501(c)(3) organization or a state or local government										
<b>5</b> Enter the percentage of financed property used in a private business use as a result of unrelated trade or business activity carried on by your organization, another 501(c)(3) organization, or a state or local government										
<b>6</b> Total of lines 4 and 5										
<b>7</b> Has the organization adopted management practices and procedures to ensure the post-issuance compliance of its tax-exempt bond liabilities?										

**Part IV Arbitrage (Optional for 2008)**

	A		B		C		D		E	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
<b>1</b> Has a Form 8038-T been filed with respect to the bond issue?										
<b>2</b> Is the bond issue a variable rate issue?										
<b>3a</b> Has the organization or the government issuer identified a hedge with respect to the bond issue on its books and records?										
<b>b</b> Name of provider										
<b>c</b> Term of hedge										
<b>4a</b> Were gross proceeds invested in a GIC?										
<b>b</b> Name of provider										
<b>c</b> Term of GIC										
<b>d</b> Was the regulatory safe harbor for establishing the fair market value of the GIC satisfied?										
<b>5</b> Were any gross proceeds invested beyond an available temporary period?										
<b>6</b> Did the bond issue qualify for an exception to rebate?										

SCHEDULE M

(Form 990)

Department of the Treasury

Internal Revenue Service

Non-Cash Contributions

To be completed by organizations that answered

"Yes" on Form 990, Part IV, lines 29 or 30.

Attach to Form 990

OMB No 1545-0047

2008

Open to Public

Inspection

Name of the organization

HEAD-ROYCE SCHOOL

Employer identification number

94-1518656

Part I

Types of Property

	(a) Check if applicable	(b) Number of Contributions	(c) Revenues reported on Form 990, Part VIII, line 1g	(d) Method of determining revenues
1 Art—Works of art . . . . .				
2 Art—Historical treasures . . . . .				
3 Art—Fractional interests . . . . .				
4 Books and publications . . . . .				
5 Clothing and household goods . . . . .				
6 Cars and other vehicles . . . . .				
7 Boats and planes . . . . .				
8 Intellectual property . . . . .				
9 Securities—Publicly traded . . . . .				
10 Securities—Closely held stock . . . . .				
11 Securities—Partnership, LLC, or trust interests . . . . .				
12 Securities—Miscellaneous . . . . .				
13 Qualified conservation contribution (historic structures) . . . . .				
14 Qualified conservation contribution (other) . . . . .				
15 Real estate—Residential . . . . .				
16 Real estate—Commercial . . . . .				
17 Real estate—Other . . . . .				
18 Collectibles . . . . .				
19 Food inventory . . . . .				
20 Drugs and medical supplies . . . . .				
21 Taxidermy . . . . .				
22 Historical artifacts . . . . .				
23 Scientific specimens . . . . .				
24 Archeological artifacts . . . . .				
25 Other (describe STEINWAY GRAND PIANO )	X	1	54,200	FMV
26 Other (describe WINE )	X	1	5,332	FMV
27 Other (describe )				
28 Other (describe )				
29 Number of Forms 8283 received by the organization during the tax year for contributions for which the organization completed Form 8283, Part IV, Donee Acknowledgement . . . . .				29

	Yes	No
30a During the year, did the organization receive by contribution any property reported in Part I, lines 1-28 that it must hold for at least three years from the date of the initial contribution, and which is not required to be used for exempt purposes for the entire holding period? . . . . .	30a	No
b If "Yes", describe the arrangement in Part II		
31 Does the organization have a gift acceptance policy that requires the review of any non-standard contributions?	31	No
32a Does the organization hire or use third parties or related organizations to solicit, process, or sell non-cash contributions? . . . . .	32a	No
b If "Yes", describe in Part II		
33 If the organization did not report revenues in Column (c) for a type of property for which Column (a) is checked, describe in Part II		

**Supplemental Information.** Complete this part to provide the information required by Part I, lines 30b,

**Supplemental Information.** Complete this part to provide the information required by Part I, lines 30b, 32b, and 33. Also complete this part for any additional information.

[illegible]

<b>efile GRAPHIC print - DO NOT PROCESS</b> <b>As Filed Data -</b> <b>DLN: 93493056002020</b>			
<b>SCHEDULE O</b> (Form 990)  <small>Department of the Treasury Internal Revenue Service</small>	<div style="text-align: center; border-bottom: 1px solid black; margin-bottom: 10px;"> <b>Supplemental Information to Form 990</b> </div> <p>▶ <b>Attach to Form 990.</b> To be completed by organizations to provide additional information for responses to specific questions for the Form 990 or to provide any additional information.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 70%; border: none; vertical-align: top;"> <b>Name of the organization</b>            HEAD-ROYCE SCHOOL         </td> <td style="width: 30%; border: none; vertical-align: top;"> <b>Employer identification number</b>            94-1518656         </td> </tr> </table>	<b>Name of the organization</b> HEAD-ROYCE SCHOOL	<b>Employer identification number</b> 94-1518656
<b>Name of the organization</b> HEAD-ROYCE SCHOOL	<b>Employer identification number</b> 94-1518656		

2008

Open to Public Inspection

Identifier	Return Reference	Explanation
Form 990, Part VI, Section A, line 10		NO REVIEW WAS CONDUCTED

Identifier	Return Reference	Explanation
Form 990, Part VI, Section B, line 15		THE HEADMASTER'S COMPENSATION PACKAGE IS REVIEWED AND COMPARED TO THOSE IN COMPARABLE SCHOOLS BOTH LOCALLY AND NATIONALLY, WITH COLA CONSIDERED FOR THE SAN FRANCISCO BAY AREA

Identifier	Return Reference	Explanation
Form 990, Part VI, Section C, line 19		COPIES ARE PROVIDED UPON REQUEST

For Paperwork Reduction Act Notice, see the Instructions for Form 990

Cat No 51056K

Schedule O (Form 990) 2008



Form **990**

Department of the Treasury  
Internal Revenue Service

# Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

OMB No 1545-0047

**2010**

**Open to Public Inspection**

The organization may have to use a copy of this return to satisfy state reporting requirements

**A** For the 2010 calendar year, or tax year beginning 07-01-2010 and ending 06-30-2011

**B** Check if applicable

☐ Address change

☐ Name change

☐ Initial return

☐ Terminated

☐ Amended return

☐ Application pending

**C** Name of organization  
THE HEAD ROYCE SCHOOL

Doing Business As

Number and street (or P O box if mail is not delivered to street address)  
4315 LINCOLN AVENUE

Room/suite

City or town, state or country, and ZIP + 4  
OAKLAND, CA 94602

**F** Name and address of principal officer  
ROBERT LAKE  
4315 LINCOLN AVENUE  
OAKLAND, CA 94602

**D** Employer identification number

94-1518656

**E** Telephone number

(510) 531-1300

**G** Gross receipts \$ 27,820,910

**I** Tax-exempt status ☒ 501(c)(3) ☐ 501(c) ( ) (insert no ) ☐ 4947(a)(1) or ☐ 527

**J** Website: WWW.HEADROYCE.ORG

**H(a)** Is this a group return for affiliates? ☐ Yes ☒ No

**H(b)** Are all affiliates included? ☐ Yes ☐ No  
If "No," attach a list (see instructions)

**H(c)** Group exemption number

**K** Form of organization ☒ Corporation ☐ Trust ☐ Association ☐ Other

**L** Year of formation 1887

**M** State of legal domicile CA

## Part I Summary

Activities & Governance	<b>1</b> Briefly describe the organization's mission or most significant activities OPERATION OF A SCHOOL FROM GRADES KINDERGARTEN THROUGH 12TH GRADE		
	<b>2</b> Check this box <input checked="" type="checkbox"/> if the organization discontinued its operations or disposed of more than 25% of its net assets		
	<b>3</b> Number of voting members of the governing body (Part VI, line 1a)	<b>3</b>	25
	<b>4</b> Number of independent voting members of the governing body (Part VI, line 1b)	<b>4</b>	25
	<b>5</b> Total number of individuals employed in calendar year 2010 (Part V, line 2a)	<b>5</b>	432
Revenue	<b>6</b> Total number of volunteers (estimate if necessary)	<b>6</b>	360
	<b>7a</b> Total unrelated business revenue from Part VIII, column (C), line 12	<b>7a</b>	0
	<b>b</b> Net unrelated business taxable income from Form 990-T, line 34	<b>7b</b>	0
	<b>8</b> Contributions and grants (Part VIII, line 1h)	Prior Year	Current Year
	<b>9</b> Program service revenue (Part VIII, line 2g)	2,290,263	1,805,490
	<b>10</b> Investment income (Part VIII, column (A), lines 3, 4, and 7d)	21,221,289	22,717,094
Expenses	<b>11</b> Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	4,919,071	654,229
	<b>12</b> Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12)	393,374	360,204
	<b>13</b> Grants and similar amounts paid (Part IX, column (A), lines 1–3)	28,823,997	25,537,017
	<b>14</b> Benefits paid to or for members (Part IX, column (A), line 4)	2,880,513	3,285,885
	<b>15</b> Salaries, other compensation, employee benefits (Part IX, column (A), lines 5–10)	0	0
	<b>16a</b> Professional fundraising fees (Part IX, column (A), line 11e)	13,440,526	14,200,852
	<b>b</b> Total fundraising expenses (Part IX, column (D), line 25) ▶ 846,845	58,626	0
	<b>17</b> Other expenses (Part IX, column (A), lines 11a–11d, 11f–24f)	6,941,127	7,358,508
	<b>18</b> Total expenses Add lines 13–17 (must equal Part IX, column (A), line 25)	23,320,792	24,845,245
Net Assets or Fund Balances	<b>19</b> Revenue less expenses Subtract line 18 from line 12	5,503,205	691,772
	<b>20</b> Total assets (Part X, line 16)	Beginning of Current Year	End of Year
	<b>21</b> Total liabilities (Part X, line 26)	77,360,429	80,913,685
	<b>22</b> Net assets or fund balances Subtract line 21 from line 20	25,526,404	25,621,946
		51,834,025	55,291,739

## Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer).

**Sign Here**

\*\*\*\*\*

Signature of officer

DENNIS MALONE CHIEF FINANCIAL OFFICER

Type or print name and title

**Paid**

**Preparer**

**Use Only**

Print/Type preparer's name MATTHEW J NOONAN

Preparer's signature MATTHEW J

Firm's name ▶ LAUTZE & LAUTZE

Firm's address ▶ 303 SECOND STREET SUITE 950N

SAN FRANCISCO, CA 94107

May the IRS discuss this return with the preparer shown above? (see instructions)

**Part III** **Statement of Program Service Accomplishments**

Check if Schedule O contains a response to any question in this Part III ☒

**1** Briefly describe the organization's mission  
THE MISSION OF HEAD-ROYCE SCHOOL IS TO INSPIRE IN OUR STUDENTS A LIFELONG LOVE OF LEARNING AND EXUBERANCE  
FOR ACADEMIC EXCELLENCE, TO PROMOTE UNDERSTANDING OF AND RESPECT FOR THE DIVERSITY THAT MAKES OUR SOCIETY  
STRONG, AND TO ENCOURAGE CONSTRUCTIVE AND RESPONSIBLE, GLOBAL CITIZENSHIP

- 2** Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? ☐ Yes ☒ No  
If "Yes," describe these new services on Schedule O
- 3** Did the organization cease conducting, or make significant changes in how it conducts, any program services? ☐ Yes ☒ No  
If "Yes," describe these changes on Schedule O
- 4** Describe the exempt purpose achievements for each of the organization's three largest program services by expenses Section 501(c)(3) and 501(c)(4) organizations and section 4947(a)(1) trusts are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported

<b>4a</b>	(Code)	(Expenses \$	18,271,199	including grants of \$	3,285,885	(Revenue \$	23,007,598)
INDEPENDENT, CO-EDUCATIONAL COLLEGE PREPARATORY DAY SCHOOL WITH CLASSES FROM KINDERGARTEN THROUGH TWELFTH GRADE FOR APPROXIMATELY 815 STUDENTS THIS INCLUDES SUMMER ENRICHMENT, HEADS UP, AND AFTER SCHOOL CHILD CARE PROGRAMS							

<b>4b</b>	(Code)	(Expenses \$		including grants of \$		(Revenue \$	)
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<b>4c</b>	(Code)	(Expenses \$		including grants of \$		(Revenue \$	)
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<b>4d</b>	Other program services (Describe in Schedule O)						
	(Expenses \$		including grants of \$			(Revenue \$	)
<b>4e</b>	Total program service expenses		\$ 18,271,199				

