



GRASSROOTS
COMMUNITY
ADVOCATES

September 14, 2023

Oakland City Council
City Hall
1 Frank H Ogawa Plaza
Oakland, California, 94612
By email: council@oaklandca.gov

Mayor Thao
City Hall
1 Frank H Ogawa Plaza Oakland,
California, 94612
officeofthemayor@oaklandca.gov

Re: Head-Royce Expansion Plans Hearing – September 19, 2023, 4:00 p.m. Item 8.3

Honorable Mayor Thao and Councilmembers:

Appellant Neighborhood Steering Committee (NSC), representing a large area of the neighborhood near the Head Royce School (HRS) requests that your Council grant its appeal for four limited purposes and direct staff to prepare findings supporting the following:

- Denial of the 344-student enrollment increase
- Preparation of a replacement and adequate Evacuation Plan instead of the one on the HRS website – for public review and City Council approval *before* commencement of any construction
- Include in the Project final development plans an alteration to the Loop Road by moving a small exit segment uphill to avoid the now planned location directly adjacent to several houses

- Impose the NSC requested changes to conditions in the SCAAMP and COA¹

This letter responds to the City’s Staff Report (SR).

A. The Council Should Grant the Appeal and Direct Planning to Prepare Findings for Denial of the 344 Student Enrollment Increase

We have previously provided your Council the December 2022 and March 2023 Weisgerber reports. The NSC retained Mr. Weisgerber to evaluate the potential for safely evacuating HRS and the surrounding neighborhood in the event of a wildfire or other emergency. (See Exhibit B, attached.) The City has acknowledged that Mr. Weisgerber has exemplary credentials for evaluating this topic:

Mr. Weisgerber clearly brings considerable expertise on the topic of emergency preparedness and evacuation planning.²

He explained that the risk of a wildfire in the Lincoln Heights neighborhood, located in the Fire Hazard Severity Zone is extremely high and:

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

The SR agrees: “The EIR. . . identifies that ‘the Project would exacerbate the current exposure of people and structures to a significant risk of loss, injury or death by. . . increasing enrollment at a school located within a [very high fire risk zone].’” (Draft EIR page 16-17). (SR, pp. 4-5.)

The City simplistically intends to use Mr. Weisgerber’s recommendations, along with those of others alleged to have expertise in wildfire evacuation, one named, the rest not, to construct an adequate evacuation plan. (SR, p. 11-12.) It would take effect before construction or before issuance of an

¹ See NSC Requested Changes to Conditions of Approval and to mitigations (SCAAMP), Exhibit A, attached.

² FEIR Response to comments, Chapter 3, (Master Responses, pages 11-12)

occupancy certificate. (The SCAAMP and COA conditions contradict one another.) However, the SR is silent whether in the first place, it is possible to safely evacuate HRS with 1,250 students simultaneously with the community surrounding HRS. (SR, p. 14.)

Mr. Weisgerber describes this deficiency in his December 7, 2022, letter on page 4: “I disagree with the ‘*Less than significant*’ conclusion, as the DEIR in no way addresses the effect of an additional 344 students (+staff)—an increase of 38% in the student census—in the capacity of a pedestrian emergency mass evacuation during a wildfire.” No expert ever demonstrated through modeling or otherwise that HRS can safely evacuate the current 906 students plus employees, let alone with another 344 students.

Instead, the City *supports* Mr. Weisgerber’s conclusion that the proposed mitigation measures do not reduce the wildfire risk to less than significant. For example, the SR admits on page 11 that “It is not possible to identify a mitigation measure for the School that is capable of reducing the wildfire dangers to the neighborhood, the School, and neighbors above Highway 13 to a less than significant level.” Listing the type of conditions that will likely increase the wildfire risks, including limited evacuation routes, the SR concludes:

None of these existing conditions were caused by the School. As such, it is not legally required, nor is it possible, for the School to develop a plan that can successfully mitigate the risks and capacity constraints to people uphill from the School and surrounding neighbors from an evacuation during a wildfire.

The SR overlooks that regardless of anyone’s fault for causing the extreme evacuation risks, the Council has no evidence to support necessary findings for granting the permits *with* the enrollment increase.³ For example, under Oakland’s permit code, required Criteria A mandates project consistency

³ See Oakland Planning Commission Staff Report (“Head-Royce-School-PLN18532-Staff-Report-and-Attachment-A-PC-4-19-23.pdf”), specifically the criteria listed in the Preliminary Planned Unit Development Permit Findings on pages 46-50 and the findings for the Conditional Use Permit on pages 51-58.

between the General Plan or “ordinance adopted by the City Council.”⁴ On November 19, 2019, your Council adopted Resolution No. 87940 designating wildfire prevention a top priority for the City.⁵ It reminds your Council of the cost associated with wildfires along with the inseparable losses due to evacuation barriers:

[W]hen a wildfire destroys a neighborhood, the short[term] and long-term economic impact multiplies geometrically. Oakland’s own 1991 Firestorm resulted in estimated \$1.7 billion (1991 USD) in insured losses (\$2.7 billion in 2018 dollars) and created a recession in the City of Oakland that took at least five years to recover.⁶

Criteria B requires a finding that the Project’s location . . . and size are such that the development can be well integrated with its surroundings. (See also, General Plan Policy N2 - “Balancing City and Local Benefits of Institutions. When reviewing land use permit applications for the establishment or expansion of institutional uses, the decision-making body should consider the institution’s overall benefit to the entire Oakland community, as well as its effects upon the immediately surrounding area.”

Here, the devastating effects from impeded wildfire or earthquake evacuation greatly outweigh any benefits HRS may bestow to Oakland. The SR’s claim that a Project benefit will be the replacement of old buildings with new fireproof ones is unsupported by facts. If there were buildings requiring demolition due to fire risks, OFD would have yellow or red-tagged them. It is irrelevant to whether your Council should grant a permit expanding HRS from 906 to 1,250 students.

Your Council should find it unacceptable to subject Oakland citizens to possible astronomical costs given the risks listed in the EIR and SR.

⁴ A Preliminary Planned Unit Development Permit may be granted only if it is found that the development (including conditions imposed under the authority of Sections 17.142.060 and 17.140.030 conforms to all of the following criteria, as well as to the planned unit development regulations in Chapter 17.142.

⁵ See Exhibit C, attached.

⁶ \$3.8 billion in today’s dollars!

Insurance carriers canceling policies for residents is also a factor. There already is not enough available, reasonably priced insurance coverage to pay for replacement housing. The FAIR Plan's coverage is poor and its premiums are too high.

Criteria D provides: **That the location, design, [and] size . . . and uses are such that the residents. . . to be accommodated will be adequately served by existing or proposed facilities and services.** The community already is not adequately served by Lincoln Avenue. HRS has reduced the adequacy of Lincoln Avenue by using it for parking, which continues as part of the Project. (See section A.b., *infra.*) The Project's left hand turn lane will be an additional evacuation impediment during drop-off and pick-up.

Further, the Safety Element requires the City to “[p]roactively prevent urban fires and exposure to wildfire and protect community members and property from fire danger.” Section SAF 2.2⁷ requires prioritizing development in the Very High Fire Hazard Severity Zone in areas with adequate evacuation routes. Lincoln Avenue already is not adequate for evacuation without adding 344 more students, many arriving by cars.

The City fails to “proactively” prevent exposure to wildfires when it chooses to prefer HRS's size over the community's safety needs. Even if HRS is more politically influential, viewed as more important, or just loved by so many, the fact remains that it has already overwhelmed the public infrastructure around itself. That infrastructure was designed to support a residential neighborhood including a school, but not an extremely large school of 1,250 students plus its nearly 200 employees.

a. The City's Eleventh Hour Promise of an Adequate Evacuation Plan Rings Hollow

The 2016 permit required that HRS must prepare an emergency and evacuation plan:

⁷ The new code number is 2.3 in the Safety Element, effective to 2045.

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

HRS failed to comply. In 2018, HRS filed its expansion plan application. In 2019, after NSC found out the City had no HRS emergency plan, it requested the document from HRS, which refused, saying that it was a “secret” document. In 2020, NSC received the plan from someone who grabbed it from inside HRS – it was dated 2020. To date, the only HRS evacuation plan is the one on HRS’s website that Mr. Weisgerber and subsequently, the City found inadequate. It should not take over six years for HRS to produce an adequate plan and submit it for review to OFD in compliance with its 2016 use permit.

On pages 13-14 of the SR, the City suddenly *describes* an alleged “draft evacuation plan.” It is not available for Mr. Weisgerber, the public, or the City Council to read. The SR description is nothing more than what the plan *might* include, not what a *final* does include or that OFD has reviewed it and found it adequate. There is no date provided for when HRS will commit to it, if ever. We only know that no doubt intentionally, HRS and the City never produced it during the EIR process when it could be vetted by Mr. Weisgerber. Significantly, there is also no promise by HRS to follow it or from the City to enforce it. After all, it is just a “draft.” And there is plenty of history for why HRS will not follow any plan that has it evacuating off the campus.

The City is deaf to the disagreement by HRS that a wildfire would require a fast emergent need to evacuate by foot off site.⁸ Instead, HRS states in its website section, entitled “Evacuation Plan 2022” that the best first place to go is its gym: “**Gymnasium** – Because of its size and concrete-and-steel construction this is the preferred Temporary Refuge Area (TRA) location in the event of an approaching wildfire....” It also plays down the likelihood of

⁸ <https://www.headroyce.org/community/neighbors/fire-prevention>

wildfires as “extreme cases” where “it may be necessary to evacuate from the gym to an off-campus location” and:

In the unusual event that an immediate evacuation from the campus is necessary (i.e., when sheltering in place on the campus grounds is not an option), the IC will direct students and adults to the nearest safe space (for example, evacuating to the Ability Now parking lot).⁹ Given the number of people involved, and the need to reserve Lincoln Avenue for emergency vehicles and first responders, evacuations to off-campus locations are likely to occur on foot rather than by vehicle. Evacuating from the campus should only occur if absolutely necessary, as our campus is likely to be the safest location in the area to shelter in place and await updates from local authorities.

The fact that all of the expert reports recognize the speed with which wildfires spread is still lost today on HRS or they would have removed this evacuation plan from their website. The SR is silent on how it intends to enforce a proper evacuation plan in the event of a wildfire because there is nothing it can do. It cannot make HRS a true believer in science.

