

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

**SUPPLEMENTAL NEIGHBORHOOD SUBMITTED
DOCUMENTS (SNSD)**

VOLUME 2

FEBRUARY 13, 2013

INDEX OF SUPPLEMENTAL DOCUMENTS SUBMITTED BY NEIGHBORS

<u>DATE</u>	<u>DOCUMENT</u>	<u>PAGES</u>
	OVERVIEW DOCUMENT	Volume 1
2/13/2013	Update Memorandum	
11/26/2012	<i>Letter from HRS to parents</i>	493-494
	<i>Google Map</i>	495
	<i>Article on Ivy plants</i>	496-501
2012-2013	HRS TRANSPORTATION POLICY GUIDE - 2012-2013	502-538
	DECLARATIONS	
2/5/2013	Thomas White	539
8/5/2012	<i>Declaration of Thomas White from last year</i>	540-543
2/5/2013	Andrea Rezzonico	544-545
7/12 - 2/13	<i>Complaint emails to & responses from HRS</i>	546-551
2/5/2013	Drew Lau-Regent	552-555
2/6/2013	Inma Linero	556
2/6/2013	<i>Photos of overgrown ivy</i>	557-565
2/7/2013	Rodney Thompson	566-568
	<i>Photo of waiting parent - below gatehouse</i>	569
2/7/2013	Hollis Matson	570-571
11/12/2013	<i>Traffic logs w. photos</i>	572-582
12/5/2012	<i>Email with car count around Laguna corner</i>	583
2/8/2013	Don Dunning	584-592
2/8/2013	<i>Website with Big 10 Driving Rules for HRS</i>	593
11/12 - 1/13	<i>Traffic logs with photos</i>	594-596
		Volume 2
2/9/2013	Roberta Dempster	597-598
2/9/2013	Brian Petraska	599-601
	<i>Photos re traffic</i>	602-606
2/9/2013	Randy Morris	607-614
9/12 - 1/13	<i>Log of Complaint emails to and from HRS</i>	615-624
2/9/2013	Michael Thilgen	625-628
	<i>Logs re improper use of Whittle gate</i>	629-633
	<i>30 Photos of area needing adequate fencing</i>	634-663
2/9/2013	Frank Zamacona and Bridget Bichsel	664-665
2/10/2013	Terry Tobey	666-669
	<i>Photos of landscape and fire problems</i>	670-683

INDEX OF SUPPLEMENTAL DOCUMENTS SUBMITTED BY NEIGHBORS

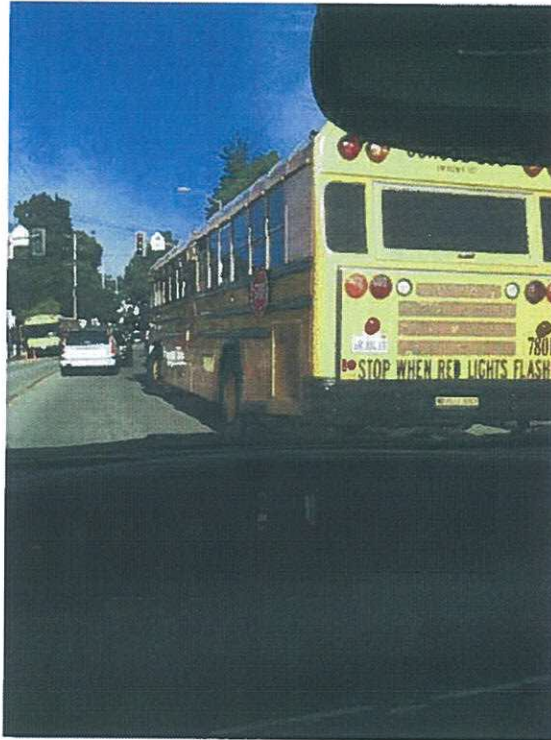
	NEIGHBORS' TRAFFIC REPORTS & LOGS	
11/15,16,29 & 12/3	Monitoring Logs with Photos	684-706
2/4/2013	Monitoring H13 traffic with photos	706-715
	EMAILS	
12/5/2012	Email from HRS transmitting database	716
2/11/2013 & 8/12	Colin & Rachel Zak	717
	<i>Photos of liquor bottles</i>	718-721
	Colleen Fong	722-724

DECLARATION OF ROBERTA DEMPSTER

I, Roberta Dempster, state:

1. I live on Linnet Avenue. I turn left off Alida Street onto Lincoln Avenue to go to work in the morning.
2. To stop school drivers from making u-turns on Lincoln Avenue, Head Royce School instituted "The Loop." Downhill drivers on Lincoln Avenue who want to change direction are *required* to turn left on Alida Avenue, right on Laguna Street, right on Potomac Street and right on Lincoln Ave to head uphill. See Transportation Policy Guide 2012-2013, pages 19-21.
3. The Loop creates a traffic nightmare between 8:00 am and 8:30 am on school days. It backs up traffic going both downhill and uphill on Lincoln Avenue and makes it extremely difficult for drivers on Alida Street to turn either left or right onto Lincoln Avenue.
4. The traffic going uphill on Lincoln Avenue backs up from the traffic light at the school crossing down to the stop sign at Tiffin Road. Drivers going uphill frequently block egress from Alida Street. Drivers going downhill on Lincoln Avenue wanting to do The Loop -- that is, turn left onto Alida Street -- must wait for a break in the uphill traffic. The downhill drivers behind them must then wait for them to complete their left turn resulting in a backup uphill through the traffic light at the school crossing and beyond. The end result is traffic backed up in both directions on Lincoln Avenue AND traffic backed up on Alida Street because the Alida Street drivers can turn neither right nor left onto Lincoln Avenue.
5. As a result of The Loop, it frequently takes me 3 to 5 minutes to safely turn left off Alida Street onto Lincoln Avenue.
6. Another traffic hazard is created by school buses parked on both sides of the street at the school crossing on Lincoln Avenue. There are four lanes of traffic -- cars and buses parked on both sides of Lincoln Avenue and cars and buses in the traffic lanes. The width of the parked buses causes vehicles in the traffic lanes to cross the yellow line to go around them. On November 13, 2012, at 3:23 pm, an AC Transit bus 339 going downhill on Lincoln Avenue crossed the yellow line into my uphill lane in order to go around an AC transit bus parked at the downhill curb. I had very little room to get out of the way because of the buses parked at the uphill curb.

7. To go uphill, I had turned right off Alida Street onto Lincoln Avenue. While making the turn, my view of the traffic light at the cross walk was obscured by the buses parked at the uphill curb. Once on Lincoln Ave, I could not pass the bus at the curb without crossing the yellow line. The below photo shows the problem.



I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on February 9, 2013 at Oakland, California.


Roberta Dempster

DECLARATION OF BRIAN PETRASKA

I, Brian Petraska, declare:

1. I previously provided a declaration on August 6, 2012 and it can be found in volume 4, pp. 369-370, of the documents submitted by the NSC to the city. The problems that I complained about are still the same, with the exception of further traffic and event problems described here and in my husband's declaration.

2. This school year, one of the changes that Head Royce made was to start using the sidewalk directly in front of my house for unloading and loading students. Without ever consulting me or my husband, HRS just took over the street frontage for loading and unloading huge buses.

3. To give the hearing officer an idea of how dangerous and disruptive it is for HRS to decide to make the area in front of my house into a bus stop, I have taken some photos and attached them to this declaration. I've used the afternoon pick-up time as a good example of the HRS procedures.

4. Photo1 was taken around 2:50 p.m. on December 17, 2012. That is when the security guards set up cones to block off the parking lanes on both sides of the street. As you can see from the photos, once the cones are in place, Lincoln Ave. greatly narrows for through traffic. Also, you can see that there is no red zone or any other indication that the city has ever agreed that the area in front of my house can be used as a bus loading zone.

5. Photos 2 and 3 show the buses arriving at the same time the parents are arriving to sit in their cars, below the school gatehouse, and wait for their children. During this time, the combination of buses and waiting parents makes using our driveway difficult, if not just plain dangerous.

6. Photo 4 shows two of the buses that line up outside our home and in front of Lincoln Child Center, next door. There is almost no visibility around these buses for cars turning right from Alida and for us backing out of our driveway. Also, you will notice that if you compare photo 1 with photo 4, the light standard in photo 1 is very visible. In photo 4, all a driver can see, especially if they are turning right from Alida, is the very top of the light, pointing towards downhill traffic. There is a crosswalk that is controlled by that light.

7. Besides the buses and cars on our side of the street, there are also buses and cars on the other side of the street above, at, and below the HRS gatehouse. Into this chaos children are walking across the street. There is a crossing guard, but that guard does not leave the crosswalk and there is really no

monitoring going on to make sure that someone is watching out for the safety of students making their way through the chaos.

8. As of the last few months in 2012 and now into 2013, HRS has been using LCC's lower parking lot, which is within 15 feet of our home's two bedrooms, for various HRS event parking. These HRS events can take place Monday through Sunday from 8am until as late as midnight. The noise of slamming car doors, idle chatter between parents/children with all the car engines starting up and leaving the parking lot are loud, disruptive and distressing. We have met several times with LCC asking to offer HRS to use the upper LCC lot instead of the lower lot for HRS functions. When HRS is using the LCC lower parking lot there is no buffer zone between HRS and the neighborhood, as required by the existing HRS/Lincoln Ave. agreement. The HRS events and everyday school activities affect our home and lives every single day. Now we are faced with HRS events impacting our lives on the east side of Lincoln Avenue due to the fact there is no 'buffer zone' between our home and HRS. This is a huge concern to us and we feel it needs to be addressed.

9. I have read my husband's declaration and agree with his description of the current situation with events at HRS.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Dated: February 9, 2013

Brian Petraska

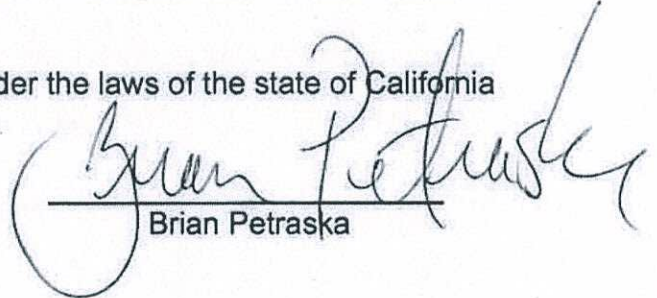
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I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Dated: February 9, 2013


Brian Petraska



602

B Photo



Photo 2



Photo 3



Photo 4



DECLARATION OF RANDY MORRIS

Response to HRS (Peter Smith letter dated 9/7/12)

I, Randy Morris, declare:

1. Despite voluminous evidence and repeated neighbor complaints over the years, HRS has consistently dismissed the city's determinations and the neighbors' complaints as unfounded, rather than just solving the problems.

2. In the HRS "Compliance Matrix" on page 34, the school reflects that the enrollment caps under the use permit were based on a three-phase system. While HRS views itself "in compliance" with phase 2, the neighbors and the city disagree. HRS decided on its own to increase enrollment to the phase 2 level, despite its failure to comply with the permit at that time. The phase 2 enrollment increase, and the resulting problems, stimulated the neighbors to file the first complaint with the city in 2009.

3. For the 2012-2013 school year, HRS has enrolled close to 880 students, well into phase 3. **The use permit does not allow HRS to enroll above phase 2 levels until 2020 at the earliest.** In their compliance matrix, HRS claims that "compliance is pending." This makes no sense as the school is simply out of compliance and refuses to acknowledge the violation. The school made the decision to increase enrollment again, despite the city's stated intention in 2009 to hold a hearing regarding, in part, the over enrollment violation as to phase 2. The school did not tell the neighbors about its intention to increase the enrollment to phase 3 levels, instead pretending that it was negotiating in good faith with the NLC to correct school created problems. Since the NSC complaint was filed, we are also hearing regular second hand information that head of school Rob Lake has been informing parents and neighbors that he intends to add another 300 students to the enrollment. He and his admissions office are also being quoted as blaming neighbors for the reasons HRS can't make enrollment commitments this next school year. HRS' decision to violate the use permit even further this school year while attempting to develop trust with the neighborhood did not work. Instead, it confirmed neighbors' worst fears, that HRS essentially does whatever it wishes, without any regard for the neighborhood in which it is located, nor does it seem to respect city directives.

4. Throughout its letter, HRS lists alleged improvements made by Rob Lake during the past two plus years. A review of the 2009 Complaint and related

correspondence from 2008-2010, compared with the current issues in the 2012 NSC Complaint, demonstrate that the problems observed by neighbors and the city have not materially changed.

5. While some improvements were made by the school, as I acknowledged in my first declaration, these improvements have not resolved the issues and in some cases, have created new problems elsewhere in the neighborhood. HRS describes on page 18 in great detail how HRS is in compliance with its responsibilities to manage the queue. This year, the school implemented a staging area to address the queue length on Lincoln Ave. during pick-up. While the staging area shortened some of the waiting time for cars driving through Lincoln Ave., many parents now choose to bypass the staging area by arranging pick-up locations throughout the narrow residential streets, where pick-up is not allowed. Texting allows the parents and students to agree on various meeting places in the residential neighborhood. As a result, HRS has now commandeered approximately three to five blocks around the school for its pick-ups. These impromptu pick-ups involve safety risks such as illegal u-turns, parents on cell phones or texting while driving, children texting while walking down the street, etc. Neither the staging area nor other traffic management by the school has resolved the long queues in the morning and afternoon. Further, the school stated it was in full compliance with the use permit in 2009, prior to these new efforts to manage the queue.

6. NSC requests that if the hearing officer finds that there have been any improvements in the management of the HRS traffic and its property, and that are relevant to our complaint, these improvements be included as conditions in the use permit. Further, and based on a well-established pattern with HRS violating new use permit agreements over and over with no consequence, new use permit language must include financial sanctions against the school for future violations or the school will not treat the requirements seriously. On too many occasions, HRS has made minor improvements in the traffic situation while the city was watching or when they wanted something from the neighbors, but then HRS dropped their efforts as soon as it achieved its goal or the neighbors stopped complaining.

7. HRS' position on page 3 that the neighbors initiated an "**aggressive** complaint process" obscures the causes for the 2012 NSC complaint. HRS repeatedly refused to accept responsibility, admit its management failings, concede its use permit violations, and treat the neighbors with the same respect the school would expect in return. It is HRS' "aggressive" denial and refusal to make real changes through written

and binding agreements, that would benefit their students, the neighbors, and the public, which led to the need for a hearing.