**Part IV Checklist of Required Schedules**

	Yes	No
<b>1</b> Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? If "Yes," complete Schedule A	<b>1</b> Yes	
<b>2</b> Is the organization required to complete Schedule B, Schedule of Contributors (see instruction)?	<b>2</b> Yes	
<b>3</b> Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I . . . . .	<b>3</b>	No
<b>4 Section 501(c)(3) organizations.</b> Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? If "Yes," complete Schedule C, Part II . . . . .	<b>4</b>	No
<b>5</b> Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Revenue Procedure 98-19? If "Yes," complete Schedule C, Part III . . . . .	<b>5</b>	
<b>6</b> Did the organization maintain any donor advised funds or any similar funds or accounts where donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? If "Yes," complete Schedule D, Part I	<b>6</b>	No
<b>7</b> Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas or historic structures? If "Yes," complete Schedule D, Part II	<b>7</b>	No
<b>8</b> Did the organization maintain collections of works of art, historical treasures, or other similar assets? If "Yes," complete Schedule D, Part III	<b>8</b>	No
<b>9</b> Did the organization report an amount in Part X, line 21, serve as a custodian for amounts not listed in Part X, or provide credit counseling, debt management, credit repair, or debt negotiation services? If "Yes," complete Schedule D, Part IV	<b>9</b>	No
<b>10</b> Did the organization, directly or through a related organization, hold assets in term, permanent, or quasi-endowments? If "Yes," complete Schedule D, Part V	<b>10</b> Yes	
<b>11</b> If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable		
<b>a</b> Did the organization report an amount for land, buildings, and equipment in Part X, line 10? If "Yes," complete Schedule D, Part VI	<b>11a</b> Yes	
<b>b</b> Did the organization report an amount for investments—other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part VII	<b>11b</b>	No
<b>c</b> Did the organization report an amount for investments—program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part VIII	<b>11c</b>	No
<b>d</b> Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part IX	<b>11d</b>	No
<b>e</b> Did the organization report an amount for other liabilities in Part X, line 25? If "Yes," complete Schedule D, Part X	<b>11e</b> Yes	
<b>f</b> Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? If "Yes," complete Schedule D, Part X	<b>11f</b> Yes	
<b>12a</b> Did the organization obtain separate, independent audited financial statements for the tax year? If "Yes," complete Schedule D, Parts XI, XII, and XIII	<b>12a</b> Yes	
<b>b</b> Was the organization included in consolidated, independent audited financial statements for the tax year? If "Yes," and if the organization answered "No" to line 12a, then completing Schedule D, Parts XI, XII, and XIII is optional	<b>12b</b>	No
<b>13</b> Is the organization a school described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E	<b>13</b> Yes	
<b>14a</b> Did the organization maintain an office, employees, or agents outside of the United States? . . . . .	<b>14a</b>	No
<b>b</b> Did the organization have aggregate revenues or expenses of more than \$10,000 from grantmaking, fundraising, business, and program service activities outside the United States? If "Yes," complete Schedule F, Parts I and IV . . . . .	<b>14b</b>	No
<b>15</b> Did the organization report on Part IX, column (A), line 3, more than \$5,000 of grants or assistance to any organization or entity located outside the U S ? If "Yes," complete Schedule F, Parts II and IV . . . . .	<b>15</b>	No
<b>16</b> Did the organization report on Part IX, column (A), line 3, more than \$5,000 of aggregate grants or assistance to individuals located outside the U S ? If "Yes," complete Schedule F, Parts III and IV . . . . .	<b>16</b>	No
<b>17</b> Did the organization report a total of more than \$15,000, of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? If "Yes," complete Schedule G, Part I (see instructions)	<b>17</b>	No
<b>18</b> Did the organization report more than \$15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? If "Yes," complete Schedule G, Part II . . . . .	<b>18</b> Yes	
<b>19</b> Did the organization report more than \$15,000 of gross income from gaming activities on Part VIII, line 9a? If "Yes," complete Schedule G, Part III . . . . .	<b>19</b>	No
<b>20a</b> Did the organization operate one or more hospitals? If "Yes," complete Schedule H . . . . .	<b>20a</b>	No
<b>b</b> If "Yes" to line 20a, did the organization attach its audited financial statement to this return? <b>Note.</b> Some Form 990 filers that operate one or more hospitals must attach audited financial statements (see instructions)	<b>20b</b>	

**Part IV Checklist of Required Schedules** (continued)

<b>21</b>	Did the organization report more than \$5,000 of grants and other assistance to governments and organizations in the United States on Part IX, column (A), line 1? <i>If "Yes," complete Schedule I, Parts I and II.</i>	<b>21</b>		No
<b>22</b>	Did the organization report more than \$5,000 of grants and other assistance to individuals in the United States on Part IX, column (A), line 2? <i>If "Yes," complete Schedule I, Parts I and III.</i>	<b>22</b>	Yes	
<b>23</b>	Did the organization answer "Yes" to Part VII, Section A, questions 3, 4, or 5, about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? <i>If "Yes," complete Schedule J.</i>	<b>23</b>	Yes	
<b>24a</b>	Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, that was issued after December 31, 2002? <i>If "Yes," answer lines 24b-24d and complete Schedule K. If "No," go to line 25.</i>	<b>24a</b>	Yes	
<b>b</b>	Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?	<b>24b</b>		No
<b>c</b>	Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?	<b>24c</b>		No
<b>d</b>	Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?	<b>24d</b>		No
<b>25a</b>	<b>Section 501(c)(3) and 501(c)(4) organizations.</b> Did the organization engage in an excess benefit transaction with a disqualified person during the year? <i>If "Yes," complete Schedule L, Part I.</i>	<b>25a</b>		No
<b>b</b>	Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? <i>If "Yes," complete Schedule L, Part I.</i>	<b>25b</b>		No
<b>26</b>	Was a loan to or by a current or former officer, director, trustee, key employee, highly compensated employee, or disqualified person outstanding as of the end of the organization's tax year? <i>If "Yes," complete Schedule L, Part II.</i>	<b>26</b>		No
<b>27</b>	Did the organization provide a grant or other assistance to an officer, director, trustee, key employee, substantial contributor, or a grant selection committee member, or to a person related to such an individual? <i>If "Yes," complete Schedule L, Part III.</i>	<b>27</b>		No
<b>28</b>	Was the organization a party to a business transaction with one of the following parties? (see Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions)			
<b>a</b>	A current or former officer, director, trustee, or key employee? <i>If "Yes," complete Schedule L, Part IV.</i>	<b>28a</b>		No
<b>b</b>	A family member of a current or former officer, director, trustee, or key employee? <i>If "Yes," complete Schedule L, Part IV.</i>	<b>28b</b>		No
<b>c</b>	An entity of which a current or former officer, director, trustee, or key employee (or a family member thereof) was an officer, director, trustee, or direct or indirect owner? <i>If "Yes," complete Schedule L, Part IV.</i>	<b>28c</b>		No
<b>29</b>	Did the organization receive more than \$25,000 in non-cash contributions? <i>If "Yes," complete Schedule M.</i>	<b>29</b>		No
<b>30</b>	Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? <i>If "Yes," complete Schedule M.</i>	<b>30</b>	Yes	
<b>31</b>	Did the organization liquidate, terminate, or dissolve and cease operations? <i>If "Yes," complete Schedule N, Part I.</i>	<b>31</b>		No
<b>32</b>	Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? <i>If "Yes," complete Schedule N, Part II.</i>	<b>32</b>		No
<b>33</b>	Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? <i>If "Yes," complete Schedule R, Part I.</i>	<b>33</b>		No
<b>34</b>	Was the organization related to any tax-exempt or taxable entity? <i>If "Yes," complete Schedule R, Parts II, III, IV, and V, line 1.</i>	<b>34</b>		No
<b>35</b>	Is any related organization a controlled entity within the meaning of section 512(b)(13)?	<b>35</b>		No
<b>a</b>	Did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? <i>If "Yes," complete Schedule R, Part V, line 2.</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>36</b>	<b>Section 501(c)(3) organizations.</b> Did the organization make any transfers to an exempt non-charitable related organization? <i>If "Yes," complete Schedule R, Part V, line 2.</i>	<b>36</b>		No
<b>37</b>	Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? <i>If "Yes," complete Schedule R, Part VI.</i>	<b>37</b>		No
<b>38</b>	Did the organization complete Schedule O and provide explanations in Schedule O for Part VI, lines 11 and 19? <b>Note.</b> All Form 990 filers are required to complete Schedule O.	<b>38</b>	Yes	



**Part V Statements Regarding Other IRS Filings and Tax Compliance**Check if Schedule O contains a response to any question in this Part V ☐

		Yes	No
<b>1a</b>	Enter the number reported in Box 3 of Form 1096. Enter -0- if not applicable.		
<b>1a</b>	59		
<b>b</b>	Enter the number of Forms W-2G included in line 1a. Enter -0- if not applicable.		
<b>1b</b>	0		
<b>c</b>	Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?		
<b>1c</b>			
<b>2a</b>	Enter the number of employees reported on Form W-3, <i>Transmittal of Wage and Tax Statements</i> filed for the calendar year ending with or within the year covered by this return.		
<b>2a</b>	432		
<b>b</b>	If at least one is reported on line 2a, did the organization file all required federal employment tax returns?	Yes	
<b>Note.</b> If the sum of lines 1a and 2a is greater than 250, you may be required to e-file (see instructions).			
<b>3a</b>	Did the organization have unrelated business gross income of \$1,000 or more during the year?		No
<b>b</b>	If "Yes," has it filed a Form 990-T for this year? If "No," provide an explanation in Schedule O.		
<b>3b</b>			
<b>4a</b>	At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?		No
<b>b</b>	If "Yes," enter the name of the foreign country: _____ See instructions for filing requirements for Form TD F 90-22.1, Report of Foreign Bank and Financial Accounts.		
<b>5a</b>	Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?		No
<b>b</b>	Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?		No
<b>c</b>	If "Yes" to line 5a or 5b, did the organization file Form 8886-T?		
<b>5c</b>			
<b>6a</b>	Does the organization have annual gross receipts that are normally greater than \$100,000, and did the organization solicit any contributions that were not tax deductible?		No
<b>b</b>	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?		
<b>6b</b>			
<b>7</b>	<b>Organizations that may receive deductible contributions under section 170(c).</b>		
<b>a</b>	Did the organization receive a payment in excess of \$75 made partly as a contribution and partly for goods and services provided to the payor?	Yes	
<b>b</b>	If "Yes," did the organization notify the donor of the value of the goods or services provided?	Yes	
<b>c</b>	Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282?		No
<b>d</b>	If "Yes," indicate the number of Forms 8282 filed during the year.		
<b>7d</b>			
<b>e</b>	Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?		No
<b>f</b>	Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?		No
<b>g</b>	If the organization received a contribution of qualified intellectual property, did the organization file Form 8899 as required?		
<b>7g</b>			
<b>h</b>	If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1098-C?		
<b>7h</b>			
<b>8</b>	<b>Sponsoring organizations maintaining donor advised funds and section 509(a)(3) supporting organizations.</b> Did the supporting organization, or a donor advised fund maintained by a sponsoring organization, have excess business holdings at any time during the year?		No
<b>8</b>			
<b>9</b>	<b>Sponsoring organizations maintaining donor advised funds.</b>		
<b>a</b>	Did the organization make any taxable distributions under section 4966?		No
<b>b</b>	Did the organization make a distribution to a donor, donor advisor, or related person?		No
<b>9a</b>			
<b>9b</b>			
<b>10</b>	<b>Section 501(c)(7) organizations.</b> Enter		
<b>a</b>	Initiation fees and capital contributions included on Part VIII, line 12.	<b>10a</b>	
<b>b</b>	Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities.	<b>10b</b>	
<b>11</b>	<b>Section 501(c)(12) organizations.</b> Enter		
<b>a</b>	Gross income from members or shareholders.	<b>11a</b>	
<b>b</b>	Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them).	<b>11b</b>	
<b>12a</b>	<b>Section 4947(a)(1) non-exempt charitable trusts.</b> Is the organization filing Form 990 in lieu of Form 1041?	<b>12a</b>	
<b>b</b>	If "Yes," enter the amount of tax-exempt interest received or accrued during the year.	<b>12b</b>	
<b>13</b>	<b>Section 501(c)(29) qualified nonprofit health insurance issuers.</b>		
<b>a</b>	Is the organization licensed to issue qualified health plans in more than one state? <b>Note.</b> See the instructions for additional information the organization must report on Schedule O.	<b>13a</b>	
<b>b</b>	Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans.	<b>13b</b>	
<b>c</b>	Enter the amount of reserves on hand.	<b>13c</b>	
<b>14a</b>	Did the organization receive any payments for indoor tanning services during the tax year?	<b>14a</b>	No
<b>b</b>	If "Yes," has it filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O.	<b>14b</b>	

**Part VI Governance, Management, and Disclosure** For each "Yes" response to lines 2 through 7b below, and for a "No" response to lines 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions.