It was a bad choice for HRS to refuse or fail for at least six years to obtain an adequate evacuation plan because an emergency with serious losses could have happened during those years. It was a bad choice to now hide whatever they have, not commit to it, and if history proves true, refuse to complete and follow it. Insisting on adding 344 more students to an already very large 906 student school is just one worse HRS choice and the City Council should deny that part of its permit application.

b. The SR Fails to Address the Bad Choices HRS Makes That Exacerbate the Evacuation Problem Along with the City’s Inability to Force Good Choices

In its SR analysis, the City never considers the human element in deciding whether adding 344 students will slow down evacuation and first responders

⁹ This statement would have students running uphill towards the likely location of a wildfire.

during an emergency event. On page 11, the SR says that its wildfire mitigation will be successful because it is based on “a pedestrian-based evacuation plan for the School that does not contribute to anticipated traffic congestion on Lincoln Avenue. . .” The City fails to consider how foot traffic will get around all of the HRS cars parked on Lincoln Avenue. HRS allows its students to park on Lincoln Avenue uphill from the “Gatehouse”¹⁰ and the bus parking area, instead of requiring them to park in empty onsite spaces. Currently, 25 student cars park on Lincoln Avenue, closing off one of two parking lanes:



Photo taken on 9/11/23 during school hours looking uphill

¹⁰ The Gatehouse is located below the South Campus and a bit uphill from where Alida intersects with Lincoln Avenue. Uphill of the Gatehouse are bus lanes on both sides of the street.



Photo taken on 9/11/23 during school hours looking downhill



Clearly HRS student cars from the white markings



Where does the left turn lane go?. Photo taken on 9/11/23

Planning could have worked with the Department of Transportation to place No Parking signs along Lincoln Avenue to assure that the street is kept open for emergency responders and evacuation. Instead, the City allows HRS to use all of the spaces from just above the Gatehouse and bus loading areas all the way up and down Lincoln Avenue on both sides of the street because it contends that it cannot legally prevent HRS or anyone else from using public streets.

Proposed Condition 30 states: *Through its TDM and Transportation Policy Guide, the School's policy shall be to direct staff, students and visitors to park in the School's off-street spaces at 4315 and at 4368 Lincoln Avenue and on Lincoln Avenue above the Gatehouse and direct them not to park on the side streets in the neighborhood.* On September 7, 2023, Planning provided the following response to NSC's question:

NSC Question: COA# 30 Section 1. By “above the gatehouse”, do you mean on both sides of Lincoln from above the gatehouse and continuing uphill? And if so, how far uphill would this condition allow staff, student, and visitor parking?

Staff Response: Yes, parking in the public street would be available on both sides of the street above the gatehouse and continuing up the hill where such parking is allowed. This parking cannot be reserved for Head Royce School but would be publicly available to the public at large. Thus, any member of the public could also use the spaces since it is street parking. (Bold in original.)

The school acknowledges that it is important to “minimize on-street parking” because the school is in a residential neighborhood and parking on the street can negatively impact “neighbors’ quality of life.”¹¹ However, it does nothing to require students to park onsite although it has sufficient empty parking spaces in its onsite lots:

¹¹ Transportation Guide, p. 2, HRS website.



Photo of the North Campus parking lot with empty spaces taken at same time as the photos showing HRS's on-street parking – 9/11/23



Photo of Ability Now parking lot and Greek Church garage – plenty of off-street parking spaces. HRS says it will lease some of these spaces but it looks like at least Ability Now is not agreeable! Photo taken on 9/11/23



9/11/23 – Ability Now’s open parking spaces across from HRS and signs prohibiting HRS from parking there.

The City simply creates a “zero-game” – it allows HRS to use the Lincoln Avenue parking lanes, thus reducing the space for emergency vehicles and evacuees, and at the same time recommends approving 344 more students and additional employees, which will further pressure students to park on the street, adding to the loss of even more space for emergency vehicles and evacuees. The City should require that HRS instruct students to only park onsite, make sure that there are enough onsite parking spaces for them, and then also require that HRS utilize its citation and enforcement proceedings for any HRS violators. The City Council should deny adding another 344 students.

Not only is HRS dismissive of climate change science, the evacuation video presented to the City Council and the public, and news footage showing what happens when there is no adequate and successful evacuation plan, it also stubbornly refuses to comply with Oakland's vegetation management ordinances and fire codes. Another 344 students will not improve the situation or cause HRS to stop creating fire dangers of its own making.

B. HRS Continues to Violate the Oakland Legally Required Vegetation Management Rules

NSC included in its appeal the Oakland Fire Department (OFD) non-compliance notices and accompanying photos showing HRS violations over the last few years. The notices reflect repetitive violations – one set of the photos demonstrates shocking failures to even comply with the interior fire code regulations. The photos and attendant non-compliance notices are attached to the NSC appeal (Attachment B) to the City Council Agenda and can be found at Exhibit H in that document, following the Request for Documents letter. There can be no reasonable denial that HRS has been out of compliance with vegetation management in the past few years because the evidence is right in the photos and non-compliance reports. However, here is the response from the FEIR to this evidence claiming that in the future, the problem will disappear because of code enforcement and permit reviews:

These OFD inspection reports for the last two years would seem to indicate that Head-Royce School has demonstrated their ability and willingness to comply with fire inspection requirements and regulations. Further, there are safeguards in place, through Code Enforcement and permit review, to ensure a project applicant complies with conditions of approval, mitigation measures and other federal, state and local requirements.¹²

NSC and individual neighbors have been after HRS to comply with the vegetation rules for years because the City does not have the funding to pay fire inspectors to constantly go out, walk the 22+ acres, and *try* to force HRS into compliance. Even when they are “in compliance” it is after the OFD has

¹² FEIR Chapter 3 (Master Responses) on pages 3-5

found them out of compliance in the spring and given them nearly two months during the summer fire season to get into compliance. That is why some of the “in compliance” notices are dated at the end of July or later despite that the inspections here are in the last week of May or first week of June. 2017 saw fire inspectors repeatedly going to HRS over non-compliance from May 1, 2017 to July 10, 2017, almost the whole summer:

2017-05-01 00:00 4315 LINCOLN AV 029A136700404	2017-06-01 08:36	Vegetation HEAD ROYCE SCHOOLS	Annual	VMD3, Non-Compliant 2017-36195
2017-06-30 00:00 4315 LINCOLN AV 029A136700404	2017-06-30 08:39	Vegetation HEAD ROYCE SCHOOLS	Reinspection	VMD3, Non-Compliant 2017-36199
2017-07-10 00:00 4315 LINCOLN AV 029A136700404	2017-07-11 11:30	Vegetation HEAD ROYCE SCHOOLS	3rd Inspection	VMD3, Non-Compliant 2017-36201

Furthermore, they have not been in compliance over the last two years, contrary to the FEIR. OFD has repeatedly gone over what constitutes fire code noncompliance with HRS just as repeatedly ignoring the information. There are two non-compliant reports with photos in Attachment B to the Agenda – behind the two Weisgerber letters in Exhibit A. There are non-compliant notices and photos from 2017, 2018, and 2021, which we offer as a sample from the full packet of notices and photos in the Appeal. The sample shows how much HRS learned and applied to controlling vegetation between 2017 and 2021.

On April 4, 2018, the inspector found that HRS had inoperable escape doors on the gym and in the non-compliance report explained that doors allowing escape from fire have to be operable:

[BE] 1010. Unsatisfactory

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

GYMNASIUM EXIT DOORS

1031.2 Unsatisfactory

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

KEEP CLEAR AT ALL TIMES STAIRWELL AND WALKWAY BY GYMNASIUM

We now know that two years later in 2020, when Dr. Wong toured the campus for his fire report, he found that almost no egress gate was operable on the campus, leaving children no way to escape a fast-moving fire. HRS had learned nothing from the 2018 non-compliance notice.

Also on April 4, 2018, a fire inspector noticed that there was no emergency plan at HRS and cited the school for the violation with steps to correct the problem.

403.5.1.1 Unsatisfactory

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

We now know that there was no emergency plan because HRS did not comply with the 2016 permit condition requiring it. There was no emergency plan until 2020, four years after it was due under the use permit conditions, and even then the plan was inadequate. On June 1, 2017, OFD went over the fire code with HRS and cited them:

CFC 4907.2 - Maintain a 30-ft fuel reduction zone around all buildings and neighboring structures	Unsatisfactory <i>PROPERTY LINE PERIMETER</i>
CFC 4907.1, CGC 51182(a)(2) - Remove dead/dying vegetation from property	Unsatisfactory <i>ENTIRE HILL SIDE</i>
CFC 4907.3.1.3 - Remove all tree limbs within 6-ft of the ground, or 1/4 the height of the tree	Unsatisfactory <i>ENTIRE HILL SIDE</i>
CFC 304.1.1 - Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible/flammable waste or rubbish not permitted to remain on parcel	Unsatisfactory <i>ENTIRE HILL SIDE</i>

These codes are still enforced today, only they are even stricter. For example, you are not allowed to stack firewood near a fence or a structure. (OPD inspectors are now telling homeowners in the very high fire risk area that they cannot keep more than one day's supply of firewood on their property and then only at a substantial distance from the home and any fence.) HRS has consistently ignored these requirements.

The “entire hillside” that OFD referenced in 2017 has been a constant source of neighbor complaints to HRS, which has just as consistently refused to remove wood from the hillside. In December 2022, several eucalyptus trees became rotted and began falling over on the hillside. HRS called a tree service but instead of removing the downed tree trunks, it left them there right below a barn with horses and a house. These photos show the trees that were left on the ground in December:



Photo taken on 12/23/22 – blue arrows show how close the standing Eucalyptus trees and the ones cut down are to homeowner properties.



Photo taken 9 months later – same hillside above HRS North Campus parking lot, shows all of the older debris that has been on this hillside long before the Eucalyptus trees were cut down in December 2022



Photo of more hillside with obvious old logs, fencing, leaf buildup and weeds – photo taken 9/6/23



Location on the same hillside where tree crew cut down Eucalyptus trees and left them on the hillside in December 2022, despite that Eucalyptus is highly flammable and explodes during wildfires, sending embers long distances.