8. The references on page 4 to nearby neighbors having a "restrictive covenant contract" on Lincoln Ave. property that HRS recently purchased are irrelevant to the NSC complaint. Even with HRS' purchase of this property, it will still take years before the property will be ready for HRS' use. The neighbors and public should not have to wait for HRS to go through environmental review, the city permitting process, and a build-out of the property before HRS starts to comply with its current use permit, which should have been occurring since 2006, when HRS received the expansion permit.

9. There also is no relevancy to HRS' allegation that the NSC complaint was motivated by neighbors wishing to stop HRS' purchase of another property on Lincoln Ave. The neighbors previously filed a very similar complaint with the city in 2009, years before HRS considered expanding into more property on Lincoln Ave. It is certainly true, however, that the neighbors are deeply suspicious that the purchase of this property will prove to benefit the neighborhood based on our experience with the school. At least over the last six years since it received the expansion permit, HRS has proven that it cannot be trusted with a use permit, will violate the permit at every opportunity if it means making more money, and that it is not a responsible member of the community.

10. On page 8, HRS states: "the School's conduct far outweighs the **occasional inconvenience** its neighbors experience from traffic....or **perceived** delays in responding to complaints." The "inconveniences" are by no means "occasional;" they are daily and cannot be resolved through normal attempts to contact the school. For example, during HRS' summer program in 2010, HRS removed all traffic monitors from my neighborhood, leading to no traffic supervision of summer school parents, who repeatedly violated the school's safety driving rules. Despite my complaint to the school's "neighborhood concern line," during the second week of the summer school program, HRS failed to monitor the complaint line and did not respond to my complaint until the very last week of the summer school program; they never replaced the monitors. As a result, my neighbors and I were forced to live with dangerous driving violations in front of our homes and in our streets for the entire summer program. The school remains on record that they were in full compliance with the use permit when taking these actions that summer.

11. Another example: contrary to HRS' claim on page 2, the school has not provided "detailed written responses" to neighbor complaints although the school committed to replying to all complaints filed on the neighborhood concern line or

emailed within 48 hours of receiving them. In reviewing a sample of emails I sent to HRS September through November, 2012 - I only received a reply to approx 25% of them (11 of 48). HRS has a poor record of responding to neighbor complaints and instead, allows school generated nuisances to continue unabated.

12. Another more recent example involves the school's database containing license plate numbers for cars related to the school. In the neighborhood agreements, HRS was required to establish procedures for enforcing "traffic, parking and drop-off rules." It was also required to work with the neighborhood liaison group to review and coordinate traffic issues. As a result, HRS decided that one of its "procedures" would be to provide the NLC with a functioning database of car license plate numbers for its student drivers, parents, and staff. That way, the NLC could also monitor traffic enforcement. After years of failing to establish a functioning database, the school finally provided us with a copy, removing identifying information, two school years ago.

13. As neighbors we impressed on HRS the critical importance of establishing the database at the very beginning of the school year, and requiring all drivers to submit their license plate information as a condition of enrollment / employment so that we could report to HRS any traffic rule violations we observed early in the school year and HRS could effectively correct those violations. For the 2012-2013 school year the database was not sent to neighbors until December 5, 2012, a few weeks before the first semester break. Providing neighbors with a tool to assist HRS in managing the daily violations made in the neighborhood by HRS cars half way through the school year is far from a "perceived delay" in responding to neighbor concerns about enforcement of traffic rules.

14. Finally, as to the "occasional inconvenience" I experience living near HRS, please refer to attachment A. I work approximately 55 hours per week, and am the father of two school age children. Unlike some of my neighbors who took time this school year to formally observe and record HRS violations, I have been unable to do so. However, based on random times when I am out walking my dog or observe HRS car violations through my kitchen window, I have reported 82 unique violations to HRS this school year. Over 60% of the time I return home from work or leave my house on the weekend, I now observe HRS event management signage all over my neighborhood which constantly brings in traffic and a regular reminder of how big they have grown and essentially my neighborhood has turned into an extension of the HRS campus.

15. On page 3 of HRS' response to the NSC complaint, HRS claims that just prior to neighbors filing it , HRS and neighbors were "close to coming to conclusion" in resolving outstanding issues of concern. We were far from "coming to conclusion." Rather, after the City threatened to hold a hearing in 2010, neighbors agreed to Rob

Lake's request for an opportunity to work with the NLC towards correcting the permit violations and other problems. After two years of collaboration, HRS refused or failed to: obtain a traffic design management plan (TDM), reduce the number of students and events, draft controls for its events and deliveries, or even agree that the permit could be modified so that it would more explicitly set forth the rules. Instead, the school secretly made plans to increase enrollment to 880 this school year without any notice to the city or neighbors as discussed in #3 above.

16. Efforts by neighbors to push Rob Lake and HRS for reduction of the enrollment and event numbers were repeatedly rebuffed. Neighbors constantly reminded HRS that even if we were able to collaboratively agree to TDM language as directed by the City, the most difficult issues needing resolution remained enrollment and event limits. HRS repeatedly advised neighbors that the school wanted to focus first on completing the TDM process, and only after completing this would it "consider opening the permit for limited modification." These experiences have solidified the neighborhood position that HRS is fundamentally unwilling and unable to make necessary changes to comply with their use permit absent orders from a hearing officer.

17. On pages 15 and 23, HRS claims that management of events on campus is "not required under the COA [conditions of approval]." This is incorrect and on page 17, HRS concedes that the COA does require that: "HRS will perform additional monitoring during special events." In 2005, I requested this language be included in the use permit and the school agreed that it would use nearby church lots for overflow parking. However, it was not until NSC filed its complaint with the city that HRS started to use these other lots in a more organized manner, six years after they made the commitment. Even now, these events still pose traffic safety problems from drivers violating the school safety rules and from an inadequate number of trained monitors. Further, despite repeated complaints about the severe impact on the neighborhood when HRS holds events, HRS has increased the number of events it holds every year. It has even included in its strategic plan from last year that HRS plans to rent out its facility to the community to create a "community center." This strategic plan was developed internally while neighbors were complaining loudly of the need for the school to decrease their events, not increase them even further.

18. On page 17, HRS confirms that as part of the use permit condition, monitors are required to carry digital cameras and take pictures to record violations. In Mr. Smith's 2009 letter to the city, HRS claimed that it was in full compliance with this responsibility, even joking that perhaps HRS could take digital photos of monitors taking digital photos to prove their compliance. I have never seen an HRS monitor take a

digital photo and have randomly asked monitors over the years if they carry cameras; they have told me that they have never carried them. Furthermore, Rob Lake and board trustee Martha Sellers have since admitted to neighbors that HRS purchased digital cameras for the monitors when the use permit went into effect in 2006, but that HRS indeed had no system to confirm that the monitors ever used them and that they all had disappeared since being purchased. Therefore, the monitors have had no way to digitally document bad driving behavior by parents, submit it to the school for correction, and hold the evidence to help prevent the same problems from recurring.

19. On page 21, HRS claims that it is in compliance with its use permit by properly managing school deliveries. Early morning (between 4:30 a.m. and 7:00 a.m.) deliveries have occurred for years, despite many neighbor complaints and no efforts by HRS to curb them. After we filed our complaint in 2012, HRS finally reduced the number of early morning deliveries. HRS alleges that "when a vendor is observed delivering at times that do not comply, the school does something to correct it." This is not true, as there are no school monitors on site during these early morning deliveries. Only neighbors observe these violations and report them to HRS, as they are very annoying. They wake the neighbors due to continuous generator noise until a school employee shows up, or the drivers make banging noises as they dump the load at the school's front gate. Again, despite recent efforts by the school to come into compliance with this violation, HRS is on record that it was in full compliance with the use permit in 2009 when these deliveries were occurring many mornings per week. Below is a photo I took on August 23, 2012 of a truck delivery at 5:00 a.m.



20. On pages 12 and 20 of HRS' response, it states that it added 30 monitors during the summer months. This is inaccurate. The school has children, some of them appearing to be as young as junior high school students, stand around the neighborhood with signs. These children are not directing traffic and for the most part,

stand around laughing and playing with one another. There are never more than about ten of them at any given time and they are considerably too young to substitute for adult, trained and paid monitors.

21. Not until this current school year, after the formal complaint was filed and the City confirmed its plan to hold a hearing, did HRS make most all the efforts listed in its rebuttal letter. As shown in our overview document and evidence submissions, to a great extent the changes have not resolved the problems, have pushed the problems elsewhere into the neighborhood, or are temporary band aids only, without modified use permit language to ensure the school is held accountable to maintain any recent improvements.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: February 9, 2013


Randy Morris

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Dated: February 9, 2013


Randy Morris

**Head Royce Violations
School Year 2012 / 13**

1. Subject: Re: 5UJZ241- U in my driveway now: student, reading smart phone while U-turning

Sent: Oct 18, 2012

From: randylorimorris@comcast.net

To: Mary Fahey <mfahey@headroyce.org>

CC:

2. Subject: 5YLJ286 - illegal U at Alida court right now

Sent: Sept 19, 2012

From: randylorimorris@comcast.net

To: Mary Fahey <mfahey@headroyce.org>

CC:

3. Subject: 4RQD896- U in court right now

Sent: Sept 20, 2012

From: randylorimorris@comcast.net

To: Mary Fahey <mfahey@headroyce.org>

CC:

4. Subject: 4RZM659- student drop off on Alida, in front of security guard?!

Sent: Oct 1, 2012

From: randylorimorris@comcast.net

To: Mary Fahey <mfahey@headroyce.org>

Mary- I'm pulling out now, and on the corner of Alida st/ Lincoln Ave...directly in front of the HRS security guard, above license plate dropped off HS age daughter. The security guard was talking to the mom and student and they smiled and waved good bye? Perhaps security was telling her what to do and they had a friendly exchange??? If you have no report of this, please follow up, which may include training regarding this violation that needs to be monitored and reported

5. Subject: 3WQN506- U in Alida st driveway

Sent: Oct 30, 2012

From: randylorimorris@comcast.net

To: Mary Fahey <mfahey@headroyce.org>

Started U on Lincoln Ave...saw me looking and stopped U and moved toward court...again started U, stopped when seeing me look; proceeded to driveway and did U and turned back toward Lincoln...was in a big rush.

6-10. On Jan 31, 2013, at 7:34 PM, Randy & Lori Morris wrote:
5 cars illegally U-turned just now in a 60 second period. While taking the dog out for a walk just now I saw 6KKB433 U-turn at Alida Court. I observed 3 more at the Court one after the other, and one on Lincoln Ave at Alida st simultaneously.

KKB is in your DB...the others were parents and students as well, but I didn't have a smart phone and couldn't take pictures or memorize all 5 to record them for you.

I appreciate any efforts to connect back to that HRS event / activity to remind parents of the driving rules to prevent this much violation of the rules at future evening events.

11. On Jan 29, 2013, at 6:47 PM, Randy & Lori Morris wrote:
Re: 6GDW530- Alida street parking for HRS event
Car is in your DB...it is parked on Alida street now next to a "no HRS event parking" sign on the orange cone.

12. On Jan 24, 2013, at 6:55 PM, Randy & Lori Morris wrote:
Re: 6LEE- Toyota Prius illegal U at Alida court now
It's dark, I couldn't catch the full plate, but did clearly see 6LEE...Prius...you have a DB match for a Prius with 6LEE- but can't say for 100% certain

13+++ On Jan 19, 2013, at 8:14 AM, Randy & Lori Morris wrote:
Mary- last Saturday morning you had 2 simultaneous events. I recorded a handful of illegal U-turns but none of them matched your DB. the website seems to indicate these are for outside families. This morning while walking the dog, I observed two illegal U-turns on Lincoln Avenue of families with children going to HRS, and again, no DB match.

I'm passing this along as you do have signage everywhere and monitors, but families unfamiliar with the school, and with no consequence as they are not in the DB, illegal driving behaviors continue.

thanks for any efforts to address these on going issues during HRS events.

18 -19. 1-hour later: Two more illegal U's at Alida court in last 10 minutes; neither match DB but have parent and school age student in car with parent.

20. Re: 6PHF058- prius Uturn at alida court end of HRS event now
Mary- I'm not sure if this is the same car as what's in your DB as "6PHF58" It's a prius, and the rear plate cover makes it hard to see if its an F or E...but I am

assuming this is yours as an HRS event is ending now and this car came from it, turned on Alida street, U-turned at the Court, then headed back up Lincoln

21. On Dec 10, 2012, at 8:02 AM, Randy & Lori Morris wrote:

Re: 5VSG260- illegal U @ Alida court now

Gold mini-van; Asian mother driver...not in your DB

22. On Dec 5, 2012, at 10:11 AM, Randy & Lori Morris wrote:

Re: 3XHZ205- green volvo illegal U at Alida court now...looks like student...in your DB

23. Re: DP 4535- out of state plate: U in Alida ct driveway now

This black luxury sedan, with out of state plates, started an illegal U-turn, then moved to an Alida ct driveway and U-turned to head back toward Lincoln Ave.

24. On Dec 3, 2012, at 12:02 PM, Randy & Lori Morris wrote:

Re: 6GTU708- prius: illegal U at Alida court now

mother driver, male student (middle or high) in passenger seat

25. On Nov 26, 2012, at 7:49 AM, Randy & Lori Morris wrote:

Re: 1MEEMA3 - illegal U at Alida court now

26. On Nov 19, 2012, at 1:06 PM, Randy & Lori Morris wrote:

Re: 6UEX490- Blue smaller car- illegal U-turn now...this one isn't in last year's DB

27. On Nov 18, 2012, at 9:42 AM, Randy & Lori Morris wrote:

Re: 6TJT223- U in Alida court: HRS student driver?

This is not in last year's DB, but HS age student driver with mother? in passenger seat U-turned in the Court now.

28. On Nov 11, 2012, at 2:21 PM, Randy & Lori Morris wrote:

Re: 5VDR469- illegal U at court now

29. On Nov 11, 2012, at 1:57 PM, Randy & Lori Morris wrote:

Re: 5XYN875 - illegal U at court 1:30pm today
mini van...mother and father driving

30. On Nov 11, 2012, at 12:29 PM, Randy & Lori Morris wrote:

Re: 4LEY774- Illegal U at court now

31. On Nov 10, 2012, at 12:23 PM, Randy & Lori Morris wrote:

Re: 6LYY420 - illegal U at Alida court

Noon today, student age drivers...not sure if HRS, and I don't see in the DB

32. On Oct 13, 2012, at 1:26 PM, Randy & Lori Morris wrote:

Re: 5MKH875

U in my driveway now; not sure if HRS, but sending to you in case you have a match...

33. On Oct 5, 2012, at 5:44 PM, Randy & Lori Morris wrote:

Re: 8W99338 - Large SUV, caucasian mother driver, male older elementary son: illegal U @ Alida court now

34. On Sep 24, 2012, at 4:42 PM, Randy & Lori Morris wrote:

Re: 5PKL389- illegal U @ Alida court 4:30pm, mother driver, female middle or HS student passenger.