Check if Schedule O contains a response to any question in this Part VI ☒ .

**Section A. Governing Body and Management**

		Yes	No
<b>1a</b> Enter the number of voting members of the governing body at the end of the tax year . . . . .	<b>1a</b> 25		
<b>b</b> Enter the number of voting members included in line 1a, above, who are independent . . . . .	<b>1b</b> 25		
<b>2</b> Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee? . . . . .	<b>2</b>		No
<b>3</b> Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors or trustees, or key employees to a management company or other person? . . . . .	<b>3</b>		No
<b>4</b> Did the organization make any significant changes to its governing documents since the prior Form 990 was filed? . . . . .	<b>4</b>		No
<b>5</b> Did the organization become aware during the year of a significant diversion of the organization's assets? . . . . .	<b>5</b>		No
<b>6</b> Does the organization have members or stockholders? . . . . .	<b>6</b>		No
<b>7a</b> Does the organization have members, stockholders, or other persons who may elect one or more members of the governing body? . . . . .	<b>7a</b>		No
<b>b</b> Are any decisions of the governing body subject to approval by members, stockholders, or other persons? . . . . .	<b>7b</b>		No
<b>8</b> Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following . . . . .			
<b>a</b> The governing body? . . . . .	<b>8a</b>	Yes	
<b>b</b> Each committee with authority to act on behalf of the governing body? . . . . .	<b>8b</b>	Yes	
<b>9</b> Is there any officer, director, trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? If "Yes," provide the names and addresses in Schedule O . . . . .	<b>9</b>		No

**Section B. Policies** (This Section B requests information about policies not required by the Internal Revenue Code.)

		Yes	No
<b>10a</b> Does the organization have local chapters, branches, or affiliates? . . . . .	<b>10a</b>		No
<b>b</b> If "Yes," does the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with those of the organization? . . . . .	<b>10b</b>		
<b>11a</b> Has the organization provided a copy of this Form 990 to all members of its governing body before filing the form? . . . . .	<b>11a</b>	Yes	
<b>b</b> Describe in Schedule O the process, if any, used by the organization to review this Form 990 . . . . .			
<b>12a</b> Does the organization have a written conflict of interest policy? If "No," go to line 13 . . . . .	<b>12a</b>	Yes	
<b>b</b> Are officers, directors or trustees, and key employees required to disclose annually interests that could give rise to conflicts? . . . . .	<b>12b</b>	Yes	
<b>c</b> Does the organization regularly and consistently monitor and enforce compliance with the policy? If "Yes," describe in Schedule O how this is done . . . . .	<b>12c</b>	Yes	
<b>13</b> Does the organization have a written whistleblower policy? . . . . .	<b>13</b>	Yes	
<b>14</b> Does the organization have a written document retention and destruction policy? . . . . .	<b>14</b>	Yes	
<b>15</b> Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision? . . . . .			
<b>a</b> The organization's CEO, Executive Director, or top management official . . . . .	<b>15a</b>	Yes	
<b>b</b> Other officers or key employees of the organization . . . . .	<b>15b</b>	Yes	
If "Yes" to line 15a or 15b, describe the process in Schedule O (See instructions) . . . . .			
<b>16a</b> Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year? . . . . .	<b>16a</b>		No
<b>b</b> If "Yes," has the organization adopted a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and taken steps to safeguard the organization's exempt status with respect to such arrangements? . . . . .	<b>16b</b>		

**Section C. Disclosure**

**17** List the States with which a copy of this Form 990 is required to be filed **CA**

**18** Section 6104 requires an organization to make its Form 1023 (or 1024 if applicable), 990, and 990-T (501(c)(3)s only) available for public inspection. Indicate how you make these available. Check all that apply.  
☐ Own website ☒ Another's website ☒ Upon request

**19** Describe in Schedule O whether (and if so, how), the organization makes its governing documents, conflict of interest policy, and financial statements available to the public. See Additional Data Table.

**20** State the name, physical address, and telephone number of the person who possesses the books and records of the organization. **DENNIS MALONE DIRECTOR OF FINANCE  
THE HEAD ROYCE SCHOOL 4315 LINCOLN  
OAKLAND, CA 94602  
(510) 531-1300**

Check if Schedule O contains a response to any question in this Part VII ☐

**1a** Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year.

- List persons in the following order: individual trustees or directors; institutional trustees; officers; key employees; highest compensated employees; and former such persons.

☐ Check this box if neither the organization nor any related organization compensated any current officer, director, or trustee

[illegible]

**Part VII** Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees (continued)

(A) Name and Title	(B) Average hours per week (describe hours for related organizations in Schedule O)	(C) Position (check all that apply)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional Trustee	Officer	Key employee	Highest compensated employee	Former			
See Additional Data Table										
<b>1b Sub-Total</b>										
<b>c Total from continuation sheets to Part VII, Section A</b>										
<b>d Total (add lines 1b and 1c)</b>								1,289,835	0	212,922

**2** Total number of individuals (including but not limited to those listed above) who received more than \$100,000 in reportable compensation from the organization **17**

	Yes	No
<b>3</b> Did the organization list any <b>former</b> officer, director or trustee, key employee, or highest compensated employee on line 1a? <i>If "Yes," complete Schedule J for such individual</i>	Yes	
<b>4</b> For any individual listed on line 1a, is the sum of reportable compensation and other compensation from the organization and related organizations greater than \$150,000? <i>If "Yes," complete Schedule J for such individual</i>	Yes	
<b>5</b> Did any person listed on line 1a receive or accrue compensation from any unrelated organization or individual for services rendered to the organization? <i>If "Yes," complete Schedule J for such person</i>		No

**Section B. Independent Contractors**

**1** Complete this table for your five highest compensated independent contractors that received more than \$100,000 of compensation from the organization

(A) Name and business address	(B) Description of services	(C) Compensation
SODEXO INC & ASSOCIATES DEPT 43283 LOS ANGELES, CA 90088	MAINTENANCE & JANITORIAL	1,054,231
EPICURIAN GROUP 111 MAIN STREET SUITE 3 LOS ALTOS, CA 94022	FOOD SERVICES	715,101
ANLEU CONSTRUCTION INC 4504 THOMPSON STREET OAKLAND, CA 94601	CONSTRUCTION SERVICES	225,729
MICHAEL'S TRANSPORTATION 2029 BENNINGTON DRIVE VALLEJO, CA 94591	STUDENT BUS SERVICE	167,897
SOLSTICE PRESS 113 FILBERT STREET OAKLAND, CA 94607	PRINTING & STATIONERY	147,540

**2** Total number of independent contractors (including but not limited to those listed above) who received more than \$100,000 in compensation from the organization **6**



**Part VIII Statement of Revenue**

		(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512, 513, or 514
<b>Contributions, gifts, grants and other similar amounts</b>	<b>1a</b> Federated campaigns . . . . . <b>1a</b>				
	<b>b</b> Membership dues . . . . . <b>1b</b>				
	<b>c</b> Fundraising events . . . . . <b>1c</b>	283,345			
	<b>d</b> Related organizations . . . . . <b>1d</b>				
	<b>e</b> Government grants (contributions) <b>1e</b>				
	<b>f</b> All other contributions, gifts, grants, and similar amounts not included above <b>1f</b>	1,522,145			
	<b>g</b> Noncash contributions included in lines 1a-1f \$				
	<b>h Total.</b> Add lines 1a-1f . . . . .	1,805,490			
<b>Program Service Revenue</b>	<b>2a</b> <u>TUITION &amp; FEES</u>	611600	20,925,054	20,925,054	
	<b>b</b> <u>SUMMER &amp; AFTER SCHOOL</u>	611600	1,144,213	1,144,213	
	<b>c</b> <u>FOOD PROGRAM</u>	611600	647,827	647,827	
	<b>d</b> _____				
	<b>e</b> _____				
	<b>f</b> All other program service revenue				
	<b>g Total.</b> Add lines 2a-2f . . . . .	22,717,094			
	<b>3</b> Investment income (including dividends, interest and other similar amounts) . . . . .	489,518			489,518
<b>4</b> Income from investment of tax-exempt bond proceeds . . . . .					
<b>5</b> Royalties . . . . .					
<b>Other Revenue</b>	<b>6a</b> Gross Rents	(i) Real 69,700	(ii) Personal		
	<b>b</b> Less rental expenses				
	<b>c</b> Rental income or (loss)	69,700			
	<b>d</b> Net rental income or (loss) . . . . .	69,700			69,700
	<b>7a</b> Gross amount from sales of assets other than inventory	(i) Securities 2,284,086	(ii) Other		
	<b>b</b> Less cost or other basis and sales expenses	2,119,375			
	<b>c</b> Gain or (loss)	164,711			
	<b>d</b> Net gain or (loss) . . . . .	164,711			164,711
	<b>8a</b> Gross income from fundraising events (not including \$ 283,345 of contributions reported on line 1c) See Part IV, line 18 . . . . .				
	<b>a</b> 103,107				
	<b>b</b> Less direct expenses . . . . . <b>b</b> 103,107				
	<b>c</b> Net income or (loss) from fundraising events . . . . .	0			
	<b>9a</b> Gross income from gaming activities See Part IV, line 19 . . . . . <b>a</b>				
	<b>b</b> Less direct expenses . . . . . <b>b</b>				
<b>c</b> Net income or (loss) from gaming activities . . . . .					
<b>10a</b> Gross sales of inventory, less returns and allowances . . . . . <b>a</b> 102,004					
<b>b</b> Less cost of goods sold . . . . . <b>b</b> 61,411					
<b>c</b> Net income or (loss) from sales of inventory . . . . .	40,593	40,593			
<b>Miscellaneous Revenue</b>	<b>Business Code</b>				
<b>11a</b> MISCELLANEOUS INCOME	611600	249,911	249,911		
<b>b</b> _____					
<b>c</b> _____					
<b>d</b> All other revenue . . . . .					
<b>e Total.</b> Add lines 11a-11d . . . . .	249,911				
<b>12 Total revenue.</b> See Instructions . . . . .	25,537,017	23,007,598	0	723,929	

**Part IX Statement of Functional Expenses**

Section 501(c)(3) and 501(c)(4) organizations must complete all columns.

All other organizations must complete column (A) but are not required to complete columns (B), (C), and (D).

