

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

LAW OFFICES
VENERUSO & MONCHARSH
5707 REDWOOD ROAD, SUITE 10
OAKLAND, CALIFORNIA 94619
TELEPHONE (510) 482-0390
FACSIMILE (510) 482-0391
Email: 101550@msn.com

December 20, 2021

Courtney Brown
City of Oakland, PBD, Development Planning Division
250 Frank Ogawa Plaza, Suite 2114
Oakland, CA 94612

Email: cbrown@oaklandca.gov.

Attn. Head Royce School Planned Unit Development Project DEIR Comments

Dear Ms. Brown:

I represent the Neighborhood Steering Committee (NSC) and am familiar with the former Lincoln Child Center (LCC – now, South Campus) and with the current Head-Royce campus across the street from it (North Campus). Between 1994 and until LCC put its property up for sale in 2012, I represented neighbors of the former LCC property. Between 2012 and the present I have represented neighbors with homes around the South Campus and the North Campus.

Please find attached as Exhibit A, the expert comment letters from William Weisgerber (evacuation), Colleen Kennedy (entertainment venue), Clearwater Hydrology, Jeffrey Pack (acoustics), and Jennifer Tso (arborist).

The DEIR is deficient in several regards and does not provide adequate information about the project and its impacts. The main issue with determining if an EIR is adequate is whether it complies with its informational duties. “The basic purpose of an EIR is to ‘provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.’ (Public Resources Code (PRC), § 21061.)” (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 511.) An EIR is a document of accountability because it must be certified or rejected by public officials—in this case, the Oakland City Council. (*Id.* at p. 512.) The public disclosures made by a properly prepared EIR protect both the environment and informed self-government. (*Ibid.*)

Judicial review of a public agency’s compliance with CEQA is governed by the abuse of discretion standard set forth in PRC § 21168.5 and referred to in the policy declaration of Guideline, section 21005, subdivision (a). (*Sierra Club v. County of Fresno, supra*, 6 Cal.5th at p. 512.) Section 21168.5 provides that our “inquiry shall extend only to whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence.” (PRC § 21168.5.)

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An abuse of discretion normally can occur in two ways: 1) when a public agency fails to proceed in the manner required by CEQA, thereby committing procedural error; and 2) when a public agency errs by making findings of fact unsupported by substantial evidence. Whether the public agency has employed the correct procedures—that is, followed applicable law—is subject to independent judicial review. (*Sierra Club v. County of Fresno, supra*, at p. 512.) In contrast, when the agency acts in its role as the finder of facts, its findings are subject to deferential review under the substantial evidence standard. (*Ibid.*)

A. The DEIR Project Description Is Incomplete and Inaccurate

The DEIR minimizes and fails to truthfully describe the project as having two main components: 1) increasing the student enrollment to 344 for a total of 1250 with some additional classrooms, and 2) creating an entertainment venue for school events and for renting to the public. The reader is left to search for the rental entertainment venue information, which is buried in two places – the HRS Emergency Plan (Exhibit (Exh) B) and a description of the entertainment component in the biology report about the trees where it does not belong. (Appendix 6A, page 8.) On pages 1-3, the Emergency Plan diagrams show that there is already a performing arts center on the North Campus. There, we see two theaters that also serve as gyms, an amphitheater, classrooms for drama and music, two studios, a media room, and there is a large café for food service. (Em. Plan, Pages 6, 9.) From the community meetings with Mr. Smith, one of two trustees who is in charge of the expansion and head of school Ms. Land, we know the seating capacity for the two theaters on the North Campus, the two theaters on the South Campus, one existing and one proposed:

Building O (South Campus and already existing) - The original auditorium and gym would be repurposed as a theater with seating for between 55 to 125 people. Small “huddle” rooms in the back of the that building would provide space for collaboration, practices and preparations. An office space for administrative use would be provided, and a small kitchen may be included for catering and food service. A new outdoor terrace is proposed to be constructed adjoining the performance center. (DEIR, p. 3-27.)

New Performing Arts Center (South Campus) 15,900 square feet, includes theater with 450 seats.

M.E.W. auditorium/gym (North Campus) seats 800-1000 people

Second all-purpose auditorium (North Campus) that seats 412 people. (source: NSC letter, dated March 7, 2019 repeating information during a community meeting from Head of School and trustee about the two existing multipurpose auditoriums - "HRS has

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two all-purpose gyms on the North Campus. According to Ms. Land and Mr. Smith, one seats 800 to 1000 people and the other seats 412 people." Exh. C)

The South Campus would also have an amphitheater, described variously as "Stairs" or "Commons" with a pavilion and a large grassy area for guests to mingle during breaks in performances. (DEIR, figure 4-5.)

In the biology report, we find the following description of the entertainment's function:

The Performing Arts Center would provide the School's theater, dance, and music groups with practice, performance, and classroom space, and will be a place for the School to hold assemblies, concerts, meetings and host speakers. The building is designed to accommodate up to 450 seats for the audience. . . . ¶ As an optional additional element, the School may seek a Conditional Use Permit to allow community use of the Performing Arts Center for non-school-sponsored events such as graduation ceremonies for small schools or programs, recitals, neighborhood gatherings and functions of non-profits. The Performing Art Center is anticipated to be programmed most of the time for school functions such as class plays, concerts, assemblies and parent meetings, so community use would be limited and may (under this option) occur mostly on weekends. For purposes of this environmental analysis, this option for use of the Performing Arts Center for community use is limited to a maximum of 20 events per year. The size of such events is limited to the seating available (450) seats). Parking would be made available in the School's off-street parking spaces. Events would be required to be over by 10 p.m. on Saturdays and 8 p.m. on Sundays. Community groups would be required to hire the School's security and parking attendants or provide their own. Private parties such as weddings, quinceaneras, bar/bat mitzvahs, etc. would not be allowed.

Even this description is minimized. What about the other three theaters? What would they be used for? If the 1,000-seat auditorium will be limited to gym use, is there a proposed condition of approval limiting it to that use? And the two amphitheaters, one on each campus – what, when, and under what circumstances will they be used? Will the three theaters be used at the same time as the one new 450-seat theater on the South Campus? Will all four theaters be in use at the same time? The total number of theater seats will equal almost 2,000 seats. If the same movie was played in each of these theaters about the same time, or a lecture and music performances were spread over all of the theaters with the guests choosing which to attend at a given time, the number of seats would potentially have a major impact on traffic and noise.

"Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider

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mitigation measures, assess the advantage of terminating the proposal i.e., the “no project” alternative[], and weigh other alternatives in the balance.’ [Citation.]” (*Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1052 [A]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.’ ” (*Ibid.*, citing *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192–193.)

The DEIR summary description of an entertainment venue rented to the public and the project’s goal of “flexible spaces” leaves the reader with no understanding how together, the South Campus and North Campus will be used if the City Council grants the school’s application. Just the fact that the project results in four theaters, two amphitheaters, two food service areas, etc. requires the DEIR to fully describe their uses, not just the facilities’ locations. Obviously, no school needs four theaters and a duplication of other entertainment facilities on two campuses across the street from each other. By describing the overall facilities as a school expansion, rather than what it really is – more school enrollment plus an entertainment venue for public rental use, the DEIR skirts its informational duties. Anyone could get around a stable, finite, project description the same way.

For example, another school with 22 acres could say that it is expanding its school with a large grass area, some holes in the grass for students to practice golf, a food service at the end of the grassy area, carts for the students and staff to be able to get around the campus, outdoor classrooms, pavilions for school meetings, and about 20 weekends a year, rental to the public. The EIR could then claim erroneously that the only environmental impact from this school expansion would be the occasional golf ball through a window. As here, it could then mention that later it *might* apply for a permit to rent the facilities for public golf tournaments. In reality, as here, the impacts would be grossly understated. A golf course is a golf course. And, an entertainment venue open to the public is a public entertainment venue.

Further, the concept of repurposing HRS into an entertainment venue for rentals was not a secret. The Planning Commission brought it up during the scoping session and asked the EIR preparer to evaluate it. Mr. Verges, one of the two trustees involved with the project explained the plan during a meeting with neighbors where I was present around 2013, and Mr. Smith claimed in meetings with neighbors recently that “it was the City who demanded” that HRS rent out its properties as an entertainment venue for the public. The DEIR preparer has had ample time to fully disclose specifics about the potential uses of the combined two campuses.

Another problem is that buried in a staff report, there is mention of lifting the roof on the MEW auditorium on the North Campus to return it to its original use as a gym. Wasn’t this building a combination gym/auditorium to begin with? How does lifting the roof five feet make it more of a gym than it is now?

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The DEIR fails as an informational document given the vagueness of its project description and lack of full details about the entire project for which it has applied for a PUD permit. The DEIR needs to be redone with an adequate project description and recirculated for public comment.

B. The DEIR Findings of “Less than Significant” Are Not Supported by Evidence – Even the Expert Reports in Appendices to the DEIR Disagree with those Conclusions

The City as Lead Agency (City) failed to provide *any* evidence supporting some of its less-than-significant findings, especially as to traffic, noise, and evacuation. Opposing its own expert reports in the appendices, the DEIR makes unsupported less-than-significant findings. Where the City made findings that impacts were insignificant, the court will apply the independent standard of review to determine if there was evidence to support those findings. Conclusions without evidence is determined by a court “to be inadequate as an informational document without reference to substantial evidence.” (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 514.) Further:

[A] reviewing court must determine whether the discussion of a potentially significant effect is sufficient or insufficient, i.e., whether the EIR comports with its intended function of including “detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.” [] The determination whether a discussion is sufficient is not solely a matter of discerning whether there is substantial evidence to support the agency’s factual conclusions. (*Id.*, at pp. 515-516 – quotation marks and cites omitted.)

The Supreme Court stated that the “ultimate inquiry, as case law and the CEQA guidelines make clear, is whether the EIR includes enough detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project. Whether an EIR will be found in compliance with CEQA involves an evaluation of whether the discussion of environmental impacts reasonably sets forth sufficient information to foster informed public participation and to enable the decision makers to consider the environmental factors necessary to make a reasoned decision.” (*Id.*, at pp. 515-516 – quotation marks and cites omitted; Guidelines, § 15151.)

The City cannot legally make conclusionary statements without any evidentiary bases. Throughout the DEIR, the City ignores this rule. Substantial evidence “shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” (Pub. Resources Code, § 21082.2, subd. (c); Guidelines, § 15384; *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1198.)

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Incredibly, the City finds that adding 344 students for a total of 1250 to a school with no evacuation plan to leave the campus, or even a way to evacuate, in the very high wildfire risk zone (VHWRZ) is an insignificant impact. “No mitigation would be 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.” (DEIR, p. 16-25.) On page 16-23, it refers to Appendix 16 for some suggestions from Professor Wong about how to improve the school’s emergency evacuation plans and its manual.

When we read Professor Wong’s expert report, we learn that “a wildfire that begins in the Oakland Hills could reach Head-Royce within 15-30 minutes.” He states that “it is important for Head-Royce to consider any catastrophic situation that could severely endanger their students.” Then, he goes on to evaluate 9 exit points for students to escape off the campus from an approaching wildfire within that 15-30 minutes. **Not a single escape route is available for use.** Some of the exits prohibit disabled students from leaving, others are blocked in some way by vegetation, others involve unusable small, steep stairways, and locking systems on gates render them unable to be opened from the inside. HRS placed a large set of solar panels on a hillside preventing exit from that route. Shockingly, Professor Wong paints a picture of children running from one unusable exit to another unusable exit, trying to reach Lincoln Avenue, presumably in this 15-30 minute period. (App. 16B.)

With our hair standing on end, Professor Wong next points out that since only 50% of the current students come to school in cars, the only reliable way for them to evacuate is on foot, but then they will run into all of the persons evacuating from neighborhoods all the way from the Joaquin Miller Park area, a substantial distance from the school. This then raises the following scenario by Professor Wong, who apparently assumes that at least some of the children, including those in kindergarten through sixth grade have figured out a way to get up the steep hills and past the barriers he described, with the rest of the 906 children presumably now left to die:

If a wildfire is particularly close, heat and smoke could make an evacuation on foot dangerous. While Lincoln Avenue has dedicated sidewalks, Whittle Avenue does not, making it dangerous for people to walk on the roadway. Fruitvale Avenue has sidewalks but is further away from campus.

After ruling out vehicular and bus escape, Profession Wong begins his recommendations with this nonsensical observation given that he has just explained children will have great difficulty walking out of the campus:

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Head-Royce is recommended to conduct a pedestrian evacuation in the event of a major wildfire, if they have enough time to move people away from campus (e.g., at least 10 minutes). A pedestrian evacuation is likely to be more efficient, safer, and less impactful on the neighborhood than a vehicular evacuation.

To his credit, Professor Wong does list mitigation measures, all of which were ignored by the City in their findings. What he fails to do is explain how or why another 344 students and additional staff, as part of the proposed project, will not exacerbate the already horrendous scenario he just described. (App. 16B.)

The City's text in the DEIR also does not analyze and answer the obvious question whether 344 for a total of 1250 students and additional staff will exacerbate evacuation of the school simultaneously with neighbors and residents above the school also trying to evacuate. In his comment letter, Mr. Weisgerber, a former fire marshal and fire chief answers that question affirmatively and supplies even more shocking information to add to what CalFire and Oakland's own Deputy Fire Chief, Nick Luby, and its Fire Chief Reginald Freeman recently had to say about the dangers of increasing density and blocking evacuation routes in and below the hills. (See section Ea, below.)

Two other examples where the City ignored the only expert evidence it had and came to less than significant findings can be found in the traffic and sound sections. In the NSC's letter, prepared by neighbors who carefully studied the vehicle miles travelled (VMT) calculations, they show how the City's retained expert traffic engineers, Fehrs and Peers specifically found that the proposed project violated the VMT and they documented their work. Instead of accepting that there was a violation of the VMT and mitigating it, the City recalculated the numbers so as to come up with no violation of the VMT. The noise expert also found significant impacts, only to have the City claim there were none.

The reliability of evidence relied upon solely by the City in contravention with its own experts must be rejected because its reasons for changing data and contradicting its own experts' findings are clearly inadequate and unsupported. (*City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362, 426.) There is nothing in the record that demonstrates the City had expertise to render new and different opinions than the ones in their own expert reports. The sections of the DEIR with the less than significant findings are not even signed. The public has no way of knowing who wrote the opinions that the traffic, sound, and evacuation impacts were less than significant, the expert basis for those findings, or whether the person(s) who wrote them even had any expertise. Who wrote those three sections of the DEIR (traffic, evacuation, and traffic)? What was their expertise to render the opinions they wrote? Why did they reject the findings of their own retained experts' in the appendices?

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Moreover, the City was not free to just throw its own conclusions into the EIR in an attempt to downplay the seriousness of the evacuation problems and support the school's application for an expansion of enrollment and facilities. "To facilitate CEQA's informational role, the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions." (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376,405, citing *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935.)

Because the DEIR findings of less than significant impacts for evacuation, sound, and traffic were not based on anything more than the City's bare conclusions and opinions which were completely unsupported by any expert evidence, it must be done over and recirculated to the public. This time, the new DEIR must also discuss the evacuation hazard as to the South Campus. Where are the escape routes? If there was a fire near or in the new 450-seat theater, where and how would the guests escape off the campus? What is the plan for simultaneous evacuation of the South and North Campuses simultaneously with the neighbors and persons escaping from the hills?

C. The DEIR Ignored Changing Baseline Conditions Due to the Pandemic

In using a baseline based on pre-pandemic conditions, the DEIR fails to take into account the Covid pandemic that will eventually morph into an endemic. Under CEQA, an EIR "must include a description of the physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. . . . The purpose of this requirement is to give the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts." (CEQA Guidelines § 15125(a).)

In describing the environmental setting, lead agencies should generally describe conditions on the ground at the time the notice of preparation (NOP) is published. (CEQA Guidelines § 15125(a)(1).) Where conditions fluctuate over time, "and where necessary to provide the most accurate picture practically possible of the project's impacts, a lead agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence. In addition, a lead agency may also use baselines consisting of both existing conditions and projected future conditions that are supported by reliable projections based on substantial evidence in the record." *Id.*

Many of the environmental impacts in the DEIR have changed due to the pandemic. For example, the traffic situation during drop-off and pick-up has changed drastically since the NOP was issued. As reported by neighbors in their comment letters, the parents are driving their

children to the school instead of putting them of busses, there is now almost no bus ridership, the school stopped complying with its current use permit by refusing to have the right number of traffic monitors required under its use permit long ago, and the drop-off and pick-up times have elongated to hours in the morning and in the afternoon. There was no substantial evidence to support using just the baseline conditions as of the 2019 NOP.

“[T]he date for establishing baseline cannot be a rigid one. Environmental conditions may vary from year to year and in some cases it is necessary to consider conditions over a range of time periods.’ [Citation.]” (*Communities, supra*, 48 Cal.4th at pp. 327-328; see also *San Francisco Baykeeper, Inc. v. State Lands Com.* (2015) 242 Cal.App.4th 202, 218-219 [five-year average of mining volumes was appropriate baseline].) Thus, “despite the CEQA Guidelines’ reference to ... the time environmental analysis is commenced’ [citation], ‘[n]either CEQA nor the CEQA Guidelines mandates a uniform, inflexible rule for determination of the existing conditions baseline. Rather, an agency enjoys the discretion to decide, in the first instance, exactly how the existing physical conditions without the project can most realistically be measured, subject to review, as with all CEQA factual determinations, for support by substantial evidence.’ [Citation.]” (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 449.)

Therefore, since the pandemic is not going away and at best will turn into an endemic and there is no reason to believe that the parents are going to stop engaging in what the school calls “bus resistance,” the right approach would have been to analyze potential impacts against both the 2019 conditions (i.e., conditions as they existed pre-pandemic in 2019, when the NOP was issued), and the 2021 conditions. This is especially true because the amount of traffic has increased exponentially. No doubt the VMT has also increased. Certainly, the conditions for evacuation are exacerbated further by the increased traffic congestion morning and afternoon. At the very least the DEIR should have disclosed the current conditions so that the public and decision-makers could compare those conditions to what existed in 2019. Instead, the DEIR pretends that the pandemic never happened.

D. Failure to Identify Project Impacts and Mitigate Them

The DEIR periodically attempts to reduce negative environmental impacts of the project into nothingness by indicating that a few suggestions to the school will suffice. The tone and reality of the DEIR is that as a special school for the elite, a “kid gloves” approach is all that is appropriate to require of HRS, not binding mitigations that the City will be required to enforce. The law does not countenance treating different uses as “special” such that they are above the requirements of CEQA. Under CEQA, the DEIR findings are inadequate to support project approval unless they discuss the impacts, “enforceable measures to mitigate those impacts, or the remaining unmitigated impacts.” (PRC §21081; *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412.)

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E. Comments Regarding Individual Topics

a. Fire Evacuation and Vegetation Management

The *only* substantial evidence in the record shows that in the event of a wildfire emergency requiring evacuation off the school properties, the project will exacerbate the inability to safely evacuate HRS on each campus simultaneously with the neighbors and persons above the school site on Lincoln Avenue. Under CEQA, the “substantial evidence” definition (see section B, above), requires an expert with experience in designing evacuation plans. (*Newton Preservation Society v. County of El Dorado (Newton)* (2021) 65 Cal.App.5th 771, 789-791.) “It is not enough to have even a firefighter opining about evacuation if they do not have the necessary expertise: “While petitioners note that Barnes is a retired aerial firefighter, they identify no evidence in the record establishing he has experience in determining, directing, or effecting evacuation routes.” (*Id.*, at pp. 789-790.) Here, there is no evidence in the DEIR that Professor Wong, a research professor in Canada, has such expertise. However, NSC expert Mr. Weisgerber does have the expertise demonstrated in his report and his resume. He has experience in planning evacuations and is certified in California for Emergency Management Planning.

In his comment letter, Mr. Weisgerber explains the conditions that caused CalFire to place HRS on both sides of Lincoln Avenue in the VHWRZ. He comments on the school’s failure to have open and usable escape routes from the current campus, and the absence of any emergency evacuation plan. Adding more students and employees to the school will exacerbate the dangers already present and cost lives. He also shows how likely a wildfire would be in the area of the school, based on facts, including the increasing rate of fire spread during recent years.

The DEIR does not analyze the potential for lost lives due to the lack of emergency exits or even require an evacuation plan for removing students and employees off campus. “The test is [] whether the record contains substantial evidence that the project may have a significant effect on the environment or may exacerbate existing environmental hazards.” (*Newton, supra*, at p. 775.) As to the likelihood of a wildfire, the Oakland Fire Department already answered that there is a high likelihood and the mechanism of death during an evacuation. Deputy Nick Luby spoke at a Planning Commission hearing on June 2, 2021. At that time, he demonstrated through maps of the Oakland Hills and a video of a real evacuation what is likely to happen in Oakland in the area in the hills above the school and then travelling down the hillside to major streets. (<https://www.oaklandca.gov/meetings/june-2-2021-planning-commission-meeting> - minutes 1:39:35 to 1:57.) He noted that in a major fire shown in his video, most of the people who lost their lives were in cars trying to evacuate. Fire Chief Freeman also weighed in on the dangers of increased density in the HWFRZ, not even getting to the very high category of fire danger. (Exh. E, attached.)

Both App. 16A (vegetation management) and 16B (evacuation from the building) in the DEIR recommend just making some “suggestions” and educating HRS about fire prevention. There is nothing in CEQA that allows a city to substitute mitigating life threatening conditions with “suggestions.” (See section D, above.) The problem is not that HRS does not know *how* to do vegetation management or that it is supposed to have a plan for evacuating students and staff from the school property – it is that the school refuses to comply with either of these requirements.

In 2016, the City issued an amended use permit with changed conditions of approval. These changed conditions resulted from a complaint about HRS’s noncompliance with its prior use permit that neighbors filed with the City Planning Department and that the City for the most part determined were true. Condition 21 in the 2016 amended use permit required HRS to keep a push gate in a specific fence for evacuation purposes. It appears from Professor Wong’s report that this was not done. More glaringly, HRS also was noncompliant with Condition 26:

26. Management Plan.

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

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

a) Fire Protection Bureau Occupancy Review Ongoing

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

b) Emergency Preparedness Plan

With 6 months and Ongoing

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

c) Fire Department Site Visits

The project applicant shall coordinate with the Oakland Fire Marshal’s Office to make periodic unannounced visits to the school (the frequency, timing, and types of visits should be at the Fire Marshal’s discretion based on need for visits and compliance by the school) to verify that adequate emergency vehicle access is being maintained during peak pick-up and

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drop-off periods. The Fire Marshal should consult with the School to identify modifications to the circulation rules, if emergency access problems are identified. (Exh. F.)

The school was supposed to provide the emergency plan to Ms. Klein within six months of the 2016 use permit, which meant no later than the beginning of 2017. Ms. Carona describes her attempts to obtain a copy of it only to discover that HRS never complied with the requirement and provided nothing to the planner because it did not bother to prepare one. Even when it did eventually prepare something, it did not address evacuation off of the property. And it still has not prepared a plan for offsite evacuation.

The same problem exists with vegetation management. The NSC has been after the school about noncompliance with vegetation management for years. It also requested that the school take down all of the eucalyptus trees on the North and South Campuses. It took down five or six on the South campus and apparently did not remove any on the North Campus, citing a kerfuffle with a neighbor over cost sharing for removal of a few of the trees and that it did not have enough money to remove other eucalyptus trees. Since then, it has invested in a large bank of new solar panels and a new field with artificial turf. Fire safety is not a priority with HRS.

To get around noncompliance with the annual vegetation inspection, HRS fails the first inspection in May or June, does not pass any subsequent inspection, waits until August before students come back, then does what is necessary to pass. It then posts on its website compliance notices from August to lure parents into thinking that all is safe because they have a compliance notice. Nothing could be further from the truth. From August, when HRS finally gets a compliance notice after failing the spring inspection by the vegetation fire inspectors, the first rain starts in November. The inspection program is set up so that in the spring, the inspectors require compliance and afterwards, the property owner is supposed to continue managing the vegetation fuel loads.

We know that HRS, after August, does nothing to maintain them because they repeatedly violate the spring inspection. That means that after the rains, HRS is out of compliance from the end of the rains in November until August of the following year – from about December to August – at least eight months out of every year, when the fire hazard is now a year-round threat! The NSC has repeatedly gotten after HRS about leaving the vegetation fuel loads to build until August with the only response that they have compliance certificates from August. (See Exhs. C and G – June 5, 2019 letter and memo to HRS Trustees from NSC, sample non-compliance findings including for 2021.) Fire safety is not a low priority for HRS – it is a no-priority and so far down the list of expenditures as to be non-existent.

Therefore, “suggestions” are not going to solve the fire dangers presented by HRS. The only solutions we have seen thus far are the ones presented by Mr. Weisgerber. Those solutions

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need to go into an enforceable mitigation measure. The vegetation management requirements also must go into enforceable mitigation measures, given the long history of non-compliance.

b. Traffic

A group of neighbors have worked together to gather data and respond to the traffic section of the DEIR in their letter. From the date on the traffic report (and the dates of pretty much all of the City's other expert reports), it appears that the plan was done first "back-of-a- napkin" style and then experts were called in after the project was already designed. Instead, the traffic engineer firm should have been doing the designing of the traffic management plan, not two trustees from the school with no expertise. As a result, the DEIR does not meet its informational requirements because it basically is trying to hide the lack of work done on the design of the project. As such, the project has multiple changes in its descriptions within the text.

The napkin was devoid of details and nobody has filled them in during the CEQA process (See section A, above.) For example, we are told that an internal loop on the South Campus will take care of drop-off and pick-up traffic for 1,250 students, but we are never told specifics about how that will occur even in broad strokes. Nor are we told what will happen to the current loop now in existence. In some places the DEIR refers to removing all school traffic off of Lincoln Avenue, except buses and at other times, we are told that it will only reduce traffic in the neighborhood. What exactly happens to the Lincoln-Alida-Laguna-Potomac-back to Lincoln loop in the project?

Another failure to provide sufficient information involves a reference to putting barriers around Lincoln Avenue so that parents cannot drop their children there and at the same time the DEIR is silent about use of the main driveway on the North Campus for drop-off and pick-up purposes as that originally was the purpose and use for that driveway. HRS later changed that purpose to address its violation of its use permit by not supplying sufficient parking spaces. What was designed to be the main driveway for the school ended up with one lane of parked cars and one lane for traffic.

The internal loop road is another example of the DEIR failing to include sufficient information for the public and decision-makers to know the impacts of the project. There are three different descriptions of the Loop Road. On page 13-40 of the DEIR, it states that the Loop Road will be about 1,000 linear feet and says a total of 385 student drop-offs and 385 pick-ups are anticipated each day. However, at 3-31 it says approx. 1,450 lineal feet, and at 5-22, the DEIR estimates 1,184 at the upper drop off and 1066 at the lower end per day, about 3 times as many feet as at 13-40. The relevance of this information is that it, in part, dictates how long it will take a parent from the time they enter the loop to the time they exit the loop to unload or pick up their child. The longer the "discharge rate" from entry to exit, the longer the queue in the middle of Lincoln Avenue trying to turn left into the loop. The length of the loop also dictates

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how many trees will need to be removed. The DEIR fails to fulfill its informational duties by excluding this key discharge rate information. It also does not give the public or the decision-makers sufficient information to consider traffic management alternatives.

c. Greenhouse Gas Emissions

In the Greenhouse Gas section 9, the DEIR gives us a very complete list of all the ways that greenhouse gases are contributing to global climate change. (Pages 9-1 to 9-2.) Not surprisingly, cars contribute fossil fuel combustion to the toxic mix of greenhouse gases. From the following pages, we learn about all of the ways that the state and even the City of Oakland have worked tirelessly to come up with Legislative bills and policies to reduce greenhouse gases. On pages 9-5 to 9-7, the DEIR lists the City's resolutions to reduce greenhouse gasses, including 87397, declaring a climate emergency. As to new development, it is required to complete an ECAP Checklist and "qualitatively demonstrate[] compliance with the Checklist items" as part of the project's design.

We do not see where in the analysis of greenhouse gases, the DEIR addresses the violation of the VMT that was demonstrated in the Fehr & Peers traffic engineer's report. As we explained in section D, above, the DEIR must identify negative impacts, provide an analysis of them and then mitigate those impacts. That has not been done here.

The other problem is that the DEIR seems to be making a less than significant finding but it is not clear where it actually makes that finding as to more than one aspect of the project (see p. 9-12 – stationary sources of GHG). It actually appears impossible to make it, especially in light of the fact that the project would have to meet the state and local policies, which it does not, based on the Fehr & Peers report.

Instead of measuring or analyzing whether the project significantly increases GHGs, the DEIR relies on a threshold of significance, which in turn is based on self-reporting by HRS. Thresholds of significance are not a substitute for substantial evidence that the project will have a less than significant impact on GHGs:

CEQA Guidelines Update: Proposed Thresholds of Significance (May 3, 2010), pp. 8–21 [regional air quality district for the San Francisco Bay Area proposes a threshold of 1100 MTCO₂E in annual emissions as one alternative agencies may use in determining CEQA significance for new land use projects].⁷ Thresholds, it should be noted, only define the level at which an environmental effect "normally" is considered significant; they do not relieve the lead agency of its duty to determine the significance of an impact independently. (Guidelines, § 15064.7, subd. (a); *Center for Biological Diversity v. Department of Fish &*

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Wildlife (2015) 62 Cal.4th 204, 228-229; *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 342, 29 Cal.Rptr.3d 788.