35. On Fri, Sep 14, 2012 at 7:30 PM, Randy & Lori Morris

<RandyLoriMorris@comcast.net> wrote:

...and another about 10 minutes later:

5KRJ263- its in your DB.

In addition to car by car, can you send a general email to the Fall sports team, specifically girls soccer; alerting them that neighbors are observing and reporting violations of driving rules, a number tonight U-turning at Alida...send them big 10 + specific letters to these 3 cars.

36-7. On Sep 14, 2012, at 7:19 PM, Randy & Lori Morris wrote:

Two cars driven by or passenger with HRS colors and soccer gear illegally U turned at Alida court right at 7pm:

3UBU385

BENNETB

I see the 3UBU in the DB, but not the personalized one, but it was clearly an HRS female soccer player

38+++ On Sep 14, 2012, at 8:30 PM, Randy & Lori Morris wrote:

Re: HRS evening event...U's at Alida court

I could only catch one plate...there are cars parked in front of HRS and something just let out. The one plate I did get is: 6HCJ715- U turn at Alida court...it is in your DB.

40. On Sep 4, 2012, at 4:13 PM, Randy & Lori Morris wrote:

Re: 5PFD046- illegal U @ Alida court; caucasian mother, middle or HS student passenger

SUV illegal U now...not in DB

41. On Sep 4, 2012, at 3:59 PM, Randy & Lori Morris wrote:
Re: 5YLX843- illegal U @ Alida court...student driver?
U just now...appeared to be a HS student, I don't see in DB from last year though. Blonde caucasian female student driver, gold SUV.

42. On Sep 4, 2012, at 8:02 AM, Randy & Lori Morris wrote:
Re: 6RUH968???- new big Mercedes SUV silver- illegal U @ Alida court
Not sure I got the license plate exactly; the monitor is at the corner of Lincoln, Alida, so I'm hoping she observed and recorded. It's a very large luxury SUV, silver, mother driver.

43. On Aug 30, 2012, at 6:53 AM, Randy & Lori Morris wrote:
Re: 6NSF622- U turn Alida court now
Its in your DB...not sure why they are in the neighborhood before 7am? Regardless, U-turn at Alida court made, against HRS big 10.

45. On Aug 29, 2012, at 7:42 PM, Randy & Lori Morris wrote:
Re: A AYNSHE - illegal U Lincoln Ave / Alida st- 7:30pm
Looks like HRS car parked in front of HRS pulled away from some evening function (I was walking dog and observed) Car drove down Lincoln and illegally U-turned at Alida street. Dangerous U caused problem with two cars subsequently trying to turn onto Alida on way home. Car then pulled a few houses up and stopped completely blocking driveway of Lincoln Avenue house to read smart phone (I walked by to observe)

46+++. On Aug 24, 2012, at 7:49 PM, Randy & Lori Morris wrote:
Re: 6KKB433- U turn @ Alida court: 7:30pm
There were a few U-turns at the Court that had student drivers it appeared. I could only record above, and it is in your DB.

49. On Aug 21, 2012, at 8:05 PM, Randy & Lori Morris wrote:
Re: 4RZH128- green Honda Odyssey U in Alida court
Above plate is in your DB, and U'd in the Court around 5:30pm this evening. Caucasian mother driver, HS age son in passenger seat.

50. From: Randy Morris [mailto:randylorimorris@comcast.net]
Sent: Monday, December 17, 2012 12:41 PM
To: 'Mary Fahey'
Subject: 6TXL166- illegal U at Court now....it's in your DB

Mary- I'm home with sick child L; and observed this car just illegally U-turn at Alida Court: silver Toyota; male father age driver

51. From: Mary Fahey [mailto:mfahey@headroyce.org]
Sent: Thursday, December 13, 2012 01:38 PM

To: Randy Morris

Subject: Re: very illegally parked car...not in HRS DB: 6FYT254

Randy,

Thanks for the info and the photos. they will help us to possibly identify the car and driver.

On Wed, Dec 12, 2012 at 5:51 PM, Randy Morris

<randylorimorris@comcast.net> wrote:

Mary- your monitors confirmed with me that they observed an HRS parent and HRS student get into this illegally blocked car. I'm not sure how the process goes or what exactly they will translate back to you, but this car created a dangerous situation for about 15 minutes during peak pick up time. I am hoping you will consider escalating this higher than a "single incident" in your system of escalating offenses, as the car was completely in a red zone, beyond the red zone into Alida street traffic flow, was parked there for more than 30 minutes + their plate is not in your Data Base...another "violation" I hope.

52. From: Randy Morris [mailto:randylorimorris@comcast.net]

Sent: Wednesday, December 12, 2012 03:07 PM

To: 'Mary Fahey'

Subject: very illegally parked car...not in HRS DB: 6FYT254

Mary- this car is not in your DB, and your security guard is there and recorded the plate. I don't think she carries a camera, so I took a picture to capture it because it is so bad- all red zone, blocking fire hydrant. It's not in your DB, so obviously can't say for certain its tied to HRS?



53. From: Randy Morris [mailto:randylorimorris@comcast.net]

Sent: Wednesday, December 05, 2012 12:22 PM

To: 'Mary Fahey'

Subject: 4REY368- illegal U on Lincoln Ave...parked on Lincoln, and father walked to HRS....not in your DB

Mary- I'm home today with sick son :(

While out walking the dog, the car in the attached photo illegally U-turned on Lincoln Avenue, then parked on Lincoln Ave facing up hill- per attached picture. A father-aged Caucasian male walked to HRS, then returned only a few minutes later, and drove off. The car is not in the DB you sent earlier?



54. From: Randy Morris [mailto:randylorimorris@comcast.net]

Sent: Saturday, December 01, 2012 10:11 AM

To: 'Mary Fahey'

Subject: RE: 6NVE437 - Uturn in Alida ct now

Is this in your DB as an HRS car?

Do you have this year's DB to send yet?

55. From: Randy Morris [mailto:randylorimorris@comcast.net]

Sent: Wednesday, November 21, 2012 12:03 PM

To: 'Mary Fahey'

Subject: HRS delivery: illegal U on Lincoln Ave

Mary- approximately 10:45am today, I was driving up Lincoln Ave and in front of me was a white van with the logo "On Track". At the red light in front of the HRS gate house, this van pulled an illegal U, and while in the middle of a 3-point turn, the light turned green and this van held up traffic for cars going down the hill, and me going up. The van pulled in front of the gate house, parked, and the driver (Asian male I believe) got out of the car and walked a package toward your gatehouse.

56+++. **From:** Randy Morris [mailto:randylorimorris@comcast.net]

Sent: Sunday, November 18, 2012 05:35 PM

To: 'Mary Fahey'

Cc: 'Martha Sellers'

Subject: HRS event...unusually hi number of U-turns

Mary- Your website indicates an event that ends now called: **ISEE Testing for A Better Chance applicants (ABC)**

There were over about a dozen illegal U-turns in the last 30 minutes; mostly seeming to be people parking their car, walking to the school, and leaving with a child.

65. From: Randy Morris [mailto:randylorimorris@comcast.net]

Sent: Sunday, November 04, 2012 11:42 AM

To: 'Mary Fahey'

Cc: 'Martha Sellers'

Subject: HRS vendor "Quality Counts" Illegal U setting up video camera to monitor event

Mary- A van with company Logo "Quality Counts" illegally U-turned at Alida Court about an hour ago before parking then setting up a video camera to monitor your event traffic today.

66. From: Randy Morris [mailto:randylorimorris@comcast.net]

Sent: Saturday, October 27, 2012 09:43 AM

To: 'Mary Fahey'

Subject: 6GFM474- student turn around in Alida court

Appears to be an HRS student; Alida Court turn around a few minutes ago

67. From: Randy Morris [mailto:randylorimorris@comcast.net]

Sent: Friday, October 26, 2012 07:14 PM

To: 'Mary Fahey'

Subject: E31 4 LEN- BMW E31 illegal U 7pm at Alida court...seemed connected to tonight's event.

68. From: Randy Morris [mailto:randylorimorris@comcast.net]

Sent: Monday, October 22, 2012 12:05 PM

To: 'Mary Fahey'

Subject: HNGR ON(?) - U in driveway now

I don't see this in the DB, but it is a luxury blue SUV, with personalized plates, and two mothers...it appears to be parking for an HRS event, based on other cars parking on Lincoln with drivers getting out and walking toward school.

I understand you might not be able to answer questions on email given current city activity, but I remain interested in receiving an updated License plate DB if you are able to send one, scrubbing identifying info as you have in the past 2 years.

69. From: Randy Morris [mailto:randylorimorris@comcast.net]

Sent: Wednesday, October 17, 2012 07:11 PM

To: 'Mary Fahey'

Subject: 5UJZ241- U in my driveway now: student, reading smart phone while U-turning

I don't see this plate in last year's DB, but appears to be a student at time sports practice let out. Plate might not be exact, as it is dark; SUV, driver is Caucasian female.

70. From: Randy Morris [mailto:randylorimorris@comcast.net]

Sent: Tuesday, October 16, 2012 05:47 PM

To: 'Mary Fahey'

Subject: 5YEF488- U-turn in Alida Court now

It is in your DB from last year; Caucasian mother, but no student in the car with driver...

71 & 72. From: Randy Morris [mailto:randylorimorris@comcast.net]

Sent: Tuesday, September 25, 2012 07:27 PM

To: 'Mary Fahey'

Subject: HRS sports team U-turns

5GSY198- Uturn at Alida

6NYN772- same

Both just after 7. The GSY car had a father-driver and male student in HRS sports clothes in passenger seat. This car is in the DB.

73. From: Randy Morris [mailto:randylorimorris@comcast.net]

Sent: Sunday, September 23, 2012 03:26 PM

To: 'Mary Fahey'

Subject: 5SYJ985- Gold mini van: illegal U @ Alida...student driver, father in passenger seat

Mary- 3:15pm or so today, above license plate, in your DB, illegally U-turned at Alida court. Of concern, male student was driving AND what appeared to be father was in passenger seat, allowing this to happen.

74. From: Randy Morris [mailto:randylorimorris@comcast.net]

Sent: Tuesday, September 18, 2012 06:42 PM

To: 'Mary Fahey'

Subject: 6RMY905- illegal U now @ Alida court for HRS event

75-80. From: Randy Morris [mailto:randylorimorris@comcast.net]

Sent: Thursday, September 13, 2012 03:40 PM

To: 'Mary Fahey'

Cc: 'Martha Sellers'

Subject: HRS student pick up in Alida neighborhood

Mary- I want to confirm my understanding of pick up / drop off policy. I believe HRS has confirmed that students are not allowed to be picked up in neighborhoods. I sent you a few emails since school started where I've observed an occasional HRS parent picking up their student in my neighborhood. Today I was home during the 3:30 pick up time, and I observed 5 HRS cars pick up students in my neighborhood. 3 of the 5 did so parking in front of a driveway until the student walked up to the car, the others were legally parked waiting for their student to get to the car.

Can you please confirm this is indeed a violation, and assuming so, can you follow up with monitors, as I'm not sure the one you have is aware of this violation, as I didn't see her recording the plates of those cars.

81. From: Randy Morris [mailto:randylorimorris@comcast.net]
Sent: Wednesday, September 12, 2012 04:41 PM
To: 'Mary Fahey'
Subject: 6RAX624- blue SUV U in Alida st driveway now...

82. From: Randy Morris [mailto:randylorimorris@comcast.net]
Sent: Wednesday, September 12, 2012 03:58 PM
To: 'Mary Fahey'
Subject: illegal U + student pick up in neighborhood: 6WMG938

Hi Mary- attached is a photo of 6WMG938 illegally U-turning right at 3:30 pick up time. The car is marked as "city share" so probably not this father's personal car, nor in your DB. In addition, the daughter (middle school or over) was standing on the corner of Alida court waiting for pick up- another violation I believe?



Michael Thilgen Declaration

I, Michael Thilgen, declare:

This is my second declaration regarding Head-Royce School (HRS). The Neighborhood Steering Committee's complaint was dated August 8, 2012. Peter Smith responded on behalf of HRS, dated September 7, 2012. This declaration is in response to Mr. Smith's comments on items 9 and 10 of the complaint.

Item 9 – Supervision of students on campus.

As neighbors have expressed on numerous occasions over many years, the upper slope to the north of the tennis courts, soccer field, and parking lot is a fringe area of the campus that is not conducive to effective student supervision. Some students and trespassers have discovered secluded portions of the area, and use them for various activities, including drinking, sex, and smoking of tobacco and marijuana. Adjacent property owners are very concerned about excessive noise and the threat of fire, as lit matches and cigarettes have been found on the path and dry grassy hillside in this area. See photos 1-9 for visual orientation. Photo 1, an aerial view, includes a blue line indicating the contested concrete path and steps, and a green line indicating the gravel running path above the tennis courts and soccer field. For more background information, see Michael Thilgen declaration included in the complaint of August 8, 2012.

Mr. Smith is correct that HRS has installed a fence near the tennis courts. In September of 2012, after the Neighborhood Steering Committee's complaint and request for a hearing was filed, a new chain link fence and gate were installed at the base of the slope by the stairs to the west of the tennis courts. See photos 10-12. Mr. Smith does not mention that the HRS administration had refused neighbors' repeated requests over many years for removal of the concrete walk and establishment of a fenced buffer zone.

This gesture does not resolve the long-standing problem of student access to the north hillside. Deficiencies of the new fence and gate include:

1. The top rail of the fence is only 4'-2" above adjacent grade. See photos 13-14. The low height allows for easy scaling by anyone who is motivated to cross over. A more effective fence height would be 8'. The young girl in photos 16-20 has no problem scaling and crossing the new fence.
2. The new fence adjacent to the tennis courts does not prevent access to the upper path or the adjacent private properties from the running path to the north of the tennis courts and soccer field, or from the parking lot area east of the field. See photos 21-24. People walk up the slope not only for the purposes listed above, but also to paint graffiti on the large concrete wall. See photos 25-28. (Wall was recently painted over). To completely secure the upper path area from students or trespassers and establish the effective buffer zone the neighbors request, the

following is needed: construct a continuous 8' fence beginning at the newly built gate by the stairs at the HRS/residential property line west of the tennis courts, extending north and then east around the tennis courts, continuing east immediately above the running track, to the north side of the parking lot, and finally connecting with the existing chain link fence on or near the property line east of the parking lot. See photo 29 – aerial view with red line indicating existing gate and fence, and photo 30 – aerial view with red line indicating proposed fence.