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.		(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
<b>1</b>	Grants and other assistance to governments and organizations in the U.S. See Part IV, line 21				
<b>2</b>	Grants and other assistance to individuals in the U.S. See Part IV, line 22	3,285,885	3,285,885		
<b>3</b>	Grants and other assistance to governments, organizations, and individuals outside the U.S. See Part IV, lines 15 and 16				
<b>4</b>	Benefits paid to or for members				
<b>5</b>	Compensation of current officers, directors, trustees, and key employees . . . . .	657,699		657,699	
<b>6</b>	Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B) . . . . .				
<b>7</b>	Other salaries and wages	10,994,166	8,192,457	2,370,712	430,997
<b>8</b>	Pension plan contributions (include section 401(k) and section 403(b) employer contributions) . . . . .	670,083	489,936	150,925	29,222
<b>9</b>	Other employee benefits . . . . .	970,080	737,733	194,887	37,460
<b>10</b>	Payroll taxes . . . . .	908,824	671,127	205,554	32,143
<b>a</b>	Fees for services (non-employees)				
	Management . . . . .	89,541		89,541	
<b>b</b>	Legal . . . . .	33,907		33,907	
<b>c</b>	Accounting . . . . .	80,770		80,770	
<b>d</b>	Lobbying . . . . .				
<b>e</b>	Professional fundraising services See Part IV, line 17 . . . . .				
<b>f</b>	Investment management fees . . . . .	8,797		8,797	
<b>g</b>	Other . . . . .	1,482,608	1,253,765	94,430	134,413
<b>12</b>	Advertising and promotion . . . . .	48,703	12,807	35,896	
<b>13</b>	Office expenses . . . . .	266,802	53,102	144,593	69,107
<b>14</b>	Information technology . . . . .	80,630	16,472	64,158	
<b>15</b>	Royalties . . . . .				
<b>16</b>	Occupancy . . . . .	369,510	369,510		
<b>17</b>	Travel . . . . .	104,093	97,432	6,661	
<b>18</b>	Payments of travel or entertainment expenses for any federal, state, or local public officials . . . . .				
<b>19</b>	Conferences, conventions, and meetings . . . . .	93,187	33,641	59,105	441
<b>20</b>	Interest . . . . .	543,813		543,813	
<b>21</b>	Payments to affiliates . . . . .				
<b>22</b>	Depreciation, depletion, and amortization . . . . .	1,488,312	1,148,232	340,080	
<b>23</b>	Insurance . . . . .	402,687	94,509	304,594	3,584
<b>24</b>	Other expenses Itemize expenses not covered above (List miscellaneous expenses in line 24f. If line 24f amount exceeds 10% of line 25, column (A) amount, list line 24f expenses on Schedule O.)				
<b>a</b>	FOOD PROGRAM	664,404	664,404		
<b>b</b>	OUTSIDE ACTIVITIES	532,609	532,609		
<b>c</b>	GENERAL CLASSROOM	349,930	349,930		
<b>d</b>	PROFESSIONAL DEVELOPMENT	129,069	129,069		
<b>e</b>					
<b>f</b>	All other expenses	589,136	138,579	341,079	109,478
<b>25</b>	<b>Total functional expenses.</b> Add lines 1 through 24f	24,845,245	18,271,199	5,727,201	846,845
<b>26</b>	<b>Joint costs.</b> Check here <input type="checkbox"/> if following SOP 98-2 (ASC 958-720). Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation				

**Part X Balance Sheet**

		(A) Beginning of year		(B) End of year
<b>Assets</b>	<b>1</b> Cash—non-interest-bearing . . . . .	1,821	<b>1</b>	1,250
	<b>2</b> Savings and temporary cash investments . . . . .	10,423,076	<b>2</b>	12,145,404
	<b>3</b> Pledges and grants receivable, net . . . . .	445,498	<b>3</b>	42,139
	<b>4</b> Accounts receivable, net . . . . .	61,453	<b>4</b>	104,900
	<b>5</b> Receivables from current and former officers, directors, trustees, key employees, and highest compensated employees. Complete Part II of Schedule L . . . . .		<b>5</b>	
	<b>6</b> Receivables from other disqualified persons (as defined under section 4958(f)(1)), persons described in section 4958(c)(3)(B), and contributing employers, and sponsoring organizations of section 501(c)(9) voluntary employees' beneficiary organizations (see instructions) Schedule L . . . . .		<b>6</b>	
	<b>7</b> Notes and loans receivable, net . . . . .	47,665	<b>7</b>	45,172
	<b>8</b> Inventories for sale or use . . . . .		<b>8</b>	
	<b>9</b> Prepaid expenses and deferred charges . . . . .	509,599	<b>9</b>	619,519
	<b>10a</b> Land, buildings, and equipment cost or other basis. Complete Part VI of Schedule D <b>10a</b> 61,265,127			
	<b>b</b> Less accumulated depreciation . . . . . <b>10b</b> 13,137,379	48,882,287	<b>10c</b>	48,127,748
	<b>11</b> Investments—publicly traded securities . . . . .	13,660,784	<b>11</b>	16,302,920
	<b>12</b> Investments—other securities. See Part IV, line 11 . . . . .	3,030,528	<b>12</b>	3,238,256
	<b>13</b> Investments—program-related. See Part IV, line 11 . . . . .		<b>13</b>	
	<b>14</b> Intangible assets . . . . .		<b>14</b>	
	<b>15</b> Other assets. See Part IV, line 11 . . . . .	297,718	<b>15</b>	286,377
<b>16</b> <b>Total assets.</b> Add lines 1 through 15 (must equal line 34) . . . . .	77,360,429	<b>16</b>	80,913,685	
<b>Liabilities</b>	<b>17</b> Accounts payable and accrued expenses . . . . .	1,714,864	<b>17</b>	1,737,883
	<b>18</b> Grants payable . . . . .		<b>18</b>	
	<b>19</b> Deferred revenue . . . . .	9,586,968	<b>19</b>	10,160,000
	<b>20</b> Tax-exempt bond liabilities . . . . .	12,000,000	<b>20</b>	11,900,000
	<b>21</b> Escrow or custodial account liability. Complete Part IV of Schedule D . . . . .		<b>21</b>	
	<b>22</b> Payables to current and former officers, directors, trustees, key employees, highest compensated employees, and disqualified persons. Complete Part II of Schedule L . . . . .		<b>22</b>	
	<b>23</b> Secured mortgages and notes payable to unrelated third parties . . . . .		<b>23</b>	
	<b>24</b> Unsecured notes and loans payable to unrelated third parties . . . . .		<b>24</b>	
	<b>25</b> Other liabilities. Complete Part X of Schedule D . . . . .	2,224,572	<b>25</b>	1,824,063
	<b>26</b> <b>Total liabilities.</b> Add lines 17 through 25 . . . . .	25,526,404	<b>26</b>	25,621,946
<b>Net Assets or Fund Balances</b>	<b>Organizations that follow SFAS 117, check here</b> <input checked="" type="checkbox"/> <b>and complete lines 27 through 29, and lines 33 and 34.</b>			
	<b>27</b> Unrestricted net assets . . . . .	37,119,550	<b>27</b>	38,615,928
	<b>28</b> Temporarily restricted net assets . . . . .	683,288	<b>28</b>	505,034
	<b>29</b> Permanently restricted net assets . . . . .	14,031,187	<b>29</b>	16,170,777
	<b>Organizations that do not follow SFAS 117, check here</b> <input type="checkbox"/> <b>and complete lines 30 through 34.</b>			
	<b>30</b> Capital stock or trust principal, or current funds . . . . .		<b>30</b>	
	<b>31</b> Paid-in or capital surplus, or land, building or equipment fund . . . . .		<b>31</b>	
	<b>32</b> Retained earnings, endowment, accumulated income, or other funds . . . . .		<b>32</b>	
	<b>33</b> <b>Total net assets or fund balances</b> . . . . .	51,834,025	<b>33</b>	55,291,739
<b>34</b> <b>Total liabilities and net assets/fund balances</b> . . . . .	77,360,429	<b>34</b>	80,913,685	

**Part XI Reconciliation of Net Assets**Check if Schedule O contains a response to any question in this Part XI ☒ . . . . .

<b>1</b>	Total revenue (must equal Part VIII, column (A), line 12)	. . . . .	<b>1</b>	25,537,017
<b>2</b>	Total expenses (must equal Part IX, column (A), line 25)	. . . . .	<b>2</b>	24,845,245
<b>3</b>	Revenue less expenses Subtract line 2 from line 1	. . . . .	<b>3</b>	691,772
<b>4</b>	Net assets or fund balances at beginning of year (must equal Part X, line 33, column (A))	. . . . .	<b>4</b>	51,834,025
<b>5</b>	Other changes in net assets or fund balances (explain in Schedule O)	. . . . .	<b>5</b>	2,765,942
<b>6</b>	Net assets or fund balances at end of year Combine lines 3, 4, and 5 (must equal Part X, line 33, column (B))	. . . . .	<b>6</b>	55,291,739

**Part XII Financial Statements and Reporting**Check if Schedule O contains a response to any question in this Part XII ☐ . . . . .

	Yes	No
<b>1</b> Accounting method used to prepare the Form 990 <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Accrual <input type="checkbox"/> Other _____ If the organization changed its method of accounting from a prior year or checked "Other," explain in Schedule O		
<b>2a</b> Were the organization's financial statements compiled or reviewed by an independent accountant? . . . . .	<b>2a</b>	No
<b>b</b> Were the organization's financial statements audited by an independent accountant? . . . . .	<b>2b</b>	Yes
<b>c</b> If "Yes," to 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant? If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O . . . . .	<b>2c</b>	Yes
<b>d</b> If "Yes" to line 2a or 2b, check a box below to indicate whether the financial statements for the year were issued on a separate basis, consolidated basis, or both <input checked="" type="checkbox"/> Separate basis <input type="checkbox"/> Consolidated basis <input type="checkbox"/> Both consolidated and separated basis		
<b>3a</b> As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133? . . . . .	<b>3a</b>	No
<b>b</b> If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits . . . . .	<b>3b</b>	

Form **990** (2010)



**SCHEDULE A**  
(Form 990 or 990EZ)

Department of the Treasury  
Internal Revenue Service

**Public Charity Status and Public Support**

Complete if the organization is a section 501(c)(3) organization or a section 4947(a)(1) nonexempt charitable trust.

▶ Attach to Form 990 or Form 990-EZ. ▶ See separate instructions.

OMB No 1545-0047

**2010**

**Open to Public Inspection**

Name of the organization  
THE HEAD ROYCE SCHOOL

Employer identification number

94-1518656

**Part I Reason for Public Charity Status** (All organizations must complete this part.) See instructions

The organization is not a private foundation because it is (For lines 1 through 11, check only one box.)

- 1 ☐ A church, convention of churches, or association of churches described in **section 170(b)(1)(A)(i)**.
- 2 ☒ A school described in **section 170(b)(1)(A)(ii)**. (Attach Schedule E.)
- 3 ☐ A hospital or a cooperative hospital service organization described in **section 170(b)(1)(A)(iii)**.
- 4 ☐ A medical research organization operated in conjunction with a hospital described in **section 170(b)(1)(A)(iii)**. Enter the hospital's name, city, and state
- 5 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit described in **section 170(b)(1)(A)(iv)**. (Complete Part II.)
- 6 ☐ A federal, state, or local government or governmental unit described in **section 170(b)(1)(A)(v)**.
- 7 ☐ An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in **section 170(b)(1)(A)(vi)**. (Complete Part II.)
- 8 ☐ A community trust described in **section 170(b)(1)(A)(vi)**. (Complete Part II.)
- 9 ☐ An organization that normally receives (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions—subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See **section 509(a)(2)**. (Complete Part III.)
- 10 ☐ An organization organized and operated exclusively to test for public safety. See **section 509(a)(4)**.
- 11 ☐ An organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more publicly supported organizations described in **section 509(a)(1)** or **section 509(a)(2)**. See **section 509(a)(3)**. Check the box that describes the type of supporting organization and complete lines 11e through 11h.
  - a ☐ Type I
  - b ☐ Type II
  - c ☐ Type III - Functionally integrated
  - d ☐ Type III - Other
- e ☐ By checking this box, I certify that the organization is not controlled directly or indirectly by one or more disqualified persons other than foundation managers and other than one or more publicly supported organizations described in **section 509(a)(1)** or **section 509(a)(2)**.
- f ☐ If the organization received a written determination from the IRS that it is a Type I, Type II or Type III supporting organization, check this box.
- g ☐ Since August 17, 2006, has the organization accepted any gift or contribution from any of the following persons?
  - (i) a person who directly or indirectly controls, either alone or together with persons described in (ii) and (iii) below, the governing body of the the supported organization?
  - (ii) a family member of a person described in (i) above?
  - (iii) a 35% controlled entity of a person described in (i) or (ii) above?
- h ☐ Provide the following information about the supported organization(s)

	Yes	No
<b>11g(i)</b>		
<b>11g(ii)</b>		
<b>11g(iii)</b>		

(i) Name of supported organization	(ii) EIN	(iii) Type of organization (described on lines 1- 9 above or IRC section (see instructions))	(iv) Is the organization in col (i) listed in your governing document?		(v) Did you notify the organization in col (i) of your support?		(vi) Is the organization in col (i) organized in the U S ?		(vii) Amount of support
			Yes	No	Yes	No	Yes	No	
<b>Total</b>									

**Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)**

(Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization failed to qualify under Part III. If the organization fails to qualify under the tests listed below, please complete Part III.)

