

SETTING THE RECORD STRAIGHT ABOUT MISREPRESENACTIONS BY HEAD-ROYCE SCHOOL (HRS) REGARDING ITS MASTER PLAN

1. If past conduct is any indicator of future behavior, HRS will increase its enrollment quickly if the city grants a permit for 1,250 students.

HRS represents in its application for a modified use permit, and elsewhere, that it will not increase its enrollment to 1,250 students for at least 20 years. This claim is not credible.

In 2004 written agreements with neighbors, which were later incorporated into Condition 26 of the 2006 use permit, HRS made a similar representation to slowly increase its enrollment from approximately 700 to 906 students in three phases over a 15-year period, from 2008 to 2023. HRS violated its use permit by prematurely increasing its enrollment beyond the limits in the use permit, then applied to the City of Oakland for modification of its permit in order to “legalize” its over-enrollment. The school requested and the city granted a modification of the third enrollment phase, allowing HRS to enroll 906 students in 2016, instead of 2023, seven years earlier than previously agreed. Attached is some of the [correspondence](#) (see discussion regarding condition number 26 in old use permit – enrollment violation) between City Planner Heather Klein and HRS Trustees Scott Verges and Peter Smith, the same two land development attorneys and HRS trustees who are handling the current master plan.

Thus, history shows that if HRS is granted another enrollment increase, the school will again violate the use permit and over-enroll as soon as possible. HRS has shown its objective to continuously expand its footprint, abandoning its reputation and roots as a small, elite private school. HRS suggests that the current increase will ease tuition charges. NSC believes HRS tuition has steadily increased over the years, not decreased, and there is no reason to believe increased enrollment will result in decreased tuition.

2. Without prodding from concerned neighbors, HRS has consistently failed to perform regular fire prevention vegetation management.

Based on reports of the Oakland Fire Department (OFD) and observations of adjacent neighbors, the Neighborhood Steering Committee (NSC) learned that HRS had been out of compliance with vegetation management for years.

On its website, HRS responded by posting recent OFD compliance certificates for HRS property at two campuses (4315 and 4368 Lincoln Avenue). However, the certificates are dated March 2019, which is not when the fire department conducts annual vegetation inspections. Inspections start in mid-May after the rains. Attached are the 2018 [city website summaries](#) for the North and South Campuses. They show that the fire department inspected them on August 10, 2018 and found that they were both “non-compliant” with the vegetation management requirements. Presumably, they were also out of compliance during the months prior to August 10, 2018. It was not until September 28, 2018, a month after school had already started, that HRS got into compliance. Attached is the fire department website report showing that the South Campus (4368 Lincoln) was “non-compliant” as of the [May 24, 2019 inspection](#).

The inspection result was correct – the South Campus was not compliant with the city’s fire prevention management requirements. (The North Campus had not been inspected as of the time of this correspondence.) Photos taken on May 30, 2019 by neighbors on Charleston Street document overgrown weeds on the South Campus (4368 Lincoln property):



A pile of vegetative and other debris on South Campus, May 30, 2019, taken from Charleston Street



NSC has demonstrated previously, and HRS does not dispute, that the eucalyptus trees on its properties are serious fire hazards. The school has done nothing to remove them. Many of these trees are very tall. Eucalyptus is known to explode, shoot embers and spread fire. All of the eucalyptus on the property needs to be completely removed for fire prevention and safety.

At HRS's May 7, 2019 community meeting, Trustee Peter Smith agreed that HRS would take down the eucalyptus trees, but only "slowly over time because there are aesthetics to consider." Attached is an [email exchange](#) between a neighbor with property adjacent to HRS's North Campus and HRS. The neighbor had asked for removal of the trees for years without any success and tried again recently. HRS obfuscated and finally invited her to pay half for a survey when the priority should have been getting the trees removed for fire safety reasons. This is an example of why neighbors view HRS as unwilling to make safety a priority, even for the school community. Removal of these trees should already have been completed by now.

Below is an example of just how big some of these eucalyptus trees have become on the South Campus. Photo also shows more weeds by the side of the road and in front of HRS property.



Below are eucalyptus trees with piles of weeds at their bases located on the North Campus above the main parking lot. Photos taken on May 27, 2019. Note yew trees growing into eucalyptus trees.



The neighbors see the school's two campuses every day, year-round. They know what these properties look like during the dry months from May to the end of November. Considering their proximity to danger, neighbors have a very legitimate concern about HRS's lack of continuous vegetation management.

3. HRS was out of compliance with the 2016 Conditional Use Permit by failing to submit an emergency plan to the City Planning Department and does not have an Emergency Evacuation Plan to move current 894 students safely off the campus.