The proposed fence line would run along the top of the retaining wall at the north end of the parking area, where it would also resolve an existing hazard – the wall has no safety barrier to prevent people from falling 12' from the top to the parking lot below. See photo 23.

3. The new gate is currently locked (photo 15), but past experience has demonstrated that locks can be opened, removed, and not replaced. Without a requirement that gates be kept locked and the area accessed only for maintenance, there is no guarantee that the area will be an effective buffer zone between the campus and the adjacent residential properties for the long term. The neighbors request that this requirement be added as a Condition of Approval.

In summary, the neighbors request that an 8' fence be constructed across the whole north side of the running track above the tennis courts and soccer field, with locked gates at each end, that the buffer zone above the fence be accessed only for maintenance, and that all these be added as Conditions of Approval.

Item 10. Inadequate monitoring that allows improper use of Whittle gate

Unauthorized use of the Whittle gate for campus access has been an ongoing problem for many years.

The Conditional Use Permit of 1988 states that: "Whittle Ave access shall be used only for ingress and egress for emergency, service, and vendor vehicles."

Neighbors on Fruitvale Avenue and Clemens to the north of the campus report that HRS staff members habitually drive their cars into the neighborhood, park on Fruitvale and Clemens, and walk from one to three blocks to access the campus through the Whittle gate. Students are being dropped off in the neighborhood and are then walking through the Whittle gate to the campus without challenge by the monitor at the gate. Observation verified the neighbors' claims - see logs below. These are violations of the condition cited above.

Neighbors request that the 1988 condition be restated as a current Condition of Approval and that HRS be required to enforce Whittle gate access restrictions. Enforcement measures would include education of students, parents, and staff on gate use restrictions, deactivation of gate access cards for all students and staff who do not live in the immediate neighborhood, and daily monitoring of the gate by monitors who are trained to prevent unauthorized use of the gate.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: February 9, 2013

Michael Thilgen

Neighbors request that the 1988 condition be restated as a current Condition of Approval and that HRS be required to enforce Whittle gate access restrictions. Enforcement measures would include education of students, parents, and staff on gate use restrictions, deactivation of gate access cards for all students and staff who do not live in the immediate neighborhood, and daily monitoring of the gate by monitors who are trained to prevent unauthorized use of the gate.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: February 9, 2013

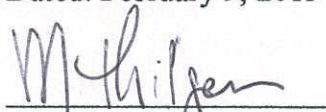

Michael Thilgen

Exhibit A: Michael Thilgen's log of Tuesday December 4, 2012

7:42 AM. Arrived at Clemens at Fruitvale

Four cars were parked on Clemens at Fruitvale:

Red Mini Cooper 5TWP 367

White Ford Montana 4NGW213

Gray Honda 4PJJ465

Gray Honda 6HTD602

7:50AM Three adults walk up Fruitvale.

7:52 AM Gray car arrives and parks on Clemens; single woman gets out and walks up Fruitvale with rolling pack.

7:54 AM silver Honda 5LCR414 arrives and parks on Clemens; single woman with blue bag gets out and walks up Fruitvale

7:55 AM black Toyota DD DRET arrives and parks on Clemens; single man gets out and walks up Fruitvale

7:55 AM black car arrives and parks on Clemens; single man with backpack gets out and walks up Fruitvale.

7:59 AM silver Mercedes 1DKL385 arrives and parks on Clemens; single man gets out with white bag and walks up Fruitvale

8 AM single woman walks up Funston and down Fruitvale, then right on Clemens and walks out of sight

8:02 AM woman and young child walk around corner on Clemens and up Fruitvale

8:01AM single woman parks car on Fruitvale above Funston and runs towards school with backpack.

8:03 AM single man with white bag walks up Clemens and up Fruitvale listening to electronic media

8:14 AM woman and two children walk down Fruitvale turn on Funston

8:17 AM man with two children walk up Clemens and up Fruitvale

8:18 AM man with two children arrive and park on Fruitvale below Clemens in coffee colored Honda 4YDX216, walk toward school

8:20AM Red Honda CRV 5BPS113 drives on Clemens to Fruitvale, parks at the corner of Fruitvale and Clemens while adolescent male gets out and walks up Fruitvale. Driver makes u-turn on Fruitvale and returns on Clemens toward Park Blvd

8:26 AM single man returns to coffee colored Honda and drives up Fruitvale

8:30 AM single woman parks Silver Land Rover 6HPD125 on Clemens around the corner from Fruitvale, walks up Clemens then up Fruitvale

8:35 AM In addition to the four cars noted at 7:42, cars parked on Clemens near Fruitvale now include:

White Ford Explorer 5EFB881

Gray Volkswagen 6WWX 829

Gray Toyota 5GEA034

Gray Toyota 5JVL149

Green Chrysler 4PXB368

Silver Toyota 7R09943

Black Honda Civic 6GNV817

8:37 AM depart

Note: many people were observed driving into the neighborhood, parking, and walking toward the Whittle gate just before school starts for the day. Many of the vehicles parked are not on the HRS data base list of school related vehicles (parents, students, staff) updated at the beginning of the 2012-13 school year. It appears that HRS has not been vigilant in collecting license plate data from its staff.

Exhibit B: Michael Thilgen's log of Wednesday December 5, 2012

8:32 AM arrived Funston and Whittle. No monitor is present. Gray Toyota DD DRET parks on Whittle below Funston. Man and young child get out and walk down to gate.

Woman with two children walk down Funston and through gate

8:41 AM arrived Fruitvale at Clemens. Cars parked on Clemens include:

Honda 5LCR 414

Honda 6GNV 817

Pontiac 4NGW213

Toyota 6UCS 374

Toyota 7R09943

Honda 4PJJ465

Honda 4? XL535 MXL535

Toyota 6EES 421

Honda 6CDM 264

Cooper 6DJ T675
Volkswagen 4AVU494
Ford 6SST 282
Toyota 5GEA 034
Hyundai 6 LAV 594
Honda 6 LBC 441
Subaru 4PXB368
Toyota 5EOK7

Exhibit C: Michael Thilgen's log, Thursday, December 6, 2012

8:38 AM the following cars are parked near the intersection of Clemens and Fruitvale:

Fruitvale:
5WKN608
5H13573
4EAJ182
5WEJ 282
2RAV 940
6XGY494

On Clemens:
5LCR 414
6UCS 374
4NGW 213
7R09943
4PXB 368
DD DRFT
4MX L535
6LTG 870
6EES 421
6CMD 264
5HYB 360
5TJL382
5Y38110
6GTW 155
4AVU 494
5GEA 034
4PJJ 465
6LBC 352

6LBC 441
6GNV 817

Exhibit D: Michael Thilgen's log of Tuesday, December 18, 2012

Arrived 9:50 AM

Observed cars parked on Fruitvale above Funston:

6FAL861
5LYH840
5KMH991
5XZD497
5CQY461
5RXH554
6GHJ523
6HXR324
4XAS581

Cars parked on Fruitvale below Funston:

6H I T164
3RCS433
4 EHJ182
5H13573

Fruitvale below Clemens:

5WEJ282
2RAV940
6X GY494
6XCD991
6SAJ276
5S KH924

Parked on Clemens:

6GNV817
6UCS 374
5ZKF258
4PXB368
7R09943
DD DRFT

6LAV594
4M X L535
4THG 323
6SYJ003
6EES 421
6CDM 264
5HYB360
6LTG870
5NUM765
5Y38110
5EFB881
6DJT675
4AVU494
6X BL047
6SST282
5GEA034
1DKL385
6WWX829
6LBC441
4PJJ465

1



Imagery Date: 8/28/2012



1993

37°48'36.67" N 122°12'12.49" W elev 456 ft

Eye alt 1142 ft

Google earth

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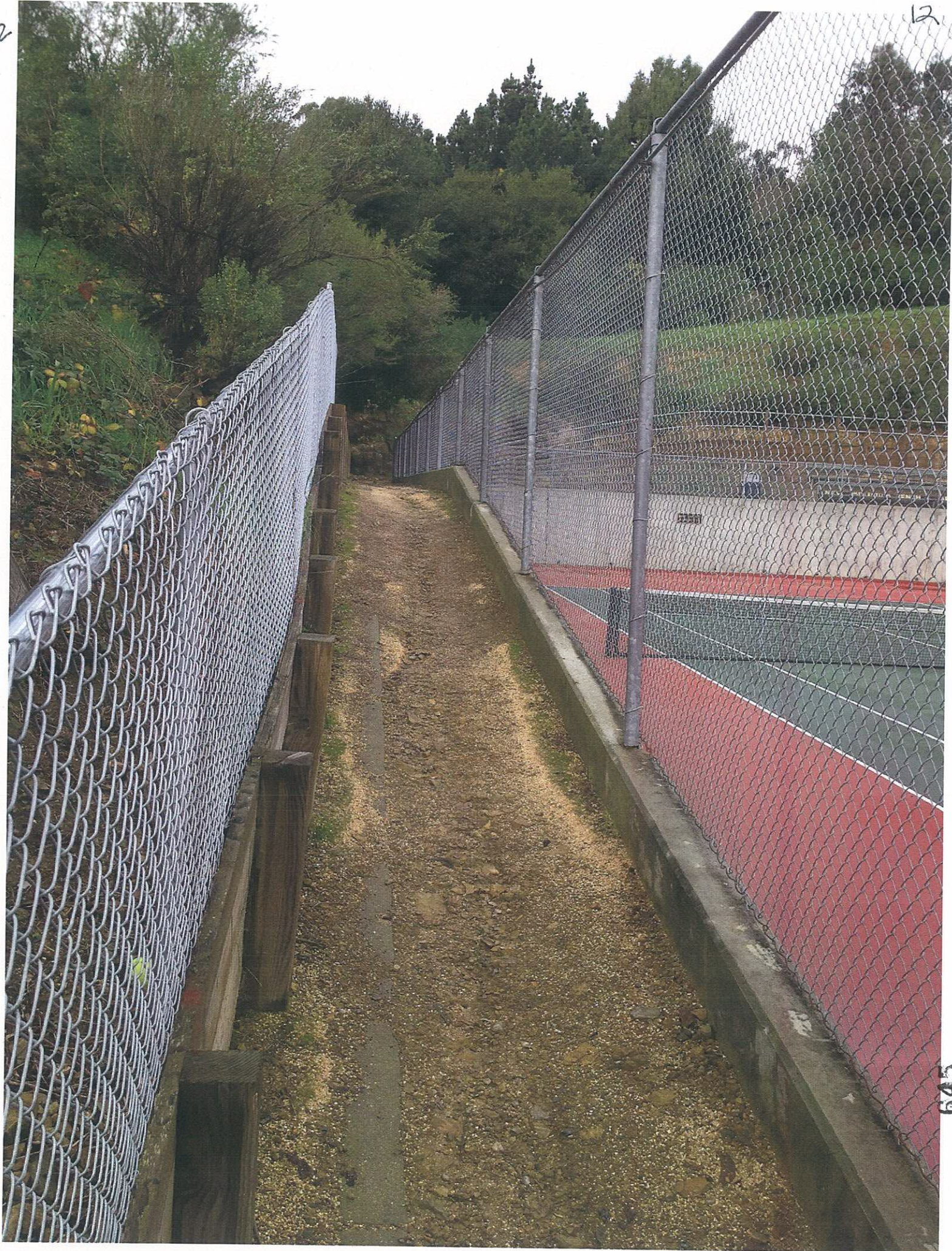
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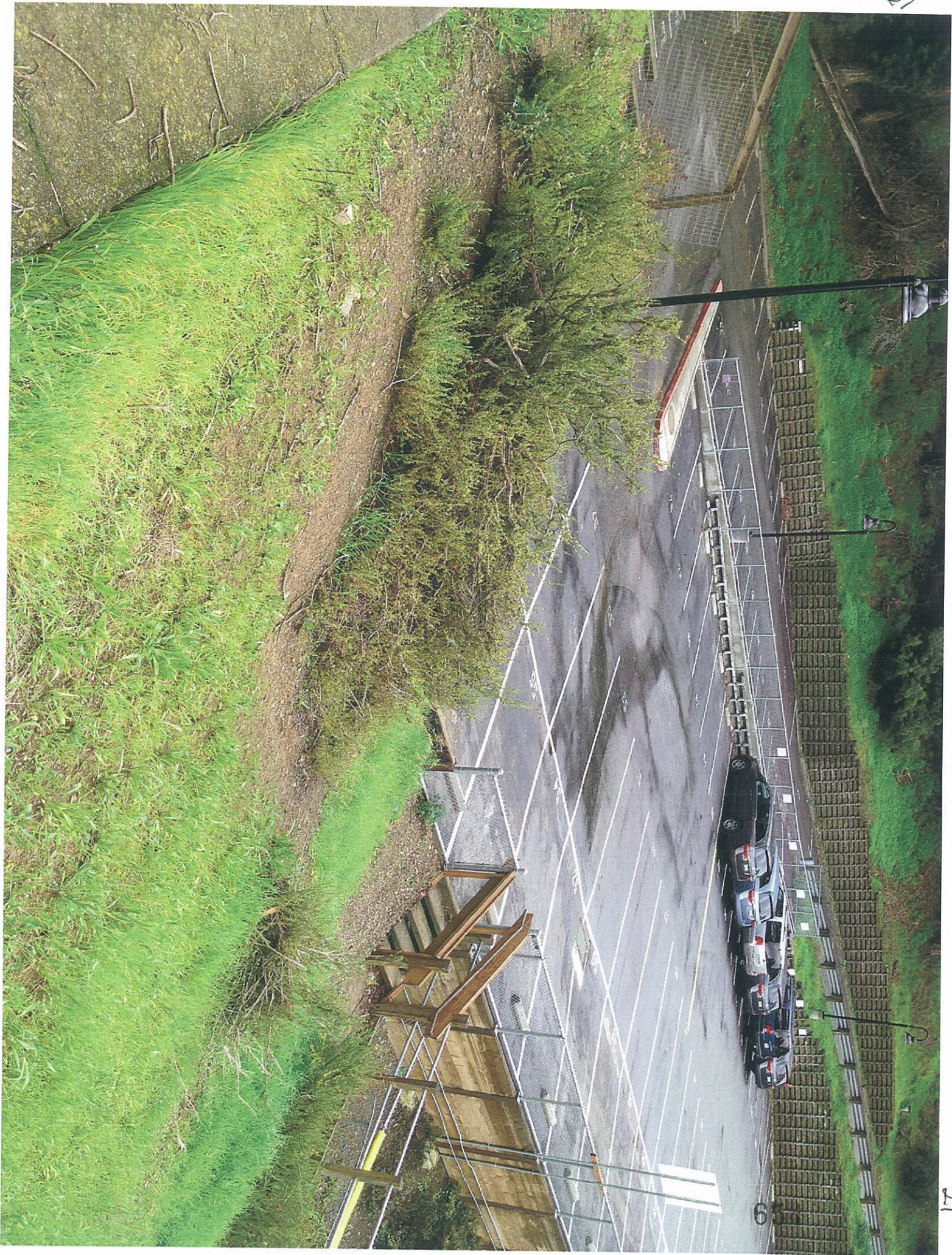