**Section A. Public Support**

Calendar year (or fiscal year beginning in) ▶	(a) 2006	(b) 2007	(c) 2008	(d) 2009	(e) 2010	(f) Total
<b>1</b> Gifts, grants, contributions, and membership fees received (Do not include any "unusual grants.")						
<b>2</b> Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
<b>3</b> The value of services or facilities furnished by a governmental unit to the organization without charge						
<b>4 Total.</b> Add lines 1 through 3						
<b>5</b> The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f)						
<b>6 Public Support.</b> Subtract line 5 from line 4						

**Section B. Total Support**

Calendar year (or fiscal year beginning in) ▶	(a) 2006	(b) 2007	(c) 2008	(d) 2009	(e) 2010	(f) Total
<b>7</b> Amounts from line 4						
<b>8</b> Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources						
<b>9</b> Net income from unrelated business activities, whether or not the business is regularly carried on						
<b>10</b> Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.)						
<b>11 Total support</b> (Add lines 7 through 10)						
<b>12</b> Gross receipts from related activities, etc. (See instructions.)					<b>12</b>	
<b>13 First Five Years</b> If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a 501(c)(3) organization, check this box and <b>stop here</b> ▶ <input type="checkbox"/>						

**Section C. Computation of Public Support Percentage**

<b>14</b> Public Support Percentage for 2010 (line 6 column (f) divided by line 11 column (f))	<b>14</b>	
<b>15</b> Public Support Percentage for 2009 Schedule A, Part II, line 14	<b>15</b>	
<b>16a 33 1/3% support test—2010.</b> If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and <b>stop here.</b> The organization qualifies as a publicly supported organization. ▶ <input type="checkbox"/>		
<b>b 33 1/3% support test—2009.</b> If the organization did not check the box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and <b>stop here.</b> The organization qualifies as a publicly supported organization. ▶ <input type="checkbox"/>		
<b>17a 10%-facts-and-circumstances test—2010.</b> If the organization did not check a box on line 13, 16a, or 16b and line 14 is 10% or more, and if the organization meets the "facts and circumstances" test, check this box and <b>stop here.</b> Explain in Part IV how the organization meets the "facts and circumstances" test. The organization qualifies as a publicly supported organization. ▶ <input type="checkbox"/>		
<b>b 10%-facts-and-circumstances test—2009.</b> If the organization did not check a box on line 13, 16a, 16b, or 17a and line 15 is 10% or more, and if the organization meets the "facts and circumstances" test, check this box and <b>stop here.</b> Explain in Part IV how the organization meets the "facts and circumstances" test. The organization qualifies as a publicly supported organization. ▶ <input type="checkbox"/>		
<b>18 Private Foundation</b> If the organization did not check a box on line 13, 16a, 16b, 17a or 17b, check this box and see instructions. ▶ <input type="checkbox"/>		

**Part III Support Schedule for Organizations Described in Section 509(a)(2)**

(Complete only if you checked the box on line 9 of Part I or if the organization failed to qualify under Part II. If the organization fails to qualify under the tests listed below, please complete Part II.)

**Section A. Public Support**

Calendar year (or fiscal year beginning in) ▶	(a) 2006	(b) 2007	(c) 2008	(d) 2009	(e) 2010	(f) Total
<b>1</b> Gifts, grants, contributions, and membership fees received (Do not include any "unusual grants.")						
<b>2</b> Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose						
<b>3</b> Gross receipts from activities that are not an unrelated trade or business under section 513						
<b>4</b> Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
<b>5</b> The value of services or facilities furnished by a governmental unit to the organization without charge						
<b>6 Total.</b> Add lines 1 through 5						
<b>7a</b> Amounts included on lines 1, 2, and 3 received from disqualified persons						
<b>b</b> Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of \$5,000 or 1% of the amount on line 13 for the year						
<b>c</b> Add lines 7a and 7b						
<b>8 Public Support</b> (Subtract line 7c from line 6.)						

**Section B. Total Support**

Calendar year (or fiscal year beginning in) ▶	(a) 2006	(b) 2007	(c) 2008	(d) 2009	(e) 2010	(f) Total
<b>9</b> Amounts from line 6						
<b>10a</b> Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources						
<b>b</b> Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975						
<b>c</b> Add lines 10a and 10b						
<b>11</b> Net income from unrelated business activities not included in line 10b, whether or not the business is regularly carried on						
<b>12</b> Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.)						
<b>13 Total support</b> (Add lines 9, 10c, 11 and 12.)						
<b>14 First Five Years</b> If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and <b>stop here</b> <input type="checkbox"/>						

**Section C. Computation of Public Support Percentage**

<b>15</b> Public Support Percentage for 2010 (line 8 column (f) divided by line 13 column (f))	<b>15</b>	
<b>16</b> Public support percentage from 2009 Schedule A, Part III, line 15	<b>16</b>	

**Section D. Computation of Investment Income Percentage**

<b>17</b> Investment income percentage for <b>2010</b> (line 10c column (f) divided by line 13 column (f))	<b>17</b>	
<b>18</b> Investment income percentage from <b>2009</b> Schedule A, Part III, line 17	<b>18</b>	

- 19a 33 1/3% support tests—2010.** If the organization did not check the box on line 14, and line 15 is more than 33 1/3% and line 17 is not more than 33 1/3%, check this box and **stop here**. The organization qualifies as a publicly supported organization ☐
- b 33 1/3% support tests—2009.** If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33 1/3% and line 18 is not more than 33 1/3%, check this box and **stop here**. The organization qualifies as a publicly supported organization ☐
- 20 Private Foundation** If the organization did not check a box on line 14, 19a or 19b, check this box and see instructions ☐

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**Part IV** **Supplemental Information.** Supplemental Information. Complete this part to provide the explanations required by Part II, line 10; Part II, line 17a or 17b; and Part III, line 12. Also complete this part for any additional information. (See instructions).

<b>Facts And Circumstances Test</b>
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Schedule A (Form 990 or 990-EZ) 2010



# Additional Data

Software ID:  
Software Version:  
EIN: 94-1518656  
Name: THE HEAD ROYCE SCHOOL

## Form 990, Part VII - Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors

(A) Name and Title	(B) Average hours per week	(C) Position (check all that apply)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional Trustee	Officer	Key employee	Highest compensated employee	Former			
CHARLES FREIBERG CHAIR	1 00	X						0	0	0
LORI FOGARTY CO VICE-CHAIR	1 00	X						0	0	0
PETER SMITH CO VICE-CHAIR	1 00	X						0	0	0
DANIEL CHAO TREASURER	1 00	X						0	0	0
MARTHA SELLERS SECRETARY	1 00	X						0	0	0
DENISE BASS ALLEN TRUSTEE	1 00	X						0	0	0
LAURA BAXTER-SIMONS TRUSTEE	1 00	X						0	0	0
SARA BUCKELEW TRUSTEE	1 00	X						0	0	0
EVA CAMP TRUSTEE	1 00	X						0	0	0
JIM CAVALIERI TRUSTEE	1 00	X						0	0	0
BETSY CRABTREE TRUSTEE	1 00	X						0	0	0
LEO DORADO TRUSTEE	1 00	X						0	0	0
PETER DRAKE TRUSTEE	1 00	X						0	0	0
LISA HARDY TRUSTEE	1 00	X						0	0	0
LUCINDA LEE KATZ TRUSTEE	1 00	X						0	0	0
NEETESH KUMAR TRUSTEE	1 00	X						0	0	0
KYM LUGMAN TRUSTEE	1 00	X						0	0	0
LILLY MAR-CHEE TRUSTEE	1 00	X						0	0	0
EDIE ZUSMAN PRATT TRUSTEE	1 00	X						0	0	0
TIM RIPSTEE TRUSTEE	1 00	X						0	0	0
JON STREETER TRUSTEE	1 00	X						0	0	0
TERRY TAO TRUSTEE	1 00	X						0	0	0
SARA BUCKELEW TRUSTEE	1 00	X						0	0	0
FRANK WILLIAMS TRUSTEE	1 00	X						0	0	0
FRANK YEARY TRUSTEE	1 00	X						0	0	0

**Form 990, Part VII - Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors**

(A) Name and Title	(B) Average hours per week	(C) Position (check all that apply)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional Trustee	Officer	Key employee	Highest compensated employee	Former			
ROBERT LAKE HEAD OF SCHOOL	40 00			X				104,867	0	17,432
DENNIS MALONE CFO	40 00			X				208,365	0	33,301
CARL THIERMANN UPPERSCHOOL HEAD	40 00				X			153,522	0	27,505
CRYSTAL LAND ASSISTANT HEAD	40 00					X		147,392	0	26,249
SUSAN ABBEY LOWER SCHOOL HEAD	40 00					X		133,192	0	25,895
TERRY ALEXANDER DEVELOPMENT DIRECTOR	40 00					X		135,438	0	27,510
RAYMOND LOUIE TECHNOLOGY DIRECTOR	40 00					X		136,000	0	27,545
PAUL CHAPMAN FORMER HEAD OF SCHOOL	40 00						X	271,059	0	27,485

**SCHEDULE D**  
(Form 990)

Department of the Treasury  
Internal Revenue Service

**Supplemental Financial Statements**

► **Complete if the organization answered "Yes," to Form 990, Part IV, line 6, 7, 8, 9, 10, 11, or 12.**  
► **Attach to Form 990. ► See separate instructions.**

OMB No 1545-0047

**2010**

**Open to Public Inspection**

**Name of the organization**  
THE HEAD ROYCE SCHOOL

**Employer identification number**  
94-1518656

**Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts.** Complete if the organization answered "Yes" to Form 990, Part IV, line 6.

	(a) Donor advised funds	(b) Funds and other accounts
1 Total number at end of year		
2 Aggregate contributions to (during year)		
3 Aggregate grants from (during year)		
4 Aggregate value at end of year		

5 Did the organization inform all donors and donor advisors in writing that the assets held in donor advised funds are the organization's property, subject to the organization's exclusive legal control? ☐ Yes ☐ No

6 Did the organization inform all grantees, donors, and donor advisors in writing that grant funds may be used only for charitable purposes and not for the benefit of the donor or donor advisor, or for any other purpose conferring impermissible private benefit? ☐ Yes ☐ No

**Part II Conservation Easements.** Complete if the organization answered "Yes" to Form 990, Part IV, line 7.

1 Purpose(s) of conservation easements held by the organization (check all that apply)

☐ Preservation of land for public use (e.g., recreation or pleasure) ☐ Preservation of an historically important land area

☐ Protection of natural habitat ☐ Preservation of a certified historic structure

☐ Preservation of open space

2 Complete lines 2a-2d if the organization held a qualified conservation contribution in the form of a conservation easement on the last day of the tax year

	Held at the End of the Year
a Total number of conservation easements	2a
b Total acreage restricted by conservation easements	2b
c Number of conservation easements on a certified historic structure included in (a)	2c
d Number of conservation easements included in (c) acquired after 8/17/06	2d

3 Number of conservation easements modified, transferred, released, extinguished, or terminated by the organization during the taxable year ► \_\_\_\_\_

4 Number of states where property subject to conservation easement is located ► \_\_\_\_\_

5 Does the organization have a written policy regarding the periodic monitoring, inspection, handling of violations, and enforcement of the conservation easements it holds? ☐ Yes ☐ No

6 Staff and volunteer hours devoted to monitoring, inspecting and enforcing conservation easements during the year ► \_\_\_\_\_

7 Amount of expenses incurred in monitoring, inspecting, and enforcing conservation easements during the year ► \$ \_\_\_\_\_

8 Does each conservation easement reported on line 2(d) above satisfy the requirements of section 170(h)(4)(B)(i) and 170(h)(4)(B)(ii)? ☐ Yes ☐ No

9 In Part XIV, describe how the organization reports conservation easements in its revenue and expense statement, and balance sheet, and include, if applicable, the text of the footnote to the organization's financial statements that describes the organization's accounting for conservation easements

**Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.** Complete if the organization answered "Yes" to Form 990, Part IV, line 8.