The problem with relying on HRS for answers to questions about contributing to GHG is that it is the “poster child” for creating vehicle exhaust. For example, it prides itself in its website and elsewhere on being the only K-12 school in Oakland and that it has students coming from 33 different cities around the greater Bay Area. Currently, according to neighbor observations, it is allowing all of the “bus-resistant” parents to drive to the school twice a day for pick-up and drop-off, which includes for most of them, using a loop around the neighborhood to go back to highway 13. The neighbors’ data and the memo with statistics from Fehr & Peers show that daily, school traffic backs up all the way down highway 13 while parents wait to get into a queue, and then wait to get into another queue.

In the self-reported ECAP, we see that HRS is fudging quite a bit, which the City should have caught, corrected, and required more evaluation for the GHG section of the DEIR. For example, the second and third questions are about whether the project’s use of buses and reducing parking will be part of it. The answer goes off into fairy-land with excuses why the public buses are not available and comes up with totally speculative information about some sort of parking lift on the North Campus that is not even in the DEIR project description or the application for the project. The truth is that HRS hires buses from AC Transit and private busses, but it does not hire enough of them to handle its 906 students, its staff, or the proposed 344 additional students. The answers should have truthfully been “no.”

Question 4 is asking whether the current TDM provides transit passes to employees and/or residents. Instead of answering that question, HRS untruthfully implies that it is reducing SOV use by 30%, despite the pandemic. It evades the question by saying it provides a “subsidy” for students and faculty “for transit passes.” The truth is that it charges for students to use its buses and does not pay AC Transit sufficiently to take care of the current enrollment transit needs, let alone with another 344 students. Question 7 is asking if the project would reduce displacement of residents. It is not answered and instead HRS talks about when it took occupancy of the Lincoln property and only used it for parking. The truth is that the project contemplates demolition of three houses, and at least one other building that could be renovated into housing. The same problem occurs with HRS’s answer to question 12 – it definitely intends to create demolition waste on the property. And, the answer to question 14 is patently false – HRS has not been complying with vegetation management and has rebuffed all efforts from the Fire Department and the neighbors to do so.

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The DEIR must quantify and analyze the GHGs from 1,250 students arriving in SOVs along with all of the HRS employees. It also needs to include in its assessment all of the SOVs that are anticipated to arrive and leave the school for events for the school and non-school use. A new DEIR should be republished and provide the required comment period.

d. The Project is Inconsistent with the General Plan, Zoning, the Vegetation Management Ordinance, the Noise Ordinance, and the Permit Criteria for an Entertainment Venue

In the fire evacuation section, the DEIR seems to be suggesting that if the project complies with some of the fire code, it is then legal to expose students and the community to wildfire risks. Mr. Weisgerber's report disabuses the public of that notion. Not only is it a violation of the Fire Code to create a fire trap with NONE of the exits from the North Campus available for realistic evacuation, especially for the vulnerable population of elementary school children, but it is also illegal and implicates the City for another reason. A known fire evacuation trap where students, employees, neighbors, and event attendees cannot quickly leave a property constitutes gross negligence on the part of the property owner and the City.

The General Plan and Zoning for the project site do not support a public entertainment venue. It does not meet the requirement that it would benefit all of Oakland for the reasons stated by entertainment promoter Colleen Kennedy. The project, once in operation, will violate the noise ordinance according to acoustics expert Jeff Pack. The project does not qualify for meeting the City's policies on wildfire prevention, reducing greenhouse gases, or its policies on equity and inclusion.

e. NSC Requests that the EIR Analyze a Modified Alternative 2

On page 18-5, the DEIR shows a table 18-1 with four alternatives. The Alternative 2 presents the best environmental alternative. It is the only one that even has a chance of saving lives although that result is highly questionable given that HRS has no evacuation plan for offsite escape from a wildfire. To increase the student enrollment and staffing by even one person is irresponsible.

It is difficult with so little information in the DEIR to figure out what modifications to Alternative 2 could be made so that it is more environmentally protective in keeping with CEQA. Tentatively, the following modifications should be made: Keep buildings 4 and 8. 4 is a house and 8 is new construction from the 1990s that could be made into housing, which is a high priority in Oakland. Remove the amphitheater ("Commons") as it presents sound impacts and arrange outdoor classrooms so that they do not interfere with neighbors' peace and quiet.

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Remove “option” of at-grade school crossing and replace with tunnel which reduces a traffic safety issue for children crossing the street. It also provides a way for deliveries received on the North Campus to be moved from that campus to the South Campus without disturbing neighbors with early morning noise from deliveries on the North side deliveries. Instead of just removing a new PAC, add classrooms. The modified Alternative 2 would require opening the North Campus main driveway for drop-off and pick-up as originally designed and a traffic management design plan that included shuttle services from offsite locations. It would include greatly cutting back on SOV usage, which would improve the environment in multiple ways.

On page 18-29, there is a list of ways that Alternative 2 as now drafted would not meet HRS’ goals. There are four goals – 1) HRS would not have a new PAC for the students; 2) Enrollment would not be increased; 3) remove the Alida loop or remove traffic from Lincoln Avenue; and 4) it would not join together the two campuses with an underground tunnel.

1. The new PAC is not for the students and is clearly part of the public entertainment venue as the students already have at least two theaters on the North Campus with all of the same classrooms, etc. that makes up the proposed PAC. There already is also a theater on the South Campus.

2. The enrollment should never be increased at the location given all of the fire risks listed by Mr. Weisgerber in his report. If anything, it should be decreased to prevent a major tragedy for the school community, the neighbors, and the escaping persons coming down from above the school on Lincoln Avenue.

3. The school has vehemently fought any attempts by the neighbors to get rid of the Alida loop and they will continue that fight no matter what. In some places in the DEIR, they already indicate an intention to keep the Alida loop.

4. A modified Alternative 2 would provide the tunnel, which should be added.

CEQA does not require meeting all of a project’s goals. However, a modified Alternative 2 would meet goals 3 and 4 above. Goal 1 and 2 are not viable in any event due to fire risks and the fact that the neighborhood is not zoned or appropriate for a public entertainment venue. Moreover, under CEQA, the City Council does not have to approve a project just so that it can have all of its goals met:

(a) Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every

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conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. ([Citizens of Goleta Valley v. Board of Supervisors\(1990\) 52 Cal.3d 553](#) and [Laurel Heights Improvement Association v. Regents of the University of California\(1988\) 47 Cal.3d 376](#)).

Accordingly, a modified Alternative 2 should be considered in the EIR.

Thank you for considering our comments.

Very truly yours,

Leila H. Moncharsh

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

LHM:lm

cc: Clients

EXHIBIT A

December 7, 2021

William Weisgerber, President
Weisgerber Consulting
El Macero, CA 95618

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

Ms. Moncharsh:

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

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

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

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

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

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

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

Historical California Wildfire References²:

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

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

² CalFire Stats and Events

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

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

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

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

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

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

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

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

Response to the DEIR and Appendices:

DEIR Fire Safety and Fire Management Plans:

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

Opinion:

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

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

DEIR State Emergency Response Plan--Evacuation Planning:

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

⁴ CalFire Stats and Events

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

Opinion:

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

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

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

DEIR Wildfire Impact and Significance:

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

Opinion:

I strenuously disagree with this premise, as a localized vegetation management program alone will not mitigate the worst-case scenario in the VHFHSZ (e.g., 1991 Oakland East Bay Hills Firestorm; 2017 Tubbs Fire in which the Coffey neighborhood of 600 homes—with a 100-foot firebreak perimeter, fire safe building components and green-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=NseOhUqZA0>)

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

WILLIAM D. WEISGERBER, JR.

El Macero, CA 95618

408.910.8044

Weisgerber.bill@gmail.com

linkedin.com/williamweisgerber

SUMMARY

Experienced executive with progressive fire service, public **safety management** and strategic planning expertise. Leverages proven leadership skills in management, budget, planning, emergency communications, and labor relations at the local government level. Brings professional acumen specific to the fire department and emergency services, as well as general municipal management, and comprehensive executive search, recruitment, and placement services. Possesses strong collaborative ability with local senior staff, sub-regional, regional, and State committees for the benefit of public safety. Diligent, organized, committed.

EDUCATION

Bachelor of Arts, Management - St. Mary's College of California, Moraga, CA

Associate of Arts, Fire Science - San Jose City College, San Jose, CA

CERTIFICATIONS

Certified Chief Officer, CA (State Fire Marshal) Fire Service Training and Education System

Certified—Fire Protection Self-Assessment and Organizational Evaluation, CA Fire Academy

Certified—Emergency Management Planning, CA Specialized Training Institute

EXPERIENCE

Fire Chief/Fire Service Consultant

2005-Present

In the capacity of fire chief and public safety consultant for city, county, and special district organizations, apply professional expertise to perform management responsibilities as an integral component to successful resolution of complex personnel, labor relations and administrative issues; and the essential strategic processes for mitigating multi-faceted budget deficits and service delivery deficiencies. Skilled and experienced in executing **functional public safety and emergency management roles**, strategic master planning, conducting comprehensive municipal executive searches, recruitment, and placement process services.

Weisgerber Consulting, Mountain View, CA

2020

- **CITY OF MOUNTAIN VIEW FIRE DEPARTMENT, FIRE AND ENVIRONMENTAL PROTECTION BUREAU**

Weisgerber Consulting provided comprehensive analysis and recommendations to assist in developing, building, and implementing strategies for the Fire and Environmental Protection Bureau (FEPB) of the Mountain View Fire Department—now and into the future. The primary areas of interrelated focus shaping these strategies and recommendations included:

- Reorganization and Strategic Master Plan for the FEPB comprised of:
 - Analysis and recommendations to strengthen effectiveness of staff deployment, supervisory span of control, and administrative support—maximizing resources and cost recovery revenue
 - Developed Succession Plan and staff development template
 - Analysis and recommendations for Inspection Program workload and Fee Schedule (Cost Recovery)
 - Analysis and recommendations for Database Replacement
 - Developed 5-year Technology Capital Outlay Program

Interim Fire Marshal, Oakland CA

2018-2019

- **CITY OF OAKLAND FIRE DEPARTMENT**

Division Chief in charge of Oakland Fire Department (OFD) Fire Prevention Bureau (FPB), overseeing a staff of 31 non-sworn and 3 sworn personnel. Responsible for management of fire and life safety regulation and compliance programs in a modern urban city with a population of over 400,000 residents—and a daytime population employing an additional 100,000 people. The depth and breadth of FPB operations encompasses plan check review, inspection and permitting for: new construction; CA state-mandated buildings and systems; annual fire code operating permits; engine company referral programs re: fire cause investigation and faulty fire alarm systems; vegetation management; cannabis industry and hazardous materials facilities; and actively participates with the Planning and Building Department in identifying and mitigating dangerous buildings.

- Addressed over 200 dangerous building referrals in six-months.
- Reduced Plan-check Review backlog from 675 to zero, in six-months.
- Oversaw reconciliation of inventory—recommending annual required inspection hours to staffing and supervisor ratios.
- Oversaw Data migration process (OneStep to Accela) to create uniform platform with Planning & Building.

Large scale special events and pyrotechnic inspection and permitting—for fire and life safety compliance—are conducted on a regular basis, multiple times per week (including NBA-Warriors, NFL-Raiders, MLB-A's). Oakland FPB is responsible for an inventory of approximately 11,000 permitted and mandated inspection occupancies; over 10,000 buildings with nearly 50,000 businesses; and 25,000 vegetation management inspections. A very robust Public Fire Education Program—pre-school to seniors—also resides within the Oakland FPB.

Weisgerber Consulting, El Macero, CA**2018-Present**

- **EMERGENCY PREPAREDNESS TRAINING & EXERCISE DELIVERY – CALIFORNIA WATER SERVICES COMPANY**

- Weisgerber Consulting provides statewide, on-site delivery of Emergency Preparedness training and exercises for management, supervisory and field personal of private water utility— bringing real-life practical experience to the training space, in transitioning daily operations, to emergency/disaster response, in Emergency Operations Centers (EOCs), and filed response. Training/exercise blocks include:
- Company-wide EOC operations of water utility emergency components in disaster response
- Coordination with local, state, and federal government—within National Response Framework (NRF).
- Field first-responder “Boots on the Ground;” shifting from daily to emergency/disaster operations.
- Implementation of state and federally adopted emergency management systems (SEMS/NIMS/ICS)

Weisgerber Consulting, Sonoma, CA**2017-2018**

- **FIRE PROTECTION CONSULTANT – CAYMUS BUILDERS; BILL JASPER-DEVELOPER**

Weisgerber Consulting was engaged with residential project, consulting on fire safety elements for development in Sonoma, CA (Fourth St. East/Brazil St.). Project is supported by strong civil engineering and adopted fire safety techniques for residential design in wildland-urban interface (“WUI”) environments.

- Analysis of design and mitigation efforts determined to be well-planned, attentive to/surpassing all aspects of fire safety and protection required under adopted code regulations for WUI construction.
- Components in project design positively impact active and passive environments of structure protection and defensible space—credibly improving fire protection from immediate WUI exposure.

Weisgerber Consulting, El Macero, CA**2017-Present**

- **DIGITAL SPACE CONSULTANT – THIRD BRIDGE; ALPHASIGHTS**

Weisgerber Consulting, in the digital connectivity space, provides strategic generalist consultants with relevant professional fire service subject matter (SME) knowledge. Recent SME consults include:

- Ambulance response (EMS: ALS/BLS) services: criteria for internal service versus outsource contract delivery models.
- Firefighter e-learning: certification prep; in-service training hours.
- Personal Protective Equipment (PPE): purchase process criteria for equipment and maintenance service.
- Public safety equipment distribution: uniform/equipment purchasing criteria for first-responders: (Fire, EMS, Law).

Weisgerber Consulting, Woodland, CA**2016 - 2017**

- **FIRE CHIEF SEARCH, RECRUITMENT AND PLACEMENT**

Principal consultant for a national search, to fill recently re-constituted Woodland Fire Chief position. Designed and implemented search and recruitment strategy that produced a diverse, qualified candidate pool for screening finalists, conducting panel interviews, moving top three recommended candidates to the hiring manager. This was managed on an expedited schedule over 90 days (announcement to job offer). The vacancy for the position had been previously held, for 5 years, by the retiring incumbent—in a law enforcement-based combination Police-Fire Public Safety Manager model

- **FIRE STATION RELOCATION STRATEGY AND CAPITAL IMPROVEMENT PLAN**

Principal consultant for strategic plan and project management to relocate City of Woodland Fire Station 3 to improve response times and fire station distribution, then re-purpose the existing 18,800 square foot fire station to new public safety use; including structural engineering and design to potentially accommodate: the Yolo Emergency Communication Agency (a 9-1-1 PSAP JPA); and the Yolo County Office of Emergency Services—each requiring approximately 9,000 square feet of space.

Interim Fire Chief, Stockton CA**2015****CITY OF STOCKTON FIRE DEPARTMENT**

Commanded Stockton Fire Department (SFD), operating 15 companies from 12 stations with 181 sworn members on three shifts, and an annual budget of \$41.46M. SFD responds to nearly 40,000 alarms each year (including 350-400 working structure fires)—one of the busiest fire departments in the nation. In this extremely active department, effectively restored productive labor-management communication from a previously collapsed relationship—re-establishing essential respect and trust in the office of the fire chief; oversaw launch of 9-1-1 communications JPA hosted by SFD Emergency Communications Division; identified funding for and delivered comprehensive **Hazardous Materials Technician-level training program** (offset by outside student tuition) allowing SFD to become **CA State-certified Haz-Mat Training site**; identified funding and conducted recruit selection process for unplanned second recruit academy in FY 15/16, to begin filling over 20 vacancies in front-line positions; resolved labor issues regarding new Wellness Program contract; established foundation for resolving labor issues over compensation.

Weisgerber Consulting (Senior Consultant, Associate to Mintier-Harnish), Sacramento, CA 2015**CAMERON PARK CSD FIRE PROTECTION STRATEGIC AND CAPITAL IMPROVEMENT PLAN**

Developed analysis and recommendations for **Five-year Fire Protection Master Plan** and \$1.36M Capital Improvement Plan for Cameron Park CSD. Plans included: evaluation of response times; automatic/mutual-aid responses; fire station location/replacement /upgrades; capital outlay and replacement schedules for apparatus, personal protective equipment, self-contained breathing apparatus; power rescue tools, and advanced life support intervention equipment; and on-going funding options. Vetted through fire department staff (CalFire contracted services), General Manager's office, and CSD Board of Directors sub-committee; plans were successfully adopted, unanimously, by the full Board.

Weisgerber Consulting/OES & Grant Special Projects Manager, West Sacramento, CA 2012-2015**CITY OF WEST SACRAMENTO FIRE DEPARTMENT**

Project Manager for Department of Water Resources Statewide Emergency Response Grant-funded, **Flood Emergency Response Plan and GIS-based Flood Mapping Project**. Successfully collaborated with city and county departments and partner agencies (Reclamation Districts Sac-UASI, FEMA). Designed and implemented **HSEEP registered EOC tabletop** exercises and deployed leading edge incident management technology (Digital Sandbox-7, now: **Haystax/CalCOP**) from DHS. Developed analysis and recommendations for strategic department organizational assessment. Capital Projects Manager for construction of training tower and "essential facility" improvements. Designed and implemented national search for Fire Division Chief recruitment, selection and hiring process.

Interim Fire Chief, Davis CA**2010-2012****CITY OF DAVIS/UC-DAVIS FIRE DEPARTMENTS**

Shared-services fire chief for the city and university, provided confident leadership in a highly engaged community, built successful relationships with policymakers, local leaders, and labor. Merged duplicate communications into a single dispatch center; consolidated two training programs under a single Division; implemented shared Duty Chief through reorganization and promotions; collaboratively negotiated modifications to outdated work rules for rank and file; constructively rebuilt Community Emergency Response Team (CERT) program in City of Davis.

Weisgerber Consulting (Senior Consultant, SCI Consulting Group), Fairfield, CA**2009****SENIOR CONSULTANT; BUSINESS DEVELOPMENT FOR FIRE DISTRICT PUBLIC FINANCE OPTIONS**

As senior consultant for a public finance consulting firm for public, non-profit, and private sector organizations, efficiently completed strategic analysis, planning and development of public finance presentations to rural County Fire Chiefs Associations; brought proficient fire service expertise to delivery of presentations to Northern California Fire District Workshops on public finance in a "portfolio" approach to funding options.

Interim Executive Director, Yolo County Joint Powers Authority, Woodland, CA**2008 - 2009****YOLO EMERGENCY COMMUNICATIONS AGENCY (YECA)**

Developed and implemented plan to eliminate \$460,000 fund balance deficit; guided the implementation of a strategic agency funding plan and radio system build-out plan; effectively negotiated rank and file work rule modifications.

Interim Fire Chief and Emergency Management Consultant, West Sacramento, CA**2008****CITY OF WEST SACRAMENTO**

Successfully negotiated the withdrawal of PERB complaint by Local 522; organized and implemented fire recruit academy and promotional processes; prepared analysis for citywide "**All Hazards**" **Emergency Management Plan** update, and staffing recommendations for implementation of EMP update and staff training.

Interim Fire Chief, Brentwood, CA**2006 - 2008****EAST CONTRA COSTA FIRE PROTECTION DISTRICT**

Directed an evaluation of substandard service model with community stakeholder outreach; initiated discussions to reorganize governance to independent special district to create funding options through provisions of Proposition 218; met and conferred with Local 1230 to successfully introduce comprehensive operating policies and procedures.

Weisgerber Consulting (Senior Consultant, Williams Associates), Pleasanton, CA**2006 - 2007****CITY OF CONCORD OES PROJECT**

Revised/updated disaster Emergency Operations Plan (EOP), delivered **Emergency Operations Center (EOC)/EOP** staff training, and facilitated an EOC Tabletop Exercise to evaluate effectiveness of the plan and staff training, prior to successfully transitioning EOP to city staff.

Weisgerber Consulting (Senior Consultant, Robert Olsen Associates), Folsom, CA**2006****TOWN OF LOOMIS FIRE PROTECTION STUDY**

Completed service analysis and funding recommendations for underserved areas that were adopted by the governing board, which then successfully passed a Proposition 218 election for implementing the recommended Benefit Assessment amount, to achieve desired levels of fire service delivery.

Milpitas Fire Department - Milpitas, CA**1974-2005**

Comprehensive professional fire service career, promoting through the ranks to the position of Fire Chief of the Milpitas, CA, Fire Department—a vital component in the Santa Clara County (Silicon Valley) mutual-aid system.

Fire Chief**1998 –2005****MILPITAS FIRE DEPARTMENT**

- Managing a full-service fire department running engine-based and truck/USAR-based paramedic companies, and a hazardous materials response team; operating budget of \$15.6M; successfully ensured the development, training, and growth of modern suburban fire department with contiguous borders to San Jose, Santa Clara, and Fremont; actively engaged in the Santa Clara County local emergency response system.
- **Santa Clara County Operational Area, Approval Authority Representative:** Santa Clara County Fire Chief's representative to the Approval Authority. Administering CA Department of Homeland Security grant monies, ensuring comprehensive analysis of regional needs for terrorism prevention and response; employing regional approach to Response, Planning, Equipment, and Training & Exercises.
- **Steering Committee Charter Member, Silicon Valley Radio Interoperability Project (SVRIP):** Sole fire service representative to countywide communications project; integrating Fire, Police and Emergency Medical Services in radio and data interoperability. Eighteen jurisdictions, representing 30 public safety agencies, partnered to enhance inter-agency public safety communications during emergencies.
- **Co-chair, County Fire Chief's Technical Sub-committee for County EMS RFP:** Provided technical expertise to County/City Manager's for addressing unsatisfactory service delivery performance by ambulance providers. Established open, competitive bid environment incorporating equitable distribution of system financing; performance measures; system oversight and flexible supplement service over vendor.
- Directed three Divisions: Emergency Response, Fire Prevention and Emergency Preparedness: managing engine-based Advanced Life Support program; hazardous materials response; training, continuing education; directing Emergency Services for disaster planning, CERT; and training city staff (SEMS/NIMS).

Assistant Fire Chief/Fire Marshal**1994 –1998****MILPITAS FIRE DEPARTMENT**

- Second in Command of Fire Department; directed and coordinated full-service Fire Prevention Division, with a budget of \$1.5M, Directly responsible for upholding fire and life safety standards, hazardous/toxic materials regulations, plan-check review, investigation of fire cause and hazardous materials releases.
- Professionally managed negotiation of high-profile construction projects (McCarthy Ranch "big box" and Great Mall out-parcel expansions, largest single high-density Kaufman & Broad housing project in CA—800 units, and Phase-I of Midtown Specific Plan); instrumental in working with developers and businesses.
- **1994 and 1997 Uniform Fire Code; 2001 CA Fire Code:** Adopted local code amendments— in coordination with all Santa Clara County fire departments, providing a uniform regulatory environment for businesses operating throughout Silicon Valley.
- **Co-authored Local Residential Security Bars Ordinance:** Mitigating life-safety threats from fixed residential security bars; including notification, inspection, enforcement, and CDBG-funded retrofitting of release mechanisms.
- **Co-chaired ICBO Peninsula Chapter Sub-committee** on performance standards for residential security bar release mechanisms. Co-chaired Security Bar Ad Hoc Coalition (data clearinghouse coordinating Building/Fire Officials, NFPA Task Force, Underwriters Laboratories, insurance, and decorative iron industry).

Information Services Project Manager**1994 - 1998****CITY OF MILPITAS (COLLATERAL SPECIAL ASSIGNMENT TO THE CITY MANAGER)**

- Reporting directly to City Manager, effectively managed technology division professionals and budget of \$3M; responsible for Citywide Information Services activities, including hardware, software, and network.
- Implemented Information Technology (IT) policies and coordination of strategic five-year IT Master Plan.
- Directed facilities management contract; implemented comprehensive technology upgrades.
- Developed Employee Automation Policy and a five-year Capital Improvement Program for technology; renegotiated agreement for out-sourced Information Services (improved service, reduced costs, installed performance measures/penalties).
- Coordinated all technology efforts with independently developed Telecommunications Master Plan.

• Division Chief of Operations - MILPITAS, CA, FIRE DEPARTMENT	1990 - 1994
• Battalion Chief - MILPITAS, CA, FIRE DEPARTMENT	1988 –1990
• Captain - MILPITAS, CA, FIRE DEPARTMENT	1984 –1988
• Lieutenant - MILPITAS, CA, FIRE DEPARTMENT	1982 –1984
• Firefighter - MILPITAS, CA, FIRE DEPARTMENT	1974 –1982

Labor Relations.**1985 – present**

In managing personnel, labor relations and administration daily; have been instrumental in resolving or implementing processes for difficult ongoing labor issues, budget deficits, and administrative and service delivery deficiencies.

- **City of Stockton Fire Department (2015)** Fire Chief and management representative for labor relations with I.A.F.F. Local 456; restored productive labor-management communication from previously collapsed relationship; resolved issues of dispute regarding implementation of new Wellness Program contract; established foundation for resolving Hazardous Materials certification “add-pay” issues.
- **City of Davis and UC-Davis Fire Departments (2010-2012)** Fire Chief and management representative for labor relations with I.A.F.F., Local 3494 (City of Davis) and Local 4437 (UC-Davis); collaboratively negotiated modifications to outdated work rules for rank and file.
- **Yolo Emergency Communications Agency (2008 – 2009)** Executive Director and management representative for labor relations; negotiated comprehensive update to administrative policies; negotiated settlement of pre-existing FLSA dispute; strengthened process for vetting and mitigating labor relations issues.
- **West Sacramento Fire Department (2008)** Fire Chief and management representative for labor relations; resolved pending labor issues with I.A.F.F., Local 522 (including negotiated settlement of Public Employees Relations Board—PERB—Unfair Labor Practices complaint); established Committees for recommendations to resolve ancillary working conditions issues.
- **East Contra Costa FPD (2006-2008)** Fire Chief and management representative for labor relations with I.A.F.F., Local 1230; negotiated comprehensive update of administrative policies including meet and confer, grievance hearings and adjustments.
- **Milpitas Fire Department (1994-2005)** Fire Chief and management representative for labor relations with I.A.F.F., Local 1699; negotiations team member for City of Milpitas.
- **Milpitas Fire Department (1985-1988)** Past Union President/Chief Negotiator, Secretary, Treasurer: I.A.F.F., Local 1699

PROFESSIONAL ORGANIZATIONS/AFFILIATIONS

International Association of Fire Chiefs (IAFC)

National Fire Protection Association (NFPA)

League of CA Cities Fire Chief’s Representative: Transportation, Communications, Public Works Policy Committee

Northern California Fire Prevention Officers – Fire Code Development Committee

Santa Clara County Fire Chief’s Association, Past President, Secretary, Treasurer

County Fire Chiefs Association Past-Member (Contra Costa, Yolo, San Joaquin)

COMMUNITY SERVICE

East Davis County Fire Protection District—Board Chair

Yolo County Crisis Nursery—Development Campaign Cabinet

Yolo County Children’s Alliance

The El Macero Oaks HOA—Board Chair

Milpitas High School Athletic Booster Club, Donor, Supporter/Volunteer

Silicon Valley—East, Young Life Charity Golf Classic, Past Co-chair

American Cancer Society Relay for Life, Past Chair

Colleen Kennedy
1727 Judah St.
San Francisco, CA 94122

December 14, 2021

Ms. Leila Moncharsh
Veneruso & Moncharsh
5707 Redwood Road, Suite 10
Oakland, CA 94619

Re: Head-Royce School Expansion Application

Dear Ms. Moncharsh,

After reviewing Head-Royce School's plan to rent its facilities for non-student public events, I have concluded that the plan would most likely fail financially because it does not offer a neighborhood-friendly, safe, or convenient location. It is unlikely that it would generate sufficient funds to pay its operating costs after its build-out expenses or provide enough content to meet the expenses necessary for putting on events. At best, it would draw away guests from established, well-operated Oakland entertainment venues, disruptive of the City's attempts to develop and maintain public entertainment venues for which it has invested substantial resources over recent years.

I am an entertainment promoter and producer of events in the greater Bay Area. Attached is my current resume. Like many of our local promoters, I began my career working for the very best in the business, Bill Graham. Over the last 41 years, I have handled every aspect of local public entertainment events including supervision, promotion of venues and artists, ticket sales, publications, traffic monitoring, contracts, security, setup and takedown, and food and beverage service. Over those 41 years, I have learned from my own personal experiences and from those of my promoter colleagues what works and what does not work when putting on events from small ones in little venues to extremely large ones like Outside Lands.

I have reviewed the following: portions of the Draft Environmental Impact Report – "DEIR" relevant to my expertise, the Head-Royce Emergency Plan 2018-2019 including its diagrams, plans for the South Campus (including the Performing Arts Building, the "Commons," parking plans, delivery locations, and

“pavilion” mingling areas), fire prevention letters from Mr. Wong (App. 16B) and Mr. Weisgerber, and the parking demand memo from Nelson-Nygard. I made a personal site visit and looked at the North and South Campuses from public access locations.