Photo taken on 9/6/23

Leaving logs on HRS's property near housing is not limited to the North Campus. A few months ago, HRS cut down oaks and pines on the South Campus, leaving the logs on the ground next to a home and a fence along Charleston:

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This photo was taken on 9/11/23 – the logs are still on the ground, months after the tree crew left and close to a house.



Here is an OFD photo from June 8, 2021 (see date in left hand corner) and note the wood underneath the empty bottles, next to the wooden fence.

This following photo was taken on September 2, 2023, and shows a junk pile of old wooden benches over on HRS's side of a fence that separates the KSS daycare immersion building:



A closer look at the pile:



C. The City's Fallback Position That It Will Enforce Use Permit Conditions and That HRS Will Take 20 Years to Reach 344 More Students Is Contradicted by Reality and the City's Own History With HRS

The City and HRS attempt to lure the public into believing that it will take 20 years for HRS to become a school of 1,250 students and meantime the City will enforce a yet-to-be-seen evacuation plan, vegetation management, traffic rules, and the like. The fraud is that if the City Council will just deny NSC's appeal, HRS will only add a few students of the 344 at certain phases of its project. History with HRS and the City dispels this untruth.

Prior to the formation of NSC around 2012, the City granted HRS a duplicate arrangement of its current use permit that is the subject of the appeal. It was allowed to add enrollment up to 906 students over a 20-year period, but the City conditioned the permit that HRS could *not* add students if it did not comply with certain requirements at various phases of its North Campus construction and operation permit. For instance, it had to first add a certain number of parking places before it could add the next tranche of students. It would not reach the full enrollment of 906 students until around 2022.

In 2009 and again in 2010, the City found HRS out of compliance with its use permit, particularly around over-enrollment and traffic control issues. (See Exhibit D, attached – correspondence between HRS and Planner Heather Klien, including findings of non-compliance.) HRS fought the City every step of the way and the issues continued into 2012, when NSC filed a second complaint for non-compliance of its use permit. **It took four years to resolve that second complaint.** The 2016 City Council did not order that HRS reduce its over-enrollment, and instead “legalized” the over-enrollment in a modified use permit, then allowing HRS to continue adding students up to 906 from 2016, instead of 2022.

Oakland, like almost every other California city does not have the resources to enforce use permit conditions. Today, Oakland has the largest budget deficit in its history, estimated at \$360 million, a revolving door of fire and police chiefs from the last administration, about one-third the number of planning staff that it had pre-pandemic, almost no code enforcement officers or employees to even review the same kind of complaint NSC filed against HRS years ago, the worst fire risks since 1991, inadequate budgeted funds to address fire prevention and suppression, and an increasing number of

residents with cancelled fire insurance or expensive homeowners insurance with inadequate coverage to pay for replacement costs of destroyed structures after a wildfire.

While there are many who love HRS, always have and always will, NSC's constituents cannot afford the risks associated with its repeated permit non-compliance and its constant demand to "grow the school" in this very high wildfire hazard severity zone, even at risk to the students entrusted to them. Please grant NSC's appeal.

Thank you for considering NSC's requests.

Sincerely,

Karen Caronna

Karen Caronna, NSC representative (email: kamaca9@gmail.com; cell phone: 510-435-8945)

EXHIBIT A - REQUESTED CHANGES TO COA AND SCAAMP

Aesthetics, Shadow and Wind

SCA Aesthetics-2, Lighting

Current:

Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties

Requested Change:

Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties. **Usage of exterior lighting on the South Campus, including on the peripheral loop road, shall be limited as follows (other than for emergencies):**

Lights on (with exceptions noted below): 7 am to 8 am and from Sunset to 10 pm.

Lights off (with exceptions noted below): 10 pm to 7am and 8am to Sunset

Exceptions; the following exterior lighting may be on at any time, at the discretion of the applicant:

- Wall recessed step lights
- Integrated handrail lights
- Toe-kick lights at pathway curb

Reason for the Requested Change:

Lighting beyond those hours, especially if the lighting is coming from typical LED light bulbs, will light up the neighboring houses, which is unnecessary and disturbing. Often these lights shine into neighbors' bedrooms.

Noise and Vibration

Mitigation Measure Noise-3, Special Event Notifications and Restrictions

Current:

The following requirements pertaining to School-sponsored Special Events at the Project site shall be implemented:

- a) Ensure that all evening events at the Performing Arts Center are completed by 9:00 pm, with all post event gatherings, event traffic, and exterior clean-up activities completed by 10:00 pm.
- b) Notify residences in the surrounding area of scheduled large outdoor events, including upper school graduation and lower and middle school promotion. Notification should be given at the time of the release of the annual school calendar and again within a few weeks of the event.

Requested Changes:

The following requirements pertaining to School-sponsored Special Events at the Project site shall be implemented:

- a) Ensure that all evening events at the Performing Arts Center are completed by 9:00 pm, with all post event gatherings, event traffic, and **all** clean-up activities completed **and all persons off of the campus other than security** by 10:00 pm. **If cleanup and set breakdown is not completed by 10:00 p.m., then it must be completed the following day after 7:00 a.m. and before 10:00 p.m. of that day.**
- b) Notify residences in the surrounding area of scheduled large outdoor events, including upper school graduation and lower and middle school promotion. Notification ~~should~~ **shall** be given **by first class U.S. Mail** at the time of the release of the annual school calendar and again within a few weeks of the event.
- c) **The school shall be permitted a maximum of eighty-five (85) evening Special Events per school year during the hours of 7:00 p.m. to 9:30 p.m.**
- d) **Per school year a maximum of twenty-five (25) of the total permitted eighty-five (85) evening Special Events are allowed on the**

South Campus at locations other than inside the Performing Arts Center.

e) The School shall be permitted a maximum of fifty-five (55) Saturday daytime Special Events per school year during the hours of 9:00 a.m. to 6:00 p.m. and ten (10) Saturday evening Special Events per school year during the hours of 6:00 p.m. to 9:30 p.m.

f) Per school year a maximum of fifteen (15) of the total permitted fifty-five (55) Saturday daytime Special Events during the hours of 9:00 a.m. to 6:00 p.m. are allowed on the South Campus at locations other than inside the Performing Arts Center.

g) Per school year a maximum of three (3) of the total permitted ten (10) Saturday evening Special Events during the hours of 6:00 p.m. to 9:30 p.m are allowed on the South Campus at locations other than inside the Performing Arts Center.

h) The School shall be permitted a maximum of eight (8) Sunday Special Events per school year during the hours of 9:00 a.m. to 6:00 p.m.

i) Per school year a maximum of two (2) of the total permitted eight (8) Sunday Special Events during the hours of 9:00 a.m. to 6:00 p.m. are allowed on the South Campus at locations other than inside the Performing Arts Center.

j) The School shall be permitted a maximum of ten (10) single day summer Special Events during the hours of 9:00 a.m. to 6:00 p.m. On the South Campus, one (1) summer Special Event may take place on a Saturday at locations other than inside the Performing Arts Center. There shall be no Sunday summer Special Events.

k) All graduation ceremonies or other large events (defined as an event

expected to draw 400 or more people or visitor vehicles) must only occur on the North Campus, inside the Performing Arts Center on the South Campus or off campus.

l) All Special Event participants shall have left the campus and the lot locked by 10:00 p.m. School dances shall end by 10:30 p.m., with all participants leaving by 11:00 p.m.

m) No Special Events shall be held that have not been published on the school calendar thirty (30) days in advance, or emailed to immediate neighbors one month in advance. If more than one Special Event occurs on a single day, each Special Event shall count as a separate event.

Reasons for the Requested Changes:

1) For events at the PAC ending as late as 9:30 pm it is unrealistic to suggest that crowds as large as 450, plus the performers and stage crew, could all be off the S. Campus and gates locked, with everyone in their vehicles (and ride- shares such as Uber) and on their way home, in only 30 minutes. Noises from clean up activities could foreseeably continue until 2:00 am. Therefore, the proposed solution (part m) is for the mitigation to also require that all cleanup (interior or exterior) or set breakdown that is not completed by 10:00 pm the day of the event be completed between 7:00 am and 10:00 pm the following day.

2) The requested changes in parts d, f, g, i and j are to limit the number of total permitted special events that are allowed on the new South Campus development at locations other than inside the Performing Arts Center and to eliminate all unnecessary impacts on the neighbors from large outdoor events in the “Commons” area of the South Campus. Unlike the North Campus which is far down in a canyon relative to where homes are located, a large portion of the South Campus is directly next to homes. Many of the residents are primarily retired or close to retirement residents and people working out their homes post-pandemic or people who run businesses from their home. Therefore, outdoor events held on the South Campus will have a much greater noise impact on neighbors compared to events on the North Campus. Additionally, the School can easily continue to accommodate graduation both

indoors or outdoors on the North Campus rather than outdoors on the South Campus. There are two auditoriums planned for the South Campus. However there are two auditoriums on the North Campus.

3) Parts c, e h, l and m are requirements from Conditions of Approval #24, Limitations on Special Events / Days and Hours of Operation. The requested change is to include those requirements in this mitigation measure Special Events Notifications and Restrictions.

4) The requested maximum of 25 evening Special Events (equaling 30% of the total permitted 85 evening Special Events) to be on the South Campus at locations other than inside the Performing Arts Center are justified to reduce use of the South Campus as an unneeded and undesired entertainment venue, which HRS apparently intends because of its insistence on building a PAC and a Commons where none have previously existed. The expanded school campuses will have a total of four auditoriums, two PACs, and two Pavilions, all consistent with an entertainment venue and not consistent with a school.

5) The proposed definition of a “large event” as “an event expected to draw more than 400 people or visitor vehicles” is consistent with Item “D” of Traffic Circulation and Management section of the Conditions of Approval wherein additional requirements are included for events exceeding 400 people (“For events exceeding 400 people, an off-site alternative, with a shuttle or valet system, is required”).

6) Given the greater impact to the surrounding neighborhood of large events held at HRS, it is appropriate to require notification by U.S. mail (as described in part b). This requirement will help to increase awareness of these events among neighbors who have limited or no ability to access notifications about large special events that are posted on the HRS website or distributed by other electronic means (e.g. email or text).

SCA Noise-5, Construction Noise Complaints:

Current:

The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction.