NSC has expressed concerns about the school's current ability to evacuate the campus in case of an emergency, let alone if the city grants a permit allowing expansion to 1,250 students with additional staff. HRS has recently claimed that it has a plan to handle security emergencies. However, in 2016, the [city conditioned HRS's use permit](#) on providing an Emergency Management Plan to the Planning Department, a condition which says in part:

26. Emergency Management Plan. Prior to the start of the next semester after Planning Approvals and Ongoing. The project applicant shall develop an Emergency Management Plan (“EMP”), and submit to Planning and Zoning Division, Transportation Services Division, OPD-Traffic Safety, and the Fire Marshall, for review and consultation. The Applicant shall implement the final EMP. The EMP shall include at least the following components:

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

In 2018, NSC requested from the City Planning Department a copy of the EMP that HRS was required to submit to the city in 2016. NSC was informed that an EMP had not been submitted by the school. NSC representatives requested a copy of the EMP directly from HRS. After a long delay, HRS produced a plan dated “2017-2018” on the cover sheet with a note, “revised in 3/29/18.”

NSC believes the HRS plan does not adequately address how students, faculty and staff are to be evacuated from the neighborhood in the event of emergencies impacting the entire neighborhood, such as a fire or an earthquake. During the May 7, 2019 community meeting, Mr. Smith commented that, in an emergency, students would gather and wait on the playing field while HRS would text parents with instructions on how and when to pick up their children. He acknowledged the chaos that is likely to take place when parents are trying to pick up their children at the same time emergency vehicles are arriving and neighbors are evacuating.

Parents, staff and neighbors still need a realistic evacuation plan in place for the current 894 student school campus.

4. The NSC had nothing to do with formulating the HRS expansion plan and has not found any neighbor who was involved in it.

HRS has repeatedly informed NSC and neighbors at community meetings that the only people involved in and knowledgeable about its master plan are Trustees Scott Verges and Peter Smith. Neither they, nor anyone at HRS, ever involved the community in formulating the HRS master plan. Instead, HRS withheld the details of its proposed master plan until a community meeting, then asked the neighbors to comment upon and voice concerns about a plan they were seeing for the first time. Asking for concerns about an unseen major development plan is not a substitute for showing the neighbors conceptual ideas for the project in a timely manner. HRS revealed absolutely nothing about the plans until the end of 2018. At that time, neighbors pointed out the problems with the plan and in response, HRS made no changes to mitigate the many concerns. Although HRS has often claimed that it made the master plan and other decisions based on “what the neighbors wanted,” the claim is not credible. No neighborhood would request a two-lane road a few feet from residential backyards. No neighbor would request an amphitheater that will create excessive noise throughout the greater neighborhood, no neighbor

would request another 350 students be added to HRS's already over-filled school, and no neighbor would welcome a 450-seat public entertainment venue in a residential area.

5. The construction will disrupt the entire greater neighborhood and the existing North Campus.

HRS's plans involve either completing its project in 18 months or phasing it over time as HRS obtains funds for the project. The school represents that none of this construction activity will disturb residents or the current campus, only the neighbors adjacent to, or near, the South Campus. The representation is not credible.

During HRS's last major construction project on the North Campus, the streets were torn-up and noise was audible all around the canyon including both campuses and surrounding housing. Instead of repairing streets damaged by heavy equipment traffic, after the construction, HRS left some roads in poor condition. Construction projects are known to take more time than estimated. A phased project simply means that the disruption will occur over more than one time period.

6. An amphitheater is an amphitheater and the proposed one will be very loud.

The NSC has previously noted that HRS's master plan application clearly shows an amphitheater. The initial plans describe it as an "amphitheater." HRS is now claiming that it is a "commons," not an amphitheater. The claim is not credible. NSC has warned that the noise from an amphitheater will reverberate throughout the greater neighborhood. It is unpreventable.

7. HRS's "entertainment venue" concept is a recipe for nuisance and other liability.

At the May 7, 2019 community meeting, HRS represented that the Environmental Impact Report (EIR) on the school's expansion application will include study of a proposed public performing arts center. Peter Smith represented that it is the City which wants the EIR to include an entertainment venue on the South Campus. He stated, "it's the Planning Commission. They want it." The claim is not credible. Scott Verges has told neighbors in the past that he wanted to see the South Campus used for an entertainment venue open to the public. City planning commissions do not order private property owners to add a use such as running a public entertainment venue, something for which HRS has no qualifications or experience. This use was generated completely by HRS and it is reasonable to conclude that they are lobbying the city for it.

There are valid and important reasons cities do not grant entertainment permits for properties located in residential neighborhoods. Oakland does not need more entertainment venues because it has already invested in providing them in appropriate locations, including controlling alcohol uses. These public entertainment uses belong in the hands of experienced operators, not in the hands of a private school for children located in the midst of residences.