The materials I reviewed included this description of a possible public accessed entertainment venue in the DEIR biology appendix:

1.4.3 New Buildings

The project proposes three new buildings to be constructed on the South Campus (see Figure 3-8). These three buildings include:

Performing Arts Center

The Performing Arts Center would provide the School's theater, dance, and music groups with practice, performance, and classroom space, and will be a place for the School to hold assemblies, concerts, meetings and host speakers. The building is designed to accommodate up to 450 seats for the audience . . . The [PAC] would be located near the westerly edge of the South Campus (opposite the terminus of Linnet Avenue in the adjacent residential neighborhood). . . and set back from (sic) the property boundary by 55 feet.

As an optional additional element, the School may seek a Conditional Use Permit to allow community use of the [PAC] for non-school-sponsored events such as graduation ceremonies for small schools or programs, recitals, neighborhood gatherings and functions of non-profits. The [PAC] is anticipated to be programmed most of the time for school functions such as class plays, concerts, assemblies and parent meetings, so community use would be limited and may (under this option) occur mostly on weekends. For purposes of this environmental analysis, this option for use of the Performing Arts Center for community use is limited to a maximum of 20 events per year. The size of such

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events is limited to the seating available (450) seats). Parking would be made available in the School's off-street parking spaces. Events would be required to be over by 10 p.m. on Saturdays and 8 p.m. on Sundays. Community groups would be required to hire the School's security and parking attendants or provide their own. Private parties such as weddings, quinceaneras, bar/bat mitzvahs, etc. would not be allowed.

There is considerable missing information in the DEIR and its Appendices: The North Campus diagrams in the emergency plan show that there are two auditorium/gyms, pavilions, arts and music classrooms, food service, and an amphitheater. The DEIR does not explain why the South Campus is duplicating many of those same facilities. Does the plan include use of only the South Campus for renting to nonprofits, small schools, etc.? If not, what other facilities would be used and on which campus? Would the school only rent out the new PAC or other parts of the South Campus?

The DEIR also does not answer the questions that should have been included:

Will the events last after the local sound ordinances, 10pm? and exceed the community noise db levels?

Do the events create noise of traffic, supply and equipment trucks arriving in the early morning or late hours after the conclusion of each event?

Will the rental event activity be any combination of commercial or community (non-profit)?

What are the police requirements, security, staffing, where do the staff park?

How many events per week, both school and non-school?

Will the theaters be in an air conditioned space which keeps their windows closed during the hot days, i.e noise mitigation

Where is the public transportation pick up and drop off space, where would it be located?

How often does public transportation run to serve the location where events will occur?

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I will assume two scenarios: 1) only the new 450-seat new PAC would be used for rentals to the public, and 2) all of the entertainment facilities on both campuses would be used for rentals. I assume that none of the events I am addressing relate to school-related uses of entertainment facilities.

A 450-seat theater is financially infeasible for a non-school event rental: The new PAC is too small to generate sufficient funds from ticket sales to pay operational costs. In the Bay Area, unless you have a minimum of about 2,000 seats, the amount of operating expenses will considerably exceed the margin left to the theater owner. By example, The Fox Theater has 2,800 seats, the Calvin Simmons Theater seats has 1500, and the Paramount Theater seats 2,800 – that is the typical seating promoters will look for, but much better if we can fill larger venues that seat over 5,000.

Because small theaters, like a 450-seater cannot turn a profit and because they cannot be repurposed, cities are tearing them down. In Oakland, the neighborhood theater in the Laurel near the neighborhood where the school is located, was recently torn down for a DaVita dialysis center. In Berkeley, the 3,500 Berkeley High community theater is standing and usable, but its 575-seat Little Theater has been viewed by BUSD as a likely teardown due to lack of rental income. As promoters, my colleagues and I know better than to book an event in a 450-seat theater.

No part of, or all of the school's available theaters for public events would be financially viable: The largest potential theater Head-Royce could rent would be the M.E.W. auditorium on its North Campus but I'm told it only has about 1,000 seats. The other auditorium/gym on the North Campus and the auditorium in Building O have even less seating than the M.E.W. and so are not going to generate sufficient ticket sales to cover operating costs. If the event renter tried to use some combination of the theaters for one event, the costs would be prohibitive. Instead of one location for food, security, parking, ticket taking, and deliveries, the operations would be spread out over two campuses with the need for many more employees.

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A few years ago, the New Yorker decided to bring their popular New Yorker Festival to the Bay Area, accessing various buildings on the Cal Berkeley campus. Even with all the New Yorker's might, attendance was low. They chose not to pursue it any further. The type of entertainment that sells here is the type listed on my resume and is for young audiences.

On the other hand, I disagree with this statement from the description above: "Private parties such as weddings, quinceaneras, bar/bat mitzvahs, etc. would not be allowed." Very small venues like the new PAC are not only good for these uses, but they also are a great way to form community including with the neighbors, and have people get to know the entertainment facilities. It takes years for a new venue to get established with lots of low attendance and lots of lost revenue. As long as the renters are careful about reducing noise, not using loud speakers, and avoiding disturbing neighbors in other ways, the new PAC should be fine for that purpose.

The venues that responsible promoters look for and that are financially viable are already in the downtown Oakland area. The City's uptown entertainment district, the Paramount and Fox Theaters, are all examples of successful venues and even their promoters have trouble finding enough entertainment that is saleable. These venues, unlike the school's plan, took years to develop a following. Just building a PAC without sufficient operating expenses is a recipe for financial disaster. Adding another entertainment venue on Lincoln Avenue in a residential area, would at best take away guests from the existing venues, lowering their returns on investment.

Right now and into the foreseeable future, Covid is preventing our industry from making profits and it is not just here. Britain is experiencing the same problems: <https://o5g.cz/2021/12/14/covid-19-theatre-which-london-west-end-shows-have-been-cancelled/> The on again and off again Covid surges have caused a drop in our ability to get past planning and advertising events. Selling fewer tickets combined with fewer people who bought tickets showing up means our food and alcohol sales plummet. The only good news is that Covid may go from being a pandemic to becoming an endemic, but that does nothing to help the event business. No matter what it is called, people do not want to get sick from going to a theater, artists included. Many of the cancellations are due to even

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Veneruso & Moncharsh
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one person in the artist's crew having a positive test before the performance. It is questionable whether our industry will be able to financially weather Covid, let alone a private school.

Either construction of a 450-seater building that will later become a teardown or one that just competes with the City's existing entertainment venues is detrimental to the City and a horrible waste of the school's money.

The school's location for public events is unsafe: The reports from Mr. Wong and Mr. Weisgerber are clear – there is no way to safely evacuate the North Campus, let alone evacuate it simultaneously with the neighbors. However, just looking at the layout of the two campuses, I can see that evacuation out of the new PAC on the South Campus for any reason would be extremely problematic, and most likely impossible. As promoters, egress is a high priority. While the new PAC would probably have exit signs, the proposed layout of the campus is confusing given that the new PAC is deep inside the campus. Theaters are located on streets for good reason – once guests get out of the building, they immediately are in a position to evacuate to safety, from a fire through the streets. That is not an option with the location of the new PAC. Emergency evacuation off of the North Campus is even more confusing since the two auditoriums are not near the parking lot, the terrain to get up to Lincoln Avenue is steep, and even the crews for a performance would have limited ability to help with the evacuation. I do not see a fast way or even an emergency evacuation plan for handicapped guests to get out of the campus quickly.

This statement above from the rental description makes no sense: "Community groups would be required to hire the School's security and parking attendants or provide their own." Security is the most important thing included in the ticket price. As Bill Graham used to tell us when we were young promoters: 'We are here to put on a good event for the guests, who are here to enjoy the event and our job is to keep them all safe.' We sell tickets to THE PUBLIC, which means that we have no control over who shows up drunk or on drugs, is carrying a weapon of some sort—even a penknife, or mentally ill. We also cannot prevent guests from getting into altercations with one another, or doing something inside that threatens to start a rampage to an exit door.

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Most events now involve the sale of alcohol. Even movie theaters now have bars and without alcohol, it is difficult to get people to attend an event. Event alcohol sales is where we make a lot of our money, but its use has to be closely monitored. Alcohol is one of the reasons theaters are located near restaurants with bars and access to nearby police, not in residential areas. It would be unlikely that the ABC will grant an alcohol permit for a school campus but even no-alcohol events do not prevent “partying” near the event on the street before or after a performance.

School security guards or guards that a renter would be willing to pay from their cut of the ticket sales are not equipped to handle all of the emergencies that come up before, during, and after a performance. Security companies, require “guard cards”. Security guards are trained to at minimum deal with crowds, mass evacuations, behavior problems, and medical emergencies. Security companies are paid a premium, which comes out of the ticket price and therefore, the return on investment.

The South Campus proposed parking is too far away from the PAC and there is not nearly enough of it. Even with more parking available on the North Campus and neighboring churches. The staffing cost increases for a security company to patrol all of the spread out parking areas, and the streets. Nor can traffic monitors and parking attendants handle that much space between parked cars and a performance, which is why successful venues are near parking garages or large lots, or once again have access to public transportation.

Using Head-Royce School as a public event venue would be inconvenient and a nuisance for residential neighbors: There are good reasons why promoters do not hold public events next to housing. For example, the school’s description states that the 20 weekend events would end at 10:00 p.m. on Saturdays and 8:00 p.m. on Sundays. That is very unrealistic – all events require set up and take down, which often lasts for hours before and after an event and is extremely noisy. The stage hands, often yelling to one another, are delivering and dragging equipment, instruments, and props during setup when they will also test the sound equipment. After the artists are done performing, all of what was dragged in has to be dragged out plus there is considerable cleanup from people eating food, littering, spilling drinks, and often much more. To put a theater back into

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condition for school children the next day could well last into the early hours of the morning. The delivery door to the PAC is only about 55 feet from the housing.

The description of the public venue indicates the renters will include nonprofits. A nonprofit can be almost anything. As promoters, we cannot control artists' expression. A nonprofit that puts on a loud performance or one with objectionable lyrics is not something we can control – nor can a city control the lyrics, either. It is fine downtown where adults have chosen to live in condos near theaters or outdoors in a park away from houses, and where there is sufficient space between the buildings and the theater, but it is not fine next to housing with young children. As promoters, we do not want our events to become a nuisance to neighbors as that is not good for our reputations or for selling tickets to the public.

The "Commons" is obviously an amphitheater and it does not belong in any residential neighborhood, regardless of whether for school or rental uses. Amphitheaters are designed to bounce noise a great distance and unfortunately, that noise goes right through walls into homes. It would have a significant impact on the neighbors' ability to live peacefully in their own homes to have events in that location. The nearby Oakland-owned Woodminster amphitheater located deep inside a park is already available for rent (which helps the City coffers). It is away from housing, very close to the school, literally up Lincoln Avenue onto Joaquin Miller Street and the appropriate place for outdoor entertainment.

Entertainment venues are located in the transit-oriented parts of cities for good reason – there is plenty of public transportation. Since most of our attendees are young, they mostly use public transportation. We also are mindful that reducing use of cars is important environmentally and also reduces the amount of car traffic around the events. In looking at the Head-Royce school site, it is almost completely off the grid for public transportation during the hours when students would not be on the campuses. There is no BART service at any time.

Another reason promoters do not put performances next to housing, besides noise and traffic, is the amount of litter, urine, and fights that end up in the streets outside entertainment venues. The parking lot on the South Campus is so

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far away from the new PAC that just getting people to throw their food and beverage containers into receptacles would be challenging. For guests who parked on the nearby streets and walked in, their debris ends up on front yards of homes or blows around the residential streets and sidewalks. The plans do not show any bathrooms, but do not count on your renters to make arrangements for enough bathroom facilities. Invariably, when guests cannot quickly find bathrooms in a residential neighborhood, they use the next best thing – residences' front yards. As promoters, we cannot control availability to bathrooms (including unclogging them, a frequent issue) throughout a residential neighborhood where, no matter what we do, patrons will park.

Conclusion: As promoters, we encourage schools to teach their students about music and other art forms. All schools should offer chances to stand on stages, dance, participate in plays, learn a musical instrument and play it with a band or orchestra, or in other ways find out what performance arts are all about. However, converting school facilities into public entertainment venues during school off-hours is not the same thing. That is best left to better and safer venues than school campuses. It is also best left to people like our local trained and experienced promoters, most of who worked with the great impresario, Bill Graham, the guru of safe performances.

Please feel free to contact me if you have any questions.

Sincerely,


Colleen Kennedy

Colleen Kennedy
1727 Judah St.
San Francisco, CA 94122
415-753-0910
colleen@labyrinth.com

MUSIC/EVENTS BUSINESS VETERAN

Forty years at the heart of the concert/events business in Northern California. Has the trust and respect of leaders in the business. Has excellent people skills, great project management ability, in depth understanding of what does and doesn't work for events and an undying enthusiasm for the work.

PROFESSIONAL EXPERIENCE

Labyrinth-Concert, Event & Artist Services Company

Owner: 1993-Present

- CFO & COO for Labyrinth.
- Producer of Bill Graham Menorah: Chanukah In Union Square('97-Present).
- Head of Box Office for Uptown Theatre Napa(850 Cap Theatre; '10-Present).
- Head of Box Office for Emerald Cup Fest (30,000 Cap Fest '16-Present).
- Head of Box Office for Bottlerock Festival(35,000 Cap; '13-'16).
- Front of House Services SF MOMA Fog: Design & Art Show at Ft Mason ('13-'18).
- Head of Box Office for Kate Wolfe Festival(5,000 Cap; '01-'15).
- Head of Box Office for Earth Dance Festival(5,000 Cap; '02-'11).
- Head of Box Office for SF Oyster Festival(5,000 Cap; '14-'18).
- Provide Box Office Services for clients such as: Hardly Strictly Bluegrass (Artist Credentials;'03-'Present), Outside Lands ('09-Present).), Past Box Office Services Clients have included: Bill Graham Presents, Black & White Ball, BAMMIES, KBLX Stone Soul Picnic & many others.
- Provide or have Provided Production & Operation Services for clients such as: Bill Graham Presents, Bill Graham Special Events, Bay To Breakers, Nike Women's Marathon, Hartmann Studios*, New Yorker Magazine, Another Planet Ent., Madison House, The SF Celtic Festival, SF FlameThrowers & others.

Recent Projects:

- Transportation-Nike Women's Marathon ('06-'15)
- Traffic Marshal-Oracle Open World ('09-'13)
- Staff Food & Bev-Home Depot Convention('09-Present)
- Producer of KBLX Stone Soul Picnic('06-'07). Oversaw all: Operations, Production and Box Office functions.
- Production Office Office Manager for BGP, Another Planet & Hartmann for large events: Dave Matthews AT&T Park, Metallica/Candlestick, Outside Lands, Oracle Convention and others. ('93-Present)

* Traffic Marshal for the Oracle Open world 2007-2012

Richter Entertainment Group

Head of Box Office: 2005-Present

- Head of Box Office for Ironstone Amphitheatre (7,000 cap Amphitheatre; '05-Present).
- Head of Box Office for Fruit Yard Amph. (3,500 cap Amphitheatre; '18-Present).
- Head of Box Office for REG Shows in San Diego, Stockton, Ontario, Modesto, Bakersfield & other various markets in CA and rest of US(Various Venues '12-Present).

Music Unlimited

General Manager 1992-1993

- Oversaw all operations of David Graham's Management and Booking Agency.

Bill Graham Presents

Head of the Box Office: 1985-1992

- Coordinated the on sale of tickets with management, agent promoter, record labels, sponsors, production and venue.
- Settled shows evening of performance.
- Oversaw all ticket sales through: in house box office, ticketing services, specialty outlets and at events.
- Coordinated all guest lists and passes for all shows.
- Did daily ticket counts for each event on sale.
- Worked Box office at events.

Bill Graham Presents

Receptionist/Assistant Box Office Manager: 1980-1985

- Answered switchboard for office of 40.
- Coordinated all special deliveries.
- Administrative assistant for stage managers, box office, advertising, and office manager.
- Responsible for the making all in house laminates and performance passes.
- Assisted Head of Box Office in all Box Office responsibilities.
- Worked Box Office at events.
- Settled shows evening of event.

OTHER:

Bill Graham Foundation Board Member: 2000-2010

- Officer(Secretary) of The Executive Board of The Foundation ('08-'10).
- Other Board Members Include: David & Alex Graham, Bob & Peter Barsotti, Gregg Perloff, Danny Scher, Rick Swig, Richard Idell, Rita Gentry, Jacqueline Sabec.

Bill Graham Menorah Advisory Board Member: 1993-Present

Irish Arts Foundation Board Member: 1997-2000

- Administered the foundation bank account and grant applications.

References available upon request



EDWARD L. PACK ASSOCIATES. INC.

1975 HAMILTON AVENUE
SUITE 26
SAN JOSE, CA 95125

Acoustical Consultants

TEL: 408-371-1195
FAX: 408-371-1196
www.packassociates.com

December 8, 2021
Project No. 52-004-1B

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

Subject: Peer Reviews of the Noise Assessment Study and the Noise Chapter of the
Draft Environmental Impact Report, Head-Royce School Expansion,
Lincoln Avenue, Oakland

Dear Ms. Moncharsh:

This report will provide you with our peer reviews of the Noise Assessment Study prepared by Illingworth-Rodkin and the noise chapter of the Draft Environmental Impact Report (DEIR) for the planned expansion of the Head-Royce School along Lincoln Avenue in Oakland.

Since the noise chapter of the DEIR is mostly a reiteration of the noise study, the noise study was reviewed first. The review of the DEIR and the comments made herein are limited to items that were not included in or are different than what was presented in the noise study. For the sake of brevity, similar items contained in both documents are commented on in just the first section of this report.

I. Illingworth-Rodkin Noise Assessment Study

PAGE 1

Definition of Sound Intensity is incorrect. Sound Intensity: *In a specified direction at a point, the average rate of sound energy transmitted in the specified direction through a unit area normal to this direction at the point considered.*¹

Definition of Loudness is incorrect. Loudness: *That attribute of auditory sensation in terms of which sound may be ordered on a scale extending from soft to loud.*

¹ Handbook of Acoustical Measurements and Noise Control. 3rd Edition, Cyril Harris, et al. 1991

PAGE 2

A-weighting gives a slightly greater weight to upper frequencies, but more importantly, it gives much less weight to lower frequencies and very high frequencies where humans do not hear as well. It replicates the acoustic frequency response of the human ear over a normal range of sound pressure level.

PAGE 3

Table 1 Definitions. The definitions shown in the Table are generally satisfactory with the exception of the L_{eq} . The L_{eq} is not the average A-weighted noise during the measurement period. The L_{eq} is correctly defined in the second paragraph on page 2. In addition, these definitions are not what are provided in Cyril Harris' Handbook of Acoustical Measurements and Noise Control.

PAGE 6

The CEQA checklist is incomplete. There are six items in the list, as shown below.

The CEQA compliance checklist:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

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The study should identify which standards are applicable to the residences in the vicinity of the project and to what sources the various standards are being applied.

PAGES 10-13

The existing ambient noise section is completely flawed. There were no noise measurements made at the existing residential property boundaries around the South Campus where most noise impacts will occur. The TNM is inaccurate as it apparently did not take topography into consideration. Knowledge of the existing ambient noise environment is mandatory for determining if a project will or will not cause a substantial increase in the ambient noise levels. The administration of the CEQA guidelines through enforcement of the City of Oakland General Plan requires the use of the Day-Night Level for evaluating project-generated noise against the ambient. The existing noise exposures, in dB DNL, must be accurately determined and reported. The input parameters of the TNM were not provided.

PAGE 14

General Plan Consistency Analysis. “The impacts of site constraints such as exposure to excessive levels of noise and vibration are not considered under CEQA”. We are not sure what this statement means. However, we are assuming that it refers to CEQA not addressing impacts to a project.

The study does not provide details of noise impacts to the project in relation to the General Plan, including noise measurement data of Lincoln Avenue traffic noise, and projected interior noise levels/exposures. Some classroom buildings are very close to Lincoln Avenue.

The significance criteria under 1.b are incorrect. The City of Oakland provides a threshold of significance in the General Plan in relation to CEQA.

These thresholds are:

- (a) Cause a 5 dB permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or, if under a cumulative scenario where the cumulative increase results in a 5 dB permanent increase in ambient noise levels in the project vicinity without the project and a 3 dB permanent increase is attributable to the project.

The threshold of significance is not based on what the ambient noise exposure is or what it will be.

Item 2 is also incorrect. The City of Oakland CEQA Guidelines references the Federal Transit Administration (FTA) guidelines, criteria and methodologies. The FTA establishes a ground-borne vibration limit of 0.2 in./sec. PPV for typical residential structures. The vibration limits established in the Oakland guidelines use vibration levels in decibels (VdB). Since both of these descriptor are used throughout the “standards”, both should be identified in the noise study. The City of Oakland CEQA Guidelines for vibration are shown on page 5.

In addition to the short term noise impact in relation to the City’s Noise Ordinance Table 2, the project-generated DNL must be calculated for the determination of the increase over the ambient as required by CEQA/Oakland General Plan.

8. During either project construction or project operation expose persons to or generate groundborne vibration that exceeds the criteria established by the Federal Transit Administration (FTA):²⁵

TABLE 3 FTA Groundborne Vibration Impact Criteria			
Land Use Category	Frequent Events¹	Occasional Events²	Infrequent Events³
Category I: Buildings where vibration would interfere with interior operations	65 VdB ⁴	65 VdB ⁴	65 VdB ⁴
Category II: Residences and buildings where people normally sleep	72 VdB	75 VdB	80 VdB
Category III: Institutional land uses with primarily daytime use	75 VdB	78 VdB	83 VdB
Notes: 1) More than 70 vibration events of the same source per day. 2) Between 30 and 70 vibration events of the same source per day. 3) Less than 30 vibration events of the same source per day. 4) This criterion is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Vibration sensitive manufacturing or research should always require detailed evaluation to define the acceptable vibration levels. Ensuring low vibration levels in a building requires special design of HVAC systems and stiffened floors.			

²⁵ The FTA criteria were developed to apply to transit-related groundborne vibration. However, these criteria should be applied to transit-related and non-transit related sources of vibration.

PAGE 15

#2 Ground Borne Vibration – The CEQA Guidelines use the FTA criteria. The FTA documents specify a limit of 0.2 in./sec. PPV for typical residential structures impacted by construction and VdB limits shown in the above table for transportation sources. However, the City’s guidelines apply vibration limits in both in./sec. PPV and VdB. This should be discussed and clarified in the noise study how they relate to each other and what the results are.

Impact 1 – Performing Arts Center Activity – Potentially Significant

We concur with Salter and RGD that football game spectator noise data are inappropriate for the analysis of the Performing Arts Center.

Noise from indoor events should be discussed more thoroughly, particularly if windows in the PAC will be operable and possibly open during events or performances, if doors will be opened during events or performance and what the building shell noise reduction values will be.

Events, whether indoor or outdoor that occur once or twice per year are often accepted by the neighboring community and the events are controlled properly. However, events that occur on a more regular basis can become annoying and tiring for the neighbors. Outdoor activity before and after events, whether the event is indoors or outdoors can have detrimental effects on the neighbors, especially during evenings or night times.

The noise study discusses PAC indoor and outdoor noise, but does not provide a detailed study of outdoor noise associated with the Commons/amphitheater. The various types of uses or events should be listed along with noise data for each, including spectator noise, sound reinforcement system noise, load-in and load-out noise from entertainers and noise generated at the stage.

There is also no discussion or analysis of the PAC mechanical equipment noise impacts.

PAGE 20

The statement regarding the daytime noise levels at the residences is not necessarily true. There are no data for these receiver locations.

PAGE 22 – Outdoor Classrooms

The baseline noise datum of 60 dBA @ 3 ft. is not valid. The teacher and students are likely to be much farther apart, likely in the 10 ft. to 25 ft. range, depending upon the size of the class. Thus, to maintain a 60 dBA sound level at the listener (clear speech intelligibility) at, say, 25 ft., the speaker must speak at a level of 78 dBA @ 3 ft. That is a raised voice level. There should be better analyses and controls of the outdoor classrooms, particularly the area just behind the Laguna Avenue residences. The Outdoor Classroom analysis should also include the “L exceedance” values per the Noise Ordinance.

Recess Activity

The recess activity noise levels are much too low. There is a wide variation in noise source levels depending upon the ages of the children and their particular activities. Young children’s noise levels increase with age up to about age 13. During teenage years, breaks between classes or recess often do not involve the students running around, playing games, yelling and screaming. However, older children’s voices get deeper in pitch and shouts and laughter can carry farther because of the greater acoustic power.

At 50 ft. from the acoustic center of a playground with 35 5-year olds, the average noise level will typically be about 73 dBA L_{eq} . Maximum noise levels from children screaming can be even higher than that. The values in Table 7 are about 14 dB too low. This results in a Significant Impact.

The study should include a more comprehensive analysis of the recess and break periods, which should include the number of children in each play or gathering area, their age ranges and descriptions and actual noise data of their activities.

PAGE 26

Impact 1b: There is no detailed analysis of noise impacts to residences along the new loop road. There is no objective or quantifiable method to back up the claim of no substantial noise impacts due to project traffic.

The precise ambient noise levels/exposures at the residences have not been determined. The project-generated noise exposures from traffic and other sources on-site have not been presented.

Provide a quantitative basis for the assertion that project traffic will not cause a 5 dB increase on its own or a 3 dB increase under the cumulative scenario.

The noise study should include a quantified and objective analysis of the drop-offs and pick-ups along the loop road. How much noise does a drop-off or pick-up make? Where is the L-exceedance value analysis? What is the project-generated DNL for drop-offs and pick-ups? Show the analysis to back up the “Less-Than-Significant” statement. Will the wall along the loop road shield the second floors of the homes that will now view to the loop road and drop-off area?

The TNM is not appropriate for school drop-offs and pick-ups. Actual noise data of drop-offs and pick-ups should be presented, which would include vehicles idling in queue, car doors closing, engines starting, people talking, etc.

PAGE 28

Parking Lot – If the parking lot sources are expected to be less than 15 minutes per hour, the hourly L_{eq} for the source is an incorrect methodology as it incorporates at least 45 minutes of “quiet” into the average. This can lower the 15 minute L_{eq} by about 6 dB. The source noise level over the duration of the source should be evaluated against the L_{17} standard. If the source ends up being more than 15 minutes per hour, then the more restrictive L_{20} limit should be used.

There are no ambient maximum or average noise level data measured for the residences. Comparisons of project-generated noise to the ambient for the purposes of determining the level of significance cannot be made.

We concur with the audible crosswalk signal analysis and recommendations.

PAGE 31

Loading Dock Mitigation – Additional measures are warranted, i.e., no music, dollies and hand carts should have soft wheels/tires, all surfaces should be smooth. Box trucks with roll-up doors should be used only if the dock is enclosed.

PAGE 31

Construction Noise – The noise reduction measure of installing a plywood barrier along property boundaries must be detailed. The height and locations of these barriers must be presented in the noise study to ensure compliance with the noise standards.

PAGE 37

Ground-born Vibration – The City's CEQA Guidelines reference the FTA methodologies which include a limit of 0.2 in./sec. PPV for typical residential structures. The expected vibration levels at the homes close to the construction areas should be calculated and if heavy equipment will be close to the homes, the distance limits should be presented.

II. Chapter 13 of the DEIR

Chapter 13 of the DEIR restates the Illingworth-Rodkin noise study, but with different report formatting and some additional analyses and noise control measures. This section of our review will address only new or different information than what is contained in the Illingworth-Rodkin report.

PAGES 13-10

Table 13-2 presents the correct vibration criteria from the FTA that is to be used on the project for conformance to the City of Oakland General Plan CEQA Guidelines.

The State of California Noise Insulation Standards are not applicable to this project.

PAGES 13-13 to 13-23

We concur with the application of the standard conditions of approval for this project. However, SCA Noise-6, indicates interior noise limits of 45 dBA, 50 dBA, 55 dBA and 65 dBA. These should read 45 dB DNL, 50 dB DNL, 55 dB DNL and 65 dB DNL.

PAGE 13-24

Daily Operational Noise – Noise 2. The conclusion that the daily operational noise impacts will be Less than Significant is incorrect. The Illingworth-Rodkin noise study concluded that some operation noise will be potentially significant or significant. See the first paragraph on page 20 and the first paragraph on page 26 of the noise study. In addition, operations that are indicated to be less than significant are likely to be significant when actual noise data are used in the analysis.

PAGES 13-42 to 13-44

The cumulative noise analysis was not included in the Illingworth-Rodkin noise study.

The cumulative analysis in the DEIR is incomplete as it does not list the various noise sources, their noise levels at the residential receiver locations and the sums of the various noise sources for the respective receivers. It is not clear what contributes to the noise levels presented in Table 13-16. In addition, since the daily operational noise generated by the project is a major environmental factor associated with the project, the noise exposures (dB DNL) due to all aspects of the project must be calculated and presented so that the project's short-term and long-term noise affects can be added together along with the background noise exposures necessary to determine the cumulative noise environment. Only then can an evaluation against the CEQA criteria, as administered by the City of Oakland, be made.