1a If the organization elected, as permitted under SFAS 116, not to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education or research in furtherance of public service, provide, in Part XIV, the text of the footnote to its financial statements that describes these items

b If the organization elected, as permitted under SFAS 116, to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide the following amounts relating to these items

(i) Revenues included in Form 990, Part VIII, line 1 ► \$ \_\_\_\_\_

(ii) Assets included in Form 990, Part X ► \$ \_\_\_\_\_

2 If the organization received or held works of art, historical treasures, or other similar assets for financial gain, provide the following amounts required to be reported under SFAS 116 relating to these items

a Revenues included in Form 990, Part VIII, line 1 ► \$ \_\_\_\_\_

b Assets included in Form 990, Part X ► \$ \_\_\_\_\_

**Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets** (continued)

- 3** Using the organization's accession and other records, check any of the following that are a significant use of its collection items (check all that apply)
- a** ☐ Public exhibition **d** ☐ Loan or exchange programs
- b** ☐ Scholarly research **e** ☐ Other
- c** ☐ Preservation for future generations
- 4** Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIV
- 5** During the year, did the organization solicit or receive donations of art, historical treasures or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? ☐ Yes ☐ No

**Part IV Escrow and Custodial Arrangements.** Complete if the organization answered "Yes" to Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

- 1a** Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? ☐ Yes ☐ No
- b** If "Yes," explain the arrangement in Part XIV and complete the following table

	Amount
<b>1c</b> Beginning balance	
<b>1d</b> Additions during the year	
<b>1e</b> Distributions during the year	
<b>1f</b> Ending balance	

- 2a** Did the organization include an amount on Form 990, Part X, line 21? ☐ Yes ☐ No
- b** If "Yes," explain the arrangement in Part XIV

**Part V Endowment Funds.** Complete if the organization answered "Yes" to Form 990, Part IV, line 10.

	(a) Current Year	(b) Prior Year	(c) Two Years Back	(d) Three Years Back	(e) Four Years Back
<b>1a</b> Beginning of year balance . . . . .	14,118,365	12,636,490	15,254,051		
<b>b</b> Contributions . . . . .	261,353	1,058,753	440,826		
<b>c</b> Investment earnings or losses . . . . .	2,446,848	1,442,820	-2,437,858		
<b>d</b> Grants or scholarships . . . . .					
<b>e</b> Other expenditures for facilities and programs . . . . .	576,180	1,019,698	620,529		
<b>f</b> Administrative expenses . . . . .					
<b>g</b> End of year balance . . . . .	16,250,386	14,118,365	12,636,490		

- 2** Provide the estimated percentage of the year end balance held as

- a** Board designated or quasi-endowment ☐ 0 500 %
- b** Permanent endowment ☐ 99 500 %
- c** Term endowment ☐

- 3a** Are there endowment funds not in the possession of the organization that are held and administered for the organization by

	Yes	No
<b>(i)</b> unrelated organizations . . . . .	<b>3a(i)</b>	No
<b>(ii)</b> related organizations . . . . .	<b>3a(ii)</b>	No
<b>b</b> If "Yes" to 3a(ii), are the related organizations listed as required on Schedule R? . . . . .	<b>3b</b>	

- 4** Describe in Part XIV the intended uses of the organization's endowment funds

**Part VI Investments—Land, Buildings, and Equipment.** See Form 990, Part X, line 10.

Description of investment	(a) Cost or other basis (investment)	(b) Cost or other basis (other)	(c) Accumulated depreciation	(d) Book value
<b>1a</b> Land . . . . .		3,663,689		3,663,689
<b>b</b> Buildings . . . . .		53,650,921	10,631,406	43,019,515
<b>c</b> Leasehold improvements . . . . .				
<b>d</b> Equipment . . . . .		3,482,119	2,076,625	1,405,494
<b>e</b> Other . . . . .		468,398	429,348	39,050
<b>Total.</b> Add lines 1a-1e (Column (d) should equal Form 990, Part X, column (B), line 10(c).) . . . . .				48,127,748



**Part VII Investments—Other Securities.** See Form 990, Part X, line 12.

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation Cost or end-of-year market value
(1) Financial derivatives		
(2) Closely-held equity interests		
Other		
Total. (Column (b) should equal Form 990, Part X, col (B) line 12.) ▶		

**Part VIII Investments—Program Related.** See Form 990, Part X, line 13.

(a) Description of investment type	(b) Book value	(c) Method of valuation Cost or end-of-year market value
Total. (Column (b) should equal Form 990, Part X, col (B) line 13.) ▶		

**Part IX Other Assets.** See Form 990, Part X, line 15.

(a) Description	(b) Book value
Total. (Column (b) should equal Form 990, Part X, col (B) line 15.) . . . . . ▶	

**Part X Other Liabilities.** See Form 990, Part X, line 25.

(a) Description of Liability	(b) Amount
1 Federal Income Taxes	
INTEREST RATE SWAP AGREEMENT	1,824,063
Total. (Column (b) should equal Form 990, Part X, col (B) line 25.) ▶	
	1,824,063

2. Fin 48 (ASC 740) Footnote. In Part XIV, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48 (ASC 740)

**Part XI Reconciliation of Change in Net Assets from Form 990 to Financial Statements**

1	Total revenue (Form 990, Part VIII, column (A), line 12)	1	25,537,017
2	Total expenses (Form 990, Part IX, column (A), line 25)	2	24,845,245
3	Excess or (deficit) for the year Subtract line 2 from line 1	3	691,772
4	Net unrealized gains (losses) on investments	4	2,765,942
5	Donated services and use of facilities	5	
6	Investment expenses	6	
7	Prior period adjustments	7	
8	Other (Describe in Part XIV)	8	
9	Total adjustments (net) Add lines 4 - 8	9	2,765,942
10	Excess or (deficit) for the year per financial statements Combine lines 3 and 9	10	3,457,714

**Part XII Reconciliation of Revenue per Audited Financial Statements With Revenue per Return**

1	Total revenue, gains, and other support per audited financial statements . . . . .	1	24,321,060
2	Amounts included on line 1 but not on Form 990, Part VIII, line 12		
a	Net unrealized gains on investments . . . . .	2a	2,765,942
b	Donated services and use of facilities . . . . .	2b	
c	Recoveries of prior year grants . . . . .	2c	
d	Other (Describe in Part XIV) . . . . .	2d	
e	Add lines 2a through 2d . . . . .	2e	2,765,942
3	Subtract line 2e from line 1 . . . . .	3	21,555,118
4	Amounts included on Form 990, Part VIII, line 12, but not on line 1		
a	Investment expenses not included on Form 990, Part VIII, line 7b . . . . .	4a	31,609
b	Other (Describe in Part XIV) . . . . .	4b	3,950,290
c	Add lines 4a and 4b . . . . .	4c	3,981,899
5	Total Revenue Add lines 3 and 4c. (This should equal Form 990, Part I, line 12) . . . . .	5	25,537,017

**Part XIII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return**

1	Total expenses and losses per audited financial statements . . . . .	1	20,863,346
2	Amounts included on line 1 but not on Form 990, Part IX, line 25		
a	Donated services and use of facilities . . . . .	2a	
b	Prior year adjustments . . . . .	2b	
c	Other losses . . . . .	2c	
d	Other (Describe in Part XIV) . . . . .	2d	
e	Add lines 2a through 2d . . . . .	2e	0
3	Subtract line 2e from line 1 . . . . .	3	20,863,346
4	Amounts included on Form 990, Part IX, line 25, but not on line 1:		
a	Investment expenses not included on Form 990, Part VIII, line 7b . . . . .	4a	31,609
b	Other (Describe in Part XIV) . . . . .	4b	3,950,290
c	Add lines 4a and 4b . . . . .	4c	3,981,899
5	Total expenses Add lines 3 and 4c. (This should equal Form 990, Part I, line 18) . . . . .	5	24,845,245

**Part XIV Supplemental Information**

Complete this part to provide the descriptions required for Part II, lines 3, 5, and 9, Part III, lines 1a and 4, Part IV, lines 1b and 2b, Part V, line 4, Part X, Part XI, line 8, Part XII, lines 2d and 4b, and Part XIII, lines 2d and 4b. Also complete this part to provide any additional information.

Identifier	Return Reference	Explanation
DESCRIPTION OF INTENDED USE OF ENDOWMENT FUNDS	PART V, LINE 4	THE INTENDED USE OF THE ENDOWMENT FUNDS ARE FOR SCHOLARSHIPS, FELLOWSHIP, COMPENSATION, HEADS UP, AND OTHER VARIOUS PROGRAMS
DESCRIPTION OF UNCERTAIN TAX POSITIONS UNDER FIN 48	PART X	THE SCHOOL HAS ADOPTED THE ACCOUNTING STANDARD ON ACCOUNTING FOR UNCERTAINTY IN INCOME TAXES, WHICH PRESCRIBES A RECOGNITION THRESHOLD AND MEASUREMENT ATTRIBUTE FOR THE FINANCIAL STATEMENT RECOGNITION AND MEASUREMENT OF A TAX POSITION TAKEN, OR EXPECTED TO BE TAKEN, IN A TAX RETURN AND REQUIRES THE AFFIRMATIVE EVALUATION THAT IS MORE-LIKELY-THAN-NOT, BASED ON THE TECHNICAL MERITS OF A TAX POSITION, THAT AN ENTERPRISE IS ENTITLED TO ECONOMIC BENEFITS RESULTING FROM TAX POSITIONS TAKEN IN INCOME TAX RETURNS FOR TAX EXEMPT ENTITIES, FAVORABLE TAX STATUS ITSELF IS DEEMED TO BE AN UNCERTAINTY, AS EVENTS COULD POTENTIALLY OCCUR TO JEOPARDIZE THEIR TAX-EXEMPT STATUS IF A TAX POSITION DOES NOT MEET THE MORE-LIKELY-THAN-NOT RECOGNITION THRESHOLD, THE BENEFIT OF THAT POSITION IS NOT RECOGNIZED IN THE FINANCIAL STATEMENTS THIS STANDARD ALSO REQUIRES ORGANIZATIONS TO DISCLOSE ADDITIONAL QUANTITATIVE AND QUALITATIVE INFORMATION IN THEIR FINANCIAL STATEMENTS ABOUT UNCERTAIN TAX POSITIONS THE SCHOOL'S EVALUATION ON JUNE 30, 2011 REVEALED NO TAX POSITIONS THAT WOULD HAVE A MATERIAL IMPACT ON THE FINANCIAL STATEMENTS THE 2007 THROUGH 2010 TAX YEARS REMAIN SUBJECT TO EXAMINATION BY THE INTERNAL REVENUE SERVICE IN ADDITION, THE TAX YEARS 2006 THROUGH 2010 REMAIN SUBJECT TO EXAMINATION BY THE CALIFORNIA FRANCHISE TAX BOARD THE SCHOOL DOES NOT BELIEVE THAT ANY REASONABLY POSSIBLE CHANGES WILL OCCUR WITHIN THE NEXT TWELVE MONTHS THAT WILL HAVE A MATERIAL IMPACT ON THE FINANCIAL STATEMENTS
PART XII, LINE 4B - OTHER ADJUSTMENTS		FOOD PROGRAM EXPENSES 664,405 SCHOLARSHIPS, FINANCIAL AID AND TUITION REMISSION 3,285,885
PART XIII, LINE 4B - OTHER ADJUSTMENTS		SCHOLARSHIPS, FINANCIAL AID AND TUITION REMISSION 3,285,885 FOOD PROGRAM EXPENSES 664,405

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**SCHEDULE E**  
(Form 990 or 990-EZ)

Department of the Treasury  
Internal Revenue Service

# Schools

► Complete if the organization answered "Yes" to Form 990, Part IV, line 13,  
or Form 990-EZ, Part VI, line 48.  
► Attach to Form 990 or Form 990-EZ.

OMB No 1545-0047

**2010**

Open to Public  
Inspection

Name of the organization  
THE HEAD ROYCE SCHOOL

Employer identification number

94-1518656

**Part I**

	YES	NO
<b>1</b> Does the organization have a racially nondiscriminatory policy toward students by statement in its charter, bylaws, other governing instrument, or in a resolution of its governing body?	Yes	
<b>2</b> Does the organization include a statement of its racially nondiscriminatory policy toward students in all its brochures, catalogues, and other written communications with the public dealing with student admissions, programs, and scholarships?	Yes	
<b>3</b> Has the organization publicized its racially nondiscriminatory policy through newspaper or broadcast media during the period of solicitation for students, or during the registration period if it has no solicitation program, in a way that makes the policy known to all parts of the general community it serves? If "Yes," please describe. If "No," please explain. If you need more space use Part II.	Yes	
<b>4</b> Does the organization maintain the following?		
<b>a</b> Records indicating the racial composition of the student body, faculty, and administrative staff?	Yes	
<b>b</b> Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory basis?	Yes	
<b>c</b> Copies of all catalogues, brochures, announcements, and other written communications to the public dealing with student admissions, programs, and scholarships?	Yes	
<b>d</b> Copies of all material used by the organization or on its behalf to solicit contributions? If you answered "No" to any of the above, please explain. If you need more space, use Part II.	Yes	
<b>5</b> Does the organization discriminate by race in any way with respect to:		
<b>a</b> Students' rights or privileges?		No
<b>b</b> Admissions policies?		No
<b>c</b> Employment of faculty or administrative staff?		No
<b>d</b> Scholarships or other financial assistance?		No
<b>e</b> Educational policies?		No
<b>f</b> Use of facilities?		No
<b>g</b> Athletic programs?		No
<b>h</b> Other extracurricular activities? If you answered "Yes" to any of the above, please explain. If you need more space, use Part II.		No
<b>6a</b> Does the organization receive any financial aid or assistance from a governmental agency?		No
<b>b</b> Has the organization's right to such aid ever been revoked or suspended? If you answered "Yes" to either line 6a or line 6b, explain on Part II.		No
<b>7</b> Does the organization certify that it has complied with the applicable requirements of sections 4 01 through 4 05 of Rev. Proc. 75-50, 1975-2 C.B. 587, covering racial nondiscrimination? If "No," explain on Part II.	Yes	

**Part II** **Supplemental Information**

Complete this part to provide the explanations required by Part I, lines 3, 4d, 5h, 6b, and 7, as applicable. Also complete this part to provide any other additional information (see instructions).