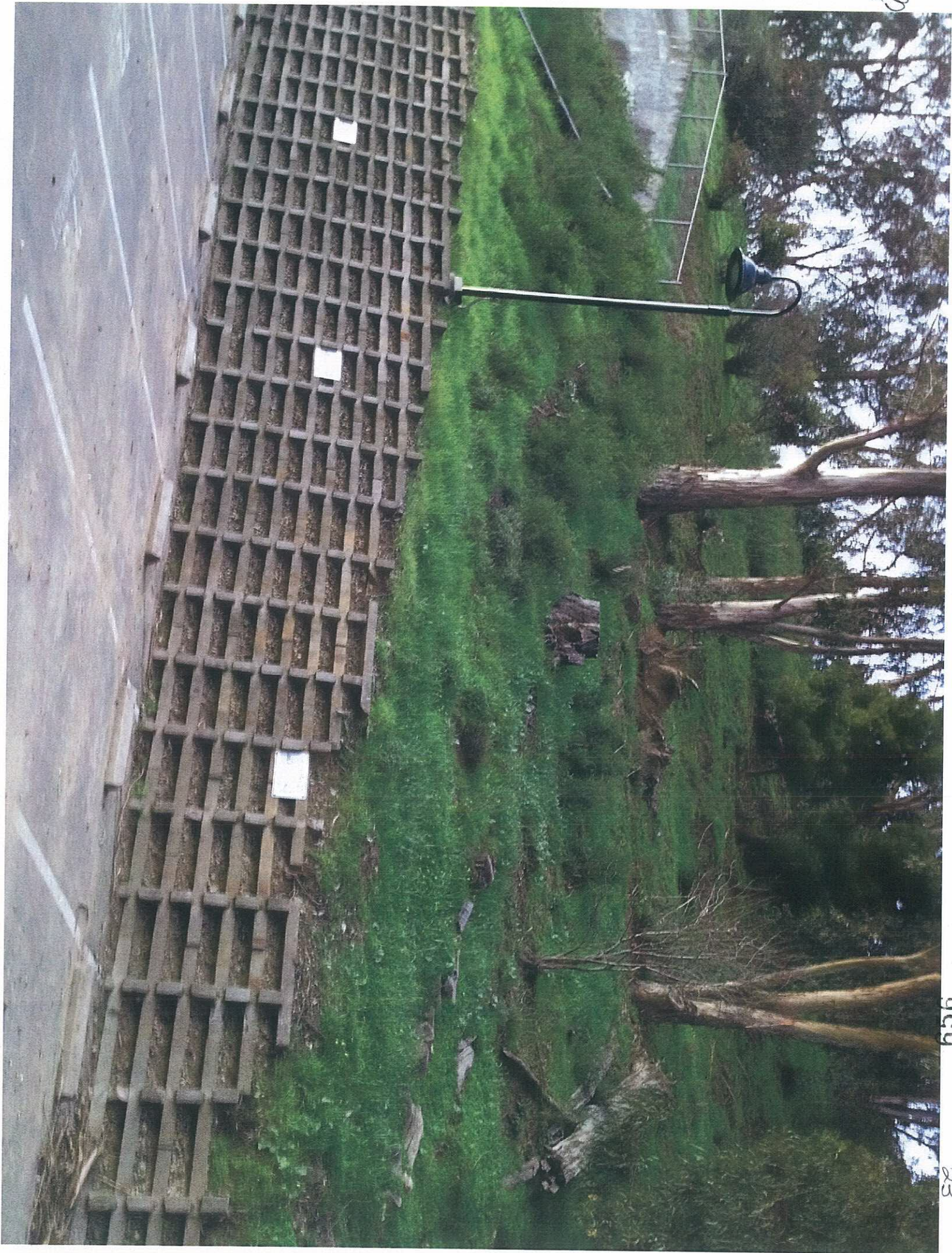












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Imagery Date: 8/28/2012



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37°48'36.65" N 122°12'12.48" W elev 453 ft

Google Earth

Eye alt

1291 ft



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DECLARATION OF FRANK ZAMACONA AND BRIDGET BICHSEL

We, Frank Zamacona and Bridget Bichsel, declare:

1. We live at 4200 Laguna. Our house lies at two intersections of Laguna and Alida and so we are very affected by traffic from Head Royce. We have seen long lines of cars diverted to our neighborhood each morning and afternoon. We have seen the intersections at each end of our home used for U-Turns. We have witnessed vehicles ignoring clearly posted signs.

2. Over the years, as enrollment increased, traffic got worse, as did the attitudes of some of the drivers. This past year saw improvement in the management of at least the traffic that flows by our house. However, the visual blight created to achieve this minimal improvement is impacting us in a new and more insidious way. Head Royce is clearly unable to manage its traffic, and so has begun a program of increased signage, bright orange cones, and security control monitors.

3. The number of new signs posted in the neighborhood is ugly. Many of us here take pride in the appearance of our homes and our neighborhood. To come home from work and face a barrage of cones and signs is disheartening, to say the least. To look out the window and see traffic signs is ugly. The responsibility for the actions of the Head Royce parents has been shifted to the neighborhood, rather than remaining with the school and the parents, where it belongs.

4. We feel very strongly, that we do not want any more signs posted in our neighborhood to address the severe traffic problems emanating from Head Royce School. The problems continue despite the existing signage, security personnel and orange cones. We want the school to be accountable for the problem they are creating and to come up with an enforceable solution that will not entail increased defacement of our neighborhood.

5. Because of the increased traffic during the morning and afternoon, there has been an up tick in noise pollution in the streets around our home. This is despite double pane doors and windows throughout the house and 100% insulation.

6. Lincoln Avenue is a main thoroughfare connecting Diamond to Montclair and the only access from our neighborhood to Highway 13. In the morning when we leave for work and in the afternoon when we return, Lincoln is slow and nearly impassable. One suggestion would be to drop off the high school students at a lot close to Head Royce, and then a shuttle to the school, reducing the traffic. The lower grades could continue to be dropped in front of the school.

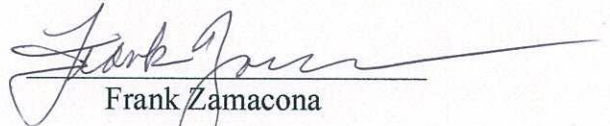
7. A larger school with ever increasing enrollment will only make the traffic problems worse. To date Head Royce has been ineffective in solving their traffic problems. The headmaster admits that he is very worried about the safety of his students

due to these problems. We feel that an increase in enrollment, with the addition of more teachers and other personnel will make the situation even more congested, unsafe and unhealthy.

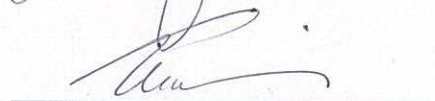
8. The other entities in the neighborhood – the Mormon Temple and Greek Orthodox Church, as well as Lincoln Child Center and The Cerebral Palsy Center – have been more successful at controlling their traffic because they have the parking spaces necessary for daily use, as well as their events.

We declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Dated: February 9, 2013



Frank Zamacona



Bridget Bichsel

DECLARATION OF TERRY TOBEY

I, Terry Tobey, declare:

1. Since my previous declaration the problems with HRS have continued and things are now worse than ever. The two issues that affect me most are frequent loud noise (almost daily) and the high fire danger due to lack of maintenance of their vegetation (trees and brush). My property is located at 4549 Lincoln Avenue, above the HRS parking lot and playing field.

2. Recently, in the last few weeks, I've been hearing very offensive rap music (with really foul swear words) being played loudly in the parking lot in the afternoon when school lets out. The volume is turned up very loud and then it is intermittently turned off. On 2-4-13 I watched an older woman enter the parking lot and subsequently the music stopped. I was unable to see who was playing the music because their vehicle was blocked from my view.

3. A similar incident (playing loud rap and then turning it off intermittently) also occurred during a picnic late last summer, which I believe was put on by the BSU. That day the volume was so loud that even with all the windows in my house closed I still wasn't able to hear a normal conversation. Disco was blasted for hours on end, interrupted by short periods of rap, and was so loud my windows vibrated! I finally located some ear plugs and wore them until the music finally stopped. The ear plugs helped muffle the noise some but did not eliminate it. Apparently HRS failed to have any supervision present on the field, and there was no one available at the school to talk to directly since it was during the weekend. I called the police (twice) but they were too busy and the calls were given low priority. It was truly intolerable and the worst incident with HRS that I have ever experienced.

4. I've noticed an increase in usage of the parking lot late into the evenings, sometimes even after midnight. Usually everyone leaves at the same time and there is often yelling or honking of car horns. A few months ago after being woken up at 3:30am by yelling, I saw many kids in the parking lot apparently unsupervised, again.

5. On Feb 7, 2013 during a game on the ball field a spectator was blowing a very loud, odd sounding horn. It was very annoying, (jolting really), and constitutes amplified sound. I was forced to listen to it while I worked outside and it ruined my enjoyment of my property. The person blew the horn over and over during the game which was apparently unsupervised, yet again.

6. It is not right that Head Royce continues to disrupt the lives of the neighbors like this. It affects our quality of life and the enjoyment of our properties and homes. This excessively loud noise needs to stop immediately! Normal school noise is one thing (to be expected) but the examples I cited are something else entirely.

7. I have not seen much improvement in the twice a day congestion (pick up and drop off times) on Lincoln. I have noticed an increase in the number of HRS parents who pull out into traffic quickly without looking. This dangerous activity happens frequently and I've had to slam on my brakes and/or swerve several times to avoid a collision. I have also witnessed HRS parents driving well over the speed limit in both directions on Tiffin Road.

8. On January 11, 2013 I spoke to Dennis Malone in regard to the large eucalyptus trees on HRS property. I told him that I was very concerned about the fire danger because of the large amount of vegetation on the property and the extremely high winds in this canyon. I explained that HRS cleared their ball field from an area that was once covered with trees and structures which used

to buffer the winds. Now the strong (unbuffered) winds hit the 100ft plus eucalyptus trees directly, causing them to sway back and forth over the HRS parking lot and my property including the barn my father built. I asked Dennis if he was aware that a couple months ago a large (lethal size) branch fell from one of the trees towering over the parking lot and landed close to where the kids park their vehicles and he said no. He stated that every year they have an arborist look at their trees and that the arborist said that he didn't see a problem. He did not tell me the name of the arborist but the branch fell *after* the arborist made that statement. Dennis said he would have another arborist look at the trees but showed a genuine lack of concern and was dismissive so I decided to contact an arborist myself.

9. On Jan. 29, 2013 Erick Roman (a ISA Certified Arborist), came to my house to give me an estimate on further tree work on my property. While on my back hill I had him look at my trees as well as the HRS trees near our common property line. I told him I was concerned because we have had several eucalyptus trees fall in this area and also because of the threat of fire in this very windy canyon. Erick said that eucalyptus generally fall over in storms due to unstable soils and rot at the base of the trees. He also said "eucalyptus drop branches all the time, it's the nature of that tree" and "They are dangerous if they are growing over structures or people". Then he pointed to the HRS parking lot and said "Like that! Having the trees there is dangerous because they are over kids and cars." He said that ivy masks rot, cracks, and other problems and should be removed. He also said that at the very least branches should be removed from their heavy crowns to reduce the weight when the tree is blown about by heavy winds.

10. In further regard to the HRS trees, Erick said he saw a definite fire danger because of the amount of vegetation, and debris on the ground next to and on the actual trees themselves (Fire ladders). He pointed out several trees where debris was trapped between sprouts circling an old (cut) trunk and said water gets trapped in there and leads to rot which then causes the sprouts to fall. He also saw many sprouts growing up freely on the hillside and stated "They (HRS) should cut these sprouts now while they are small and then it will then be easy to maintain them each year." He also said "Anything that you do on your property will be ineffective unless they (HRS) also clean up their side."

11. To add to the potential fire danger, HRS leaves the gates to the parking lot open at times on the weekends thereby allowing easy access to anyone, not just those with ties to the school. I am afraid of someone starting a fire which if it was to get into the crowns of those eucalyptus could burn up into the hills and potentially cause another Oakland hills fire. HRS has proved that they are not good stewards of those trees nor responsible neighbors. If someone doesn't step in and put an end to the continual fire hazard caused by HRS' negligence, lives and property could be lost, and lawsuits would certainly result.

12. The EBRPD has ongoing vegetation management programs to remove the eucalyptus due to the high fire danger. Currently they are working in Sibley and Anthony Chabot parks. The City of Oakland's own website has printed guidelines for dealing with vegetation management and fire suppression. It is no secret that the eucalyptus trees are highly flammable. To think that HRS has been allowed to continually bypass routine maintenance all these years and then only do the bare minimum to get by (Only after complaints were filed with the Fire Dept. and the Mayor's office) is really quite appalling.

13. HRS' response (to our complaint) states that they bought native drought tolerant plants and allowed them to grow naturally. I see no evidence of this but if they are referring to the large dense area of Scotch broom on the hillside, then they intentionally planted an invasive, non-native shrub (with high oil content) that greatly *increases* fire danger. Scotch broom burns readily and carries fire to the tree canopy, increasing both the frequency and intensity of fires (Parsons 1992). I hire my worker to pull up Scotch broom each spring before they form seed pods.

14. HRS further states they are unclear on the ownership of the eucalyptus trees on the North side of the campus, even though the property line fence is clearly visible, (see photo). HRS states they maintain the trees on a regular schedule, yet obviously this is not true, (see photos). HRS further states that they spend \$7,000 to \$10,000 annually on tree maintenance. Given the large number of 100ft trees and brush on their 14 acre property to be maintained (properly), their budget seems inadequate. The neighbors in this canyon have been spending large amounts of money removing their eucalyptus and maintaining their vegetation because we understand the importance of fire prevention. Unfortunately, if a fire were to start it is likely that it would start in the HRS parking lot because it is frequented by large numbers of people. Hence, it's critical that area and the adjoining hillside be cleared so that my property and all other houses above those monster trees are not continually subjected to the dangerous risk of fire being swept through this canyon by the high winds.