Since the Illingworth-Rodkin noise assessment study did not include any additive noise source analyses or cumulative noise analyses, we must assume that these acoustical analyses were performed by the environmental consultant. All sound/noise/acoustical calculations and consulting must be performed by a person or persons qualified to perform such tasks. The qualifications of the parties analyzing the additive and cumulative scenarios have not been disclosed.

III. Acoustically Significant Aspects of the Project and DEIR Expectations

The aspects of the project that will be acoustically significant for the neighboring community will be the change in traffic patterns and activities at the new performing arts center and amphitheater/Commons as the noises from these activities will be new noises for the neighbors surrounding the school.

The general increase in student population (38%) is a small increase acoustically. If you took the existing 906 students, placed them in one location and they made a bunch of noise, then increased the students to 1,250 and they made the same kinds of noises, the increase in overall noise level would be 1.4 decibels. This increase would not be audibly detectable.

Currently, school traffic includes drop-offs along Lincoln Avenue on both sides of the street between 8:00 and 8:30 AM and between 3:15 and 3:45 PM. Westbound vehicles drop the children off on the north side of the street, continue west on Lincoln Avenue, turn left on Alida Street, turn right on Laguna Avenue, turn right on Potomac Street then turn right to head east on Lincoln Avenue. This traffic “loop” has all vehicles passing by the fronts of houses along these streets.

The new traffic “loop” will contain all school vehicular traffic to the site. However, the school traffic will enter the site at the east end of the site, either park or drop off upper school children, or continue along a drive path along the southerly border of the site directly behind the homes on Charleston Street, then turn right to drop off the lower and middle school children directly behind or along the sides of the homes on Linnet Avenue and Alida Court.

Although the school traffic will be reduced for residences along the current “loop” path, the new “loop” will bring vehicles much closer to homes where 2-story homes will have upper floors near the grade of the drive path.

There will also be an increase in student population. Thus, there will likely be a corresponding increase in school related vehicular traffic.

The new performing art center building will be as close as about 50 ft. from the nearest residential property boundary at the home at the terminus of Linnet Avenue. The performing arts building will have another attached building at the southerly end of the building with a loading area. A floor plan or description of this building has not been provided. However, we are assuming that this building is the backstage area of the performing arts building. It appears that the backstage building will have a roll-up door at the loading area. Roll up doors usually don't reduce noise by much as there are often gaps between the panels and at the sides of the door along the wall tracks. Sound rated roll-up doors are available on the market.

Performing arts buildings can generate significant levels of noise, particularly during evening hours when most events occur. Theatrical production noise is mostly evident at the exterior by audience applause and cheers, theatrical music, whether produced by a live orchestra or pre-recorded music, and by on-stage music productions. More popular music and current audio technologies use large low frequency generating sub-woofer speakers. These very low frequencies are comprised of sound with very long wavelengths that penetrate building materials/wall and roof construction easily. Windows and doors are even much more susceptible to low frequency sound transmission due to their lack of mass, air-space and inadequate seals around operable panels. Actually, poor seals can also transmit higher frequency noise as well.

The Draft Environmental Impact Report (DEIR), which contains the technical noise study, should include the following methods and analyses:

- On-site noise measurements of the existing ambient noise environment at the property boundaries along the new loop drive during weekday and possibly weekend periods if the drive will be used weekends. Except in carefully controlled laboratory experiments, a change of 1 dB cannot be perceived.
- On-site noise measurements of the existing ambient noise environment at the property boundary near the Performing Arts Center.

- Noise level measurements of the existing travel route and related operations (drop-offs and pick-ups) to use as accurate reference data for the purpose of calculating these operations under the new plan scenarios.
- Evaluation of both the project-generated long-term (DNL) noise exposures and short term noise levels per the standards of the Oakland General Plan/CEQA and the Oakland Noise Ordinance
- Realistic and accurate modeling of the various types of performances and their ancillary operations expected in the Performing Arts Center and Commons, including events sponsored by non-school renters. Complete descriptions of the performances, the sound reduction calculations from the interior to the exterior (walls, roof, doors and windows), the barrier effect of interposed structures and loading area operational noise should be provided.
- Noise from Performing Arts Center patrons coming and going outdoors should also be addressed as people exiting the facility after an evening performance may create significant levels of noise, particularly if performances end after 10:00 PM. Patrons should not be allowed to congregate on the south side of the PAC either before or after events regardless of the time of day.
- Mechanical system (HVAC) noise from the Performing Arts Center should be analyzed for noise impacts to the residences nearby.
- Although CEQA does not address noise impacts to a project, the City of Oakland General Plan does. Since some of the new buildings will be fairly close to Lincoln Avenue, the noise study should address potential noise impacts to the classroom and administrative offices.

- Detailed analyses of outdoor classroom conditions, recess activities and amphitheater/Commons activities for both school operations and any potential non-school use.
- The application of noise barriers must be detailed accordingly. The heights, materials, construction methods along with the expected amount of sound reduction for various noise sources must be provided to ensure intended compliance with the noise standards.
- Where noise exceedances occur, noise mitigation measures must be provided in detail and should not be deferred to a subsequent study. This is common when information, such as precise mechanical equipment data, is not available. The EIR then gets certified and the mechanical noise issues are left without being analyzed and are swept under the rug.

IV. Conclusions

The noise study and ensuing DEIR noise chapter are seriously flawed and should be re-done to be accurate and complete as too many conclusions were drawn based off of data that either does not exist, is inaccurate or were developed by parties of unknown qualification.

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

Sincerely,

EDWARD L. PACK ASSOC., INC.

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

Jeffrey K. Pack
President

JEFFREY K. PACK

ACOUSTICAL CONSULTANT

Curriculum Vitae

EDUCATION

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

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

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

EXPERIENCE

7/81 to President and Principal Consultant
Present

Edward L. Pack Associates, Inc.
San Jose, California

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

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

Jeffrey K. Pack, (cont'd)

5/86 to
5/94

President

The Techtonics Company
Sunnyvale, California

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

2/93 to
3/94

Adjunct Professor

Cogswell Polytechnical College
Cupertino, California

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

7/84 to
12/87

Owner

Mirage Music Technologies
San Jose and Hermosa Beach, California

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

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

AFFILIATIONS

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



December 14, 2021

Leila Moncharsh
510-482-0390 | 101550@msn.com

Re: Arborist Peer Review of the Head Royce School project, Oakland

Dear Leila,

This report comprises an independent arborist opinion regarding the proposed Head Royce School (HRS) South Campus project at 4368 Lincoln Avenue. My scope of work involves reviewing the relevant tree-related documents to provide my opinion regarding their content and conclusions. I focused on the latest arborist report by H.T. Harvey & Associates, but also reviewed other documents where relevant. I was also asked to determine how many trees could be saved if a proposed amphitheater and a portion of the loop road were eliminated.

INTRODUCTION & SUMMARY

I was first contacted regarding the proposed HRS expansion project in October 2019. At that time, the community around the school was aware of the project, but documentation was not available for the public's review. In 2020, a General Plan package was shared on the school's website; the package included a general tree preservation plan but little other information. In November 2021, I was informed that the Draft Environmental Impact Report (DEIR) documents were published on the City of Oakland's website and the public comment period was now open. DEIR documents that pertain to trees include the Biological Resources (BR) chapter and the arborist report by H.T. Harvey. I was also provided a copy of an earlier arborist report by Davey Resource Group (DRG), which appears to be the basis for the H.T. Harvey report and the BR chapter.

I reviewed both the BR chapter and the DRG report since the H.T. Harvey report did not include the proposed site plan or tree protection guidelines. All three documents discuss City-protected trees; the H.T. Harvey report is the only one that also includes non-protected trees. I focused on protected trees in my review since these are the only ones that require a permit from the City of Oakland.

The H.T. Harvey report covers 480 trees, of which 321 are protected trees. The report proposes to preserve 169 trees, transplant 31 trees, and remove 121 trees. In general, I agree with the H.T. Harvey assessment that all trees located within proposed grading limits would need to be removed. I identified 18 trees that should be reassessed for various reasons - some will be subject to high impact but are noted as "preserved", others could be preserved with minor-moderate plan adjustments, etc. Of the 31 trees listed as transplant candidates, only six are in good condition. The remaining trees have varying degrees of dieback and structural issues that will reduce the success rate of transplanting. Lastly, if the proposed amphitheater and a portion of the loop road were eliminated, 35 additional protected trees could be preserved.

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Attachments: Arborist Peer Review Notes (5 sheets, provided on tree disposition plan)	

ASSUMPTIONS & LIMITATIONS

This report is based on a review of the following documents:

- Draft Environmental Impact Report (DEIR), retrieved on 11/22/21 from <https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2021>. These specific sections were reviewed:
 - Chapter 6 Biological Resources (BR), “Conflict with the City of Oakland’s Tree Protection Ordinance” section (pages 6-23 to 6-32)
 - Appendix 6B: Arborist Report by H. T. Harvey & Associates, dated 8/24/20
- Arborist Report by Davey Resource Group (DRG), dated 12/13/19 (provided by Leila Moncharsh)
- Construction Damage Assessments: Trees & Sites by Dr. Kim D. Coder, dated October 1996
 - Accessed on 11/22/21 from <https://urbanforestrysouth.org/resources/library/citations/construction-damage-assessments-trees-and-sites>

I did not review any other plans (e.g. survey, grading & drainage, utility, landscape, etc). I did not visit the site - my understanding of the property’s existing conditions is limited to Google Maps satellite imagery and topographic lines in the tree disposition plans. I assumed that the GPS locations of the trees were accurate as shown on the tree disposition plans.

My methods & their limitations relating to the review are as follows:

- The BR tree disposition plans do not include a graphical scale. I calibrated my scale using DRG’s tree disposition plans, which I overlaid on the BR plans. My estimates of proposed tree encroachment may not be precise.
- The trunk of each tree was assumed to be at the center of the colored circle in the BR Tree Disposition Plans.
- My review of the H.T. Harvey report is primarily focused on trees located along the proposed limit of grading, since it is not possible to save trees inside grading areas without significant changes to the design.

- The section of this report that discusses the proposed loop road and amphitheater is based on hypothetically eliminating a portion of these improvements. The portions to be eliminated were determined via discussion with Leila Moncharsh. I am not aware of any plans (on the part of HRS) that aim to eliminate these improvements.
- All transplanting candidates were reviewed, regardless of their location, to understand the viability and potential success of the transplanting endeavor.
- Only protected trees are discussed within this report. The H.T. Harvey report includes 159 non-protected trees, which do not require permits under the City of Oakland's Protected Trees Ordinance Chapter 12.36.

DISCREPANCIES BETWEEN H.T. HARVEY, BR & DRG DOCUMENTS

My original scope of work was to review the most recent arborist report by H.T. Harvey & Associates. I found that it did not include the proposed site/grading plan or tree protection guidelines, which restricted my ability to do a complete review. I was able to locate the missing information in the DEIR BR chapter and the DRG arborist report.

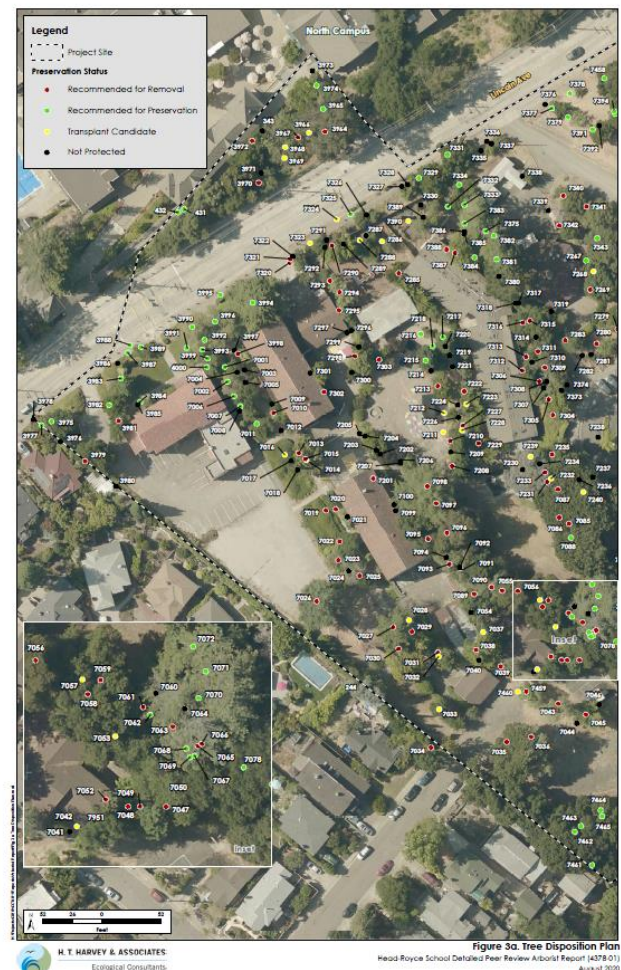


Figure 1. The Tree Disposition Plans in the DEIR Biological Resources chapter (left) display tree locations and recommendations on the proposed site plan, while the Tree Disposition Plans in the H.T. Harvey report only show existing conditions (right).

The DEIR BR chapter discusses the impact of the proposed project on protected trees, in accordance with the City of Oakland's Protected Trees Ordinance Chapter 12.36. Figures 6-4 to 6-8 in the chapter consist of tree disposition plans drawn over the proposed site plan (Figure 1, left); the site plan is based on a 2018 base map by DRG. These tree disposition plans are much more detailed – I was able to easily compare the locations of the trees to the proposed construction. By contrast, the H.T. Harvey tree disposition plans only show the tree locations on existing satellite imagery (Figure 1, right).

PROPOSED SOUTH CAMPUS PROJECT & TREE RECOMMENDATIONS

The South Campus Redevelopment Project encompasses the 7.9 acre parcel at 4368 Lincoln Avenue, currently developed with aged buildings and parking areas. A small portion of the North Campus will also be impacted. The proposed improvements include the following:

- Demolish 8 existing buildings and rehabilitate 3 buildings
- Construct a new Performance Arts Center and two smaller 1500 ft² structures (one for maintenance, one for a connection to the proposed pedestrian tunnel)
- Pedestrian tunnel under Lincoln Ave to connect to the north campus
- One-way loop road around the perimeter of the south campus to provide more pick-up & drop-off space
- Outdoor classrooms, amphitheater, and other spaces

The H.T. Harvey report covers 480 trees, of which 321 are protected trees. Of these protected trees, 169 will be preserved, 31 will be transplanted, and 121 will be removed. The economic and practical feasibility of working around individual trees is unreasonable within the proposed grading areas. I would not assume that the HRS is willing to significantly adjust their proposed plans just to save trees. All trees located within the proposed grading limits will need to be removed. I thus focused on 63 trees near the proposed grading limits, where the potential to preserve trees is higher since the design adjustments may be more reasonable. The H.T. Harvey report is not transparent as to how the recommendations for individual trees were determined, though it comments on the general evaluation process.

I found 18 trees that should be reassessed or recategorized for various reasons. Selected data on these trees are adapted from the H.T. Harvey report into the table below, along with my comments and recommendations. My notes are also provided on the tree disposition plans, included as attachments to this report.

Table 1. Trees selected for reassessment

H. T. Harvey Tree Notes (copied from report)									Traverso Tree Notes	
#	Scientific Name	DBH (in)	SCRZ (ft)	CRZ (ft)	Health	Structure	Recommendation	Notes	Comments	Recommendations
3981	<i>Quercus agrifolia</i>	14	7	21	4	3	Remove	Full canopy, codominant stems	10' from proposed limit of grading, low encroachment.	Preserve.
3998	<i>Brahea sp.</i>	12	7	18	4	4	Remove	Flowering, some hanging dead leaves	Reason for removal is unclear (unsure what is "RW"). Assessed with (S)CRZ but palm root systems differ from trees; encroachment can be closer than for dicot trees.	Clarify removal reason.
5603	<i>Quercus agrifolia</i>	17, 17	10	51	4	3	Preserve	Full canopy, 2 codominant trunks, included bark, some browning leaves	Proposed limit is 9', within SCRZ; encroachment is high; more likely a removal.	Consider extending retaining wall to reduce grading near tree.
5622	<i>Quercus agrifolia</i>	19	9	29	2	3	Preserve	50% canopy dieback, codominant trunks	8' from proposed limit of grading (within SCRZ), plus significant canopy dieback. Noted as not worth retaining.	Remove.
7010	<i>Quercus agrifolia</i>	5	3	8	3	3	Remove	leaning, browning leaves	Reason for removal unclear - is it for the "rw" or proximity to the building?	Clarify removal reason.
7076	<i>Quercus agrifolia</i>	30	10	45	3	2	Preserve	large crack through trunk, 25% of bark missing	15' from proposed limit of grading, plus structural and health concerns. Noted as not worth retaining	Perform advanced assessment on crack/structural defects. May need to remove tree.
7267	<i>Pyrus kawakamii</i>	8, 4	7	18	3	3	Preserve	35% canopy dieback, codominant stems, dead branch tips	Species has a moderate tolerance to construction impact; specimen in decline and is 6' from grading limit.	Remove.

H. T. Harvey Tree Notes (copied from report)									Traverso Tree Notes	
#	Scientific Name	DBH (in)	SCRZ (ft)	CRZ (ft)	Health	Structure	Recommendation	Notes	Comments	Recommendations
7344	<i>Quercus agrifolia</i>	14, 13	10	41	2	3	Preserve	65% canopy dieback, codominant stems, included bark	15' from proposed grading limit/road. Significant dieback plus encroachment, increased likelihood of decline after construction without care. Preservation rating "not worth retaining", yet is noted as preserved.	Remove.
7357	<i>Quercus agrifolia</i>	20	9	30	3	3	Preserve	10% canopy dieback, in flower, black wound, potential rot	9' from proposed road and 3' from proposed grading limit (within SCRZ).	Remove.
7358	<i>Quercus agrifolia</i>	13, 13, 13, 12	12	77	4	3	Preserve	15% canopy dieback, multiple codominant trunks	2' from proposed grading limit; 5' from proposed grading (within SCRZ).	Remove.
7375	<i>Sequoia sempervirens</i>	32	10	48	2	4	Preserve	60% canopy dieback, dead branches	15' from proposed grading limit. Example of a tree where structure should not be used to average out health; redwoods usually have good structure. Tree likely to decline after construction due to poor health.	Remove.
7381	<i>Sequoia sempervirens</i>	32	10	48	4	5	Preserve	Full canopy	12' from proposed grading limit. Tree may decline due to high root encroachment.	Provide tree protection recommendations.
7461	<i>Quercus agrifolia</i>	17	8	26	4	4	Preserve	Full canopy, 2 codominant trunks	7' from proposed bio-retention basin (?), which is within SCRZ. High encroachment.	Provide details on level spreader and/or move basin.
7463	<i>Quercus agrifolia</i>	15, 11, 11	12	71	4	2	Preserve	15% canopy dieback, 4 trunks, leaning	13' from proposed grading limit. Noted as not worth retaining under preservation priorities.	Reassess structure to determine if defects can be addressed. Provide tree protection recommendations.

H. T. Harvey Tree Notes (copied from report)									Traverso Tree Notes	
#	Scientific Name	DBH (in)	SCRZ (ft)	CRZ (ft)	Health	Structure	Recommendation	Notes	Comments	Recommendations
7465	<i>Quercus agrifolia</i>	23	9	35	4	5	Preserve	Full canopy, some browning leaves	Grading goes right up to the trunk, well within SCRZ.	Remove.
7487	<i>Sequoia sempervirens</i>	48	12	72	4	4	Preserve	Full canopy, new growth, great structure	13' from proposed grading limit. Tree likely to decline after construction.	Remove.
7488	<i>Sequoia sempervirens</i>	41	11	62	3	4	Preserve	Epicormic branching, new growth	19' from proposed grading. Likely to experience health decline.	Provide tree protection recommendations; tree may need to be removed.
7500	<i>Juglans nigra</i>	20	9	30	3	3	Remove	15% canopy dieback, codominant stems	Tree # assigned to two trees (one in road one in grove).	Clarify location and removal reason.

Issues with tree condition rating

The health and structure of each tree was evaluated according to the criteria outlined in Table 1 of the H.T. Harvey report. On a scale of 0-5, 0 represents a dead tree and 5 represents a healthy specimen with minimal structural defects. The two ratings are then summed to generate a combined “tree condition” rating, which appears to be the basis of the report’s recommendations.

The limitation of this method is in the summing of the two ratings, because the lesser rating is masked by the higher rating. Significant defects may be hidden by the elevated “tree condition” rating. An example of this issue is illustrated by tree #5622. It is a 19” diameter coast live oak (*Quercus agrifolia*) with an overall rating of “fair”, despite a health rating of 2. According to the evaluation criteria, a health rating of 2 indicates a tree that is “in decline...life expectancy is low”. The other data for this tree indicates that it has 50% dieback and is “typically not worth retaining”. The evaluation is more significant in context of the proposed project, where the proposed grading terminates at 8’ from the trunk.

A healthy tree may be able to handle root loss at that proximity with additional care, but a declining tree is already weak and its death will be accelerated. This oak is listed under the “preserved” category, when it is more appropriate as a removal. Similarly, coast live oak #7076 has a structure rating of 2 – it has a “large crack through trunk” with “25% bark missing”. Its health rating is 3, which helps it net a “fair” tree condition rating. At minimum, advanced assessment should be conducted to better understand the risk posed by the structural defects, especially since this tree is located above a playing field.

While the combined tree condition rating method is easy to calculate, it would be prudent to establish an exception so that declining or structurally compromised trees are represented accurately.

Concerns with using SCRZ & CRZ

The H.T. Harvey report assesses tree impact using structural critical root zone (SCRZ) and critical root zone (CRZ) calculations. These terms are not defined in the report, but the explanation for their use is as follows:

"We recommend that the majority of coast live oaks to be impacted by construction be transplanted where feasible, due to their protected status, that other trees for which more than 25% of the CRZ and/or any of the SCRZ would be impacted be removed, and that nonnative trees with poor condition ratings or a low preservation priority be removed."

Structural Critical Root Zone (SCRZ)

The SCRZ is obtained from "Construction Damage Assessments: Trees and Sites", a 1996 document written by Dr. Kim Coder. It provides a series of tools for assessing construction encroachment on trees. Tool #8 refers to a "structural critical rooting distance", which appears to be adapted by H.T. Harvey as the SCRZ. The structural critical rooting distance is provided as a radius (in feet). According to the document, "significant risk of catastrophic tree failure exists if structural roots within this given radius are destroyed or severely damaged." The introduction of the document emphasizes the following: *"No assessment tool replaces an experienced, tree-literate professional observer... Each must be modified by species, site, circumstances, and management objectives as determined by an experienced assessor."*

The radii appear to be directly adapted into the H.T. Harvey report as the SCRZ, with no modifications for species or existing site conditions. An obvious example is palm #3998 (*Brahea* sp.). Palms are monocots, similar to grasses, and they possess a root system that differs from trees. Their roots readily regenerate at the base of the trunk at the root initiation zone (RIZ). Thanks to the RIZ, mature palms can be transplanted with greater ease and smaller root balls. Additionally, the SCRZ evaluation does not take existing conditions into consideration. The South Campus is already developed – buildings and hardscape can act as barriers to root growth, while existing root systems can also be altered by maintenance activities. These adjustments should be made to improve the functionality of the tool, rather than using the SCRZ as an absolute rule.

That said, there are also discrepancies in the application of the SCRZ rule. The report states that *"trees for which...any of the SCRZ would be impacted be removed"*, but this was not applied to six of the trees I reviewed in detail. Proposed grading or improvements will occur within the SCRZ of trees #5603, 5622, 5357, 7358, 7461 & 7465, as close to 2'-3' from the trunk for three of the trees. It is understandable that there may be exceptional circumstances that allow them to be preserved, but these should be clearly stated for the City's review. In my opinion, unless the proposed plans can be changed to accommodate the six trees, they will need to be removed (not preserved as recommended).

Critical Root Zone (CRZ)

The SCRZ is used to determine how far construction can occur near the tree before its stability is affected and it becomes more likely to uproot. The Critical Root Zone (CRZ) is another method used by H.T. Harvey to review tree encroachment, moreso in relation to tree health. It is equivalent to 1.5 times the trunk diameter, in feet. A definition of CRZ is not provided, nor a source for the calculation. (This is important as a quick online search returns several reputable sources – including Kim Coder – that consider the CRZ to be 1-2.5 times the trunk diameter.) For this review, I assume that the CRZ represents the portion of a tree's root system that is crucial to maintaining tree health. Root loss beyond the CRZ has minimal lasting impact to the tree, since it would mainly affect fine roots that can be regenerated. As root encroachment approaches the trunk, total root loss will pass a threshold at which the tree becomes stressed and begins to decline. The report explains that *"trees for which more than 25% of the CRZ would be impacted be removed"*. I take this 25% to be the threshold to decline.

How the 25% is calculated is unclear. It may be calculated as a fraction of the CRZ radius, which does not appear to be the case for tree #7488. Its trunk diameter is 48" and its CRZ radius is 72'. 25% of the CRZ would be 18', so any encroachment within 54' of the trunk would result in the tree being removed. Yet, proposed grading will encroach up to 13' from the trunk, and the tree is still in the "preserved" category. My opinion is that the redwood will be subjected to high root loss and is likely to decline; it should be reassigned to the "removal" category. Transparency and detail into the method of calculation is needed.

Like the SCRZ, the CRZ evaluation also appears to be applied as a rule without adjusting for tree health, species, or age. (If this conclusion is inaccurate, unfortunately, it is not clear in the report.) Different species differ in their tolerance to construction impacts, with magnolias and walnuts on the highly sensitive end of the spectrum and London planetrees & redwoods on the tolerant end (with geographic variations). Young trees are more resilient than older trees whose growth has begun to slow. Declining trees are already predisposed to decline, so a larger proportion of their root systems must be left intact to prevent decline. A more nuanced approach that considers these factors is discussed in the Trees and Development book by Nelda Matheny and James Clark. Published in 1998, it is accepted by consulting arborists and includes a species tolerance list as an appendix.

Multi-trunk diameters

Since the SCRZ and CRZ calculations are based on single-trunked trees, multi-trunked trees must be represented by a single trunk. The H.T. Harvey approach is to sum up the individual diameters to generate a single diameter. It also happens to be the City of Oakland's method of handling multi-trunked trees. However, the summed diameter is not an accurate representation of the true size of a multi-trunked tree, which can present issues during the evaluation process. A commonly accepted method for determining a single-trunk representation is outlined in the Guide for Plant Appraisal by the Council of Tree & Landscape Appraisers (both 9th & 10th edition). Determine the cross-sectional area (CSA) of each trunk, then add them together for the cumulative CSA. The calculation can be reversed to find the diameter of a single-trunked tree that would have the same CSA as the multi-trunked tree.

Take tree #7463 as an example; it is a triple-trunked oak with diameters measuring 15", 11", and 11". Its summed diameter is 37", which was used to calculate a 12' radius SCRZ and 71' radius CRZ. The inflated diameter is a double-edged sword – on the positive end, if the school is dedicated to preserving this tree, a much larger undisturbed area will be provided. More likely, the opposite outcome will occur – the tree will be condemned because the proposed construction encroaches too far into its SCRZ or CRZ. As a comparison, the cross-sectional area method returns a trunk diameter of ~22", with a SCRZ radius of 9' and a CRZ radius of 33'.

Proposed transplanting

Transplanting large trees is a means of achieving an instant mature landscape, rather than waiting decades for a newly planted tree to reach full size. Transplanting is an expensive and time-consuming process, not something to be arbitrarily recommended as a way of reducing tree removals. Simple mistakes, such as a brief lapse in irrigation, can significantly reduce the success rate. Successful transplanting requires intensive effort at every step of the process, beginning with proper tree selection. The ideal candidate is a young, vigorously growing specimen with good structure. Young healthy trees tolerate more root loss and regenerate roots more rapidly. Trees with symptoms of decline should not be considered for transplanting unless care is provided to bring them to good health. It is much easier to preserve a tree in place. Transplanting is a very traumatizing process because it significantly shrinks a tree's root system, and the tree may be additionally stressed by mishandling.

The H.T. Harvey report proposes transplanting 31 trees, ranging from 4" to 20" diameter. The species consist of 29 coast live oaks, 1 valley oak, and 1 coast redwood. Eighteen (18) trees are rated as fair condition, and 13 as good. Upon closer review, the individual health and structure conditions reveal that most of the trees are stressed or declining to varying degrees.