Identifier	Return Reference	Explanation
EXPLANATION OF NONDISCRIMINATORY POLICY PUBLICATION	SCHEDULE E, PART I, LINE 3	THE SCHOOL ADVERTISED ITS NON-DISCRIMINATION POLICY IN THE LEGAL NOTICES SECTION OF THE SAN FRANCISCO CHRONICLE ON MAY 19, 2011



**SCHEDULE G**  
**(Form 990 or 990-EZ)**

### Supplemental Information Regarding Fundraising or Gaming Activities

**Complete if the organization answered "Yes" to Form 990, Part IV, lines 17, 18, or 19,  
or if the organization entered more than \$15,000 on Form 990-EZ, line 6a.**

▶ **Attach to Form 990 or Form 990-EZ.** ▶ **See separate instructions.**

OMB No 1545-0047

2010

### Open to Public Inspection

Department of the Treasury  
Internal Revenue Service

Name of the organization  
THE HEAD ROYCE SCHOOL

Employer identification number

94-1518656

**Part I Fundraising Activities.** Complete if the organization answered "Yes" to Form 990, Part IV, line 17.

- 1** Indicate whether the organization raised funds through any of the following activities. Check all that apply.

- a ☐ Mail solicitations
- b ☐ Internet and e-mail solicitations
- c ☐ Phone solicitations
- d ☐ In-person solicitations
- e ☐ Solicitation of non-government grants
- f ☐ Solicitation of government grants
- g ☐ Special fundraising events

- 2a** Did the organization have a written or oral agreement with any individual (including officers, directors, trustees or key employees listed in Form 990, Part VII) or entity in connection with professional fundraising services?

☐ Yes ☐ No

- b** If "Yes," list the ten highest paid individuals or entities (fundraisers) pursuant to agreements under which the fundraiser is to be compensated at least \$5,000 by the organization. Form 990-EZ filers are not required to complete this table.

(i) Name and address of individual or entity (fundraiser)	(ii) Activity	(iii) Did fundraiser have custody or control of contributions?		(iv) Gross receipts from activity	(v) Amount paid to (or retained by) fundraiser listed in col (i)	(vi) Amount paid to (or retained by) organization
		Yes	No			
Total . . . . . ►						

- 3 List all states in which the organization is registered or licensed to solicit funds or has been notified it is exempt from registration or licensing

**Part II Fundraising Events.** Complete if the organization answered "Yes" to Form 990, Part IV, line 18, or reported more than \$15,000 on Form 990-EZ, line 6a. List events with gross receipts greater than \$5,000.

		(a) Event #1	(b) Event #2	(c) Other Events	(d) Total Events
		<u>AUCTION</u> (event type)	<u>DINNER</u> (event type)	<u>1</u> (total number)	(Add col (a) through col (c))
Revenue	1 Gross receipts . . . .	247,726	60,105	78,621	386,452
	2 Less Charitable contributions . . . .	170,876	54,059	58,410	283,345
	3 Gross income (line 1 minus line 2) . . . .	76,850	6,046	20,211	103,107
Direct Expenses	4 Cash prizes . . . .				
	5 Non-cash prizes . . . .				
	6 Rent/facility costs . . . .				
	7 Food and beverages . . . .	31,941	6,046		37,987
	8 Entertainment . . . .	10,489			10,489
	9 Other direct expenses . . . .	34,420		20,211	54,631
	10 Direct expense summary Add lines 4 through 9 in column (d) . . . . . ▶				103,107
	11 Net income summary Combine lines 3 and 10 in column (d) . . . . . ▶				0

**Part III Gaming.** Complete if the organization answered "Yes" to Form 990, Part IV, line 19, or reported more than \$15,000 on Form 990-EZ, line 6a.

		(a) Bingo	(b) Pull tabs/Instant bingo/progressive bingo	(c) Other gaming	(d) Total gaming (Add col (a) through col (c))
Revenue	1 Gross revenue . . . . .				
Direct Expenses	2 Cash prizes . . . . .				
	3 Non-cash prizes . . . . .				
	4 Rent/facility costs . . . . .				
	5 Other direct expenses . . . . .				
	6 Volunteer labor . . . . .	<input type="checkbox"/> Yes    % <input type="checkbox"/> No	<input type="checkbox"/> Yes    % <input type="checkbox"/> No	<input type="checkbox"/> Yes    % <input type="checkbox"/> No	
	7 Direct expense summary Add lines 2 through 5 in column (d) . . . . . ▶				
	8 Net gaming income summary Combine lines 1 and 7 in column (d) . . . . . ▶				

9 Enter the state(s) in which the organization operates gaming activities \_\_\_\_\_


a Is the organization licensed to operate gaming activities in each of these states? . . . . . ☐ Yes ☐ No



b If "No," Explain \_\_\_\_\_




10a Were any of the organization's gaming licenses revoked, suspended or terminated during the tax year? . . . . . ☐ Yes ☐ No


b If "Yes," Explain \_\_\_\_\_

- 11** Does the organization operate gaming activities with nonmembers? . . . . . ☐ Yes ☐ No
- 12** Is the organization a grantor, beneficiary or trustee of a trust or a member of a partnership or other entity formed to administer charitable gaming? . . . . . ☐ Yes ☐ No
- 13** Indicate the percentage of gaming activity operated in
- |  |            |
|--|------------|
| <b>a</b> The organization's facility . . . . . | <b>13a</b> |
| <b>b</b> An outside facility . . . . .         | <b>13b</b> |
- 14** Provide the name and address of the person who prepares the organization's gaming/special events books and records

Name Address 

- 15a** Does the organization have a contract with a third party from whom the organization receives gaming revenue? . . . . . ☐ Yes ☐ No
- b** If "Yes," enter the amount of gaming revenue received by the organization  \$ \_\_\_\_\_ and the amount of gaming revenue retained by the third party  \$ \_\_\_\_\_
- c** If "Yes," enter name and address

Name Address **16** Gaming manager informationName Gaming manager compensation  \$ \_\_\_\_\_Description of services provided 
☐ Director/officer      ☐ Employee      ☐ Independent contractor
**17** Mandatory distributions

- a** Is the organization required under state law to make charitable distributions from the gaming proceeds to retain the state gaming license? . . . . . ☐ Yes ☐ No
- b** Enter the amount of distributions required under state law distributed to other exempt organizations or spent in the organization's own exempt activities during the tax year  \$ \_\_\_\_\_

**Part IV** Complete this part to provide additional information for responses to question on Schedule G (see instructions.)

Identifier	ReturnReference	Explanation

## Grants and Other Assistance to Organizations, Governments and Individuals in the United States

Complete if the organization answered "Yes," to Form 990, Part IV, line 21 or 22.  
 ► Attach to Form 990

Department of the Treasury  
Internal Revenue Service

Name of the organization
THE HEAD ROYCE SCHOOL

# 2010

**Open to Public Inspection**

Employer identification number

94-1518656

## Part I

- |   |   | Yes | No |
|---|---|-----|----|
| 1 | Does the organization maintain records to substantiate the amount of the grants or assistance, the grantees' eligibility for the grants or assistance, and the selection criteria used to award the grants or assistance? |     |    |
| 2 | Describe in Part IV the organization's procedures for monitoring the use of grant funds in the United States  |     |    |

**Part II** Grants and Other Assistance to Governments and Organizations in the United States. Complete if the organization answered "Yes" to

Form 990, Part IV, line 21 for any recipient that received more than \$5,000. Check this box if no one recipient received more than \$5,000. Part II can be duplicated if additional space is needed.

[illegible]

- 2 Enter total number of section 501(c)(3) and government organizations . . . . . 2
- 3 Enter total number of other organizations . . . . . 3



**Part III** **Grants and Other Assistance to Individuals in the United States.** Complete if the organization answered "Yes" to Form 990, Part IV, line 22.  
Use Schedule I-1 (Form 990) if additional space is needed.

(a) Type of grant or assistance	(b) Number of recipients	(c) Amount of cash grant	(d) Amount of non-cash assistance	(e) Method of valuation (book, FMV, appraisal, other)	(f) Description of non-cash assistance
(1) FINANCIAL ASSISTANCE	196		2,682,000		
(2) TUITION REMISSION	49		511,497		
(3) SUPPLEMENTARY AID	103		85,892		
(4) FINANCIAL AID ENHANCEMENTS	6		6,496		

**Part IV** **Supplemental Information.** Complete this part to provide the information required in Part I, line 2, and any other additional information.

Identifier	Return Reference	Explanation
OTHER INFORMATION	PART IV	FINANCIAL ASSISTANCE AND TUITION REMISSION IS USED FOR INTERNAL SCHOOL TUITION COSTS

**Schedule J**  
(Form 990)**Compensation Information**

OMB No 1545-0047

Department of the Treasury  
Internal Revenue ServiceFor certain Officers, Directors, Trustees, Key Employees, and Highest  
Compensated Employees▶ Complete if the organization answered "Yes" to Form 990,  
Part IV, question 23.

▶ Attach to Form 990. ▶ See separate instructions.

**2010****Open to Public  
Inspection**Name of the organization  
THE HEAD ROYCE SCHOOL

Employer identification number

94-1518656

**Part I Questions Regarding Compensation****1a** Check the appropriate box(es) if the organization provided any of the following to or for a person listed in Form 990, Part VII, Section A, line 1a. Complete Part III to provide any relevant information regarding these items.

- |  |   |
|--|---|
| <input type="checkbox"/> First-class or charter travel             | <input checked="" type="checkbox"/> Housing allowance or residence for personal use |
| <input type="checkbox"/> Travel for companions                     | <input type="checkbox"/> Payments for business use of personal residence            |
| <input type="checkbox"/> Tax indemnification and gross-up payments | <input type="checkbox"/> Health or social club dues or initiation fees              |
| <input checked="" type="checkbox"/> Discretionary spending account | <input type="checkbox"/> Personal services (e.g., maid, chauffeur, chef)            |

**b** If any of the boxes in line 1a are checked, did the organization follow a written policy regarding payment or reimbursement or provision of all the expenses described above? If "No," complete Part III to explain**2** Did the organization require substantiation prior to reimbursing or allowing expenses incurred by all officers, directors, trustees, and the CEO/Executive Director, regarding the items checked in line 1a?**3** Indicate which, if any, of the following the organization uses to establish the compensation of the organization's CEO/Executive Director. Check all that apply.

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Compensation committee   | <input checked="" type="checkbox"/> Written employment contract                     |
| <input type="checkbox"/> Independent compensation consultant | <input checked="" type="checkbox"/> Compensation survey or study                    |
| <input type="checkbox"/> Form 990 of other organizations     | <input checked="" type="checkbox"/> Approval by the board or compensation committee |

**4** During the year, did any person listed in Form 990, Part VII, Section A, line 1a with respect to the filing organization or a related organization:**a** Receive a severance payment or change-of-control payment from the organization or a related organization?**b** Participate in, or receive payment from, a supplemental nonqualified retirement plan?**c** Participate in, or receive payment from, an equity-based compensation arrangement?

If "Yes" to any of lines 4a-c, list the persons and provide the applicable amounts for each item in Part III

**Only 501(c)(3) and 501(c)(4) organizations only must complete lines 5-9.****5** For persons listed in form 990, Part VII, Section A, line 1a, did the organization pay or accrue any compensation contingent on the revenues of:**a** The organization?**b** Any related organization?

If "Yes," to line 5a or 5b, describe in Part III

**6** For persons listed in form 990, Part VII, Section A, line 1a, did the organization pay or accrue any compensation contingent on the net earnings of:**a** The organization?**b** Any related organization?