15. Therefore, since HRS has been negligent by not clearing the brush, nor addressing the needed tree work for many years now, I would like the hearing officer to order HRS to remove certain trees to the ground, lighten the crowns on others, and remove the sprouts, litter, fire ladders, and the large amount of Scotch broom growing near my property, (It would be helpful if the work could be done in consultation with my arborist Erick Roman). I would also like a provision added that would require them to remove (yearly) the sprouts which grow from the stumps, as well as keep the area free of eucalyptus litter and Scotch broom at all times.

16. I'd also like the hearing officer to order that HRS have security stationed in the parking lot/ball field area at all times whenever people are present to curtail the noise. I further ask that the parking lot be locked at a certain time each night to put an end to the unwanted noise and disruption of the neighbors lives, (I think 10pm would allow for evening use of the school but still be considerate of the neighbors. On non-event days, the parking lot gate should be closed by 7:00 p.m., which allows plenty of time for after school activities, but stops unsupervised use of the lot after that time.). I'd also like the hearing officer to greatly reduce the student enrollment so that HRS can manage its traffic and other problems. Lastly, I think HRS should be required to have a 24 hour hotline (where a real person answers!) and security on site 24/7 to respond to neighbors concerns

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Dated: February 10, 2013

Terry L. Tobey

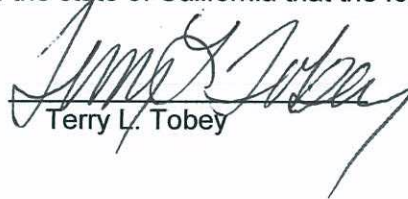
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Terry L. Tobey

**EUCALYPTUS SPROUTS AND TREES LEANING OVER
HRS PARKING LOT ON STEEP HILLSIDE**



100 FOOT PLUS TALL EUCALYPTUS TREES ON HRS HILLSIDE



673

IVY, EUCALYPTUS SPROUTS, NEXT TO MY FENCE ON HRS PROPERTY



**HEAD ROYCE'S LACK OF MAINTENANCE OF
THE EUCALPTUS TREES AND HILLSIDE**



EUCALPTUS TREES ON HRS PROPERTY OVER MY BARN



BACK HILL – DEEP LITTER ON HRS PROPERTY



**BACK HILL EUCALYPTUS SPROUTS, FIRE LADDERS,
AND DEBRIS ON HRS PROPERTY**



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

November 15, 2012 – Thursday. Sitting next to Lincoln Child Center driveway on house wall. No camera due to proximity to children and parents.

8:13 a.m. Arrived. 3 buses at gate drop off area. There are four monitors visible. Two security guards, one each at the gate cross walk and corner of Alida & Lincoln; one monitor on S side of street, one monitor on N side. Several people with vests appearing to do counting up and down Lincoln near gate area. Traffic moving – students unloading on N and S sides.

8:16 Car pulls up on S side in red zone between cones. Parents walking kids from Alida direction to the crosswalk.

8:17 2nd car unloading in red zone right below crosswalk on S side. Over 11 cars in N travel Q.

8:20 N travel Q up past light near Greek Church. S side Q in travel lane is long and way past Alida.

8:22 Parent getting into car on street, S side. Parent walking kids up S side on Lincoln. 2 cars now in red zone on S side. This red area does not appear to be a loading zone due to cones, but there is a small separation between some of them. The cones are close to the curb – about 6 to 10 inches from curb.

8:25 Another car in S lane – parent in street entering car. N travel Q back to HRS driveway. Monitor does not advise him to enter on street side.

8:27 Monitor gone on S side. Uphill Q S side below Alida.

8:28 Security guard removes cones on S side. Michael's bus arrives.

8:29 Traffic moving smoothly. No Qs.

8:31 Michael's bus leaving. Peter Smith at front gate talking to people.

8:35 Leaving area and as I drive up Lincoln, noticed that there were quite a few (at least 5) monitors appearing to count (saw one of them with pen in air and moving lips as if counting. All of them had clipboards.) There were no counters that I observed near or above the HRS driveway and all of them were on the S side.

9:30 – On my way back up Lincoln towards freeway, saw one of the monitors I'd seen appearing to count with his back towards street. Read on back of his vest: "Quality Counts."

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November 15, 2012 – Thursday. Afternoon – At top of Greek Church stairs.

2:38 p.m. Arrived. 3 buses at gate drop off area. There are four monitors visible. Two security guards, one each at the gate cross walk and corner of Alida & Lincoln; one monitor on S side of street, one monitor on N side. Several people with vests appearing to do counting up and down Lincoln near gate area. Traffic moving – students unloading on N and S sides.

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In reviewing the photos and the timer on the camera, I reconstructed the buses arriving at HRS:

2:31 First Michael's bus arrived.

2:45 AC Transit bus arrived.

2:53 Second Michael's bus arrived.

3:00 Third Michael's bus arrived.

3:01 Fourth Michael's bus arrived.

3:10 Two AC Transit buses arrived.

3:11 Two AC Transit buses arrived.

3:13 AC Transit bus arrived.

3:16 AC Transit bus arrived.

3:26 AC transit bus arrived.

It was not possible to tell whether all of these eight buses actually stopped at the HRS gate from my position.

Photos – November 15, 2012 Afternoon Pick-Up



3:12 p.m. Parent starts u-turn from Greek Church service entry (not the parking lot). Downhill traffic not easily visible from this position. (1571)





Parent completes u-turn and heads into parking queue. (1572, 1573, 1574.)



3:22 Parent picks up student in the intersection in front of driveway (1587.)

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November 16, 2012 – Friday afternoon. Greek Church second landing of stairs.

2:37 p.m. Arrived. 305 AC bus arrives. Cloudy after rain, not raining or drizzling right now.

2:40 N. parking Q starting to fill. No monitors, no cones visible. People moving cars out of Q so parents can park there. Skyline bus going up Lincoln.

2:44 Q now starting to fill.

2:46 Large vehicle travels down Lincoln during pick-up (over four and a half tons?) (1599.)

2:48 Beginning to sprinkle. No monitors visible down past light. Now monitor shows up with cones at driveway.

2:53 One monitor on driveway visible, none otherwise visible.

2:57 Driveway monitor not visible (may be in driveway to avoid getting wet.) Bus goes past HRS. Traffic moving. Lincoln buses in front of Lincoln Child Center.

3:05 Two Michael's buses arrive. LCC buses leaving. Q full. No monitor visible, but driveway monitor may be behind bushes to stay dry.

3:07 Parent stopping to wait and get into Q that is full (cone behind Q), car tries to go around it over the center divider. (1613.)

3:16 Traffic moving. Q full. Driveway monitor is the only monitor visible.

3:19 Parent stopping to get into Q while monitor directs the car into the back of Q; car behind it goes over the double yellow-line to get around it. (1644.)

3:28 Traffic moving. Only one monitor visible. She is using cones at end of Q to prevent cars from pulling in there.

3:33 Four Michael buses leave up Lincoln.

3:34 Two monitors appear to ask Q to move forward.

3:40 Impromptu pick up below me. Student is texting driver who in a few seconds shows up and picks up student . (1666, 1668, 1671.)

3:41 Cones removed from driveway area. Put away camera and get ready to leave.

3:48 Parent u-turns below me and crosses Lincoln to access Q.

3:54 Two more cars both u-turn below me in the Green Church service driveway and join Q.

Hollis drove up and down Lincoln and only observed monitors at the main gate and the one monitor, whom she recognized as Mary Fahey, at the driveway. We both realized that the students are heading around the neighborhood surrounding the school to find

places where they can meet their parents for pick-up, instead of using the system that the school wanted used by parents and students.

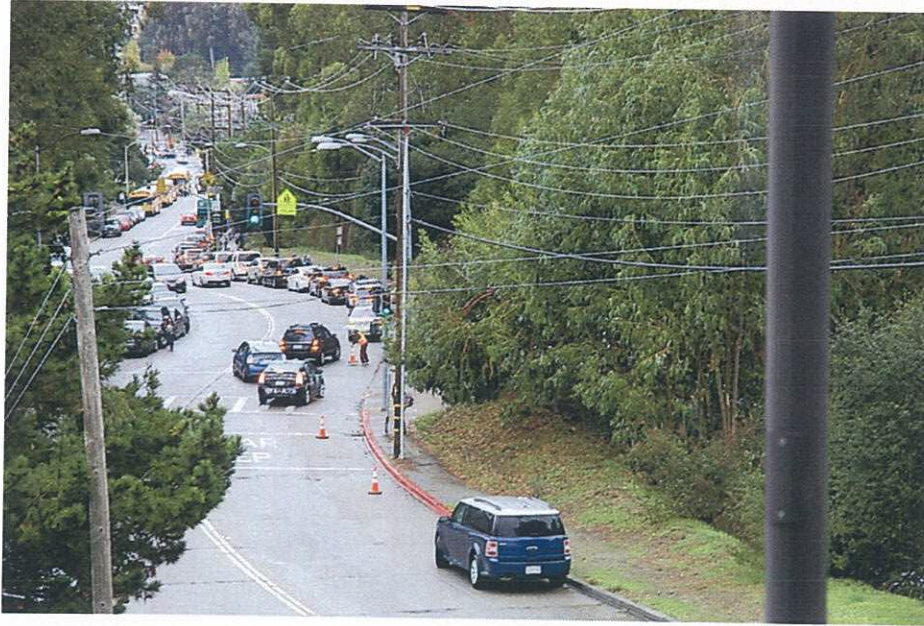
Photos – November 16, 2012 Afternoon Pick-Up



2:46 Large tow truck vehicle (over four and a half tons?) mixing with pick-up traffic. (1599.)



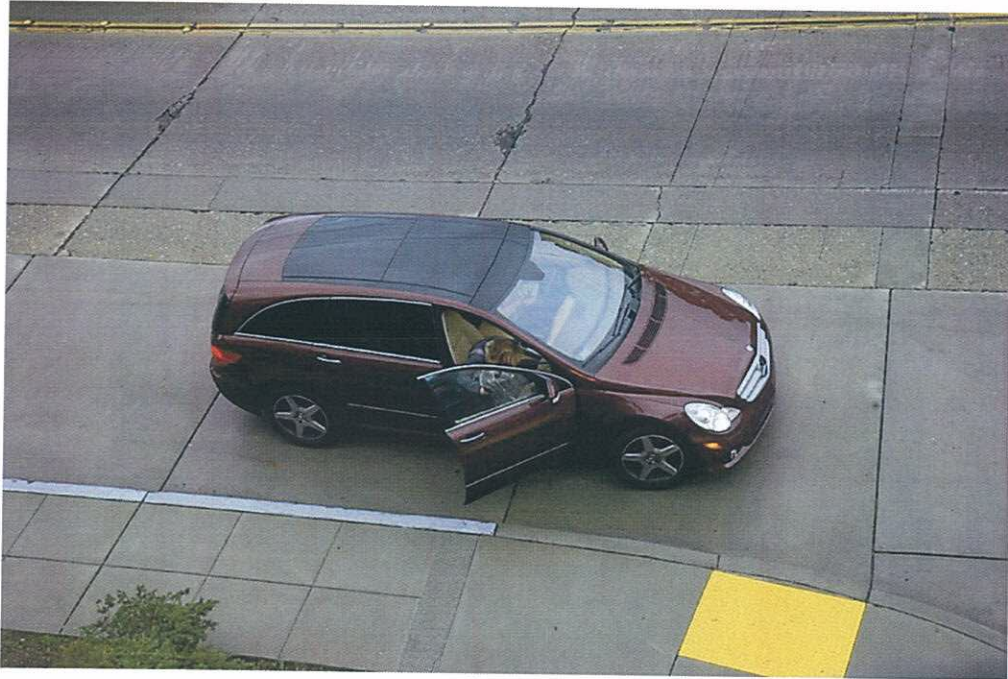
3:07 Parent stopping to try and get into full queue (see cone at end of queue), car going over yellow double line to get around stopped car. (1613.) Monitor does nothing.



3:19 Parent waived into the queue as last car allowed into it (see cone) and car behind it goes over yellow double line to get around it. (1644.)



3:28 Student texted parent to pick her up at service entry to Greek Church. Parent did so. (1644.)



(1668.)



(1671.)

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November 29, 2012 – Thursday. Afternoon – Driving up and down Lincoln and to Whittle gate. No camera as vehicle in motion.

3:19 p.m. Arrived at Lincoln and Alida. Three Michael's buses loading on S. side of Lincoln. AC buses filled up the loading area from gate to part of parking Q on N. side at gate.

3:24 Q on N. side full. Now fourth Michael's bus loading with first three on S. side of street. Visibility around all of the buses on both sides of the street is poor. If a kid ran out, it would be hard to see him or her in time to stop. It is very tight to get cars through space between buses on both sides of street.

3:26 Students loading below gate on N. side of Lincoln. Parents sitting in cars waiting for children to find them and get into the cars.

3:28 Monitor at Whittle gate.

3:30 Students loading now on N. and S. sides of street below Alida and up to the gate. Buses are moving and there is tremendous chaos between so many buses and students loading. There are four monitors in green vests, including one crossing guard.

3:33 Travel lane Q above Greek Church and traffic completely stopped.

3:34 Monitor in red vest at driveway waiving cars into the Q and down Lincoln.

3:35 Traffic moving along Lincoln in both directions very slowly.

3:39 Uphill traffic in N. travel lane jammed behind slow moving buses at intersection of Lincoln and Monterey.

3:40 Sign monitor gone and staging area empty.

3:46 Traffic moving.

3:48 Q in parking lane still has about 7 to 10 cars.

3:50 All monitors have departed.

The Michael's buses did not previously load on the S. side of Lincoln in front of housing and LCC. This is a new change. Also, the school driving rules forbid loading and unloading – "9. Children may not be dropped off or picked up **below** the Gatehouse on Lincoln Avenue at any time no matter their grade. You may park legally to escort your child to and from Head-Royce." That they are now loading in this area is also a new change.

The number of buses has been increased, as noted in the materials from the school. However, there does not appear to have been any safety system instituted to deal with so many buses ending up on both sides of the street at one time. Also, these buses are

arriving between 3:00 and 3:30. Instead, they should arrive and leave **before** the cars arrive, per the earlier traffic engineer's recommendations, made in 2009 or 2010.

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December 3, 2012 – Monday. At top of Greek Church steps.

2:36 p.m. Arrived at Greek Church, top level. Light traffic.

2:40 One small bus parked in front of LCC.

2:46 Traffic still light, few cars in N. parking Q. AC Transit bus stalls in uphill travel lane. Car u-turns below me and goes into the Q. No monitors visible.

2:52 Stalled bus pulls into parking lane on S. side of street. Cars in S. travel lane go over yellow line to get around the stalled bus.

2:56 Q filling. No monitors visible.

2:50 Monitor arrives at driveway and puts out cones. Q filling. No other monitors visible.