At a minimum, the procedures shall include:

1. Designation of an on-site construction complaint and enforcement manager for the project;
2. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit.
3. Protocols for receiving, responding to, and tracking received complaints; and
4. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request.

Requested Changes:

The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction.

At a minimum, the procedures shall include:

1. Designation of an on-site construction complaint and enforcement manager for the project;
2. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit. **The information provided on the on-site sign will also be provided in writing to the same individual residents to whom the School was required to send notifications of public hearings about their development project;**
3. Protocols for receiving, responding to, and tracking received complaints; and Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City

Planning Department for review every month that construction occurs. Upon receipt of a complaint a response is required within 48 hours and an entry must be recorded in the complaint log as to the contact and what was done in response to the complaint.

Reasons for the Requested Changes:

- 1) The requirement for the School to distribute directly to neighbors the same information to be posted on a large on-site sign will help to increase awareness of complaint procedures and will also help to ensure the information is provided in a form that is more equitable in consideration of the special needs of some neighbors, including the elderly and disabled. Additionally, the need for this requirement is appropriate due to the large size of the development project, because it is surrounded by hundreds of residential homes, and given that it will take years to complete.
- 2) The requirement for a 48-hour response timeframe for a construction noise complaint is appropriate due to the large number of residential homes that are located within close proximity to the construction site.

Mitigation Measure Noise-5, Vibration Reduction near Historic Structures:

Current:

Although impacts to on-site properties would not normally be considered an impact under CEQA, the following practices are recommended to minimize damage to on-site historic structures.

- a) Avoid the use of vibratory rollers and other heavy construction equipment within 20 feet of on-site Buildings 0, 1, and 2.
- b) Use smaller equipment to minimize vibration levels below the limits.
- c) Select demolition methods not involving impact tools.
- d) Avoid dropping heavy objects or materials near on-site Buildings 0, 1, and 2.

Requested Change

~~Although impacts to on-site properties would not normally be considered an impact under CEQA,~~ the following practices are ~~recommended~~ required to ~~minimize~~ avoid damage to on-site historic structures.

- a) Avoid the use of vibratory rollers and other heavy construction equipment within 20 feet of on-site Buildings 0, 1, and 2.
- b) Use smaller equipment to minimize vibration levels below the limits.
- c) Select demolition methods not involving impact tools.
- d) Avoid dropping heavy objects or materials near on-site Buildings 0, 1, and 2.

Reason for the Requested Change:

NSC disagrees with the legal contention that under CEQA a property owner is free to damage or destroy an historic structure just by virtue of owning the property upon which the historic resource is located. It would require an EIR as damage and destruction of these buildings was not part of the DEIR analysis. Nevertheless, the legal opinion does not belong in the mitigation measure which was designed to make sure that construction does not damage or obliterate altogether the buildings that the City wishes to keep.

Transportation and Circulation

SCA Transportation-4: Transportation and Parking Demand Management

Current:

1: Transportation and Parking Demand Management (TDM) Plan Required:

The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City.

A. The goals of the TDM Plan shall be the following:

- 1) Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable.
- 2) Achieve the following project vehicle trip reductions (VTR): Projects generating 50-99 net new a.m. or p.m. peak hour vehicle trips: 10 percent VTR below the allowable a.m. or p.m. peak hour trips at that time, and

Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips: 20 percent VTR

- 3) Increase pedestrian, bicycle, private bus, van and public transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate.
 - 4) Enhance the City's transportation system, consistent with City policies and programs.
- B. The TDM Plan should include the following:
- 1) Baseline existing conditions of parking and curbside regulations within the surrounding neighborhood that could affect the effectiveness of TDM strategies, including inventory of parking spaces and occupancy if applicable.
 - 2) Proposed TDM strategies to achieve VTR goals (see below).
 - 3) For employers with 100 or more employees at the subject site, the TDM Plan shall also comply with the requirements of Oakland Municipal Code Chapter 10.68 Employer-Based Trip Reduction Program.

Requested Changes:

1: Transportation and Parking Demand Management (TDM) Plan Required:

The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City **Council**.

A. The goals of the TDM Plan shall be the following:

- 1) Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable.
 - 2) Achieve the following project vehicle trip reductions (VTR): Projects generating 50-99 net new a.m. or p.m. peak hour vehicle trips: 10 percent VTR below the allowable a.m. or p.m. peak hour trips at that time, and Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips: 20 percent VTR **below the a.m. or p.m. allowable peak hours at that time.**
 - 3) Increase pedestrian, bicycle, private bus, van and public transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate.
 - 4) Enhance the City's transportation system, consistent with City policies and programs.
- B) The TDM Plan should include the following:
- 1) Baseline existing conditions of parking and curbside regulations within the surrounding neighborhood that could affect the effectiveness of TDM

strategies, including inventory of parking spaces and occupancy if applicable.

- 2) Proposed TDM strategies to achieve VTR goals (see below).
- 3) For employers with 100 or more employees at the subject site, the TDM Plan shall also comply with the requirements of Oakland Municipal Code Chapter 10.68 Employer-Based Trip Reduction Program.

Reason for the Requested Change:

See reason provided for Mitigation Measure Transportation-1 requested change, below

Mitigation Measure Transportation-1, Requirement:

Current:

Once the School exceeds a student enrollment of 906 students, the School shall commit to maintain an average of 34.5% (or 15% greater than its prior requirement of 30%) of its school-year student enrollment traveling by modes other than single occupancy vehicles (i.e., a 34.5% TDM rate). To monitor and enforce this TDM rate, a survey of alternative travel modes and on-site monitoring by an independent third party shall occur during each of two independent monitoring periods carried out during the school year, and the counts shall be averaged over the two (2) monitoring periods. However, the School may elect to conduct additional third party monitoring, and the counts shall be averaged over all of the academic year monitoring periods. Alternative travel modes shall include walking, biking, carpooling or taking a bus.

Requested Changes:

Once the School exceeds a student enrollment of 906 students, the School shall ~~commit to maintain an average of 34.5% (or 15% greater than its prior requirement of 30%) of its school-year student enrollment traveling by modes other than single occupancy vehicles (i.e., a 34.5% TDM rate).~~ require and enforce that at least 70% of students arrive by carpool with at least three students, private bus, public transit, walking, or by bicycle. To monitor and enforce this TDM rate, a survey of alternative travel modes and on-site monitoring by an independent third party shall occur during each of two independent monitoring periods carried out during the school year.,~~and the counts shall be averaged over the two (2) monitoring periods. However, the School may elect to conduct additional third party monitoring, and the counts shall be averaged over all of the academic year monitoring periods. Alternative travel modes shall include walking, biking, carpooling or taking a~~

~~bus~~. The applicant is required to retain a traffic engineering company to install car counting machines at all entry and exit points. The traffic engineering company will obtain the counts from the machine at least weekly and send the results to the Planning Director at least every month. The applicant will require that students not drive themselves or others to school. Each student needs a “transportation plan” that complies with this mitigation measure and that transportation plan shall be included in the contract and enforced for each student attending the school.

Reason for the Requested Change:

Traffic is the single biggest problem along Lincoln Avenue and it will interfere with first responders in the event of a wildfire as shown by experts in CEQA comment letters. To our knowledge, no city is currently granting use permits for private schools to have two-thirds of students arriving by single occupancy vehicles. Public schools handle the problem by reducing enrollment and sending a number of students to a different school building in another part of town to avoid the dangers of too many SOVs crowding into the street. Harker, a private school in San Jose with over 2,000 students has three of four different campuses to avoid having traffic congestion all in one neighborhood. Cities are also following their own policies to decrease greenhouse gases by not approving permits without substantial reductions in SOV usage.

Wildfire

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

Current:

Pursuant to each phased Final Development Plan for the Project, Head-Royce School shall be required to prepare a stand-alone Emergency Evacuation Plan for the School, to be prepared by a professional emergency evacuation expert. This Plan shall consider those recommendations as provided in Appendix 16B of the Draft EIR, as well as those additional recommendations as included in Mr. Weisgerber’s peer review/comment letter. Selection of the most appropriate and effective details of such an Emergency Evacuation Plan for the School will be conducted by the professional emergency evacuation expert to be retained

by the School, and subject to review and approval by the Oakland Fire Department, with input from Emergency Services, Oakland Police Department, and the Oakland Department of Transportation. The School and their professional emergency evacuation expert shall coordinate with the City of Oakland on the details of this Emergency Evacuation Plan, which shall address, at a minimum, the following considerations:

a) *Establish communication connections with emergency alert systems:*

This may include developing a liaison relationship with the Liaison Officer designated by the City of Oakland Emergency Operations Plan, or a direct report to the City of Oakland Emergency Operations Center and/or OFD Operations Center (as do public schools). Establish a power-independent communication connection with the Emergency Management System to maintain emergency response communications in the event of an emergency and for real time updates. Consider participating in Alameda County's public alert system provided by Everbridge (called AC Alert), which Oakland first-responders use to broadcast incident-specific messages for any event.

b) *Remove existing physical obstacles throughout the Campus* (both North and South): Appendix 16B of the Draft EIR provides a list of physical obstacles that hinder a viable pedestrian evacuation, and provides recommendations that Head-Royce should address to improve egress pathways, gates, stairs, gate openings, and ADA compliance to better prepare for an emergency evacuation.

c) *Establish accountability procedures for managing a pedestrian evacuation:* These procedures should ensure a methodology for managing and accounting for all primary grade children during an evacuation, with responsibilities assigned to faculty and staff (and potentially older students) to ensure that all students are safely managed under emergency mass evacuation conditions. This may include classroom "all clear" verification, identifying "rally points" along the travel route, and head count verification that all students have reached the designated evacuation assembly point.

d) *Identify evacuation destination(s):* Primary, secondary, and tertiary evacuation destinations should be established, and vetted for conflict with any other City emergency plans. The pre-designated assembly points should be communicated to all parents and guardians, with methodologies for adequately communicating emergency evacuation information, and instructions on how reunification with their students is to be achieved. No at- school reunification should be permitted under an evacuation condition (i.e., parents and guardians shall not be permitted to pick-up their children by driving to Campus).

e) *Vetting the Plan prior to adoption:* The Head-Royce School Board should

thoroughly review the Evacuation Plan commensurate with the review and approval process by the Oakland Fire Department. The Plan must have School support to ensure that it is fully implemented, and that all accountability procedures have been fully vetted by the School's administration.

f) Training and Exercises: The School shall ensure that all faculty, staff, students, and parents are fully trained on the evacuation plan, with a minimum of semi-annual exercises observed by the OFD, to ensure that the Campus is well indoctrinated toward an emergency reflex response to a disaster.