- **Six coast live oaks are suitable candidates for transplanting.** Trees #3969, 7014, 7033, 7042, 7324 & 7460 are in good health, with dieback up to 5%. Since #3969 has co-dominant stems and #7014 was previously topped, their structures should be reviewed to determine corrective pruning needs.
- **There is no reason to remove coast live oak #7470.** It is a healthy tree growing in a grove of other trees, under a larger oak. It will not be affected by construction, as it is 14' from the proposed limit of grading. The transplanting process will damage both this tree and the larger oak that dominates it.
- **Ten trees require health improvement or structural correction before consideration for transplanting** (#3966, 3968, 5626, 7016, 7028, 7037, 7228, 7068, 7086, 7323). They were rated fair in health or structure, have 5-15% canopy dieback, and other issues such as browning foliage, co-dominant stems, dead ends of branches, crossing stems, etc. Some of the issues, like co-dominant stems, may not disqualify the tree, but additional review is warranted. The health symptoms indicate existing stress that will be exacerbated by transplanting. If these trees are suitable candidates, they will require significant care to get them to optimal transplanting condition.
- **Fourteen trees should be removed, not transplanted due to poor condition** (#7032, 7053, 7057, 7211, 7212, 7223, 7232, 7239, 7240, 7250, 7257, 7288, 7359, 7390). Coast live oak #7359 has a health rating of 2 and 25% canopy dieback. Coast redwood #7390 also has a health rating of 2, with 50% dieback. The remaining ten trees exhibit fair condition along with 20-40% dieback and associated issues. Stressed trees, especially those that have begun to dieback, have a steep road ahead of them in terms of establishment. The success rate of transplanting these trees is low and they should be removed from the candidate list.

Most of the trees show symptoms of decline and should not be considered genuine candidates. I consider six of the 31 trees to be feasible transplant candidates. Ten trees may be potential candidates if their health and structural issues are corrected and their conditions stabilize for several years. Overall, it will be easier and more cost-effective to plant nursery trees. Transplanted trees must recover from root loss and transplant shock before they can establish into their new locations in the landscape. They must also be maintained by transplanting professionals, not the average arborist or landscaper. If transplanting is still the desired route, a cost analysis should be conducted to understand the expenses and effort required.

Tree protection guidelines

The recommendations of the H.T. Harvey report are limited to whether trees should be removed, preserved, or transplanted. Guidelines on how to care for and protect transplanted & preserved trees are not provided.

While page 6-16 of the BR chapter references the city's tree protection ordinance, its generic tree protection recommendations, and replacement plantings, these are not specific to the proposed project. Page 6-32 notes the following: "adequate protections must be provided during the construction period for any trees to remain standing. These tree protections shall include, but are not limited to secure fencing, preventing encroachment into the protected perimeter of any protected tree, BMPs for storage or dumping of substances that may be harmful to trees, BMPS for site maintenance, and any additional recommendations of an arborist. The Davey Tree Inventory Update and Tree Protection Plan for Head

Royce School (Appendix 6B) includes a list of General Tree Protection Measures and additional tree protection guidelines and recommendations specific to the Project.” However, Appendix 6B of the DEIR is the H.T. Harvey report, not the Davey (Resource Group, DRG) report. Since the H.T. Harvey report does not include tree protection guidelines, updated & specific guidelines are not available for the proposed project. It should be noted that I was only able to review the DRG report because it was provided to me – this document is not available to the public.

Future updates of the arborist reports and tree disposition plans should include specific tree protection guidelines, especially in plan form so the information is easily accessible to contractors.

ELIMINATING AMPHITHEATER AND REDUCING LOOP ROAD

I was also asked to determine how many trees could be preserved if the proposed amphitheater and a portion of the loop road was eliminated. A conservative area around the amphitheater area was identified for assessment by consulting Leila Moncharsh. The purpose of the “loop” of the road is to direct vehicles around the South Campus perimeter and reduce crowding on Lincoln Avenue, but it may not be integral to the function of the road. To maintain access to the Performing Arts & Building 9 parking lots, only the south end of the road was eliminated for this exercise.

Twelve (12) protected trees, including three native redwoods and oaks, could be preserved if the south end of the road was not constructed. If the amphitheater were eliminated, twenty-three (23) protected trees could be preserved, including twelve (12) native oaks and redwoods.

Five plans are attached, which consist of my review notes drawn on the BR tree disposition plans. The limits of the amphitheater and loop road discussed above are also shown on the plans.

Thank you for the opportunity to provide this assessment, and please let me know if you have any questions.

Sincerely,



Jennifer Tso
Certified Arborist #WE-10270A
ISA Tree Risk Assessor Qualified

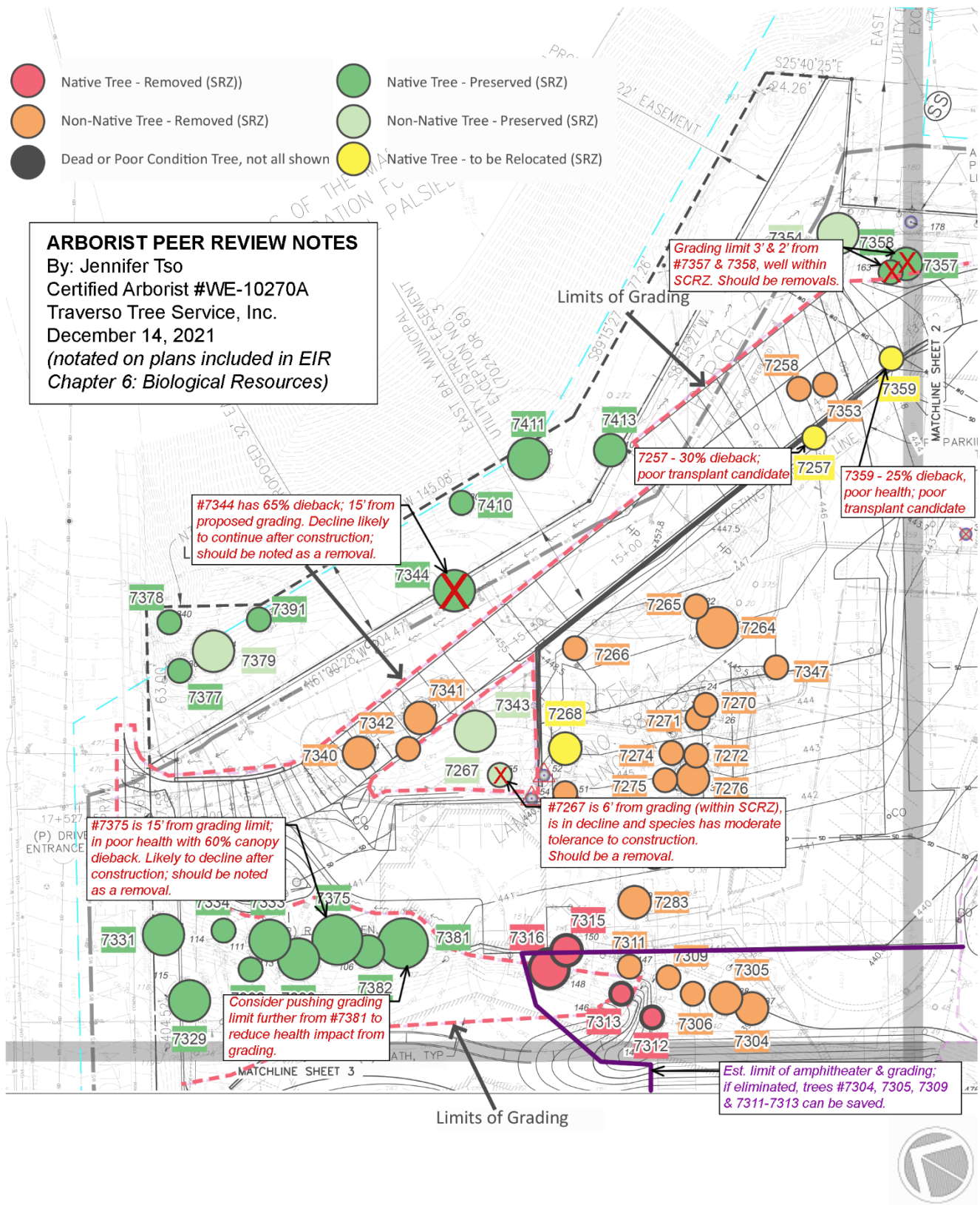


Figure 6-4
Proposed Removal of Protected Trees, Northeast Quadrant of Proposed South Campus

Source: Basemap - Davey Tree Group (2018),
 Tree Status - H.T. Harvey & Assoc. (2020)

ARBORIST PEER REVIEW NOTES

By: Jennifer Tso
 Certified Arborist #WE-10270A
 Traverso Tree Service, Inc.
 December 14, 2021
 (notated on plans included in EIR
 Chapter 6: Biological Resources)

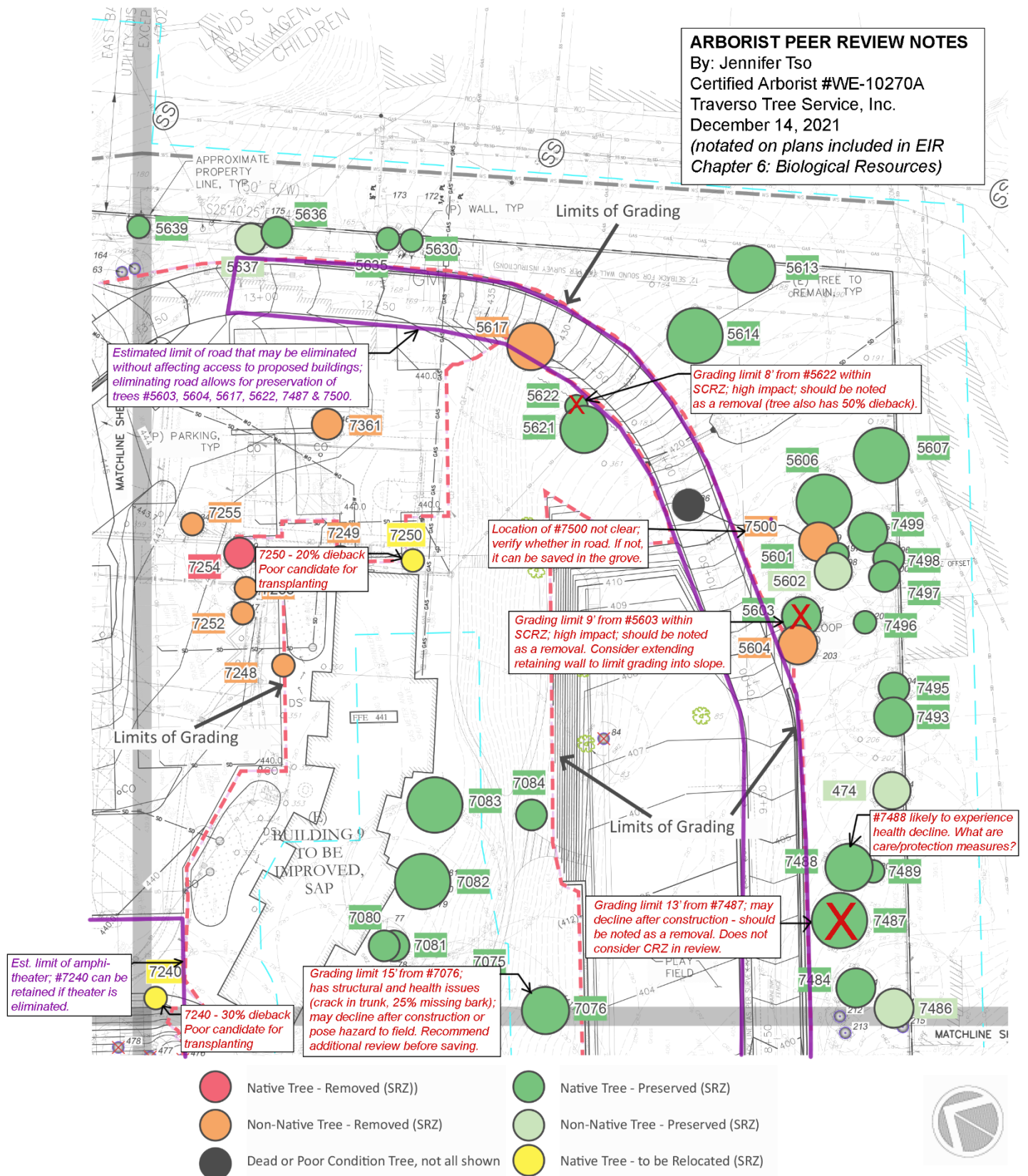


Figure 6-5
Proposed Removal of Protected Trees, Southeast Quadrant of Proposed South Campus

Source: Basemap - Davey Tree Group (2018),
 Tree Status - H.T. Harvey & Assoc. (2020)

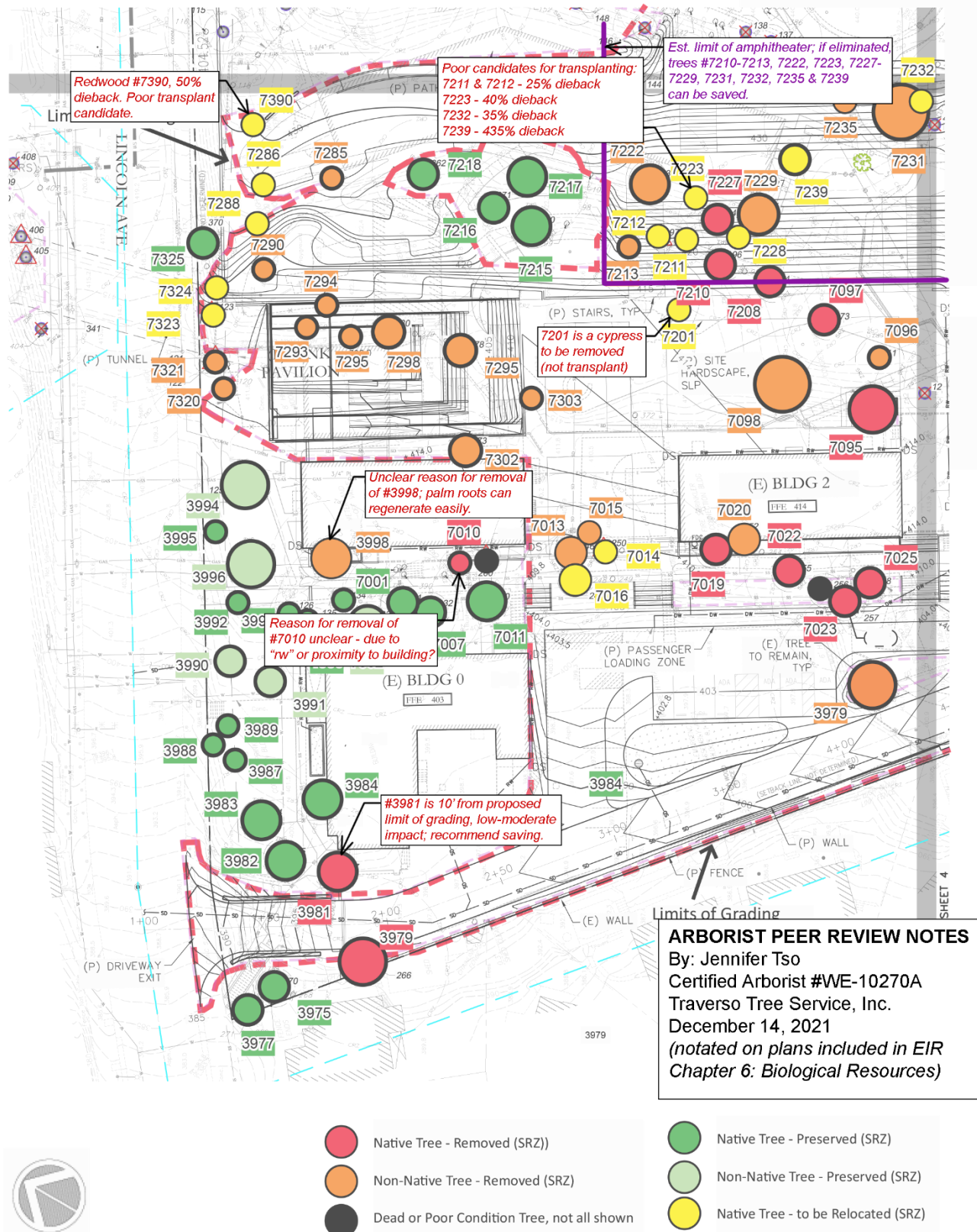


Figure 6-6
Disposition of Protected Trees, Northwest Quadrant of
Proposed South Campus

Source: Basemap - Davey Tree Group (2018),
 Tree Status - H.T. Harvey & Assoc. (2020)

Jennifer Tso, Certified Arborist

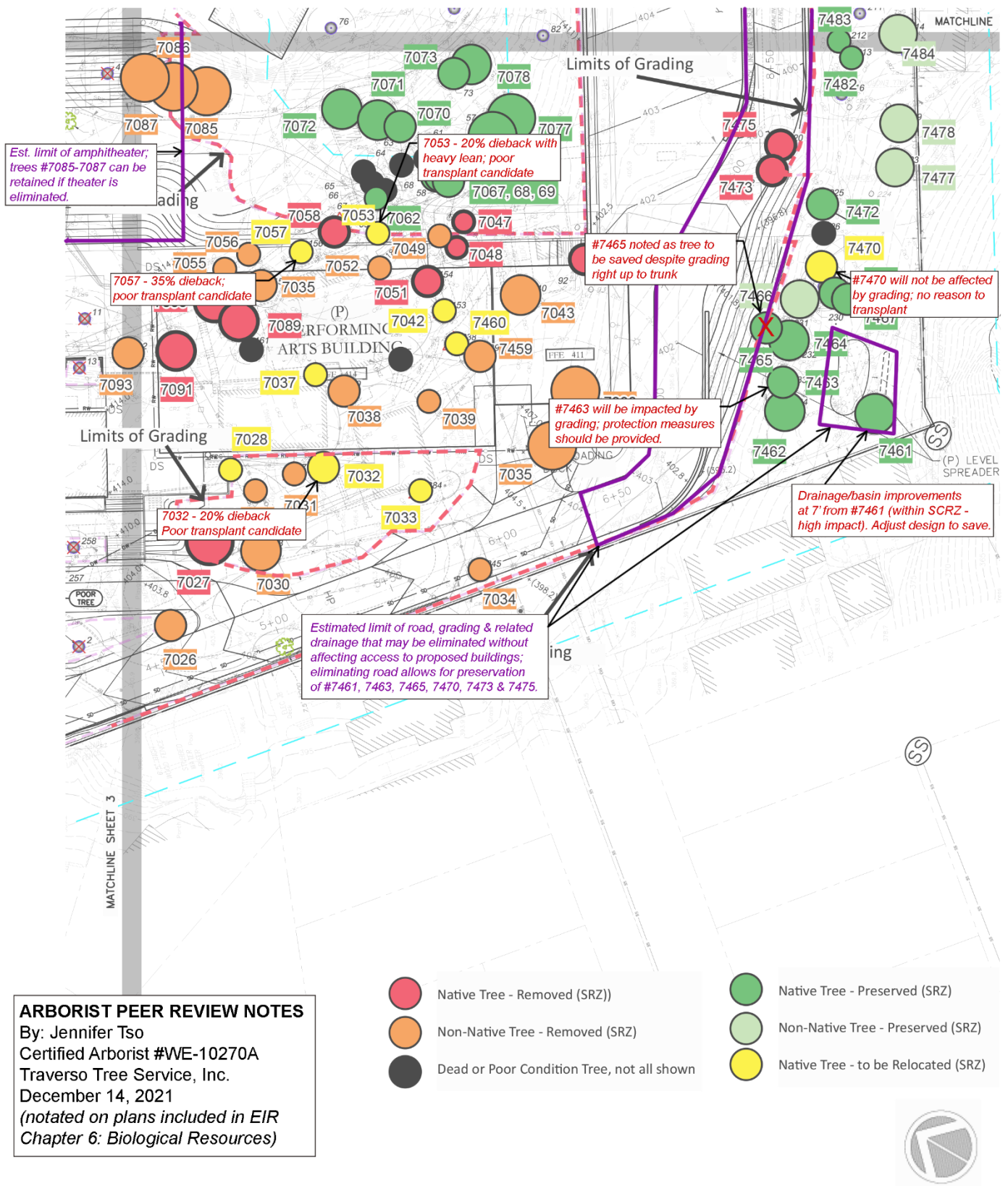


Figure 6-7

Proposed Removal of Protected Trees, Southwest Quadrant of
 Proposed South Campus

Source: Basemap - Davey Tree Group (2018),
 Tree Status - H.T. Harvey & Assoc. (2020)

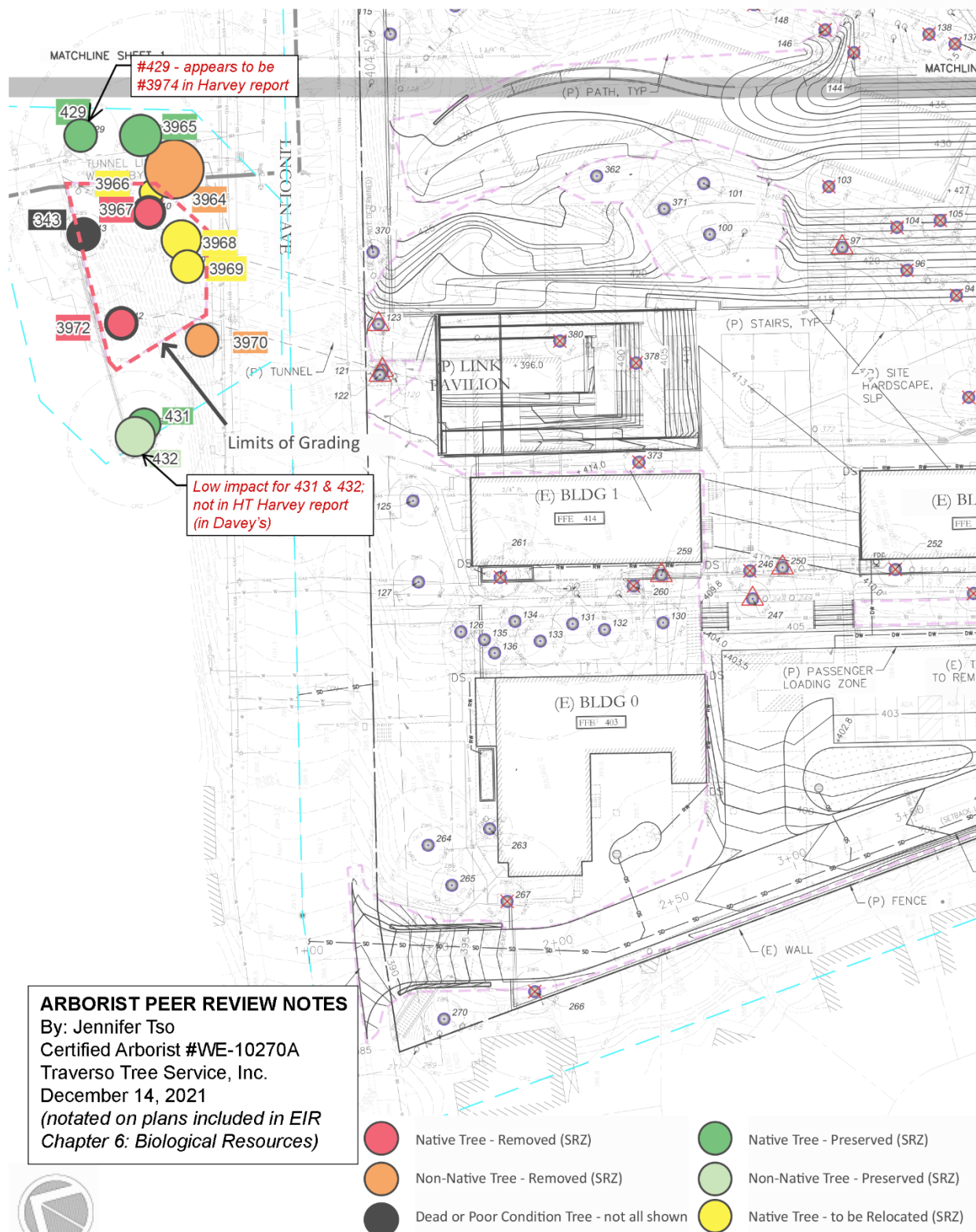


Figure 6-8
Disposition of Protected Trees, Existing Campus Tunnel Opening

Source: Basemap - Davey Tree Group (2018),
 Tree Status - H.T. Harvey & Assoc. (2020)

Jennifer Tso

4080 Cabrilho Drive, Martinez, CA 94553 | 925.766.9089 | Jennifer@traversotree.com

Education

University of California, Davis, M.S. in Horticulture and Agronomy, 2011 – 2013

University of California, Davis, B.S. in Environmental Horticulture & Urban Forestry, 2007 – 2011

Relevant Experience

Consulting Arborist, Traverso Tree Service, Inc., 7/2015 – current

- Complete tree inventories and arborist reports to satisfy tree protection requirements in many jurisdictions throughout the San Francisco Bay Area and beyond.
- Provide monitoring services during construction to facilitate compliance with tree protection recommendations.
- Provide other tree consultation services as needed (tree risk assessments, value loss, landscape design, species selection, etc).
- Create biweekly lessons on arboriculture concepts for staff and crew as a part of our in-house continuing education training.

Arborist (Sales Support), A Plus Tree, Inc., 4/2014 – 5/2015

- Designed and implemented arboriculture curriculum specifically for incoming sales personnel.
- Inspected hazardous trees (and other trees of concern) and provided written arborist reports.
- Assessed trees and provided recommendations to create multi-year management plans for apartments, HOAs, and other commercial properties.
- Created estimates for tree work and communicated with clients and crews to facilitate job completion.

Intern, Tree Davis, 3/2012 – 2/2014

- Researched parking lot shade ordinances to assist the Davis Urban Forest Manager in revising the city's ordinance; wrote comprehensive report and presented on project to Davis stakeholders.
- Led and instructed volunteers during tree planting and care events as a planting leader.

Teaching Assistant, UC Davis, 1/2012 – 12/2013

- Taught horticulture courses including arboriculture, urban forestry, and plant taxonomy & identification.
- Prepared lectures tailored to audience, such as landscape architecture or Japanese exchange students.
- Devised and implemented creative classes, including edible plants labs.

Arboricultural Intern, UC Davis Arboretum and Public Garden, 8/2010 – 8/2013

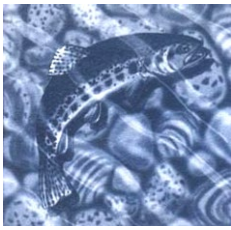
- Took quantitative measurements of 2300 trees for comprehensive tree inventory.
- Provided quality control for tree database through field verification and GIS manipulation.
- Identified and communicated tree work requirements for grant report.

Professional Affiliations & Qualifications

Co-Chair, Bay Area Landscape Supervisors' Forum, 2015 – 2016

Certified Arborist WE-10270A, International Society of Arboriculture, 2013

Tree Risk Assessor Qualified, International Society of Arboriculture, 2017



CLEARWATER HYDROLOGY

Consultants in Hydrology
and Water Resources

Watershed Management

Stream and Wetland
Restoration

Wetland Delineation
and Permit Acquisition

Stormwater Drainage
and Flooding

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

Dec. 18, 2021

To: Leila Moncharsh, Esq.

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

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

Thank you for inviting Clearwater Hydrology (CH) to comment on the referenced project's CEQA assessment and supporting analyses. I have reviewed the CEQA documentation you provided on the project, including the Hydrology and Water Quality section of the DEIR (Nov. 2021), the final civil plan set issued in 2019 and the project Stormwater Supplemental Form (Sherwood Design Engineers 2019), the geotechnical investigation for due diligence evaluation (Rockridge Geotechnical 2012) and the peer review of the stormwater control plan prepared by ENGEO (2020). While I have not walked the project site, I have viewed it from adjoining properties both along Alida Court and Laguna Ave. and have spoken to residents of two of the neighboring properties (Purcell, 21 Alida Ct., and Boe, 4235 Laguna Ave.) regarding historical conditions of flooding and saturated hillslope soils affecting their properties. These site inspections were conducted in Feb. 2020. I have also reviewed a summary document prepared by the Alida Ct. and Laguna Ave. neighbors, and compiled by Mr. Boe, outlining the past instances of surface water and/or excessive ground water seepage leading to varying levels of active management of these conditions, e.g. sump pump, French drain installations, gravel bag barriers to runoff etc.

Historical Impacts of Existing Head Royce Site Conditions on Neighboring Properties

The existing, modified topography of the project site (South Campus) drains both to the north toward the Whittle Ave. Branch of Sausal Creek and to the south toward the Laguna Creek Branch of Peralta Creek. Two of the Alida Ct. homeowners at 26 and 27 Alida Ct have experienced surface flooding from runoff moving west from the campus area. Judy Sigars (26 Alida Ct) reported damaging overland flooding down her backyard slope and onto Alida Ct. below in the winter of 2013-2014. Head Royce did initiate a swale diversion which alleviated the surface flooding. Other properties along both Alida Ct. and Laguna Avenue, including those belonging to Purcell and Boe, have reported excessive groundwater seepage, which created saturated intervening hillslopes and either basement flooding or partial slope failures. In Mr. Boe's case, the saturated soils and high winds toppled an oak tree at the top of the slope and caused post-collapse increases in hillslope seepage in the winter of 2016. The Claassens' who own the residence to the west of Boe (4229 Laguna Ave) installed an upslope French drain system after the 2015-2016 winter to manage the impacts of seepage on their back slope area.