3:02 Jaywalker crosses from S. side to N. side. (1695.) Monitor on driveway does not stop the jaywalker. No other monitor visible.

3:03 Traffic moving and N. parking Q almost full. Nobody going over double yellow line and stalled bus now out of the way. LCC buses here – one leaves. Many buses are here for HRS pick-up.

3:06 LCC bus leaving. Two Michael's buses arrive. One pulls into driveway with rear sticking out – driver appears to be getting directions from the monitor.

3:09 Third Michael's bus arrives. Parking Q on N. side full. Monitor puts cone at end of line near driveway. LCC buses leaving.

3:15 Second jaywalker (was unable to catch on film as too much occurring at same time) – no monitor interference. Another Michael's bus arrives. Parking Q full. Traffic is moving, but there is a great deal of congestion from many buses in the gate area. (1710.)

3:21 – and continuing. Traffic now backed up above Greek Church. Buses are creating super congestion at gate area. Only one monitor visible, and at the driveway, only. Two more AC Transit buses arrive. (1727.)

3:22 Several students pull up below me and get out of a car. They then jaywalk across the street to car, load backpacks in the back, and then leave. Monitor is standing within feet of them, but does not stop the jaywalking or speak to them. (1715, 1717.)

3:24 Student walks up the hill directly below me and gets into waiting station wagon. (1719, 1726.)

3:26 Students pull up on S. side of street, unload, jaywalk across street to parked car on N. side above driveway. Monitor does nothing. (1732, 1733, 1734.)

3:27 Parent in blue Prius pulls up into neighbor's driveway, blocking it. Meets child who loads in the neighbor's driveway. Driveway monitor does nothing. No other monitor visible. (1735, 1742.)

3:28 Travel lanes in both directions backed up. (1740, 1751.)

3:43 Left.

Photos – 12/3/2012



3:02 Jaywalker in the middle of Lincoln Ave. walking from S. side to N. side. No monitor visible or stopping the jaywalker. (1695.)



3:15 Congestion from so many buses at the gate area. (1710.)



3:27 Traffic backed up in N. side travel lane due to buses congregated on both sides of Lincoln at gate area. (1727.)



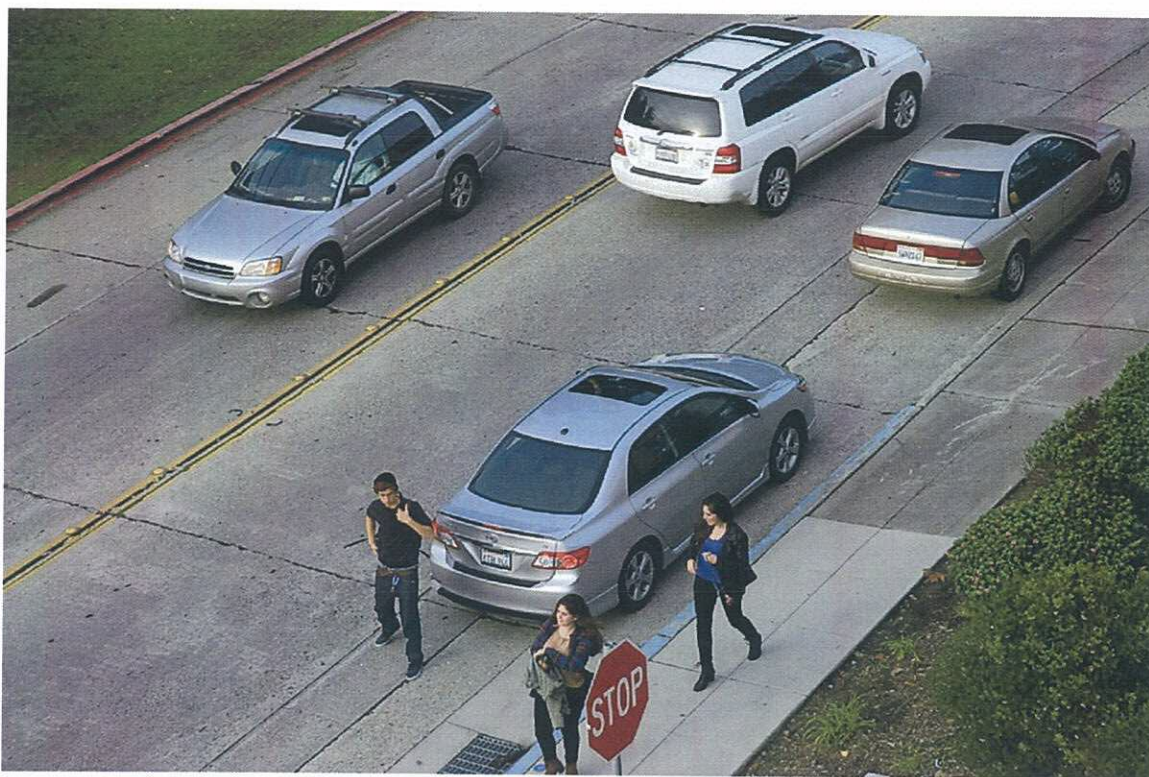
3:22 Students come up the driveway in one car, unload on S. side of street, jaywalk in front of monitor, who does nothing, and then load above driveway in another student's parked car. (1715.) Car license is 5NAT632 and is in school's database. (1717.)



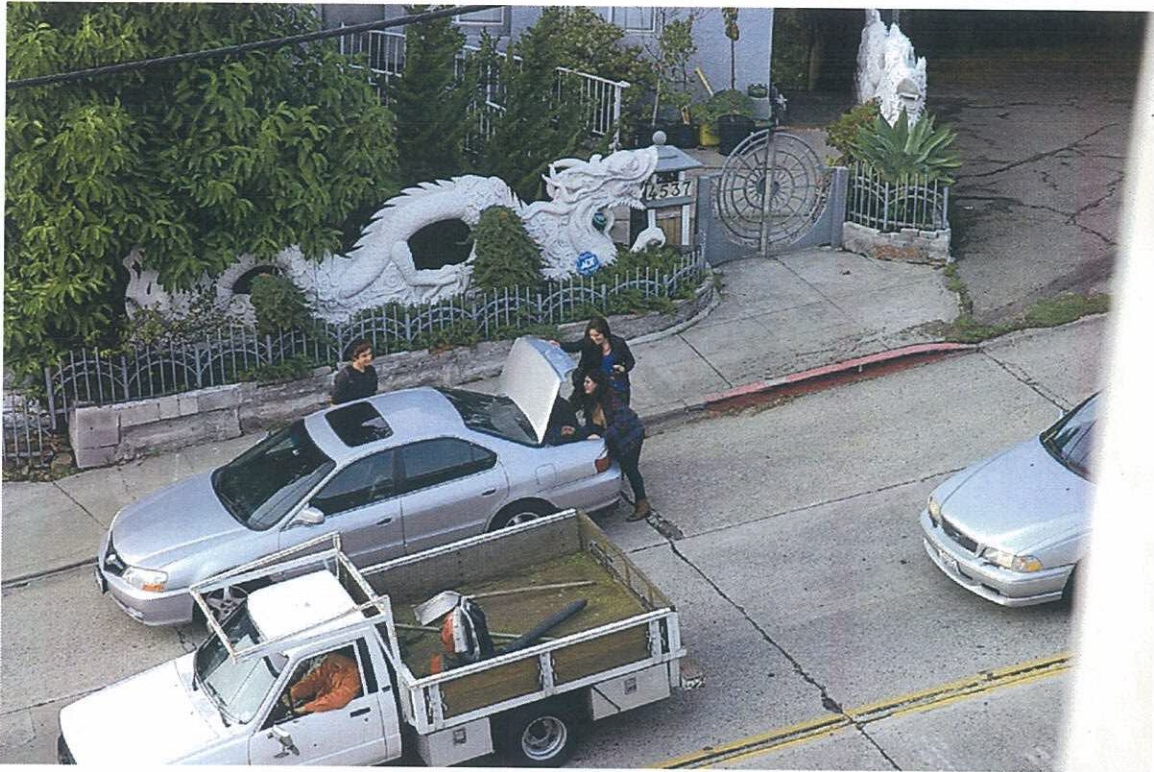
3:24 Student loading in Greek Church service driveway, instead of at one of the school approved locations. (1719.) Car license 6CUH827 – in school's database. (1726.)



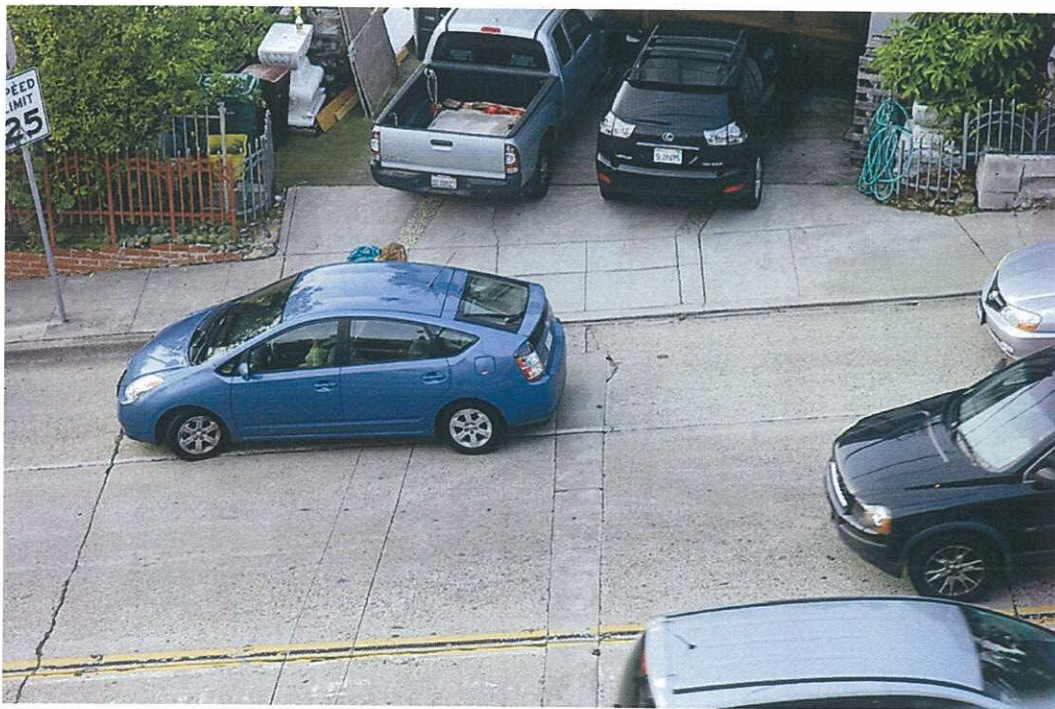
Students unloading from one car that has come up from the school – above the driveway. (1732.)



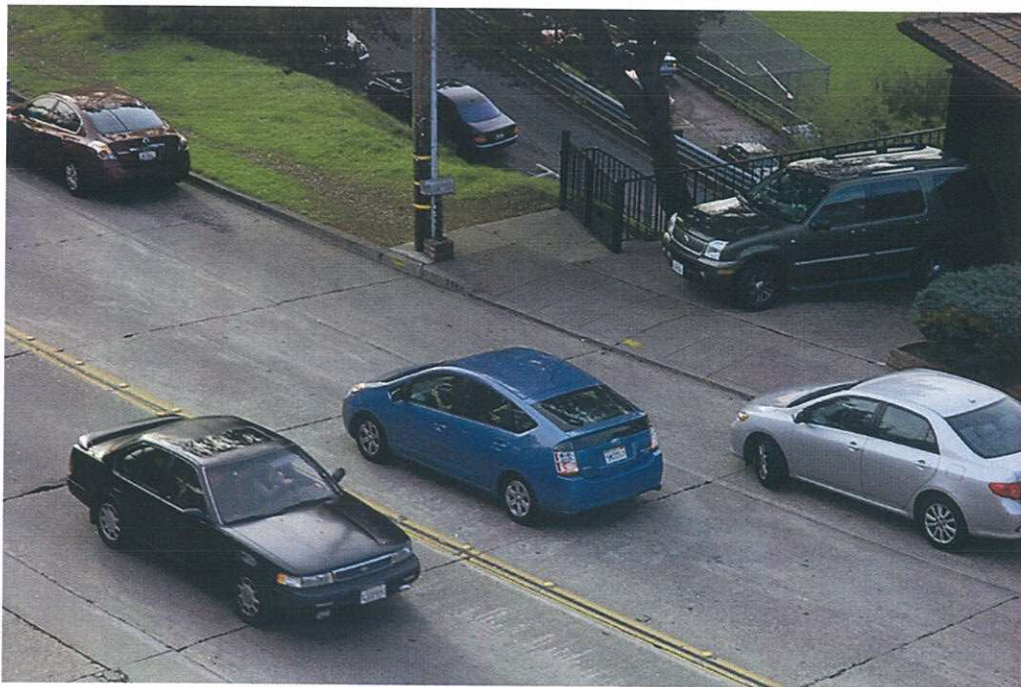
3:26 Students heading across the street to car on opposite side – jaywalked across and monitor did nothing. (1733) Car license 6TBL944 in the school's database. Not a school approved loading area.



3:26 Students loading into back of another car after crossing directly over from car they left on S. side onto N. side. (1734.)



3:27 Student loading into Prius that parked in neighbor's driveway. (1735.)



3:27 Parent leaving neighbor's driveway after loading child. (1742.) License plate 5MZZ243 – in school's database. Not an approved location for student pick-up and monitor nearby driveway does nothing.



3:28 Traffic backed up in both travel lanes above Greek church. (1740.)



Photo taken from other direction also around 3:28. Shows the congestion caused by the buses mixing with cars and the travel lane blockage on the S. side of street. (1751.)

Date: Mon, 4 Feb 2013 08:35:42 -0800
Subject: PIX!
From: eleni4244@gmail.com
To: 101550@msn.com

Good morning Leila,

I went up to the top of the hill this AM...just got home. Between 8 AM and 8:14 AM I took multiple pix at the Hwy 13 offramp. It was already very busy by 8.

Many cars are using the Mormon Mission Home driveway to access Lincoln Way, even when the offramp isn't backed up. I wish I had a count, but couldn't do both alone. An AC transit bus, # 606, came off with only ~16-17 kids on it. The #605 came a few minutes later with a few more kids, maybe ~20, but not full.

I also got pixs of one young woman in a black Prius talking on her cell as she negotiated the turn onto Monterey, and a gold SUV on Lincoln Ave stopping in the middle of the street to let off kids. (I actually got the license #--I was behind her!!)