Requested Changes:

~~Pursuant to each phased Final Development Plan~~ Prior to issuance of any **Construction Permits** for the Project, Head-Royce School shall be required to prepare a **written, stand-alone Emergency Evacuation Plan and detailed implementation procedures** for the School, to be prepared by a **Certified professional consultant emergency evacuation expert who specializes in evacuation; with some particular emphasis on routes, alternate routes, exit design calculations, pedestrian planning and flow rates, evacuee accountability, ADA compliance considerations, and designs for emergency movement via bus-shuttle systems.** The Certified professional emergency evacuation consultant shall be approved by the Oakland Fire Department and the City Planning Director. Prior to issuance of a Construction Permit for the Project, the School shall also be required to implement the **Emergency Evacuation Plan and successfully perform training exercises (observed by Oakland Fire Department - Fire Prevention Bureau) for the existing student and staff population on the North Campus, to prove the viability of the Emergency Evacuation Plan.**

This Plan shall ~~consider~~ **specifically state and include** those recommendations as provided in Appendix 16B of the Draft EIR, as well as consider those additional recommendations as included in Mr. Weisgerber's **December 7, 2021 dated peer review/comment letter submitted during the Draft EIR comment period and Mr. Weisgerber's March 20, 2023 dated peer review/comment letter submitted during the Final EIR comment period.** Selection of the most appropriate and effective details of such an Emergency Evacuation Plan for the School will be conducted by the **Certified professional emergency evacuation expert consultant** to be

retained by the School, **written in cooperation with the City of Oakland Local Hazard Mitigation Plan**, and subject to review and approval by the Oakland Fire Department **Fire Prevention Bureau in the same manner as is required for a high-rise facility**, with input from Emergency Services, Oakland Police Department **Traffic Division**, and the Oakland Department of Transportation planning staff. **Specifically, the OPD Traffic Division shall be engaged to review the plan for impact and conflict with other street evacuation protocols and to ensure it is incorporated and in compliance with existing OPD plans. Also, the Oakland Public Works Transportation Planning Division shall be engaged to review the plan for impacts on the existing Traffic Impact Analysis and established traffic service level rating(s) for the area. The School and their Certified professional emergency evacuation expert consultant shall coordinate with the City of Oakland on the details of this Emergency Evacuation Plan. Correspondence with Oakland Fire Department Fire Prevention Bureau, Emergency Services, Oakland Police Department Traffic Division and Oakland Department of Transportation planning staff regarding development and approval of the Plan shall be submitted to the City (as it occurs) and become part of the public record. The Plan which shall address, at a minimum, the following requirements considerations:**

a) Establish a decision-making process for initiating evacuation and communication connections with emergency alert systems: This **may shall** include developing a liaison relationship with the Liaison Officer designated by the City of Oakland Emergency Operations Plan, or a direct report to the City of Oakland Emergency Operations Center and/or OFD Operations Center (~~as de to be consistent with such procedure's in Oakland's~~ public schools). Establish a power-independent communication connection with the Emergency Management System to maintain emergency response communications in the event of an emergency and for real time updates. ~~Consider participating in~~ **At a minimum, the key decision makers in the School's Emergency Evacuation Plan shall subscribe to Alameda County's public alert system provided by Everbridge (called AC Alert), or any new Alameda County public alert system** which Oakland first-responders use to broadcast incident-specific messages for any event.

b) Remove existing physical obstacles throughout the Campus (both North

and South): Appendix 16B of the Draft EIR provides a list of physical obstacles that hinder a viable pedestrian evacuation, and provides recommendations that Head-Royce ~~should~~ **must** address to improve egress pathways, gates, stairs, gate openings, and ADA compliance to better prepare for an emergency evacuation.

c) *Establish accountability procedures for managing a pedestrian evacuation*: These procedures should ensure a methodology for managing and accounting for all primary grade children during an evacuation, with responsibilities assigned to faculty and staff (~~and potentially older students~~) to ensure that all students are safely managed under emergency mass evacuation conditions. This may include classroom “all clear” verification, identifying “rally points” along the travel route, and head count verification that all students have reached the designated evacuation assembly point.

d) *Identify evacuation destination(s)*: Primary, secondary, and tertiary evacuation destinations **based on circumstances should must** be established, and vetted for conflict with any other City emergency plans. The pre- designated assembly points should be communicated **in writing** to all parents, **care providers** and guardians, with methodologies for adequately communicating emergency evacuation information, and instructions on how reunification with their students is to be achieved. No at-school reunification should be permitted under an evacuation condition (i.e., parents, **care providers** and guardians shall not be permitted to pick-up their children by driving to Campus). **The School shall, at minimum, publish the evacuation instructions on the School’s website so that parents will know what they are to do in the event of a Campus evacuation and what they are not to do, ie., not come to Campus, and so that both parents and neighbors are fully aware of the procedures and evacuation locations.**

e) *Vetting the Plan prior to adoption*: The Head-Royce School Board should thoroughly review the Evacuation Plan commensurate with the review and approval process by the Oakland Fire Department **Fire Prevention Bureau**. The Plan must have School support to ensure that it is fully implemented, and that all accountability procedures have been fully vetted by the School’s administration.

f) *Training and Exercises*: The School shall ensure that all faculty, staff,

students, and parents are fully trained on the eEvacuation pPlan, including training in supervision and managing a mass evacuation of students K-12 to an off Campus assembly point, with a minimum of semi-annual exercises observed by the OFD, to ensure that the Campus is well indoctrinated toward an emergency reflex response to a disaster.

Reasons for the Requested Changes:

1. City Planning staff included in this mitigation measure some of the recommendations provided in the Evacuation Planning Recommendations reports prepared by Mr. William Weisgerber. The requested changes are to add recommendations made by Mr. Weisgerber that are missing from the mitigation measure but are important to improve and bolster the effectiveness of the School's Emergency (mass) Evacuation Plan. The addition of these changes would also help reduce the potential for overly broad and detrimental interpretation of the existing language.
2. A requirement in this mitigation measure currently does not align with what is in the Conditions of Approval document. Conditions of Approval item #37 requires the School to develop the Emergency Evacuation Plan prior to issuance of a Construction Permit. According to conditions item #14 from the Conditions of Approval document: "To the extent that there is any inconsistency between the SCAMMP and these Conditions, the more restrictive Condition(s) shall govern". The more restrictive Condition is to require the Emergency Evacuation Plan prior to issuance of a Construction Permit.
3. The school currently does not offer a fully developed plan to safely evacuate the existing student/staff population and even residents in the not-unlikely event of a natural disaster such as wildfire or earthquake. HRS's own expert analyzed its current plan and concluded the present plan creates an unacceptable risk to human safety. Therefore it is known that HRS already introduces a highly vulnerable portion of the population into an environment that is extremely difficult to evacuate properly. To permit the school to defer development and implementation of a fully developed evacuation plan until AFTER ("pursuant to") each phase of their

development plan is completed would be grossly irresponsible if not negligent. **Before** embarking on their proposed development project the school must be required to prove that they are able to develop a plan and perform successful training exercises for their current population that satisfies the approval standards of OFD, Emergency Services, Oakland Police Department, and the Oakland Department of Transportation (See wildfire evacuation expert Weisberger's two letters submitted to the city.)

4. HRS has not complied with the 2016 Conditions of Approval requirement to submit an Emergency Preparedness Plan (within 6 months) that "shall discuss emergency evacuation procedures that will facilitate emergency vehicle access to the neighborhood during School pick-up and drop-off operations." The School's evacuation plan impacts the neighborhood as the school already is extremely large for a densely populated residential neighborhood and its evacuation will impede the neighbors' ability to evacuate. Given that the School is in the Very High Fire Hazard Severity part of Oakland and that Lincoln Avenue is an important evacuation route for neighbors and residents fleeing a wildfire, the City should not delay obtaining an adequate evacuation plan from HRS, at risk of demonstrating its negligence in the event of a catastrophic wildfire in the Lincoln Highlands neighborhood. (See Weisgerber comment letters.)

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

6. According to information provided in the DEIR, the school asserts that they will simply inform the parents of HRS students that during the period of an evacuation if they attempt to show up at the school (or at the assembly

point at the bottom of the hill, or at some point in between) with the goal of picking up their children there will be sufficient faculty and staff to “prevent” them from doing so. However, common sense dictates that with an evacuation involving up to 1,250 students there will be hundreds of parents who ignore or “forget” that they are not to attempt to reach their children until after the School informs them they are free to do so, and will instead significantly add to the traffic congestion on Lincoln Ave. during the evacuation. The common use by children and their parents of cell phones also aggravates the emergency situation as parents will try to tell their children where to meet them. That occurs now with parents who are not using the pickup and drop-off area and instead, telling their children “where to meet” and get picked up. That scenario in a wildfire evacuation situation would create havoc in other parts of the neighborhood, not just Lincoln Avenue.

2. Effective Date, Expiration, Extensions and Extinguishment

Current:

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten (10) calendar days unless an appeal is filed.

Unless a different termination date is prescribed, this Approval shall expire unless the following has occurred:

(1) within two (2) years of the Approval, the Applicant files a complete building permit application with the Bureau of Building for Phases I and II, and diligently pursues the building permit towards completion,

(2) within six (6) years of the Approval, the Applicant files its Final Development Plan (FDP) for approval of Phase III and

(3) within two (2) years of approval of the FDP for Phase III, the Applicant files a complete building permit application with the Bureau of Building for Phase III, and diligently pursues the building permit towards completion.

Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of the above dates, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

Requested Change:

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten (10) calendar days unless an appeal is filed.

Unless a different termination date is prescribed, this Approval shall expire unless the following has occurred:

(1) within two (2) years of the Approval, the Applicant files a complete building permit application with the Bureau of Building for Phases I and II, and diligently pursues the building permit towards completion,

(2) within six (6) years of the Approval, the Applicant files its Final Development Plan (FDP) for approval of Phase III and

(3) within two (2) years of approval of the FDP for Phase III, the Applicant files a complete building permit application with the Bureau of Building for Phase III, and diligently pursues the building permit towards completion.

Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of the above dates, with additional extensions subject to approval by the approving body, **up to a total for all three phases of six years. The applicant will post a bond in a sufficient amount to guarantee that all three phases of the project will be completed no later than 6 years after issuance of the permit.** Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

Reason for the Requested Change:

A limit on the total number of extension years (for all three phases combined) should ensure that HRS completes its three phases in a reasonable time frame. Neighbors should not have repeated and disruptive interruptions for each phase of construction. Real estate disclosures legally have to be accurate and homeowners should not be saddled indefinitely with including that a large theater may be constructed adjacent to or very close to their homes. Buyers would expect to be informed of this material information.

17. Phasing

Current:

Requirement: Three phases, each requiring a Final Development Permit (FDP), are authorized with this Permit. Phases may be combined or constructed separately.

Phase I

- Demolition of eight non-historic buildings (Buildings 4-8, 10, 11 and 12, restoration and reuse of three historic buildings (Buildings 0, 1 and 2), and reuse of non-historic Building 9;
- Construction of Commons, outdoor classrooms, walking paths, and landscaping;
- Maintenance of existing maximum enrollment of 906 students; and
- Drop off and pick up on Lincoln Avenue.

Phase II

- Enrollment increase to a maximum of 1,050 students upon the completion of the internal loop road;
- New drop-off/pick-up using internal Loop Road with new traffic signals at Lincoln Avenue with 1 relocated and 1 new pedestrian crosswalk;

- Phased increase in parking spaces to a total of 292 on both campuses; and
- Shared use of up to 38 parking spaces at the Greek Orthodox Church for a total of 330 parking spaces for Phase II with a parking agreement approved by the City Attorney.

Phase III

- Enrollment increase to a maximum of 1,250 students upon completion of the pedestrian tunnel;
- Approval of pedestrian tunnel under Lincoln Avenue;
- Phased increase in parking spaces up to a total of 328 on both campuses.
- Shared use of up to 16 parking spaces at the Greek Orthodox Church for a total of 344 parking spaces with a parking agreement approved by the City Attorney;
- Construction of a new Performing Arts Center with up to 450 seats; and
- Construction of a 1,500 square-foot Link Pavilion.

Requested Change:

Requirement: Three phases, each requiring a Final Development Permit (FDP), are authorized with this Permit. Phases may be combined or constructed separately.

Phase I

- **Install an acoustics and sound-reducing solid-material fence (see Condition 45, Retaining Wall and Perimeter Sound-Reducing Fencing)**
- Demolition of eight non-historic buildings (Buildings 4-8, 10, 11 and 12, restoration and reuse of three historic buildings (Buildings 0, 1 and 2), and reuse of non-historic Building 9;
- Construction of Commons, outdoor classrooms, walking paths, and landscaping;
- Maintenance of existing maximum enrollment of 906 students; and
- Drop off and pick up on Lincoln Avenue.

Phase II

- Enrollment increase to a maximum of 1,050 students upon the completion of the internal loop road;
- New drop-off/pick-up using internal Loop Road with new traffic signals at Lincoln Avenue with 1 relocated and 1 new pedestrian crosswalk;

- Phased increase in parking spaces to a total of 292 on both campuses; and
- Shared use of up to 38 parking spaces at the Greek Orthodox Church for a total of 330 parking spaces for Phase II with a parking agreement approved by the City Attorney.

Phase III

- Enrollment increase to a maximum of 1,250 students upon completion of the pedestrian tunnel;
- Approval of pedestrian tunnel under Lincoln Avenue;
- Phased increase in parking spaces up to a total of 328 on both campuses.
- Shared use of up to 16 parking spaces at the Greek Orthodox Church for a total of 344 parking spaces with a parking agreement approved by the City Attorney;
- Construction of a new Performing Arts Center with up to 450 seats; and
- Construction of a 1,500 square-foot Link Pavilion.

Reason for the Requested Change:

The perimeter of the South Campus adjoining residential parcels on Alida Street, Alida Court, Linnet Court, Laguna Street, Lincoln Avenue and Charleston Street should be buffered from noise generated by the School during construction and permanently afterward during School operations. The fencing should be a solid-material sound-reducing fence at least six (6) feet high (or taller) to block noise, exhaust fume and dirt from the Loop Road. The fencing should be installed at the beginning of Phase I to mitigate the acoustic disturbance caused by the build-out and construction on the South Campus.

19. Enrollment Monitoring

Current:

Requirement: The school shall submit annual enrollment numbers to the California Department of Education in accordance with state law, with a copy to the Planning Bureau. Required: October 15th of each year, unless a different compliance deadline is required.

Requested Change:

Requirement: The school shall submit annual enrollment numbers to the California Department of Education in accordance with state law, with a copy to the Planning Bureau. **The applicant will annually provide an enrollment audit report to the Planning Bureau, prepared by an auditing company approved by the Planning Director and dated no later than September 30th of each year.**

When Required: **Submit enrollment numbers to California Department of Education by** October 15th of each year, unless a different compliance deadline is required.

Reason for Requested Change:

There has been a history of HRS overenrolling and the only control now is that they semi-annually report enrollment numbers to the Department of Education. That department and the city do not have the resources to make sure the numbers are accurate, especially here where the staff recommends allowing further increases (which NSC opposes) at various intervals and metered over time. An independent professional audit instead of self-reporting would allow for better oversight.

24. Limitation On Special Events / Days and Hours of Operation**Current:**

Requirement:

1. A "Special Event" is defined as a gathering resulting in fifty (50) or more visitor vehicles on the site. A Special Event does NOT include indoor activities involving only School students, faculty, staff and members of the board of trustees such as play rehearsals, standardized testing, band practices, and meetings of student organizations, faculty committees and meetings of the board of trustees. In addition, neighborhood meetings are not considered to be Special Events.

2. The School and the Summer Program shall be permitted to hold Special Events at the Head Royce School campus subject to the following:

a. During school academic, childcare and afterschool program hours of operation, Mondays through Fridays, the School is permitted an unlimited number of Special Events. However, those events for which 50 or more visitor vehicles are expected must follow Condition #30 Section D, Procedures for Special Events.

b. The school shall be permitted a maximum of eighty-five (85) evening Special Events per school year during the hours of 7:00 p.m. to 9:30 p.m.

c. All Special Event participants shall have left the campus and the lot locked by 10:00 p.m. School dances shall end by 10:30 p.m., with all participants leaving by 11:00 p.m.

d. The School shall be permitted a maximum of fifty-five (55) Saturday daytime Special Events per school year during the hours of 9:00 a.m. to 6:00 p.m. and 10 Saturday evening Special Events per school year during the hours of 6:00 p.m. to 9:30 p.m.

e. The School shall be permitted a maximum of eight (8) Sunday Special Events per school year during the hours of 9:00 a.m. to 6:00 p.m.

f. The School shall be permitted a maximum of ten (10) single day summer Special Events during the hours of 9:00 a.m. to 6:00 p.m.

g. No Special Events shall be held that have not been published on the school calendar thirty (30) days in advance, or emailed to immediate neighbors one month in advance. If more than one Special Event occurs on a single day, each Special Event shall count as a separate event. Parking rules for Special Events are outlined in Condition #30, Transportation Demand Management.

h. The School shall post an annual calendar on its website and provide the website link to the Neighborhood Committee described in Condition #35, Neighborhood Committee, at the beginning of the School year listing all Special Events and the anticipated number of visitor vehicles that will be generated for each event. The School is permitted an additional ten (10) total weekday evening events that are not on identified on the annual calendar, provided that the Neighborhood Committee is provided a 30-day notice of such addition and those events shall not take place during weekends or the summer.

Requested Changes:

Requirement:

1. A "Special Event" is defined as a gathering resulting in fifty (50) or more visitor vehicles on the site. A Special Event does NOT include indoor activities involving only School students, faculty, staff and members of the board of trustees such as play rehearsals, standardized testing, band practices, and meetings of student organizations, faculty committees and meetings of the board of trustees. In addition, neighborhood meetings are not considered to be Special Events.

2. The School and the Summer Program shall be permitted to hold Special Events at the Head Royce School campus subject to the following:

a. During school academic, childcare and afterschool program hours of operation, Mondays through Fridays, the School is permitted an unlimited number of Special Events. However, those events for which 50 or more visitor vehicles are expected must follow Condition #30 Section D, Procedures for Special Events.

b. The school shall be permitted a maximum of eighty-five (85) evening Special Events per school year during the hours of 7:00 p.m. to 9:30 p.m.

c. Per school year a maximum of twenty-five (25) of the total permitted eighty-five (85) evening Special Events are allowed on the South Campus at locations other than inside the Performing Arts Center.

d. The School shall be permitted a maximum of fifty-five (55) Saturday daytime Special Events per school year during the hours of 9:00 a.m. to 6:00 p.m. and 10 Saturday evening Special Events per school year during the hours of 6:00 p.m. to 9:30 p.m.

e. Per school year a maximum of fifteen (15) of the total permitted fifty-five (55) Saturday daytime Special Events during the hours of 9:00 a.m. to 6:00 p.m. are allowed on the South Campus at locations other than inside the Performing Arts Center.

f. Per school year a maximum of three (3) of the total permitted ten (10) Saturday evening Special Events during the hours of 6:00 p.m. to 9:30 p.m are allowed on the South Campus at locations other than inside the Performing Arts Center.

g. ~~e~~. The School shall be permitted a maximum of eight (8) Sunday Special Events per school year during the hours of 9:00 a.m. to 6:00 p.m.

h. Per school year a maximum of two (2) of the total permitted eight (8) Sunday Special Events during the hours of 9:00 a.m. to 6:00 p.m. are allowed on the South Campus at locations other than inside the Performing Arts Center.

~~i.f.~~ The School shall be permitted a maximum of ten (10) single day summer Special Events during the hours of 9:00 a.m. to 6:00 p.m. On the South Campus, one (1) summer Special Event may take place on a Saturday at locations other than inside the Performing Arts Center. There shall be no Sunday summer Special Events.