Assessment of Proposed Stormwater Control Plan and Related Hydrologic Design for Head Royce PUD

The City of Oakland Stormwater Supplemental Form prepared for the proposed project by Sherwood Design Engineers (SDE) indicated that based on their stormwater control plan hydromodification measures are not required. Our independent review of the assignment of Drainage Management Areas (DMAs) on the site and the estimated pre-project and post-project peak flow rates and for the design 10-yr. recurrence interval storm supports that conclusion, with the important caveat that no design details were provided for most of the hydraulic detention and runoff treatment or conveyance measures.

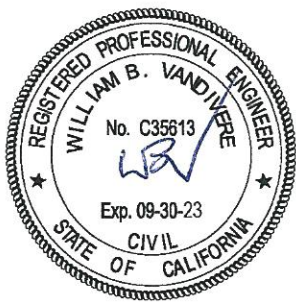
The inclusion of a main storm drain line under the paved and impermeable access road paralleling the western property boundary, in conjunction with the planned subdrain outlet from the upgradient bioretention area, should alleviate surface flooding issues for the Alida Ct. properties, *as long as a standard curb and gutter system is incorporated*. Provision of these stormwater conveyance features should also reduce the volume of water infiltrating into the terrain upgradient of the Alida Ct. backyards, and will likely reduce groundwater seepage problems historically experienced the 21 and 26 Alida Ct. properties.

However, given the lack of provided design detailing for the proposed bioretention (e.g. bioswale) measures, we have significant concerns regarding potential hillslope erosion and slope stability impacts of the implemented site stormwater control plan on hydrologic conditions on the aforementioned properties along Laguna Avenue. Our main concern relates to the four bioretention facilities that the stormwater plan has sited along the southern property line, upslope from the properties along the north side of Laguna Ave, including those of Boe and Claassen. These retention facilities receive runoff from areas to the north-northwest of Building 9, including some cross-basin diversions, as well as large portions of the perimeter access road and the southern portion of the site. The difference from the existing condition is the creation of new impervious areas within the encompassed DMAs. Furthermore, each of the bioretention ponds that receive this runoff discharges to a single, continuous surface swale that parallels the top of bank adjoining the steep transition hillslope above the Laguna backyards. The extent of potential impact from these facilities would depend on their ultimate design capacities (vis a vis higher magnitude storm events > 10-yr. recurrence interval) and whether they have open, permeable bottoms or are lined at some shallow depth. If all of the facilities were free to infiltrate ponded waters and then discharge overflows to the top of bank, presumably earthen swale, the cumulative effect could be more substantial seepage pressure on that slope, which is seasonally already very wet and has induced the Claassen's to install a top of slope french drain system to control the seeped conditions.

Figure 8-6 of the DEIR mapped the immediate zone upslope of the Boe and Claassen residences as geologic unit Qaf, artificial fill soils. As Section 6.5, p. 13 of the Rockridge 2012 report noted for similar fill soils placed atop native soils south of Building 9: “The fill was likely placed without engineering control and may not meet current geotechnical engineering standards.” An adjacent Rockridge Boring B-7 is mapped as drilled in colluvium (Qc). The boring log for Boring B-7, drilled in April 2012, describes the upper four feet of the soil profile as comprising stiff to very stiff mottled clay with presence of oxidized root tracks. Such features denote a seasonally wet substrate, perhaps associated with a perched water condition. Below the 4 ft. depth, the boring encountered deeply weathered shale bedrock. While the Qaf unit to the east was not sampled, the relatively shallow bedrock position noted for Boring B-7 is likely present at that location as well. Thus, soils near the top of the intervening slope between the Laguna back yards and the line of bioretention facilities and their connecting swales could be vulnerable to erosion or other instabilities due to heightened seepage pressures. In Section 7.4 (p.21) of the same Rockridge report, the following recommendation was made:

“If storm water treatment systems (infiltration basins, rain gardens, bio-retention systems, vegetated swales, flow-through planters, etc.) are considered in future improvements to the site, they should be provided with underdrains, as well as impermeable liners. Due to the low permeability of the near-surface soil and rock, these systems should not be designed for exfiltration in to the subgrade.”

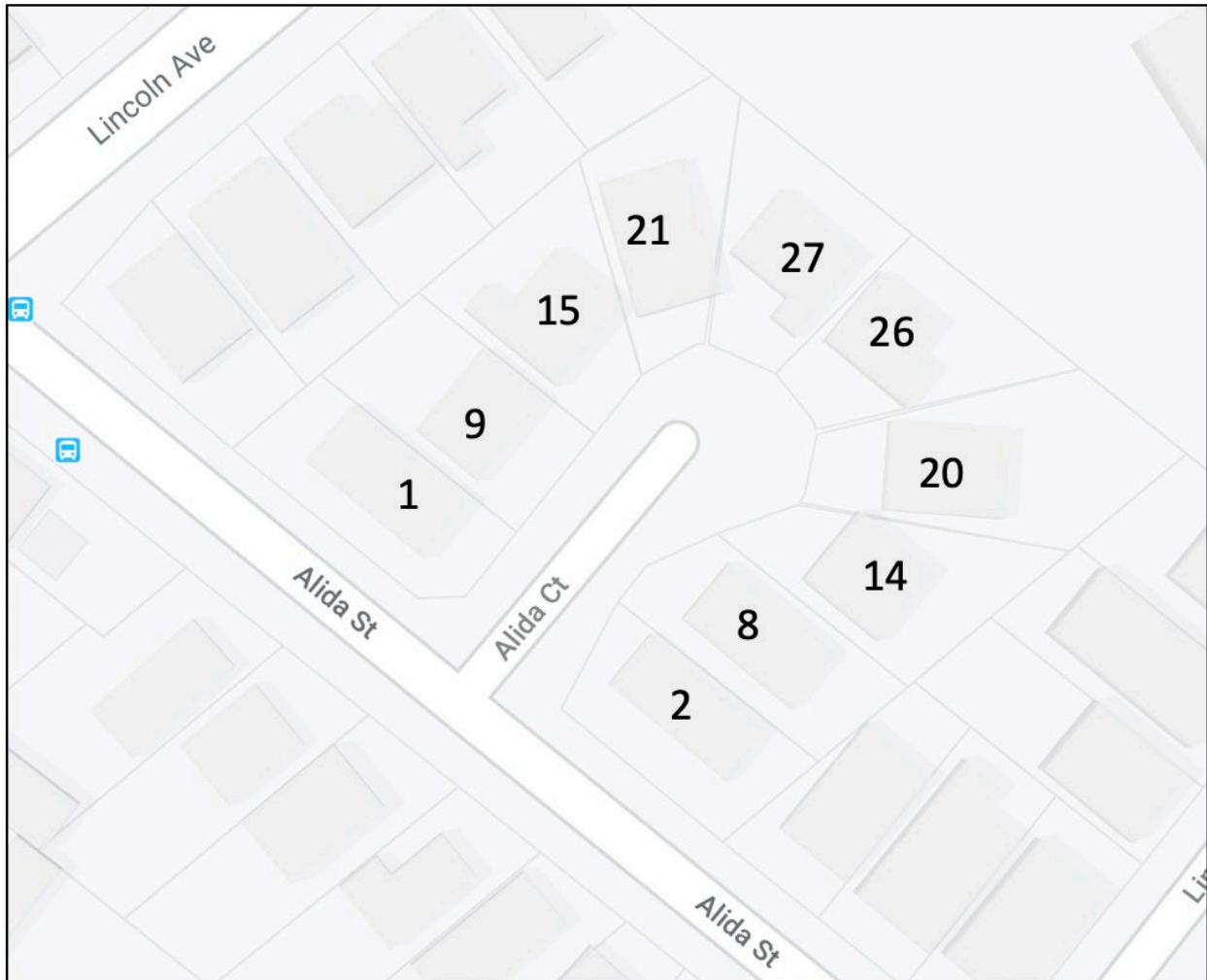
We strongly support this recommendation to minimize aggravating the historically detrimental effects of site seepage on the Laguna Ave. properties.



REFERENCES

- City of Oakland 2021. *Head Royce School Planned Unit Development Permit (PUD) Project, Draft Environmental Impact Report*, SCH #2019029032, Prepared by Lamphier-Gregory for the City of Oakland, Nov. 2021.
- City of Oakland 2021. *Head Royce School Planned Unit Development Permit (PUD) Project, Draft Environmental Impact Report- Technical Appendices 8A through 16B*, SCH #2019029032, Prepared by Lamphier-Gregory for the City of Oakland, Nov. 2021.
- ENGEO 2020. Peer Review of Stormwater Control Plan as prepared by SOM and Sherwood Design Engineers, Feb. 4, 2020. (Appendix 11B of PUD Appendices)
- Rockridge Geotechnical 2012. *Geotechnical Investigation to Support Due Diligence Evaluation, Lincoln Child Center, 4368 Lincoln Avenue, Oakland, California*, Project 12-412, May 7, 2012.
- Sherwood Design Engineers 2019. *City of Oakland Stormwater Supplemental Form for Head Royce School*, April 9, 2019. (Exhibit E of Appendix 11A of PUD Appendices)

Alida Court Map and Summary of Water Issues from Uphill



Randy & Lori Morris 1 Alida Court

Think they installed drainage a long time ago and have no active issues – checking with homeowner.

Marie Coronfly 9 Alida Court

Installed sump pump in last few years, checking with homeowner for details.

Steve Lewis & Christine Palmer 15 Alida Court

Think previous owner installed drainage a long time ago and have no active issues – checking with homeowner.

Anne Purcell 21 Alida Court

History of minor basement water intrusion during rainy season that we soak up with towels daily. Installed drainage in yard behind basement to mitigate. Continued to have minor problem through last winter and have been contemplating sump pump. No leaking this year so far. (We've only gotten about 6 of average 21 inches of rain so far this season, but since we bought house in 2012, there has been some leaking after the first series of storms until this winter.)

Veronica Riedel 27 Alida Court

History of similar runoff from campus as 26 Alida Court issues (see below). Believe no active issues. House is not owner occupied – checking with owner to confirm status.

Judy Sigars 26 Alida Court

History of significant water runoff from campus behind house, that sluices down toward house and front of property. Initially, communications with Lincoln Child Center were initiated prior to July, 2013 following an incidence of a broken water pipe on the LLC property causing damage to recent landscaping on my property. The gravel and sandbags that were installed to remediate the problem proved insufficient during the heavy rains the following year. Large piles of gravel were pushed through my fence and deposited in my yard causing destruction to plants. Eventually, under HRS ownership and management, a “channel” and fence were built on the HRS property to divert the water with no further incidence.

Gayle Miller 20 Alida Court

History of significant water runoff from campus behind house, believe no current issues. Confirming details.

Kathy Simon 14 Alida Court

Current owner has not had any issues.

Nina Floro & Roger Walker (8 Alida Ct.)

We rarely have any water intrusion in our home. On the rare occasion that it does happen, it occurs in our sub-area during usual, sustained, extremely heavy rains. I believe the water that comes into the subarea is excess storm water that runs from our eastern side yard (the side where Kathy's house is) into a drainpipe that leads to a sump pump system that was installed in our subarea by the previous owners. The sump pump then diverts the little amount of water there is to our back yard. We also took precautions to put sandbags around the sump pump in case the system should ever fail for any reason (power, malfunction, etc.). We have not had any drainage issues or problems with water entering from the subarea of home; our subarea tends to remain relatively dry, despite heavy rains.

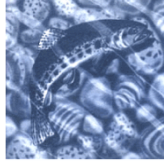
Nikki & Tatsu Yamamoto 2 Alida Court

Following up to see if they've had any issues.

Monthly Total Precipitation for OAKLAND MUSEUM, CA

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2000	7.13	9.94	2.45	1.01	1.21	0.18	0.00	0.00	0.26	2.75	0.70	0.77	26.40
2001	3.27	7.39	1.27	1.69	0.00	0.07	0.00	0.00	0.26	0.54	4.41	9.40	28.30
2002	1.64	1.78	2.61	0.21	0.88	M	0.00	0.00	0.00	0.00	M	11.87	M
2003	1.36	1.92	1.98	2.48	0.58	0.00	0.00	0.00	0.00	0.00	1.42	7.48	17.22
2004	2.71	6.07	M	M	0.00	0.00	0.00	0.00	0.59	3.10	1.69	6.84	M
2005	3.93	4.24	4.58	1.69	M	0.33	0.00	0.00	0.00	0.23	2.08	10.51	M
2006	2.62	2.26	8.38	3.89	0.63	0.00	0.00	0.00	0.00	0.60	1.67	3.77	23.82
2007	0.55	5.06	0.44	1.57	0.38	0.00	0.00	0.00	0.14	1.99	M	3.28	M
2008	11.51	2.13	0.43	0.15	0.09	0.00	0.00	M	0.00	0.63	3.04	2.54	M
2009	0.90	7.41	2.76	0.41	1.29	0.02	0.00	0.00	0.38	4.98	0.51	2.43	21.09
2010	6.25	3.10	2.77	3.25	1.59	0.00	0.00	0.00	0.02	1.42	3.41	8.67	30.48
2011	1.39	4.73	7.69	0.35	1.25	2.70	0.00	0.00	0.00	1.33	M	0.11	M
2012	2.83	0.81	7.18	2.61	0.02	0.11	0.02	0.00	0.00	1.37	5.04	7.06	27.05
2013	0.39	0.49	0.70	1.21	0.04	0.22	0.00	0.00	0.34	0.00	0.57	0.15	4.11
2014	0.04	4.64	2.57	0.88	0.00	0.00	0.00	0.00	0.49	0.62	2.67	10.49	22.40
2015	0.00	1.88	0.05	M	0.06	M	0.06	0.01	0.05	0.00	0.96	4.70	M
2016	7.46	0.49	5.92	M	M	0.00	0.00	M	M	3.74	1.85	4.89	M
2017	M	M	M	M	M	M	M	M	M	M	M	M	M
2018	M	M	M	M	M	M	0.00	0.00	0.00	0.05	4.07	1.89	M
2019	4.20	7.14	4.16	0.35	2.37	0.00	0.00	0.00	0.30	0.00	0.92	3.26	22.70
2020	2.16	0.00	1.11	0.99	0.54	0.00	0.00	0.02	0.00	0.00	0.19	1.58	6.59
2021	M	M	1.70	0.07	0.00	0.00	0.00	T	0.01	6.92	1.30	M	M
Mean	3.18	3.76	3.09	1.34	0.61	0.20	0.00	0.00	0.14	1.44	2.03	5.08	20.92
Max	11.51 2008	9.94 2000	8.38 2006	3.89 2006	2.37 2019	2.70 2011	0.06 2015	0.02 2020	0.59 2004	6.92 2021	5.04 2012	11.87 2002	30.48 2010
Min	0.00 2015	0.00 2020	0.05 2015	0.07 2021	0.00 2021	0.00 2021	0.00 2021	0.00 2019	0.00 2020	0.00 2020	0.19 2020	0.11 2011	4.11 2013

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



CLEARWATER
HYDROLOGY

Consultants in Hydrology and Water Resources
2974 Adeline St. Berkeley, CA 94703
Tel: (510) 841-1836 Fax: (510) 841-1610

William B. Vandivere, P.E. is a CA.-registered civil engineer (#35613) and has been consulting in the fields of hydrology, fluvial geomorphology and water resources engineering in the SF Bay area since 1980. He received his B.S. in Civil Engineering (Water Resources) from the University of Illinois at Urbana and an M.S. in Watershed Management (Hydrology) from the University of Arizona- Tucson. Mr. Vandivere has acted as Principal of Clearwater Hydrology, a hydrology and water resources consulting firm now based in Berkeley, since 1996. Prior to starting CH, he directed the Hydrology and Water Resources Division at H.T. Harvey & Associates in Alviso, CA. (1988-1993). While employed at HT Harvey, he worked closely with staff wildlife biologists and botanists on multidisciplinary habitat mitigation and restoration projects. From 1981 to 1986, he was an associate with Philip Williams & Associates, Ltd. (PWA) in San Francisco.

In more than 30 years of consulting experience, Mr. Vandivere has developed a multi-disciplinary expertise in the areas of watershed hydrology, hydraulic assessment and water resource engineering, tidal and watershed flooding, perennial and seasonal wetland hydrologic assessment, stream- groundwater interaction, fluvial geomorphology, trail and watershed sediment yield assessments, stormwater conveyance and treatment, and stream and wetland restoration design. He has designed and supervised field construction of more than sixty stream stabilization and restoration projects, highlighting biotechnical techniques, since 1988. Mr. Vandivere has also completed hydrologic designs for numerous seasonal, tidal and muted tidal wetland restoration projects, including the first seasonal wetland mitigation bank (Wikiup) accepted for implementation by the U.S. Army Corps of Engineers in Santa Rosa, the Lin Livermore 24-acre seasonal pond mitigation in North Livermore and the 640-acre Baumberg Tract tidal restoration in Hayward for the CA. Dept. of Fish and Wildlife. In 2013, Mr. Vandivere led the CH effort to develop a conceptual meadow restoration plan for Bean Creek, a degraded high-elevation meadow complex in Tuolumne County (southern Sierra).

Mr. Vandivere is experienced in the use of public domain hydrologic and hydraulic (flood) flood models, including HEC-HMS, HEC-RAS, and USEPA SWMMM and has trained in the use of the two-dimensional Adaptive Hydraulics (AdH) model, developed by the US Army Corps of Engineers. He has provided expert witness testimony in cases involving channel maintenance and stabilization, flooding and the hydraulic behavior of floodflows, wetland hydrogeology, stormwater drainage, and septic system performance. He has also conducted trail erosion and sediment yield assessments for Lafferty Ranch (Sonoma Co.), Gravel Creek watershed (Olema Ck. tributary, Marin Co.), Devil's Gulch (Marin Co.) and Cascade Canyon, also in Marin. He has also conducted the hydrology, drainage and water quality sections for more than 50 EIR's, including for the Marin Countywide Plan, the Tiburon General Plan, the San Rafael General Plan, and the Mount Tamalpais Vegetation Management Plan.

WILLIAM VANDIVERE, M.S., P.E. (Cont'd)

Education

1980- M.S. Watershed Management, University of Arizona, Tucson

1975- B.S. Civil Engineering (Water Resources), University of Illinois, Urbana

Post-Graduate Training

- Short Course in use of the USACE Adaptive Hydraulics (AdH) two-dimensional flow model for channel/floodplain and estuarine water, sediment and constituent transport applications, US Army Engineer Research and Development Center, Coastal and Hydraulics Laboratory, Vicksburg, MS, May 2012.
- Short Course in Applied Fluvial Geomorphology, Wildland Hydrology Consultants, Pagosa Springs, CO 1991.
- Short Course in “Wetland Soils and Hydrology”, Wetland Training Institute, Seattle, WA., 1990.
- Short Course in “River Mechanics”, Colorado State University, Department of Civil Engineering, 1985.

Professional Affiliations

Member, American Society of Civil Engineers (ASCE)

Member, American Geophysical Union (AGU)

Selected Publications

Hydrologic Analysis of the Colorado River Floods of 1983 (co-authored with P. Vorster).
GeoJournal, Vol. 9, No.4, 1984.

Sediment Yield Prediction for Black Mesa Coal Spoils (co-authored with M.M. Fogel and L.H. Heckman). Presented at the 1979 Winter Meeting of the American Society of Agricultural Engineers, New Orleans, LA, December 14, 1979.

Uncertainty in Sedimentation Pond Design (co-authored with D.R. Davis).
Presented at the 1979 Winter Meeting of the American Society of Agricultural Engineers, New Orleans, LA, December 12, 1979.

Impact of Development on Stream Flows (co-authored with P.D. Trotta and J.J. Rogers).
Proceedings of the Arizona Section, American Water Resources Association, Vol. 9, Tucson, AZ 1979.

EXHIBIT B



HEAD-ROYCE SCHOOL

Professional Community EPP
**SECURITY AND EMERGENCY
PREPAREDNESS MANUAL**

2018 - 2019

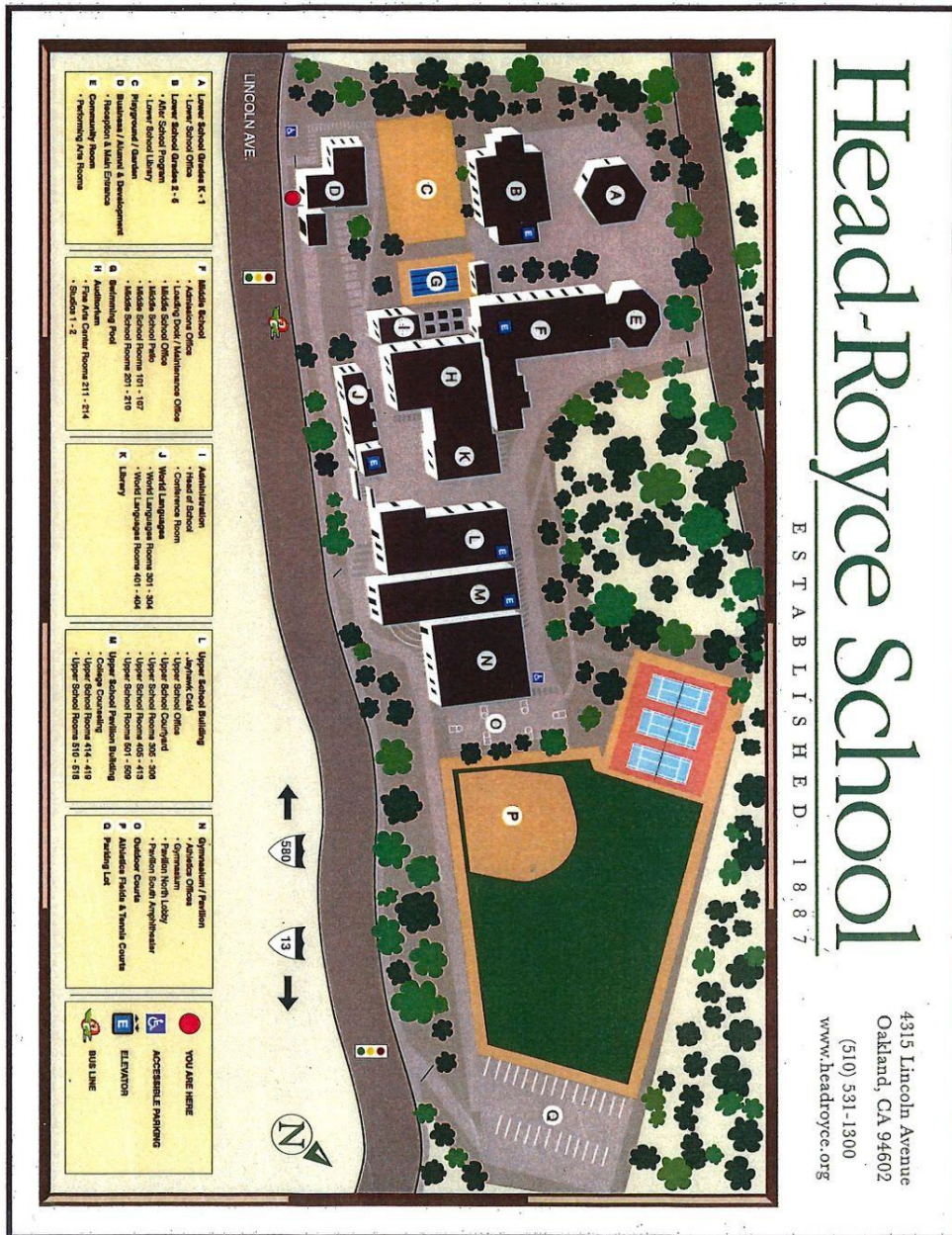
Contents - Maps

- 1 of 13 You are here - Gatehouse
- 2 of 13 You are here
- 3 of 13 Camera Layout and Camera Directions
- 4 of 13 Building D (Gatehouse)
- 5 of 13 Lower School
- 6 of 13 Buildings H, I, & K (Middle School 1)
- 7 of 13 Buildings E & F (Middle School 2)
- 8 of 13 Building J (World Languages)
- 9 of 13 Buildings L, M, & N (Upper School)
- 10 of 13 Courtyard / Cafe
- 11 of 13 Evacuation Area Stations
- 12 of 13 Evacuation Map Flow
- 13 of 13 Student Release Area Map

Head-Royce School

ESTABLISHED 1887

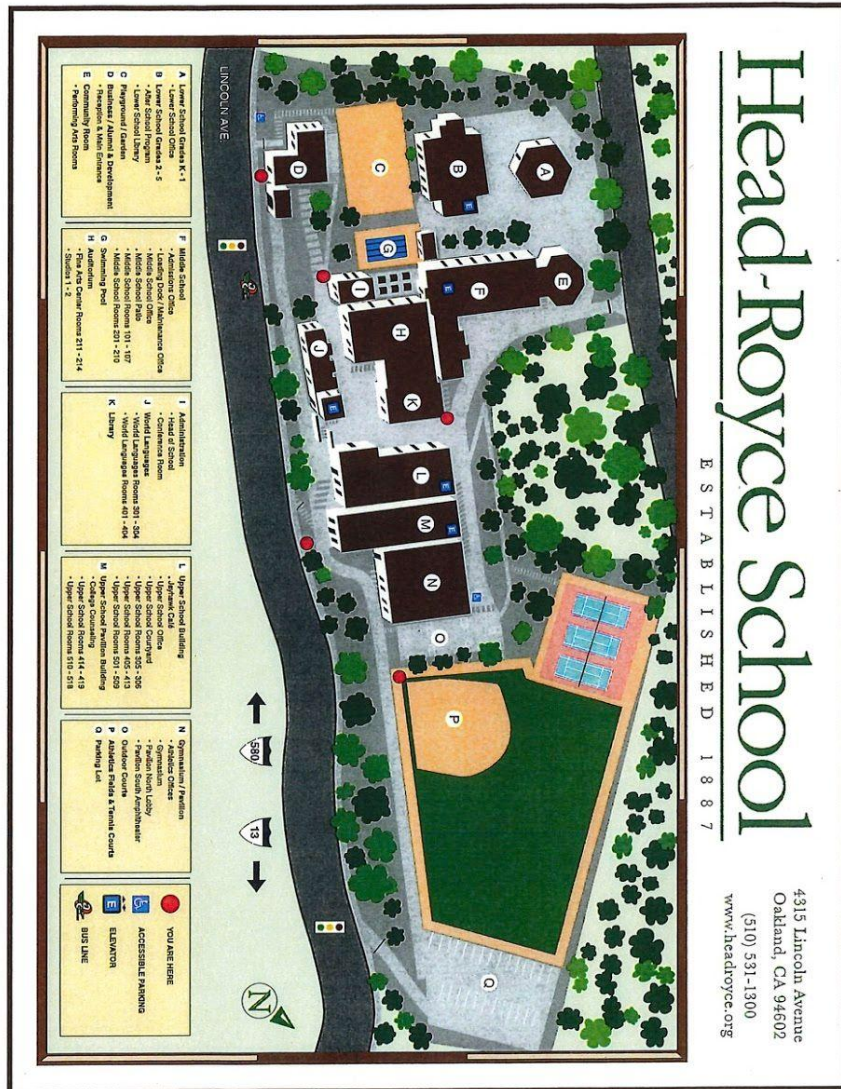
4315 Lincoln Avenue
Oakland, CA 94602
(510) 531-1300
www.headroyce.org



Head-Royce School

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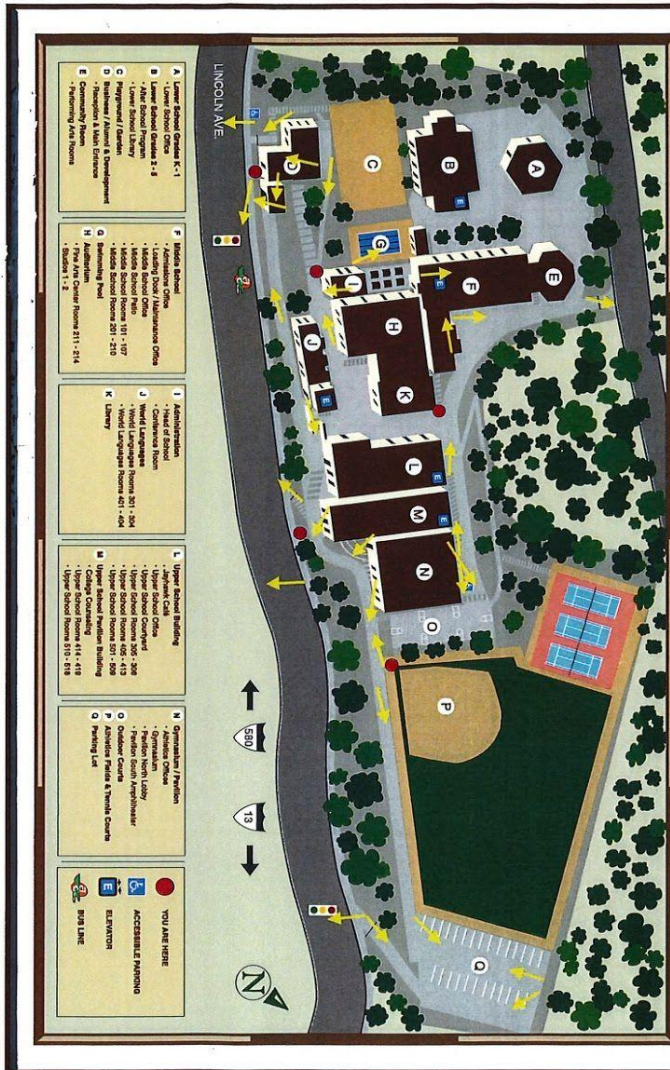