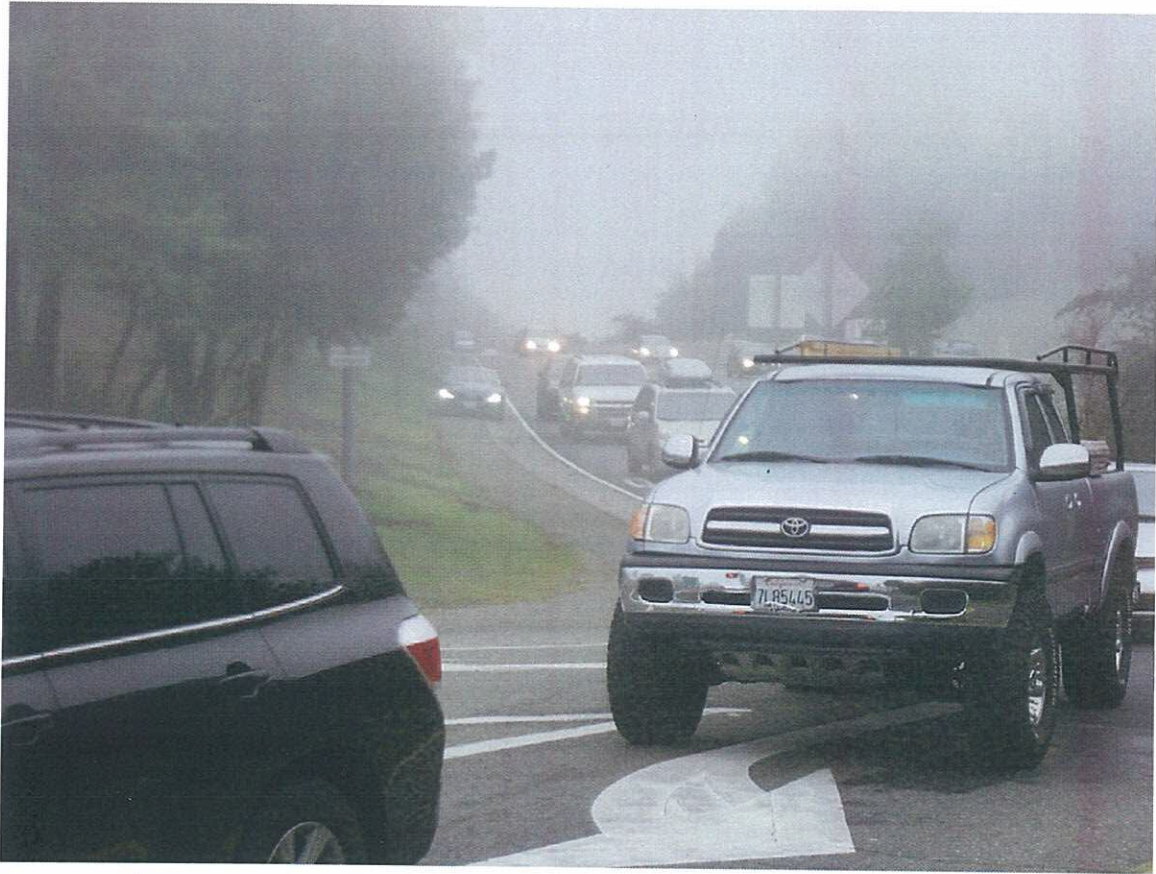
Here are 10 pix I took this AM. It was quite foggy, so I hope they will print reasonably well. The last pic is the suv that stopped in the middle of the street to let the kid out. The kid was too quick for me to catch in the pic.

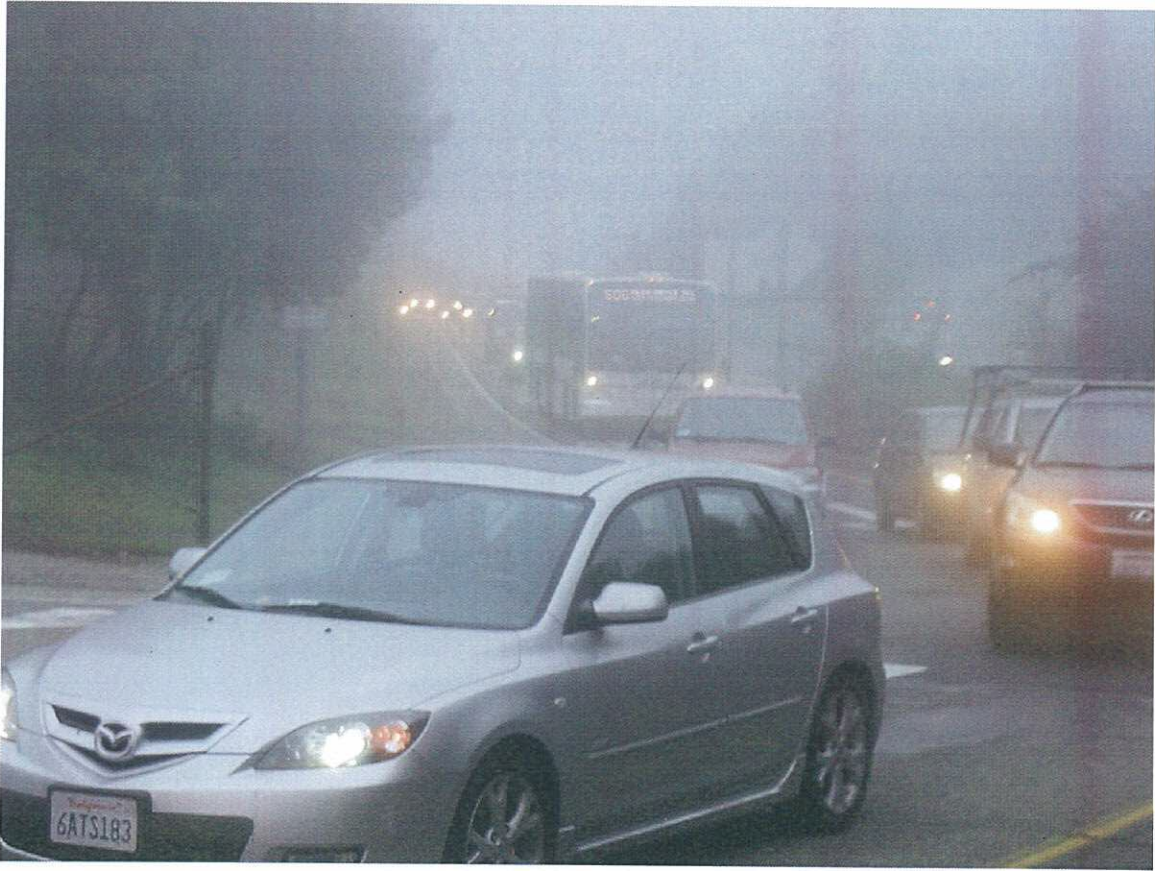
Best, ~eleni-anjali







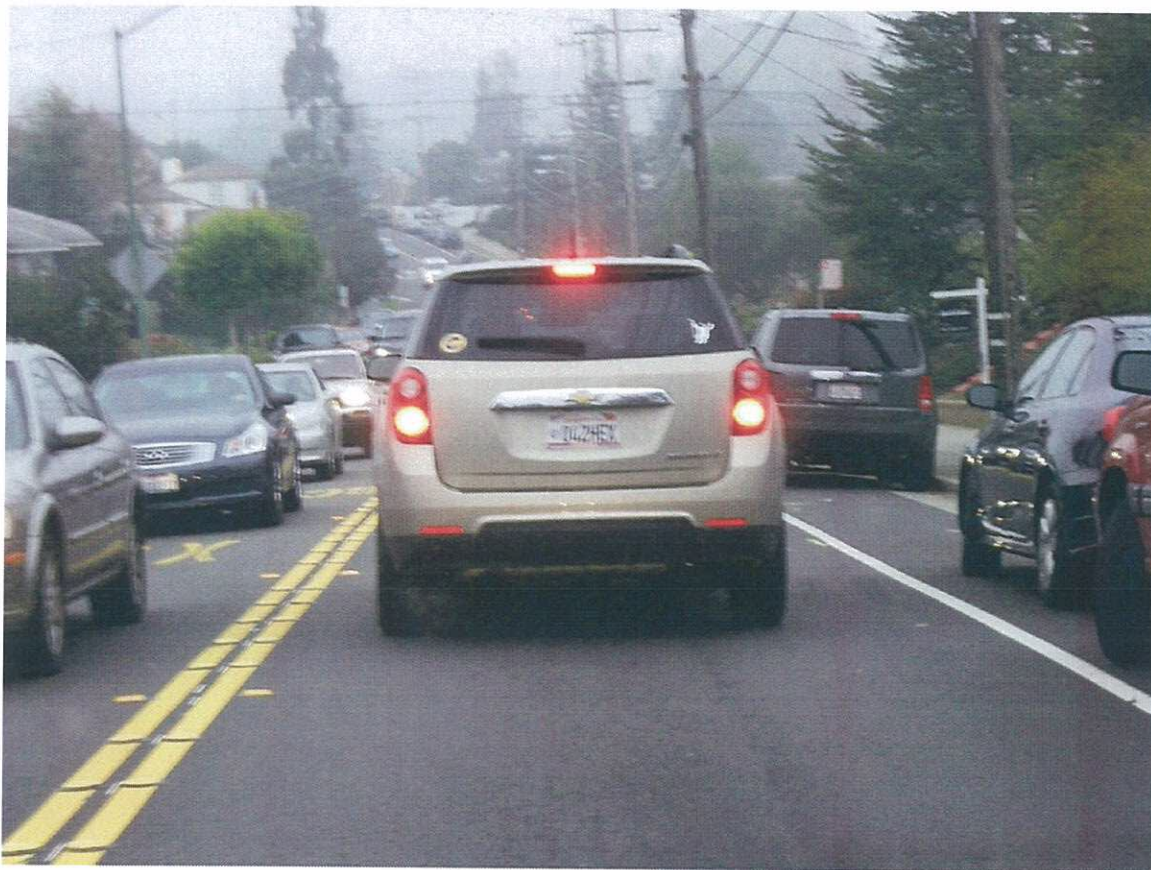












From: Mary Fahey [mailto:mfahey@headroyce.org]
Sent: Wednesday, December 05, 2012 09:14 AM
To: Randy & Lori Morris
Subject: vehicle reg

Hi Randy,

Here is the 2012-2013 vehicle registration!

Mary

--

Mary Fahey
Assistant Director of Admissions
Director of Community Relations
510-531-1300 ext 2219

From: Colin and Rachel Zak <crzak@sbcglobal.net>
Subject: Fw: Backyard bottles
To: mthilgen@sbcglobal.net
Date: Tuesday, August 14, 2012, 11:18 AM

Michael,
here are the photos of the most recent collection of bottles found in the back of our property. The bottles were stashed in little clearings around the area that looks over the playing field. My concerns are: the glass (I don't want broken glass left in my yard or have to clean up someone elses mess), potential fire hazzard from someone smoking and lastly the potential liability of someone getting hurt on my property - trespassing or not.
If you are in contact with the school administration please add my voice to the conversation about controlling access from the student population. I want to be a good neighbor to the school, but I don't want to have to monitor their student's activities.
Best,
Colin Zak
4350 Whittle Ave

Hi Colin,

Thanks very much for that statement. I think it will be very helpful.

I am forwarding it, and this message, to the neighbors' attorney, Leila Moncharsh. She is coordinating the neighbors' submittal to the City. She will probably contact you soon about incorporating your statement into the appropriate legal form.

Thanks again!

Michael

On Feb 11, 2013, at 12:14 PM, Colin and Rachel Zak <crzak@sbcglobal.net> wrote:

To whom it may concern,

I have been a resident of Whittle Ave for over 20 years and over those years we have had periods of time where bottles would appear in our back yard in the bushes. I several concerns regarding the uninvited access by students.

- I don't want to have any liability for underage drinking on my property that should be controlled by the school administration
- I am concerned that someone might get hurt coming up the hill to access my yard
- I am tired of picking up the bottles and trash left behind
- Lastly and perhaps most scary is the possibility of a fire being started by someone smoking in the very dry grass of early Fall and late Spring.

I would like the school administration to address the trespassing of students onto the personal properties surrounding the school.

Thank you for your attention to this matter.

Sincerely,

Colin Zak
4350 Whittle Ave









From: mthilgen@sbcglobal.net
Subject: Tennis court use
Date: Sun, 6 Jan 2013 18:59:22 -0800
To: hollisanddeborah@att.net

I got a message from a neighbor on Whittle:

Hi Michael, I just wanted to let you know that Derrick, Carl, Alex and a friend just got kicked off the Head Royce tennis courts, second time in two weeks, because an alumnus seems to offer private lessons on the courts (from 2-4). I think you and Don were concerned about this type of activity and whether it violates the agreement with the neighbors. When I asked the alumnus whether he rents the courts he said no but there is some kind of arrangement and said the Head Royce tennis coach would be arriving soon. I was there with the dogs looking forward to running them on the field. Colleen

Use of athletic facilities for non-HRS functions is not allowed. Nor is renting of the facilities.

Michael

From: Colleen Fong <colleen.fong@sbcglobal.net>
Date: January 19, 2013 3:32:39 PM PST
To: Michael Thilgen <mthilgen@sbcglobal.net>
Subject: Re: Fwd: use of tennis courts

Hi Michael, Thanks for following up. I do not think "lessons" should take precedence over neighbors using the courts. Lessons are a money making enterprise in violation of the agreement if I understand it correctly. Moreover this whole "good neighbor" policy was implemented in exchange for the continuous HR expansions, traffic, etc. The tennis coach MUST be made aware of this, and his/her assistant as well because he clearly had no understanding of the HR expansion history or even that a good neighbor policy existed. I think a fair policy for the courts outside of school team use would be first-come-first served. If the coach wants to give lessons on the courts, he/she should have to wait if they are occupied by neighbors. Colleen

From: Michael <mthilgen@sbcglobal.net>;
To: Colleen Fong <colleen.fong@sbcglobal.net>;
Subject: Fwd: use of tennis courts
Sent: Sat, Jan 19, 2013 1:39:12 AM

Hi Colleen,

Mary responded to my question about the courts, see below. Please let me know if it happens again.

Michael

Begin forwarded message:

From: Mary Fahey <mfahey@headroyce.org>
To: Michael Thilgen <mthilgen@sbcglobal.net>
Subject: use of tennis courts

Hi Michael,

Neighbors are welcome to use the courts after school hours if we do not have a practice or lessons on the courts. We had a tennis clinic over the break for a few days. Please pass this information on to Colleen.

Thanks,
Mary

--

Mary Fahey
Assistant Director of Admissions
Director of Community Relations
510-531-1300 ext 2219