~~j.e.~~ All Special Event participants shall have left the campus and the lot locked by 10:00 p.m. School dances shall end by 10:30 p.m., with all participants leaving by 11:00 p.m.

k. Ensure that all evening events at the Performing Arts Center on the South Campus are completed by 9:00 pm, with all post event gatherings, event traffic, and all clean-up activities completed and all persons off of the campus other than security by 10:00 pm. If cleanup and set breakdown is not completed by 10:00 p.m., then it must be completed the following day after 7:00 a.m. and before 10:00 p.m. of that day.

l. All graduation ceremonies or other large events (defined as an event expected to draw 400 or more people or visitor vehicles) must only occur on the North Campus, inside the Performing Arts Center on the South Campus or off campus.

~~m.g.~~ No Special Events shall be held that have not been published on the school calendar thirty (30) days in advance, or emailed to immediate neighbors one month in advance. If more than one Special Event occurs on a single day, each Special Event shall count as a separate event. Parking rules for Special Events are outlined in Condition #30, Transportation Demand Management.

~~n.h.~~ The School shall post an annual calendar on its website and provide the website link to the Neighborhood Committee described in Condition #35, Neighborhood Committee, at the beginning of the School year listing all Special Events and the anticipated number of visitor vehicles that will be generated for each event. The School is permitted an additional ten (10) total weekday evening events that are not on identified on the annual calendar, provided that the Neighborhood Committee is provided a 30-day notice of such addition and those events shall not take place during weekends or the summer.

o. For scheduled large outdoor events (defined as events expected to draw 400 or more people or visitor vehicles), including upper school graduation and lower and middle school promotion, surrounding neighbors must be notified by first class U.S. Mail at the time of the release of the annual school calendar and again within a few weeks of the event.

p. All Special Events shall be monitored by the School per the Condition of Approval.

Reasons for the Requested Changes:

1) The apparent intent of item 2, part j of the Conditions is to ensure the neighbors are not bothered by PAC event-related noise after 10PM. However, for events ending as late as 9:30 pm it is unrealistic to suggest that crowds as large as 450, plus the performers and stage crew, could all be off the S. Campus and gates locked, with everyone in their vehicles (and ride-shares such as Uber) and on their way home, in only 30 minutes. Noises from clean up

activities could foreseeably continue until 2:00 am. Therefore, the proposed solution (item 2, part k) is for the Condition to also require that all cleanup (interior or exterior) or set breakdown that is not completed by 10:00 pm the day of the event be completed between 7:00 am and 10:00 pm the following day.

2) The requested changes of item 2, parts c, e, f, h and j, are to limit the number of total permitted special events that are allowed on the new South Campus development at locations other than inside the Performing Arts Center and to eliminate all unnecessary impacts on the neighbors from large outdoor events in the “Commons” area of the South Campus. Unlike the North Campus which is far down in a canyon relative to where homes are located, a large portion of the South Campus is directly next to homes. Many of the residents are primarily retired or close to retirement residents and people working out their homes post-pandemic or people who run businesses from their home. Therefore, outdoor events held on the South Campus will have a much greater noise impact on neighbors compared to events on the North Campus. Additionally, the School can easily continue to accommodate graduation both indoors or outdoors on the North Campus rather than outdoors on the South Campus. There are two auditoriums planned for the South Campus. However there are two auditoriums on the North Campus.

3) The requested maximum of 25 evening Special Events (equaling 30% of the total permitted 85 evening Special Events) to be on the South Campus at locations other than inside the Performing Arts Center are justified to reduce use of the South Campus as an unneeded and undesired entertainment venue, which HRS apparently intends because of its insistence on building a PAC and a Commons where none have previously existed. The expanded school campuses will have a total of four auditoriums, two PACs, and two Pavilions, all consistent with an entertainment venue and not consistent with a school.

4) The proposed definition of a “large event” as “an event expected to draw more than 400 people or visitor vehicles” is consistent with Item “D” of Traffic Circulation and Management section of the Conditions of Approval wherein additional requirements are included for events exceeding 400 people (“For events exceeding 400 people, an off-site alternative, with a shuttle or valet system, is required”).

5) Given the greater impact to the surrounding neighborhood of large events held at HRS, it is appropriate to require notification by U.S. mail (as described in item 2, part p). This requirement will help to increase awareness of these events among neighbors who have limited or no ability to access notifications about large special events that are posted on the HRS website or distributed by other electronic means (e.g. email or text).

26. Private vehicle drop-off and pick-up upon completion of the internal Loop Road, off- site improvements, all student drop-off and pick-up areas and site plan improvements related to pedestrian circulation

Current:

Requirement: Upon completion of the internal Loop Road, off-site improvements, all student drop-off and pick-up areas and site plan improvements related to pedestrian circulation, private vehicle drop-off and pick-up shall take place on the South Campus along the School’s internal loop road, to

be constructed as part of Phase II of the Approval. Except during emergencies, no access to the South Campus will be allowed from Charleston Street. Private vehicle drop-off and pick-up shall be prohibited on Lincoln Avenue, provided that drivers may legally park on Lincoln Avenue and walk their student onto campus. Drivers will be instructed not to use the "Alida Loop" to reverse direction on Lincoln Avenue or to reverse direction by U-turns or three point turns in private driveways. Drop-off will use the two-lane, one-way loop driveway entering the South Campus at the middle entrance and exiting at the lower entrance. The outside lane will be used primarily for passing/through traffic and the inner lane for merging and moving into/out of the drop-off zones. The internal loop road shall provide sufficient queuing space for approximately sixty (60) vehicles.

1. Buses: Private school bus and public bus drop off and pick up may take place on either side of Lincoln Avenue in designated bus zones.
2. The School shall provide an integrated network of circulation assistants and traffic monitors to manage the drop-off and pick-up of students, control the sidewalks, monitor the crosswalks, and report incidents. Traffic monitors and circulation assistants shall wear bright- colored vests.

Requested Change:

Requirement: Upon completion of the internal Loop Road, off-site improvements, all student drop-off and pick-up areas and site plan improvements related to pedestrian circulation, private vehicle drop-off and pick-up shall take place on the South Campus along the School's internal loop road, to be constructed as part of Phase II of the Approval. Except during emergencies, no access to the South Campus will be allowed from Charleston Street. Private vehicle drop-off and pick-up shall be prohibited on Lincoln Avenue, provided that drivers may legally park on Lincoln Avenue and walk their student onto campus.

Drivers will be instructed not to use the "Alida Loop" to reverse direction on Lincoln Avenue or to reverse direction by U-turns or three point turns in private driveways. Drop-off will use the two- lane, one-way loop driveway entering the South Campus at the middle entrance and exiting at the lower entrance. The outside lane will be used primarily for passing/through traffic and the inner lane for merging and moving into/out of the drop-off zones. The internal loop road shall provide sufficient queuing space for approximately sixty (60) vehicles.

1. Buses: Private school bus and public bus drop off and pick up may take place on either side of Lincoln Avenue in designated bus zones.
2. The School shall provide an integrated network of circulation assistants and traffic monitors to manage the drop-off and pick-up of students, control the sidewalks, monitor the crosswalks, and report incidents. Traffic monitors and circulation assistants shall wear bright- colored vests.
3. The School will provide a traffic monitor at the corner of Alida Street to assure vehicles engaging in drop-off or pick-up are not using the neighborhood streets to reverse direction on Lincoln Avenue during drop-off and pick-up times and other school events expected to result in similar levels of traffic. The school's Traffic Management Plan will include a citation system to enforce this requirement.
4. The School shall install and maintain at its expense a sufficient number of traffic cameras on Lincoln Ave showing the street from the Greek Cathedral parking lot to Alida Street. The cameras will monitor and record traffic density and flow on Lincoln Avenue. The Oakland Police Department and Oakland Fire Department shall have access to the camera recordings at any time.

Reason for the Requested Change:

The applicant has a contract with the parents and a condition of that contract can include things like not driving off Lincoln Avenue unless they live on one of the side streets or are visiting someone there. It can also require a transportation plan for each student and that the student's parent(s) will comply with it.

32. Operational Noise

Current:

Requirement: Noise levels from the activity, property, or any mechanical equipment on site or as a result of school operations shall comply with the performance standards of Chapter 17.120 of the Oakland Planning Code and Chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services. No outdoor amplified sound equipment shall be used on the campus without a permit from the City Administrators office. For the purposes of this permit, "amplified sound equipment" includes bull horns, air horns, or loudspeakers."

Requested Change:

Requirement: Noise levels from the activity, property, or any mechanical equipment on site or as a result of school operations shall comply with the performance standards of Chapter 17.120 of the Oakland Planning Code and Chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services. **No outdoor drums or outdoor amplified sound equipment (including bull horns, air horns or loudspeakers) may be used on the South Campus.** No outdoor amplified sound equipment shall be used on the **North eCampus** without a permit from the City Administrators office. For the purposes of this permit, "amplified sound equipment" includes bull horns, air horns or loudspeakers.

Reason for Requested Change:

Any use of amplified sound equipment and drums on the South Campus would be very disruptive due to the proximity of it to houses.

45. Retaining Wall **and Perimeter Sound-Reducing Fencing**

Current:

Requirement: Provide a detailed drawing of the retaining walls shown on the FDP Section plan page FDP-L3.01 for the combined Acoustic Board Perimeter fence and retaining wall.

Requested Change:

Requirement: Provide a detailed drawing of the retaining walls **and perimeter sound-reducing fencing** shown on the FDP Section plan page FDP-L3.01 for the combined Acoustic Board Perimeter fence and retaining wall.

- **Upon commencement of Phase I, the School shall install and permanently maintain an acoustics and sound-reducing solid-material fence with a minimum height of six (6) feet,**

around the perimeter of the South Campus at the property line between the South Campus and all adjoining residential parcels on Alida Street, Alida Court, Linnet Court, Laguna Street and Charleston Street. The gate at the top of Linnet Court shall likewise be replaced with a gate constructed of similar material.

- For the residential property located at 4232 Lincoln Avenue the School shall install and permanently maintain an acoustics and sound-reducing solid-material fence with a minimum height of six (6) feet and with a minimum setback of five (5) feet from the property line to allow for access in order to maintain and repair existing structures on the residential property, and to preserve light and airflow to an existing lathe house structure. Additionally, the acoustic fence next to the property at 4232 Lincoln Avenue shall extend to the public sidewalk located on the south side of Lincoln Avenue.
- The applicant will leave the solid, concrete sound wall with a pedestrian emergency gate along the parking lot for the day school and Charleston Street and will maintain the solid wooden fence with a gate along Charleston Street. These gates will be used for maintenance and emergencies, only.