CAMERA LAYOUT AND CAMERA DIRECTIONS

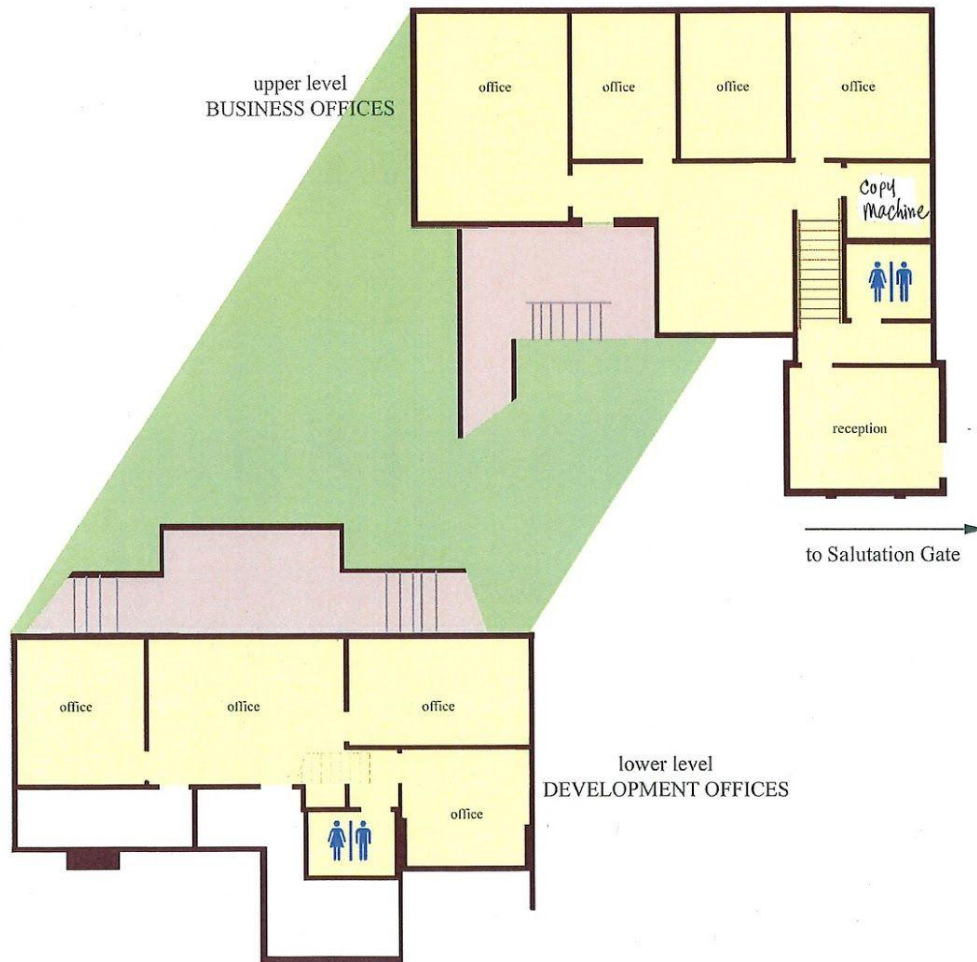
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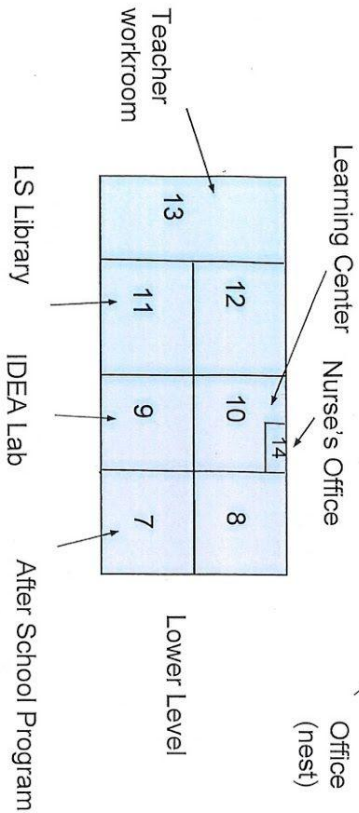
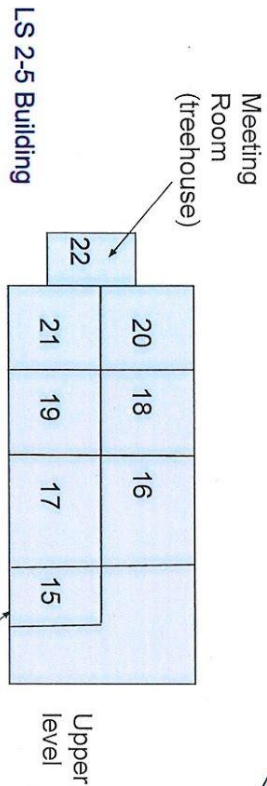
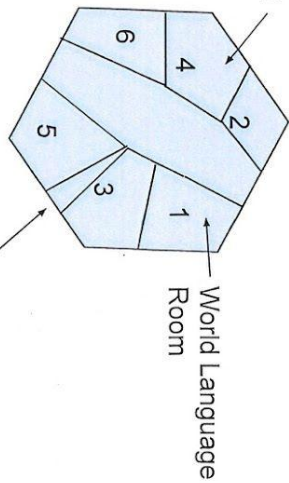
Head-Royce School
Building D
Gate house



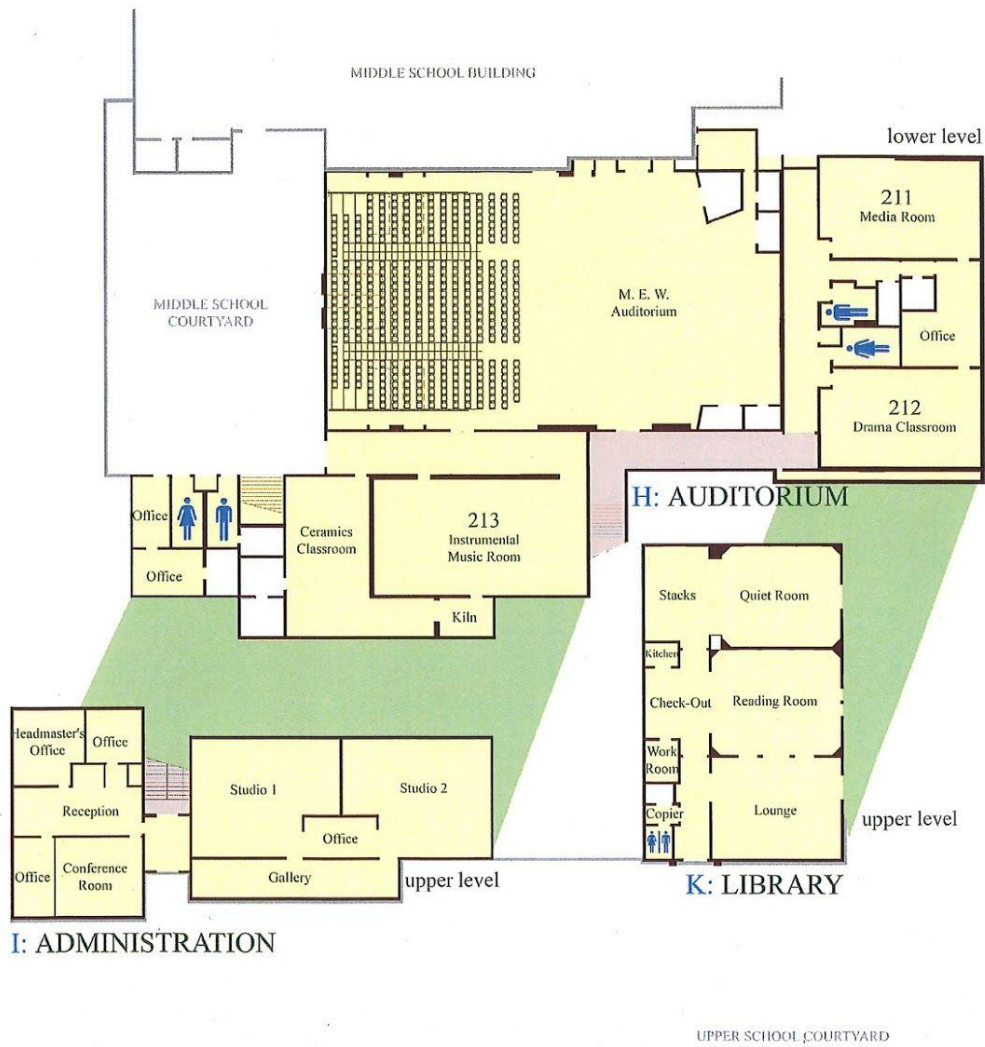
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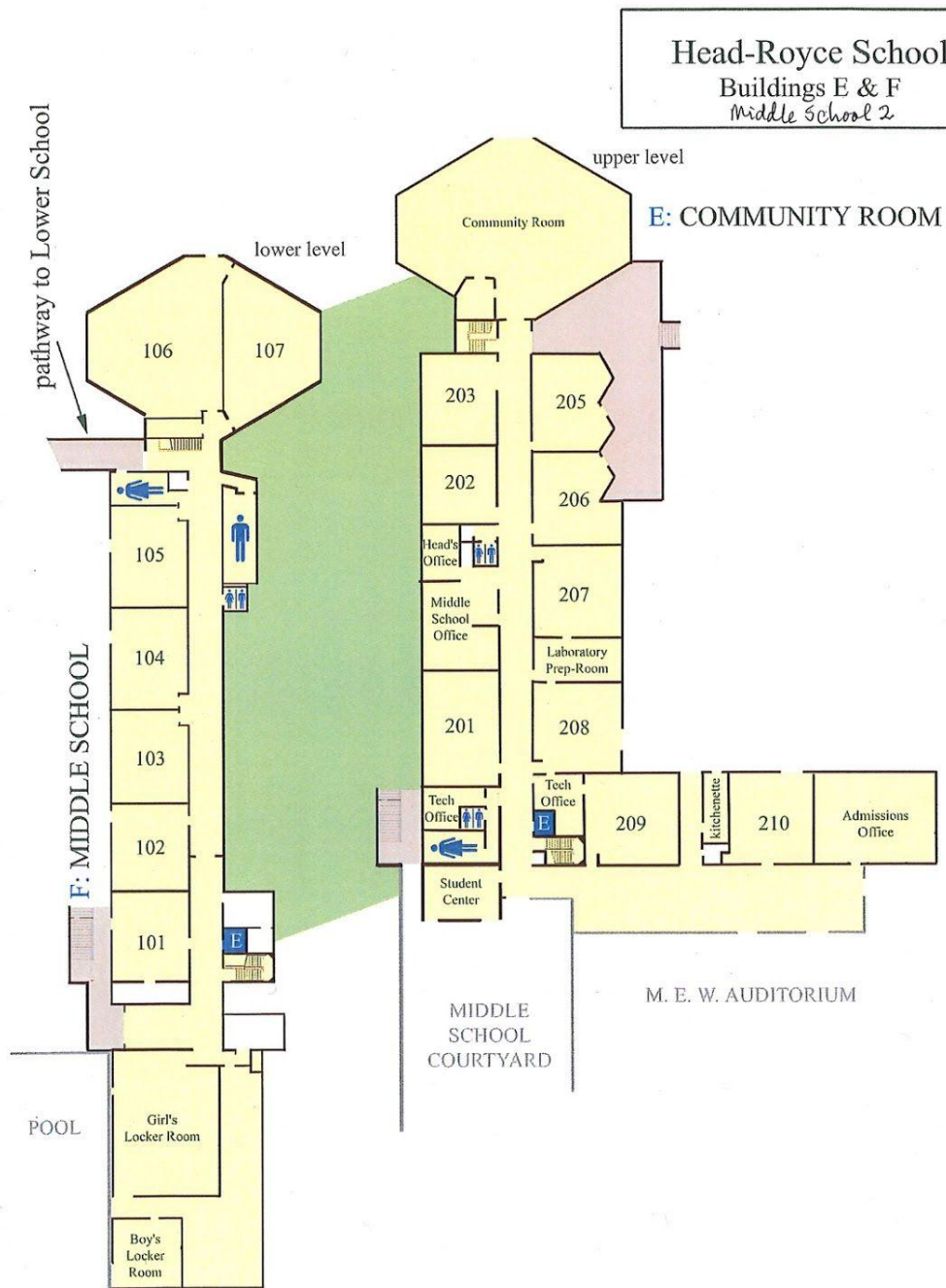
Head-Royce School
Lower School

LS Rotunda Building

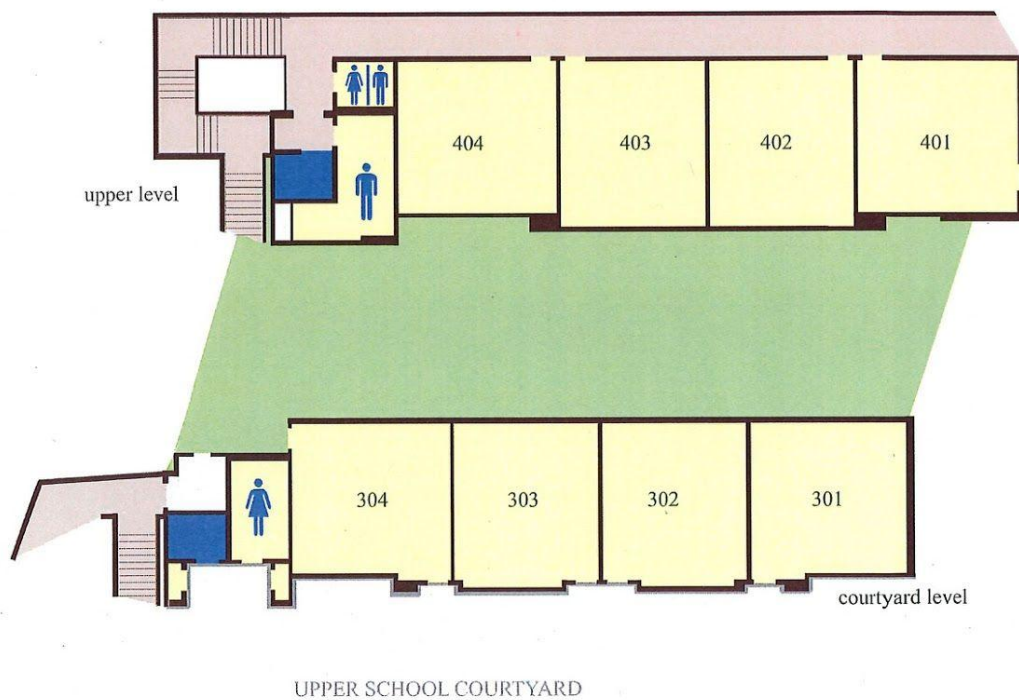


Head-Royce School
Buildings: H, I & K
Middle School A





Head-Royce School
Building J
World Languages



J: WORLD LANGUAGES BUILDING

N: GYMNASIUM / PAVILION

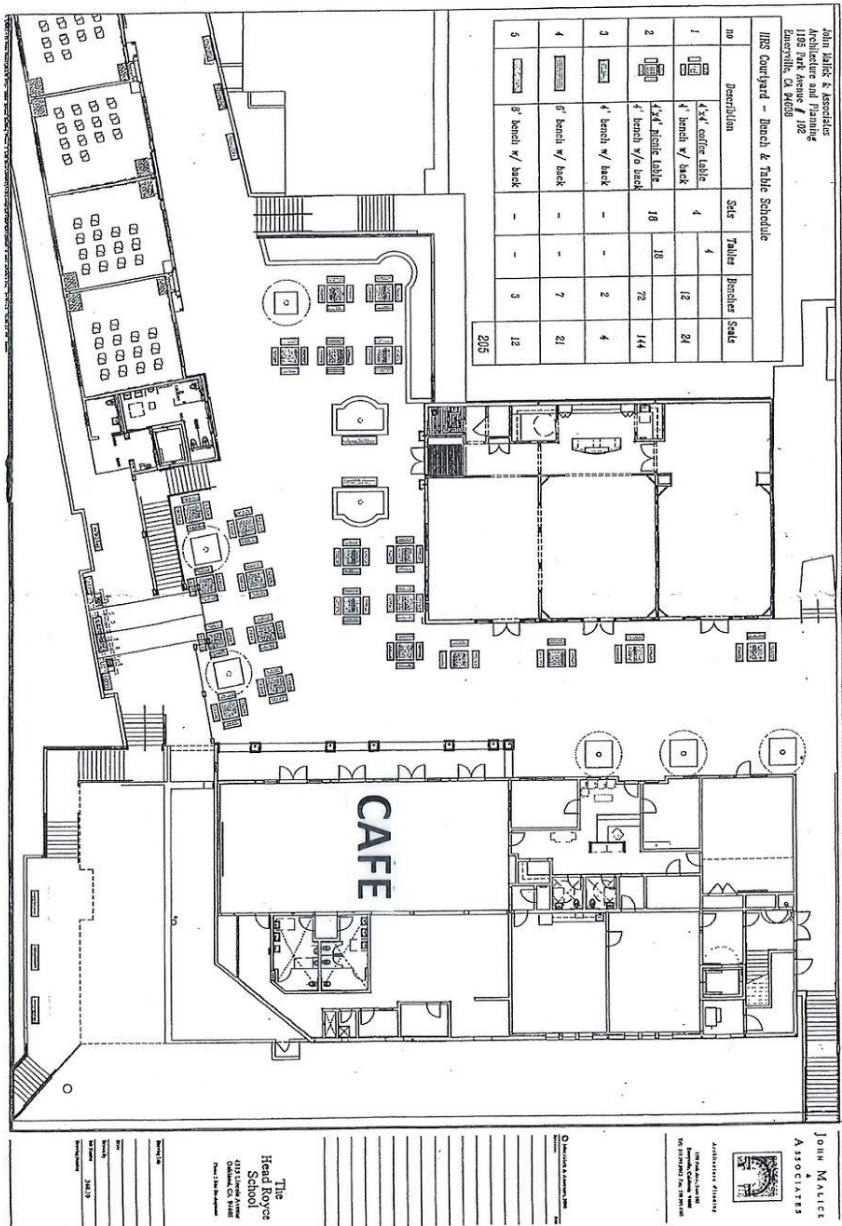
Head-Royce School
Buildings: L, M & N
upper school



John Malice & Associates
 Architects and Planners
 1195 Park Avenue / 102
 Beverly Hills, CA 90210

1195 Courtyard - Bench & Table Schedule

no	Description	Size	Tables	Bench	Seals
1	4'x4' office table	4	4	12	24
2	4' bench w/ back	18	18	72	144
3	4'x4' picnic table	18	18	72	144
4	4' bench w/o back	-	-	2	4
5	6' bench w/ back	-	-	7	21
6	6' bench w/o back	-	-	3	12
					205



COURTYARD

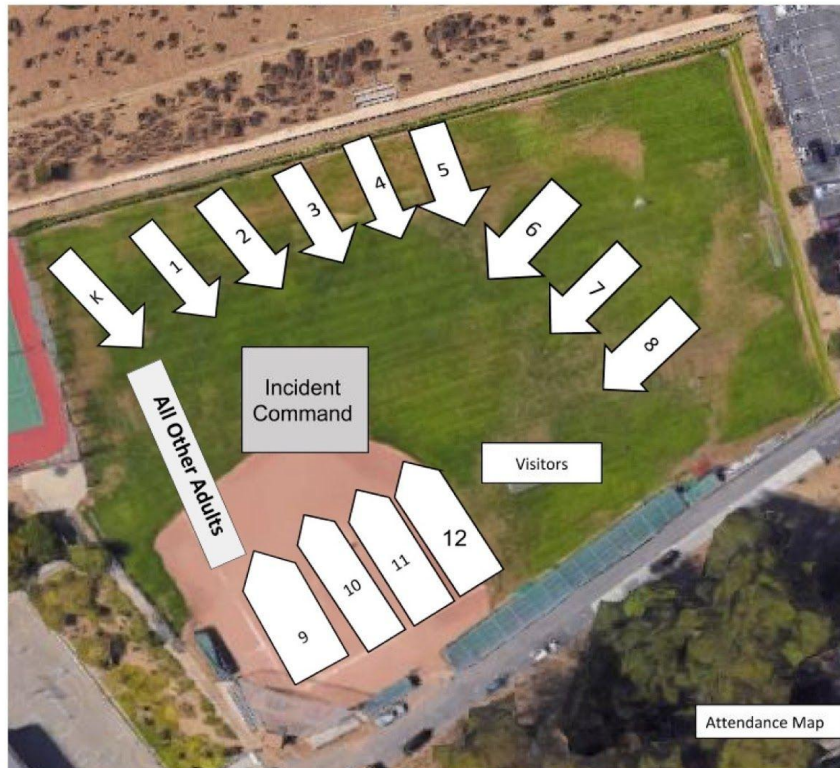
JOHN MALICE
 ASSOCIATES



ARCHITECTS & PLANNERS
 1195 PARK AVENUE, SUITE 102
 BEVERLY HILLS, CALIFORNIA 90210
 TEL: (310) 274-1195
 FAX: (310) 274-1196

The
 Head Royce
 School
 1011 LINDA AVENUE
 OAKLAND, CA 94612
 PHONE: (415) 763-8800

Project Name	
Client	
Architect	
Scale	1/8" = 1'-0"
Date	2012.12
Sheet	



11 of 13

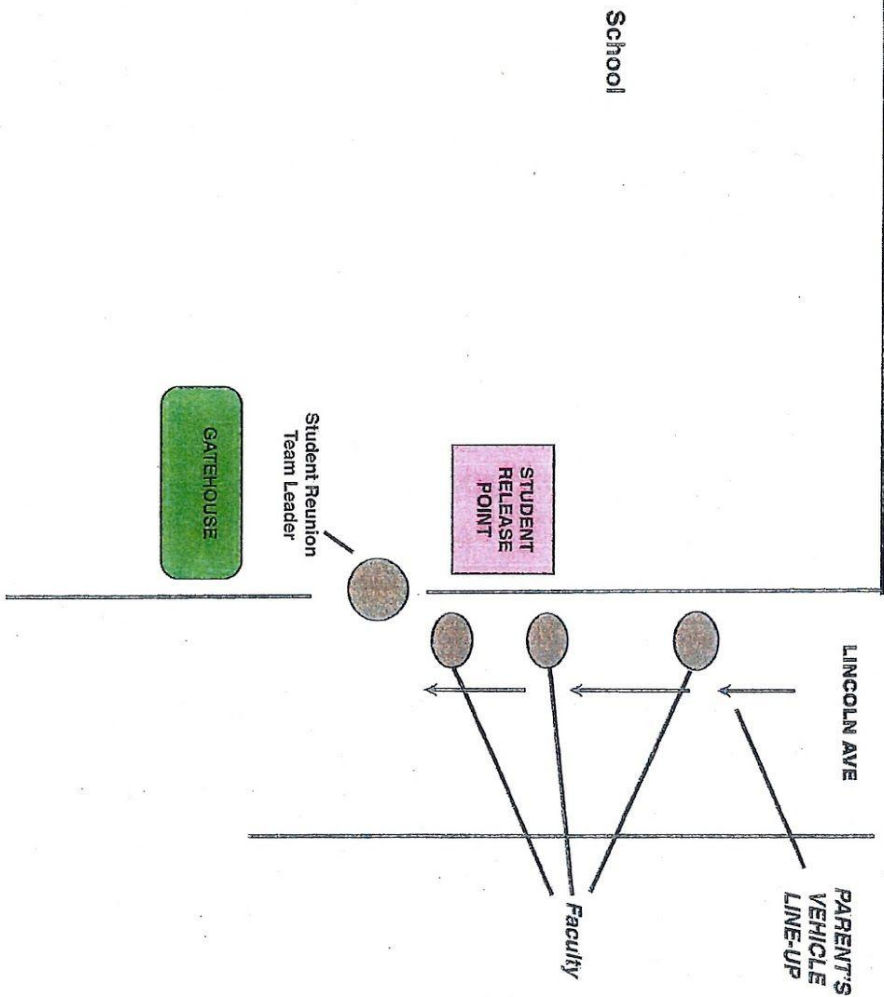
Head-Royce School

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Oakland, CA 94602
(510) 531-1300
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Head-Royce School
STUDENT RELEASE AREA MAP



Head-Royce School

2017-18 Security and PC Emergency Preparedness Manual

POLICE/FIRE/AMBULANCE EMERGENCY 911 or (510) 777-3211
POLICE NON-EMERGENCY (510) 777-3333

SECURITY AT HEAD-ROYCE
RHONDA GIPSON (510) 221-8827
DARNELL CROSSLAND (510) 472-4645
JAY DORSEY (510) 520-2511
SECURITY PHONE (510) 520-2511
On Duty Hours Only:
(7:00 am to 10:30 pm)

****MAINTENANCE AT HEAD-ROYCE (ANLEU CONSTRUCTION CO.)**
LUIS REYES (510) 504-3484
ANTONIO GALLEGOS (510) 504-4106
BULMARO ZARAGOZA (510) 504-4101
OMAR TAJTAJ (510) 504-5187
JORGE GALLEGOS SR. (510) 967-1407

BAY ALARM (800) 470-1000

Core Emergency Team	Cell	Direct Office Line	Home
Head of School (Crystal Land)	(510) 837-8855	(510) 228-1515	(510) 708-6633
Chief Financial Officer (Jerry Mullaney)	(925) 984-0568	(510) 228-1525	NA
Assistant Head of School/Upper School Head (Carl Thiermann)	(510) 219-2631	(510) 228-1566	(510) 558-1584
Dean of Academics and Community (Shahana Sarkar)	(925) 212-8363	(510) 228-1580	(925) 212-8363
Director of Admissions (Christian Donovan)	(215) 859-0420	(510) 228-1546	(510) 859-8485
Director of Facilities (Luis Reyes)	(510) 504-3484	(510) 228-1577	
Executive Assistant to Head of School (Samantha Baheti)	(408) 201-3542	(510) 228-1510	(925) 310-4585

Head-Royce School PC Emergency Preparedness Manual

General Emergency Preparedness Procedures

Head-Royce School has an extensive security and emergency preparedness program to ensure the safety and security of students and employees during an emergency. This manual provides necessary information for faculty/staff to handle emergency situations.

Contents - General Emergency Situations

Armed Student
Bomb Threat
Civil Disturbance
Earthquake
Fire
Hazardous Material Spills
Hostage Situations
Lockdown Procedures
Shelter in Place
Shootings

Armed Student

All staff members must immediately report to the Head of School when a student is suspected of having a weapon on campus.

- The Head of School (CL) will immediately call 911 for police assistance (if the HoS is unable to make the call, the following administrators will make the call in descending order: CFO/Director of Operations (JM), Assistant Head of School/US Head (CT), Dean of Academics and Community; (SS), MS Head (LH), LS Head (LVN), Director of Admissions (CD), Director of Development (MR), Director of Equity and Inclusion (RN).
- Stay calm, and whenever possible, wait for the police to arrive to contact the student and retrieve the weapon.
- If possible, attempt to isolate the student from others.

Bomb Threat Procedure

Any person receiving a bomb threat should:

- Keep the caller on the line as long as possible.
- Alert the Head of School via text message (510-708-6633).
- Write down or remember anything describing the call or caller, including background noise, any accent of the caller, etc.
- Immediately call 911 for police assistance. DO NOT SEARCH FOR THE

BOMB YOURSELF.

If there is a bomb threat with sufficient lead-time, the fire alarm will sound as a signal to evacuate the building. All students and employees will be evacuated to the baseball field, away from the threat.

In the event of a sudden explosion without warning, students will remain in their classrooms and follow the earthquake procedures for safety. Wait for the signal to indicate evacuation or wait until you feel safe. Evacuate as per usual procedures.

Civil Disturbance Procedure

In the event of civil unrest, the Head of School will determine the proximity of the unrest to the school. If the unrest appears to be very close to the campus, all students and faculty may be evacuated to the gymnasium.

Unless it is determined that the area is safe for students to leave, all students will remain on campus. If students are allowed to leave, we will follow the normal student release program in place in the front of the school.

Earthquake Procedure

IN THE EVENT OF AN EARTHQUAKE, AT THE FIRST SIGN OF SHAKING, TEACHERS SHOULD ISSUE AN IMMEDIATE "DROP" COMMAND.

If students and employees are indoors:

- Drop to your knees with your back to any windows or mirrors.
- Get under a desk or table.
- Stay clear of computers, televisions, stacks of books, file cabinets, and other heavy objects.
- Clasp one hand behind your head and cover your neck.
- Wrap your other arm around a table leg or chair leg.
- Bury your face in this arm and protect your head.
- Close your eyes tightly.