If "Yes," to line 6a or 6b, describe in Part III

**7** For persons listed in Form 990, Part VII, Section A, line 1a, did the organization provide any non-fixed payments not described in lines 5 and 6? If "Yes," describe in Part III**8** Were any amounts reported in Form 990, Part VII, paid or accrued pursuant to a contract that was subject to the initial contract exception described in Regs. section 53.4958-4(a)(3)? If "Yes," describe in Part III**9** If "Yes" to line 8, did the organization also follow the rebuttable presumption procedure described in Regulations section 53.4958-6(c)?

Yes No

**1b** Yes**2** Yes**4a** No**4b** No**4c** No**5a** No**5b** No**6a** No**6b** No**7** No**8** No**9**

**Part II Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees.** Use duplicate copies if additional space is needed.

For each individual whose compensation must be reported in Schedule J, report compensation from the organization on row (i) and from related organizations, described in the instructions on row (ii). Do not list any individuals that are not listed on Form 990, Part VII.

**Note.** The sum of columns (B)(i)-(iii) must equal the applicable column (D) or column (E) amounts on Form 990, Part VII, line 1a

(A) Name	(B) Breakdown of W-2 and/or 1099-MISC compensation			(C) Retirement and other deferred compensation	(D) Nontaxable benefits	(E) Total of columns (B)(i)-(D)	(F) Compensation reported in prior Form 990 or Form 990-EZ
	(i) Base compensation	(ii) Bonus & incentive compensation	(iii) Other reportable compensation				
(1) DENNIS MALONE	(i) 208,365 (ii) 0	0 0	0 0	15,627 0	17,674 0	241,666 0	0 0
(2) CARL THIERMANN	(i) 153,522 (ii) 0	0 0	0 0	11,514 0	15,991 0	181,027 0	0 0
(3) CRYSTAL LAND	(i) 147,392 (ii) 0	0 0	0 0	11,054 0	15,195 0	173,641 0	0 0
(4) SUSAN ABBEY	(i) 133,192 (ii) 0	0 0	0 0	9,989 0	15,906 0	159,087 0	0 0
(5) TERRY ALEXANDER	(i) 135,438 (ii) 0	0 0	0 0	10,157 0	17,353 0	162,948 0	0 0
(6) RAYMOND LOUIE	(i) 136,000 (ii) 0	0 0	0 0	10,200 0	17,345 0	163,545 0	0 0
(7) PAUL CHAPMAN	(i) 271,059 (ii) 0	0 0	0 0	10,165 0	17,320 0	298,544 0	0 0
(8)							
(9)							
(10)							
(11)							
(12)							
(13)							
(14)							
(15)							
(16)							

**Part III** Supplemental Information

Complete this part to provide the information, explanation, or descriptions required for Part I, lines 1a, 1b, 4c, 5a, 5b, 6a, 6b, 7, and 8. Also complete this part for any additional information.

Identifier	Return Reference	Explanation
	PART I, LINE 1A	THE SCHOOL OWNS A HOME FOR THE PURPOSE OF PROVIDING HOUSING FOR THE HEAD OF SCHOOL AND HIS FAMILY



**Schedule K  
(Form 990)**

**Supplemental Information on Tax Exempt Bonds**

▶ Complete if the organization answered "Yes" to Form 990, Part IV, line 24a. Provide descriptions, explanations, and any additional information in Schedule O (Form 990).  
▶ Attach to Form 990. ▶ See separate instructions.

Department of the Treasury  
Internal Revenue Service

Name of the organization  
THE HEAD ROYCE SCHOOL

Employer identification number

94-1518656

OMB No 1545-0047

**2010**

Open to Public  
Inspection

**Part I Bond Issues**

(a) Issuer Name	(b) Issuer EIN	(c) CUSIP #	(d) Date Issued	(e) Issue Price	(f) Description of Purpose	(g) Defeased		(h) On Behalf of Issuer		(i) Pool financing	
						Yes	No	Yes	No	Yes	No
A ABAG FINANCE AUTHORITY FOR NONPROFIT CORPORATIONS		00037CJC5	11-01-2006	12,000,000	TO FINANCE THE CONSTRUCTION AND ACQUISITION OF EDUCATIONAL FACILITIES		X		X		X

**Part II Proceeds**

	A		B	C	D
	Yes	No			
1 Amount of bonds retired					
2 Amount of bonds legally defeased					
3 Total proceeds of issue		12,000,000			
4 Gross proceeds in reserve funds					
5 Capitalized interest from proceeds					
6 Proceeds in refunding escrow					
7 Issuance costs from proceeds		340,509			
8 Credit enhancement from proceeds					
9 Working capital expenditures from proceeds					
10 Capital expenditures from proceeds		12,000,000			
11 Other spent proceeds					
12 Other unspent proceeds					
13 Year of substantial completion	2007				
14 Were the bonds issued as part of a current refunding issue?		X			
15 Were the bonds issued as part of an advance refunding issue?		X			
16 Has the final allocation of proceeds been made?	X				
17 Does the organization maintain adequate books and records to support the final allocation of proceeds?	X				

**Part III Private Business Use**

	A		B	C	D
	Yes	No			
1 Was the organization a partner in a partnership, or a member of an LLC, which owned property financed by tax-exempt bonds?		X			
2 Are there any lease arrangements that may result in private business use of bond-financed property?		X			

**Part III Private Business Use (Continued)**

	A		B		C		D	
	Yes	No	Yes	No	Yes	No	Yes	No
<b>3a</b> Are there any management or service contracts that may result in private business use?								
<b>b</b> Are there any research agreements that may result in private business use of bond-financed property?		X						
<b>c</b> Does the organization routinely engage bond counsel or other outside counsel to review any management or service contracts or research agreements relating to the financed property?		X						
<b>4</b> Enter the percentage of financed property used in a private business use by entities other than a section 501(c)(3) organization or a state or local government <b>▶</b>								
<b>5</b> Enter the percentage of financed property used in a private business use as a result of unrelated trade or business activity carried on by your organization, another section 501(c)(3) organization, or a state or local government <b>▶</b>								
<b>6</b> Total of lines 4 and 5								
<b>7</b> Has the organization adopted management practices and procedures to ensure the post-issuance compliance of its tax-exempt bond liabilities?		X						

**Part IV Arbitrage**

	A		B		C		D	
	Yes	No	Yes	No	Yes	No	Yes	No
<b>1</b> Has a Form 8038-T, Arbitrage Rebate, Yield Reduction and Penalty in Lieu of Arbitrage Rebate, been filed with respect to the bond issue?		X						
<b>2</b> Is the bond issue a variable rate issue?		X						
<b>3a</b> Has the organization or the governmental issuer entered into a hedge with respect to the bond issue?		X						
<b>b</b> Name of provider								
<b>c</b> Term of hedge								
<b>d</b> Was the hedge superintegrated?								
<b>e</b> Was a hedge terminated?								
<b>4a</b> Were gross proceeds invested in a GIC?		X						
<b>b</b> Name of provider								
<b>c</b> Term of GIC								
<b>d</b> Was the regulatory safe harbor for establishing the fair market value of the GIC satisfied?								
<b>5</b> Were any gross proceeds invested beyond an available temporary period?		X						
<b>6</b> Did the bond issue qualify for an exception to rebate?		X						

**Part V Supplemental Information**

Complete this part to provide additional information for responses to questions on Schedule K (see instructions)

Identifier	Return Reference	Explanation

SCHEDULE M  
(Form 990)

## NonCash Contributions

OMB No 1545-0047

2010

Open to Public  
InspectionDepartment of the Treasury  
Internal Revenue Service▶Complete if the organization answered "Yes" on Form  
990, Part IV, lines 29 or 30.  
▶ Attach to Form 990.Name of the organization  
THE HEAD ROYCE SCHOOL

Employer identification number

94-1518656

## Part I Types of Property

	(a) Check if applicable	(b) Number of Contributions or items contributed	(c) Noncash contribution amounts reported on Form 990, Part VIII, line 1g	(d) Method of determining oncash contribution amounts
1 Art—Works of art . . . .				
2 Art—Historical treasures . . . .				
3 Art—Fractional interests . . . .				
4 Books and publications . . . .				
5 Clothing and household goods . . . . .				
6 Cars and other vehicles . . . .				
7 Boats and planes . . . .				
8 Intellectual property . . . .				
9 Securities—Publicly traded . . . .	X	10	131,029	FAIR MARKET VALUE
10 Securities—Closely held stock . . . . .				
11 Securities—Partnership, LLC, or trust interests . . . .				
12 Securities—Miscellaneous . . . .				
13 Qualified conservation contribution—Historic structures . . . . .				
14 Qualified conservation contribution—Other . . . .				
15 Real estate—Residential . . . .				
16 Real estate—Commercial . . . .				
17 Real estate—Other . . . .				
18 Collectibles . . . . .				
19 Food inventory . . . . .				
20 Drugs and medical supplies . . . .				
21 Taxidermy . . . . .				
22 Historical artifacts . . . .				
23 Scientific specimens . . . .				
24 Archeological artifacts . . . .				
25 Other ▶ ( ) . . . .				
26 Other ▶ ( ) . . . .				
27 Other ▶ ( ) . . . .				
28 Other ▶ ( ) . . . .				
29 Number of Forms 8283 received by the organization during the tax year for contributions for which the organization completed Form 8283, Part IV, Donee Acknowledgement . . . .				29

30a During the year, did the organization receive by contribution any property reported in Part I, lines 1-28 that it must hold for at least three years from the date of the initial contribution, and which is not required to be used for exempt purposes for the entire holding period? . . . . .

b If "Yes," describe the arrangement in Part II

31 Does the organization have a gift acceptance policy that requires the review of any non-standard contributions?

32a Does the organization hire or use third parties or related organizations to solicit, process, or sell non-cash contributions? . . . . .

b If "Yes," describe in Part II

33 If the organization did not report revenues in column (c) for a type of property for which column (a) is checked, describe in Part II

	Yes	No
30a		No
31	Yes	
32a		No

**Part II**

**Supplemental Information.** Complete this part to provide the information required by Part I, lines 30b, 32b, and 33. Also complete this part for any additional information.

Identifier	Return Reference	Explanation
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Schedule M (Form 990) 2010



**SCHEDULE O**  
(Form 990 or 990-EZ)

Department of the Treasury  
Internal Revenue Service

**Supplemental Information to Form 990 or 990-EZ**

Complete to provide information for responses to specific questions on  
Form 990 or to provide any additional information.  
▶ Attach to Form 990 or 990-EZ.

**2010**

**Open to Public  
Inspection**

**Name of the organization**  
THE HEAD ROYCE SCHOOL

**Employer identification number**

94-1518656

Identifier	Return Reference	Explanation
FORM 990, PART VI, SECTION B, LINE 11		MEMBERS OF THE FINANCE COMMITTEE REVIEW THE FORM 990 ON BEHALF OF THE GOVERNING BOARD A COPY OF THE 990 IS MADE AVAILABLE TO ANY BOARD MEMBER WHO WANTS A COPY

Identifier	Return Reference	Explanation
	FORM 990, PART VI, SECTION B, LINE 12C	THE CONFLICT OF INTEREST POLICY IS DISTRIBUTED ANNUALLY TO EACH BOARD MEMBER AND TO NEW BOARD MEMBERS AS THEY COME ONTO THE BOARD

Identifier	Return Reference	Explanation
	FORM 990, PART VI, SECTION B, LINE 15	THE SCHOOL IS A MEMBER OF SEVERAL INDEPENDENT SCHOOL ORGANIZATIONS WHO GATHER AND SHARE SALARY STATISTICS. THE SCHOOL USES THIS INFORMATION FOR COMPARATIVE PURPOSES AND ALSO TAKES INTO CONSIDERATION THE LONGEVITY, EDUCATION, AND PERFORMANCE OF THE INDIVIDUAL MEMBERS OF THE EXECUTIVE BOARD AND FINANCE COMMITTEE REVIEW TOP MANAGEMENT SALARIES

Identifier	Return Reference	Explanation
	FORM 990, PART VI, SECTION C, LINE 19	THE GOVERNING DOCUMENTS, CONFLICT OF INTEREST POLICY, AND FINANCIAL STATEMENTS ARE READILY AVAILABLE IN THE HEAD OF SCHOOL'S OFFICE TO INTERESTED PARTIES

Identifier	Return Reference	Explanation
CHANGES IN NET ASSETS OR FUND BALANCES	FORM 990, PART XI, LINE 5	NET UNREALIZED GAINS ON INVESTMENTS 2,765,942