Reasons for the Requested Changes:

The perimeter of the South Campus adjoining residential parcels on Alida Street, Alida Court, Linnet Court, Laguna Street, Lincoln Avenue and Charleston Street should be buffered from noise generated by the School during construction and permanently afterward during School operations. The fencing should be a solid-material sound-reducing fence at least six (6) feet high (or taller). The fencing should be installed at the beginning of Phase I to mitigate the acoustic disturbance caused by the build-out and construction on the South Campus.

The concrete sound wall serves as a buffer from noise in one quadrant of the South Campus near where part of the loop road passes by Charleston Street. The wall cost the former owner \$60,000 in the early 1990s and would be substantially more expensive today to replace. Both the sound wall and the wooden fencing along Charleston Street also act as visual barriers from the loop road and the small field on the South Campus. Other than reinforcing the gate and the wooden fence, there would not be any reason for the applicant to remove either of them.

Addition:

47. Tunnel and Crosswalk

The applicant will construct and maintain a tunnel connecting the South Campus to the North Campus *and* a crosswalk from the South Campus to the North Campus

Reason for Additional Condition:

There is some ambiguity in the public documents whether the applicant will construct the tunnel or the crosswalk. Both are needed to assist in moving all of the drop-off and pick-up walking traffic from the South Campus where there are not very many classrooms to the North Campus where the school has its primary facilities including the great majority of its classrooms.

EXHIBT B - FIRE EXPERT WILLIAM WEISGERBER LETTERS

December 7, 2021

William Weisgerber, President
Weisgerber Consulting
El Macero, CA 95618

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

Ms. Moncharsh:

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

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

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

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

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

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

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

Historical California Wildfire References²:

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

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

² CalFire Stats and Events

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

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

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

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

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

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

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

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

Response to the DEIR and Appendices:

DEIR Fire Safety and Fire Management Plans:

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

Opinion:

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

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

DEIR State Emergency Response Plan--Evacuation Planning:

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

⁴ CalFire Stats and Events

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

Opinion:

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

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

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

DEIR Wildfire Impact and Significance:

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

Opinion:

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

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

DEIR Emergency Evacuation Plans:

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

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

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

Opinion:

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

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

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

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

DEIR Mitigation Measures:

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

Opinion:

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

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

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

DEIR Evidence Before the Oakland City Council:

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

Opinion:

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

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

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

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

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

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

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

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

Recommendations for a Bona Fide Mass Evacuation Plan:

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

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

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

Appendix 16B:

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

Opinion:

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

Opinion:

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

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

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

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

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

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

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

Opinion:

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

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

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

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

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

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

Buses:

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

Vehicular Evacuation:

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

Cycling Evacuation:

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

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

Conclusions:

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

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

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

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

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

Recommendations:

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

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

A Bona Fide Written Emergency Plan:

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

Campus Staff Training

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

Coordinated Emergency Communications:

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

Semi-annual Exercises:

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

Other notable assumptions in Appendix 16B that HRS :

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

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

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

Interim Mitigation Actions:

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

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

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

Interim Mitigation Actions recommended to include, at a minimum:

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

Extreme Interim Mitigation Actions:

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

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

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

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

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

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

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

Respectfully,

William Weisgerber

William Weisgerber
Weisgerber Consulting

Cc: file

March 20, 2023

William Weisgerber, President
Weisgerber Consulting
El Macero, CA 95618

Ms. Leila Moncharsh, Attorney at Law
5707 Redwood Rd., # 10
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Ms. Moncharsh:

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

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

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

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

WUI EVACUATION RESEARCH:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OPINION: Fully Concur

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

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

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

[FEIR] Chapter 3, page 3-10—Evacuation Planning as Reasonable and feasible Mitigation (excerpted):
“...They also recommend developing a better mechanism to communicate directly with local officials and Incident Commanders; identifying primary and secondary destinations and routes for an evacuation, and effectively communicating these destinations to parent and guardians; and regularly practicing an evacuation in concert with the Oakland Fire Department...”

OPINION: Fully concur.

[FEIR] Chapter 3, page 3-10—Evacuation Planning as Reasonable and Feasible Mitigation (excerpted):
“...intended as a condition of approval for the Project’s PUD permit, requiring a detailed implementation plan as a precondition prior to issuance of a certificate of occupancy for the first building permit that would enable an increase of current student enrollment. It would serve to further increase student safety, rather than significantly exacerbating existing environmental hazards in the event of an extreme wildfire event...”

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

[FEIR] Chapter 3, page 3-11—Additional Mitigation (excerpted):
“...City decision-makers may believe that these recommendations require further evaluation and detail, or additional coordination with the OFD and the City’s Emergency Services Department, or that on-going City monitoring of the School’s implementation of these recommendations is warranted...”

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

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

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

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

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

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

Evacuation modeling and analysis should include the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[FEIR] Response to Comment B3-8:

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

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

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

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

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

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

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

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

[FEIR] Response to Comment B3-16:

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

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

OPINION: Fully concur.

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

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

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

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

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

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

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

Recommendations:

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

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

A Bona Fide Written Emergency Plan:

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

Campus Staff Training

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

Coordinated Emergency Communications:

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

Semi-annual Exercises:

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

Other notable assumptions in Appendix 16B that HRS :

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

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

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

Respectfully,

William Weisgerber

William Weisgerber
Weisgerber Consulting

Cc: file

**EXHIBIT C - OAKLAND CITY RESOLUTION - WILDFIRE
PREVENTION A TOP PRIORITY RES. NUMBER 87940**

OAKLAND CITY CLERK
OAKLAND

Amadi Sitt
City Attorney's Office

2019 DEC 10 PM 12:55

OAKLAND CITY COUNCIL

RESOLUTION NO. 8794.011 C.M.S.

INTRODUCED BY COUNCILMEMBERS SHENG THAO AND DAN KALB

RESOLUTION DESIGNATING WILDFIRE PREVENTION A TOP PRIORITY FOR THE CITY OF OAKLAND AND REQUESTING THE CITY ADMINISTRATOR TO PRESENT A COMPREHENSIVE REPORT TO THE PUBLIC SAFETY COMMITTEE THAT ADDRESSES OAKLAND'S WILDFIRE PREVENTION STRATEGIES AND PLANNING FOR OAKLAND'S WILDLAND URBAN INTERFACE

WHEREAS, wildfires have grown larger and increased in intensity over the last several decades due to drought, climate change and increased development in the wildland/urban interface (WUI). Of the twenty most destructive California wildfires since 1932, when the state began keeping records, 9 have occurred in the past ten years—and four of those took place in just 2017 and 2018; and

WHEREAS, more than 2 million of California's households, or roughly 1 in 4 structures in California lie within the high or extreme risk fire zones in maps drawn by the Department of Forestry and Fire Protection. In Oakland, that equates to 26,000 homes or 21.5% of the geographic area of the City of Oakland. The City of Oakland is designated by California's Office of the State Fire Marshal as a Community at Risk of damage from wildfire; and

WHEREAS, since 1923, more than a dozen major wildfires have impacted the Oakland hills, resulting in extensive damage, economic harm and loss of life. The 1991 Oakland/Berkeley firestorm, considered the third most deadly fire in California, burned over 1,500 acres, caused the deaths of 25 people and injured over 150 people; and

WHEREAS, wildfires in this decade are larger, faster and more destructive in 1991, causing great risk to not only the Oakland Hills but to Oakland neighborhoods between the hills and the Bay, as evidenced by the destruction of Coffey Park in the 2017 Tubbs Fire; and

WHEREAS, Oakland is also at high risk for a devastating earthquake on the Hayward Fault, which cuts right through Oakland's high fire severity zone; where fire ensues, it will cause further destruction to life, property and the City's resiliency; and

WHEREAS, when a wildfire destroys a neighborhood, the short- and long-term economic impact multiplies geometrically. Oakland's own 1991 Firestorm resulted in estimated \$1.7 billion (1991 USD) in insured losses (\$2.7 billion in 2018 dollars) and created a recession in the City of Oakland that took at least five years to recover; and

WHEREAS, the more intense, extensive fires facing the Western United States, could increase the cost—and the availability—of homeowner’s insurance for more than 25% of the state’s homeowners who live in the areas with high exposure to wildfires; and

WHEREAS, major disasters such as the 2017 Tubbs Fire and the 2018 Camp Fire severely strain the limited housing stock in a community when survivors are forced to replace housing destroyed in the wildfire. Oakland already has an affordable housing crisis, and Oakland and nearby communities would be hard pressed to accommodate thousands of residents displaced by a wildfire or other major disaster; and

WHEREAS, as the Camp Fire in Paradise has shown, financially disadvantaged people, renters, and employees would be far more seriously injured by a wildfire on the scale of Paradise than residents who can afford adequate insurance. Should a major wildfire spread from the high-risk wildland interface to the more urban areas, economic havoc would result; and

WHEREAS, a wildfire in the Oakland hills impacts the entire City of Oakland, both in short-term air quality, loss of housing, injury and loss of life, and in long-term economic, housing and city resiliency; now, therefore, be it

RESOLVED: That the City Council adopts this resolution designating wildfire prevention a top priority for the City of Oakland; and be it

FURTHER RESOLVED: That the City Council requests the City Administrator to present a report to the Public Safety Committee within 180 days that addresses: 1) how city departments will address wildfire prevention in their planning, programs and projects for Oakland’s Wildland Urban Interface (WUI), including the extent to which the strategies will involve multi-disciplinary and multi-agency teams in the development of pre-fire plans, 2) what wildfire prevention plans will include such as home hardening, evacuation and other wildfire prevention strategies for both private and public properties, and public communication strategies, before, during and after a wildfire event, and 3) the extent to which wildfire prevention will be addressed in the next updates to the City’s General Plan, Safety, Open Space, Hazard Mitigation Plans and other similar plans.

IN COUNCIL, OAKLAND, CALIFORNIA,

NOV 19 2019

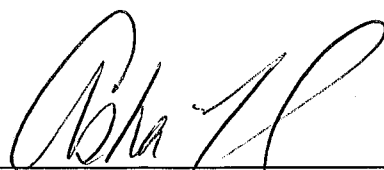
PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN — 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California