Remain in this position until the earthquake is over. If the fire alarm sounds, check the evacuation route to observe if it is safe. If so, immediately evacuate to the baseball field. Otherwise, wait for further instructions.

If students and employees are outdoors:

- Stay clear of buildings, trees, poles and wires.
- Sit down, protect your head and neck and close your eyes tightly.
- When the shaking stops and it is safe to move, proceed to the evacuation area at

the baseball field as soon as possible.

Only evacuate if you are told to evacuate or if the fire alarm is pulled.

NOTE: Those responsible for making the call to evacuate are: The Head of School (CL), CFO/Director of Operations (JM), Assistant Head of School/US Head (CT), Dean of Academics and Community; (SS), MS Head (LH), LS Head (LVN), Director of Admissions (CD), Director of Development (MR), Director of Equity and Inclusion (RN).

Fire Procedure

IN A REAL EVENT, DO NOT HESITATE – IMMEDIATELY PULL THE FIRE ALARM AND CALL 911. A SMALL FIRE CAN QUICKLY BURN OUT OF CONTROL. DO NOT ASSUME SOMEONE HAS ACTIVATED THE ALARM OR CALLED FOR ASSISTANCE.

After emergency notifications:

- Evacuate the building according to the evacuation procedures.
- If there is smoke in the immediate vicinity, stay low and crawl to avoid breathing fumes.

If you cannot escape your room:

- Close as many doors as possible between the fire and yourself.
- Stuff cracks and openings with wet cloths (when possible).
- Lay on the floor to minimize smoke inhalation.

Always feel the door before opening to ensure the door is not warm as there maybe fire on the other side of the door. If the door is warm or hot, DO NOT OPEN the door.

Hazardous Material Spills Procedure

If a hazardous material spill occurs either on or off campus:

- Evacuate the danger area. Move cross wind, never upwind.
- To avoid fumes, ensure all students are in a building away from the danger area.
- Facilities personnel should immediately turn off all air conditioning and heating vents.
- Close all windows and doors. Seal gaps under doorways and windows with wet cloths (when possible).
- Close as many interior doors as possible.

You will be advised the threat has passed with a verbal "ALL CLEAR" signal.

Hostage Situation

The four general principles of a hostage situation are:

- Stay Calm
- No Confrontations
- No Challenges
- No Heroics

Teacher Instructions

If a classroom is taken hostage:

- Obey the suspect's commands. Don't argue or fight.
- Try to calm the suspect and listen to complaints or demands.
- Keep the students calm and do not allow them to agitate the suspect.
- Encourage the suspect to release everyone.

Office Staff Instructions: **If you are not in danger, immediately call 911.**

DO NOT HANG UP – STAY ON THE PHONE WITH THE POLICE DEPARTMENT AND GIVE THEM ALL THE INFORMATION YOU HAVE REGARDING THE INCIDENT, INCLUDING:

- Number of suspects
- Name of the suspect if known
- Description of the suspect
- Exact location of the suspect
- Type of weapon(s)

Maintenance personnel should be available to assist police in the location of electrical lines, plumbing, telephones, air conditioning and heating ducts, gas lines, roof access, and the types of doors and windows used at the school.

Lockdown Procedure

A lockdown is implemented as a response to any number of possible emergencies.

There will be a verbal announcement made stating "LOCKDOWN, LOCKDOWN". This will be repeated three times to ensure all students and employee have received notification.

If inside the classroom:

- Teachers should immediately lock all doors and windows, and drop window blinds and coverings.

If in the halls or bathroom:

- Enter the nearest classroom.

If during lunch, recess, or P/E:

- Students should be escorted to the closest secured room.

No one should leave the room for any reason until an "ALL CLEAR" announcement has been made.

Shelter in Place - Description

Shelter-in-place is an effort to isolate students and staff from a perceived or real danger and is a temporary solution to a short-term problem.

The shelter-in-place plan protects students and staff in the event of:

- An industrial accident
- A chemical spill, natural gas pipeline break, or other circumstances causing outside air to become dangerous to breathe.
- A heavy storm with high winds or heavy rains
- Suspected criminal activity in the area that does not directly affect the school
- A natural disaster or emergency requiring students to remain in their classrooms

The Shelter-In-Place plan has proven to be a safer approach than evacuating students into a potentially contaminated outdoor environment. Generally, the duration of these situations would last minutes or hours, not days.

Parents will be granted access to the campus and their children once the school has been notified by safety and health personnel that it is safe to do so.

Shelter in Place - Procedure

There will be a verbal announcement stating "SHELTER IN PLACE" followed by a brief description of the circumstances. This announcement will be repeated three times to ensure all students and employee have received notification. All employees and students should remain indoors with doors and windows closed until the "ALL CLEAR" is announced.

If the event was triggered by poisoned air (for example, a chemical spill) you should:

- *Immediately close and lock all doors and windows to prevent air seepage. Seal any leaks with towels, tape, etc. seal all cracks around the door into the room. Tape plastic over any windows. Tape over any vents and seal electrical outlets and other openings. As much as possible, reduce the flow of air into the room.*
- *Turn off all heating, ventilation, air conditioning (HVAC) systems, and fans (including bathroom fans). Provide air filtration masks if available and needed.*
- *Be mindful of students / staff who suffer from asthma or have other existing respiratory health issues.*
- *Conduct roll calls and report any missing persons to emergency team.*

No one should leave the room for any reason until an "ALL CLEAR" announcement has been made.

Shooting

At the first indication of a shooting or gunfire:

- Immediately initiate lockdown. Lock your doors and call 911.
- Instruct the students to drop to the ground immediately, face down, and as flat as possible. Stay away from windows and glass.

Teachers should access their cell phones and await an "ALL CLEAR" signal. No one should leave the room for any reason until an "ALL CLEAR" announcement has been made by a school administrator or police officer through the PA or by going room to room throughout campus.

Evacuation Procedures

Evacuation Procedures Contents

Evacuation of Students to Safe Location on Campus
Campus Evacuation Area
Instructions to Students/Faculty Not in a Classroom Setting During an Emergency
Evacuations Before School, After School, During Evening Events and During Athletic Events
Evacuation from Campus
"Buddy" Teacher System

Evacuation of Students

When evacuating the classroom:

- Teachers should take a few moments to review the exit routes and evacuation plan with their students. An example:

"I NEED EVERYONE TO LISTEN TO ME AND NOT MOVE UNTIL I SAY "LET'S GO". WE ARE GOING TO EVACUATE TO THE BASEBALL FIELD. WE ARE GOING TO WALK _____. IF THIS ROUTE IS BLOCKED, WE WILL WALK _____. YOU WILL PAIR UP WITH ANOTHER STUDENT. DO NOT TALK OR RUN DURING THE EVACUATION. WHEN WE REACH THE BASEBALL FIELD, PLEASE REMAIN QUIET FOR ROLL CALL. WE WILL FOLLOW (*name two students*) AND I WILL BE FOLLOWING BEHIND THE CLASS TO MAKE SURE EVERYONE REACHES THE BASEBALL FIELD SAFELY. **LET'S GO.**"

- Teachers should close the classroom doors as the last student exits but the doors should not be locked.
- Students should not take books, clothing or personal belongings with them from the classroom.
- If there is a seriously injured student that cannot be moved, the teacher will remain behind with the student and the "Buddy" teacher will assist with the evacuation of the students.
- Speed is important in any evacuation; however control and order are paramount. There should be no running, pushing, or skipping steps on the stairs.
- For both safety and psychological reasons, students should walk in pairs as they exit the building and be as quiet as possible.
- If you are a specialist - take your students to the field or give that batch of students to a buddy teacher **(do not send them to their homeroom classes; because the class may already be gone and the student would be unaccounted for).**

Evacuation Area

After students arrive in the evacuation area, teachers will escort students to their designated class/grade line-up area on the baseball field.

Instructions to Students/Employees Not in a Classroom Setting During an Evacuation

An emergency may occur during lunch, breaks, recess, and free periods. All students and personnel will be instructed to immediately go to the baseball field after an emergency. The students will report to their class/grade level line up areas and check in with faculty assigned to that area.

No students may leave the campus for any reason without going to the Evacuation Area and following the protocol to be released to a parent or guardian.

Evacuations Before School, After School, During Evening Events, and During Athletic Events

During non-school hours, all students, employees and visitors are to evacuate immediately to the baseball field.

The highest level administrator will take charge at the Command Post. This administrator will organize First Aid and Search and Rescue teams if necessary. If an

administrator is not available, faculty will assume leadership responsibilities.

Evacuation from Campus

In the event of an emergency requiring evacuation from buildings to a safe space on campus (normally to the athletic field but could involve an alternate location such as a playground area) the standard procedure is for all students and adults to remain at the safe location until notified that it is safe to return to the main campus. If it is determined that it is not safe to return to the main campus, and that an evacuation from the campus is necessary, the protocol is to shelter in place at the safe location until Incident Command authorizes the commencement of an evacuation procedure.

In general it is assumed that the Head-Royce athletic field will be the safest location in the neighborhood due to its layout as a defensible space against fire and its distance from the nearest trees and buildings. In the unusual event that an immediate evacuation from the athletic field is necessary (i.e., sheltering in place on the athletic field is not an option), the Incident Command team will direct students and adults to the nearest safe space (for example, evacuating to the South Campus or to the Ability Now parking lot). Barring such circumstances the athletic field is designated as the preferred shelter-in-place location.

When initiating a shelter in place procedure in anticipation of a subsequent evacuation from campus, the Communications Team will immediately advise parents through the established electronic means that we are in "shelter in place" mode, and that further instructions will be provided when it is safe for students to be picked up by parents. Parents must be instructed to NOT attempt to pick up their student prior to the time frame specified. When it is safe to release students the evacuation process will proceed in a sequential manner by grade - for example, with kindergarten students picked up first and 12th grade students last.

All student releases will take place on the north side of Lincoln Avenue (see Figure 13) utilizing the established student release procedures. The Communications Team will transmit regular electronic messages to parents throughout the process to ensure that the community is well-informed and that there is an orderly process which minimizes the amount of vehicle traffic on Lincoln Avenue.

Teacher "Buddy" System

Immediately after an emergency, teachers will check on their room partner (or 'buddy') listed below on the Room Partner "Buddy" List. Buddy teachers are responsible for checking with each other to see if there is a circumstance where one teacher must take control of both classes.

If the classroom number has a buddy listing that states "GO", these classrooms should report immediately to the baseball field. **All offices fall into the "GO" category.**

If a teacher or any employee is incapacitated or missing, the 'buddy' will evacuate students and inform the Command Post of the injured/missing personnel and location.

Buildings A/Rotunda & B/LS 2-5

<i>Classroom</i>	<i>"Buddy" Classroom(s)</i>
Room 1	Rooms 3 and 5
Room 2	Room 4
Room 10	Rooms 12 & 14
Room 11	Rooms 13 and 15
Room 6	Room 7
All Auditoriums	GO
All Cafeterias / Kitchens	GO

Buildings E/MS & F/MS

<i>Classroom</i>	<i>"Buddy" Classroom(s)</i>
All Computer Labs	GO
All Science Labs	GO
Art Room	GO
All Libraries	GO
Room 101	Room 102
Room 103	Rooms 104 & 105
Rooms 106 & 107	GO
Room 201	GO
Room 202	Room 203
Community Room	GO
Room 205	Room 206
Room 207	Room 208
Room 209	Room 210

Buildings H/MEW, I, J/World Languages, K/Library, L/US, M/US Pavilion and N/Gym

<i>Classroom</i>	<i>"Buddy" Classroom(s)</i>
Building H	
All Music, Ceramics, Media, Drama, Lounges and Studio Rooms	GO
Building J – World Languages	
Room 301	Room 302
Room 303	Room 304
Room 401	Room 402
Room 403	Room 404
Building L – Upper School	

Room 405	Room 408
Room 406	Go
Room 407	Room 409
Room 411	Room 413
Biology Labs	GO
Room 501	Room 502
Room 503	Room 505
Room 504	Go
Room 505	Room 507 & 509
Chemistry Labs	GO
Building M – Upper School	
Room 415	Rooms 417 & 419
Room 414	Rooms 416 & 418
Room 510	Room 512
Room 514	Room 516
Room 511	Room 513
Room 515	Room 518

EXHIBIT C



GRASSROOTS
COMMUNITY
ADVOCATES

March 7, 2019

Re: Head-Royce Development Plan

Dear Mr. Verges and Head-Royce School Trustees:

The Neighborhood Steering Committee (“NSC”) engages with the City of Oakland and Head-Royce School (“HRS”) to advocate for the neighbors’ points of view, including about HRS’s ongoing development plans. It advocates for over 300 households located around HRS’s properties. (See Headroycensc.org.) In this correspondence, we discuss the following points:

- HRS has not been transparent with the neighborhood regarding its proposed expansion plan, despite its repeated promises to do better in this regard with neighborhood relations
- The current enrollment of 884 students, without the addition of 350 more, is already too high, is overwhelming the public infrastructure surrounding the neighborhood, and is constantly causing nuisance problems for the residents
- The traffic solution in the proposed master plan does nothing to correct the current problem of HRS having no realistic emergency evacuation plan. HRS’s problematic traffic management will continue preventing evacuation for residents above and around the school’s properties
- The solution proposed in the master plan, i.e., a perimeter road, is very inconvenient for parents dropping off and picking up their children, no doubt resulting in their leaving and picking up their children on Lincoln or in the neighborhood
- The expansion plan causes significant problems for adjacent and nearby neighbors due to its increasing chances of landslides, flooding, disturbances from the circulation road, noise, placement of a massive structure next to housing, and opening access points from the neighborhood into the South Campus
- The development of the South Campus will impact wildlife in the Oakland hills, including bird habitat and native trees; it also would remove much needed residential housing that presently exists on the South Campus

A. Lack of Transparency Regarding the Proposed Master Plan

The NSC thanks Mr. Smith¹ for providing tours of the South Campus. It was helpful to see the location of items in HRS's Preliminary Development Plan, submitted to the City Planning Department in December 2018 ("Plan").

In June 2018, the NSC sent a list of 70 questions to HRS about an earlier version of the Plan and requested HRS's technical studies, supporting the Plan. In your response, HRS declined to provide any answers to the 70 questions or any studies.² Instead, HRS referred the NSC to the California Environmental Quality Act ("CEQA") process for answers to its questions and studies that would be done as part of that process. (HRS having no studies to provide was not consistent with the references to such studies in its community slide program and Jayhawk Journal, referenced in Question 1 of the 70 questions submitted to HRS.)

You indicated that HRS would like the NSC to wait until the 45-day public comment period after a draft Environmental Impact Report ("DEIR") is prepared and released to the public before it receives any studies or answers to its questions. The response was evasive and inconsistent with HRS's repeated promises to be transparent with neighbors, especially about the Plan.

Responsible property owners and developers usually commission technical studies early in their planning process to avoid liability from negative impacts such as traffic injuries, flooding, hillside sliding, and the like from poor early stage planning. They share the information with the neighborhood to allay concerns and avoid opposition. Using a landscape architect and a civil engineer instead of a hydrologist and geotechnical engineer is inadequate and invites liability problems in the future. For example, the Plan anticipates treating water running through the South Campus as "drainage" and shows a landscape design to address it. It appears that what HRS is calling "drainage" is, in fact, a tributary of a creek, requiring a different approach. Similarly, moving tons of dirt around on the South Campus, which is on a steep hillside, probably requires retaining walls, not just cement stairs, and a geotechnical expert should have been involved in making that determination to preclude hillside sliding. However, these are just a couple of the many problems we found with the proposed Plan:

¹ Peter Smith (Secretary) and Scott Verges (Board Chairperson) are Trustees on the Executive Committee of HRS. They and Crystal Land (head of school) identified them as the only two board members who designed the Plan and are knowledgeable about it.

² See email transmitting questions to HRS from NSC on the Headroycensc.org website: http://0104.nccdn.net/1_5/26c/364/2dc/NSC-questions-re-HRS-Master-Plan--6-2-18.pdf The questions from NSC that were sent to HRS are here: http://0104.nccdn.net/1_5/26c/364/2dc/NSC-Questions-re-HRS-Master-Plan--5-24-18.pdf The response email from Mr. Verges is here: http://0104.nccdn.net/1_5/26c/364/2dc/HRS-response-to-NSC-Questions-re-Master-Plan--6-4-18.pdf

B. The Current Enrollment Is Already Too High for HRS's Location on Lincoln Avenue

On page 5 of the Plan, HRS states that it is seeking a permit to increase its current enrollment from the 906 students allowed under the current permit to 1,250 students, a nearly 30% increase over the current enrollment of 884.³ However, the current high enrollment continues to cause significant problems, in part due to the lack of any realistic evacuation plan, negligent fire prevention vegetation management, and lack of safe and efficient traffic management. The Plan does not effectively solve the problems and in some regards increases the type, number, and severity of problems.

1. HRS Has No Realistic Disaster Preparedness Manual for Evacuating Students and Employees in Case of an Emergency. The Plan Will Further Jeopardize the Safety of the School Community and the Neighbors

Lincoln Avenue ("Lincoln") is a steep, winding, two-lane major arterial street running between Highways 13 and 580. HRS is located on Lincoln approximately half way between Highways 13 and 580. Its properties are embedded in residential housing with three institutions above it, the Mormon Temple, The Greek Orthodox Cathedral, and Ability Now. PG&E electrical wires and equipment are located above ground along Lincoln. It is an evacuation route that serves the hills above Highway 13 including parts of Montclair, and the entire area surrounding Lincoln. For example, in the event of a wildfire starting and spreading on the many acres of forested parklands above Lincoln and Highway 13, Lincoln would be the escape route from the hills down to Highway 580.

Currently, HRS's only plan for evacuating its properties is to have students go outside and stand on the North Campus field.⁴ As Mr. Smith explained to neighbors who attended a recent tour of the South Campus, HRS believes that the hillsides around the North Campus are a "fire break" such that it is sufficient to have students stand on the field and wait for their parents to come and pick them up in the event of a fire. The school has food and drinks for the students while they wait for their parents. Given the recent wildfires, this scenario is unrealistic.

HRS and the surrounding housing is in an area labeled by CalFire as "Fire Severe Hazard Zone."⁵ As the CalFire maps demonstrate, all of the hillside and parks above Highway 13 are also in the high fire risk zone. A wildfire originating in the parklands and

³ California Department of Education statistic for HRS, 2017-2018 school year (revised in July 2018).

⁴ See NSC website with the emergency plan for 2017-2018: <http://www.headroycensc.org/emergency-situations.html>

⁵ <http://egis.fire.ca.gov/FHSZ/> - map showing that HRS on both sides of Lincoln and the surrounding housing are in the high-risk fire zone, according to CalFire. Click on the map several times to expand and see the proposed project area.

coming down Lincoln or originating on Lincoln would not leave time to evacuate 1,250 children and over 200 staff from the location, the neighbors, and those persons at the three institutions above HRS. The scenario in which parents would just drive over to Lincoln and pick up their children does not take account of the real conditions during a wildfire. For example, during the most recent Camp Fire in Paradise, California, where 86 people lost their lives, the descriptions of the escape conditions were horrifying. Day turned into night with fire and smoke all around people attempting to flee:⁶



Many videos on the Internet demonstrated the conditions during the Camp Fire and other recent California fires. The amount of heat and smoke would prevent evacuation by parents coming and picking up their children. The speed of these recent wildfires has been described in the news as covering a football field size of land every second.⁷ Parents

⁶ <https://www.wired.com/story/the-terrifying-science-behind-californias-massive-camp-fire/>;
<https://www.chicoer.com/2018/11/08/camp-fire-raging-into-paradise/>

⁷ <https://www.cnn.com/2018/11/09/us/california-wildfires-superlatives-wcx/index.html>

trying to rescue their 1,250 children would most likely interfere with fire apparatus access and evacuation efforts.

The community has been demanding for years that the City improve its fire prevention services. It has not done so.⁸ According to Sue Piper, chairperson of the Oakland Firesafe Council, a community organization devoted to preventing another major fire like the Oakland fire in 1991, the City has not found a way to hire and keep five vegetation management inspectors. It needs to fund around \$2 million, twice the current budgeted amount, for year-round inspections instead of just completing inspections in the summer. Further, Oakland has no alarm system to notify neighbors or any institution of an oncoming fire.

2. HRS Is Consistently Non-Compliant with City Fire Vegetation Management Regulations and with Its Own Policies. The Plan Will Require Increased Vegetation Management Beyond What HRS Is Practicing

At its current size, HRS appears unable to comply with the city's vegetation management requirements. The Plan's lack of a well-devised evacuation plan and its history of noncompliance with fire regulations will increase fire risks for the school community and the neighbors.

In 2017, the school posted on its website fire department compliance certificates that demonstrate it was not in compliance with the vegetation management requirements until November 2, 2017. It came into compliance only after numerous complaints by neighbors to the fire department and HRS. Its compliance date of November 2, 2018, was only two weeks before the rains started.

In 2018, HRS only posted on its website compliance certificates for three parcels, which do not include its rental properties on Whittle or, very importantly, the new 8-acre South Campus.⁹ The certificates also show that the main campus and gatehouse were not brought into compliance with the city's vegetation management requirements until August 13, 2018, even though the inspections usually begin in May, when all property owners are required to have their properties in compliance already. The neighbors again have had to be vigilant and take on the task of nagging the fire department vegetation management unit to chase HRS into compliance, with unsatisfactory results.

⁸ <http://www.headroycensc.org/news.html> See news articles on the NSC website concerning the problems with the City failing to institute effective fire prevention.

⁹ Alameda assessor maps show the following three parcels by parcel numbers: APN 29A-1367-1-9 is the small parcel HRS purchased recently adjacent to its main driveway on the North Campus; APN 29A-1367-5-2 is the HRS gatehouse; and 29A-1367-1-14 is the North Campus, which is HRS's main campus.

Vegetation management is an ongoing responsibility; the fire department has emphasized that it is not a “one and done” procedure by which property owners get their properties into compliance to avoid citations from the fire department in May, and then forget about the risks and need for compliance during the rest of the year. HRS has told community members of the Neighborhood Liaison Committee that the real problem is not their mismanagement, but that after the fire department finds non-compliance, it does not return fast enough to see the corrections the school makes and re-inspect. However, it is not the fire department’s job to make sure HRS continues to manage its properties.

The HRS website makes the following representation:

Head Royce is committed to taking proactive and preventative measures to maintain a high level of fire safety for our entire community.

Our motivation extends beyond simply passing routine fire inspections; we strive to effectively model our core tenet of responsible citizenship.

Scheduled grounds care is provided for our lawns, trees, shrubs, flower beds, sidewalks, roads, and parking lots to mitigate fire risk. This includes cutting and trimming of grass and weeds, fertilizing of grass and shrubbery, and pruning of shrubs and trees.

See our Vegetation Management Schedule [here](#)¹⁰.

It appears to the neighbors that HRS does not follow its own vegetation management schedule. For example, the monthly plan has HRS picking up debris as a task that it alleges occurs every month, “Litter/debris pick-up,” but HRS does not pick up debris, monthly.

For example, in January 2019, following several rainstorms, a eucalyptus tree fell on the North Campus. HRS cut up the tree, then put the flammable wood behind a tree next to a neighbor’s property. The foreground of the photo shows all of the accumulated bark strewn about near the neighbor’s property:

¹⁰ See work schedule from HRS website:

https://www.headroyce.org/uploaded/Community_Relations/Neighbors/Head_Royce_school_vegetation_scope_of_work.pdf.



Neighbors notice that HRS leaves flammable eucalyptus bark for months on its properties. When the rains are over, this debris will become a fire risk for both HRS and the neighbors.

C. The Plan Aggravates the Traffic Problems on Lincoln Avenue and on Neighborhood Streets Due to HRS’s Uses

The Plan for drop-off and pick-up of 1,250 students is unrealistic because it depends on a large percentage of parents waiting an even longer time than now to drop off or pick up their children. We know that when parents have to wait sitting in traffic, longer than they feel is reasonable, they solve the problem by using neighborhood streets for pick up and drop off, and making dangerous, illegal U-turns on Lincoln in front of oncoming traffic or on the narrow neighborhood streets.

On page 22 of the Plan, HRS states that it proposes to install a one-way “ring road” encircling the 8-acre South Campus. The Plan would include moving one traffic light from the gatehouse to the exit of the ring road, leaving Lincoln with a total of two traffic lights related to HRS. However, on page 25 of the Plan, it shows three traffic lights along the length of the HRS property bordering Lincoln. Without knowing where the lights will go, the traffic portion of the Plan is unintelligible.

It is unclear from the Plan whether *all* of the students who arrive and leave HRS by car will do so through this ring road and whether the North Campus will be used at all. It appears that HRS intends to continue using its main driveway on the North Campus for parking, as opposed to its original purpose, which was for two-way traffic and to allow drop-off and pick-up on the North Campus, rather than on Lincoln or along the ring road. The Plan also involves installing right and left turn pockets on Lincoln at the exit from the ring road by removing parallel parking spaces on the street. On page 25, the Plan

diagram shows where these turn pockets would be located in relation to the sidewalk. The busses would continue to arrive and leave at the same time as the car traffic and would continue driving a considerable distance away from HRS to “loop” around the neighborhood’s narrow streets, and head back up Lincoln to access Highway 13.

The current transportation plan for 884 students already creates a bottleneck on Lincoln and for long periods of the day into the evening due to before and after school daycare, events, deliveries in the wrong location, visitors, parents, and others, and of course drop-off and pick-up. Parking occurs on the south side of Lincoln for all of these users of HRS including high school students and employees, which narrows the available use of lanes and therefore contributes to the bottleneck.

The neighbors’ experience with HRS, as a school for 884 students, has been that when the parents are sufficiently tired of waiting for their opportunity to drop-off or pick-up their children, they drive around the neighborhood and drop them off wherever they can find a spot to do so, generally on narrow neighborhood streets. When they get tired of waiting to pick them up, the parents text their children and agree on a different pick-up location than the one provided by HRS, somewhere in the greater neighborhood. They also cut corners to get out of the area more quickly by illegally u-turning on Lincoln and in the neighborhood. The sum effect of drop-off and pick-up on Lincoln is chaos, and a bottleneck that prevents neighbors, business users, and potentially emergency vehicles, from moving through Lincoln at a reasonable speed.

The Plan now creates a new laborious, inconvenient, and aggravating system for parents to drop off and pick up their children. It either adds a third light or moves a traffic light from the gatehouse where it currently is used to allow children to safely cross the street and puts it at the entrance to a ring road that would go around the South Campus. The Plan then proposes that parents pull into a queue at the light to make a left hand turn into the ring road and veer off the ring road to make a loop inside the South Campus to let their children out of the cars. These two inner loop areas are not near the tunnel entrance or a crosswalk. Then, the parents will proceed around the circumference of an 8-acre campus to exit.

Assuming that HRS intends to continue using its current staging system on the Mormon Temple property for pick-up to slow down the number of cars on Lincoln at one time, parents will now have three places to sit and wait for their children. Many of them will arrive to see a sign that informs them they have to wait in the Mormon Temple parking lot as occurs now. Then, most of them will have to go down Lincoln to get onto the ring road, where again they will queue up behind other cars at the light. They will proceed around an entire 8-acre campus, completing an inner loop, to pick up their children from the pick-up locations that are not near the tunnel or the crosswalk. Then to exit, they would need to merge back into the traffic going around the ring road.

The path from the two drop-off and pick-up locations is also unrealistic unless the Plan includes having the upper school and lower school children all stay on the South Campus. If the parents are supposed to use the uphill drop-off or pick-up location, the students, including very young children, will have to traverse through the amphitheater to access the crosswalk or tunnel. During a significant portion of the school year, the weather is inclement, which further incentivizes parents to skip using the ring road, instead preferring to drop off their children as close to the North Campus as possible. Most parents, especially of small children, naturally will drop them directly onto Lincoln as close as possible to their classrooms.

At one point HRS considered widening the main driveway from Lincoln to the North Campus. That driveway was historically how small children, at least, arrived at the school when it had a much lower, and more manageable enrollment. The Plan reflects no intention to provide this already safe method for delivering and picking up children.

D. The Plan Wastes Much Needed Housing Without Any Necessity

The South Campus currently has several buildings that are available for housing; HRS intends to demolish all but one, and as to that structure (building 9), create five apartment housing units, but only allow employees to live there and only temporarily, instead of making it available as a rental property like HRS's other rental properties on Whittle Avenue. One existing house (building 4) is 2,068 square feet¹¹. It was initially the director's house, and then later was used for housing emotionally disturbed children. The children were moved to a newer building in the 1990s, and then the house was used for storage. The house could be renovated and used for its original purpose. HRS plans to tear it down.

Other examples include two relatively new buildings. In 1993, Lincoln Child Center (LCC), the former owner of the South Campus, wanted to expand by constructing new buildings. The neighbors expressed concerns about the future of the property as at some point LCC, like all institutions, would leave and the neighborhood would be left with institutional buildings that could not be easily repurposed into the more likely future use of housing. The compromise was to build the structure (building 8) so that in the future, it could be remodeled inside to accommodate housing uses. It is 3,024 square feet. HRS plans to tear down this new building.

In 1998, LCC again wanted to add another institutional building (building 9). Neighbors raised the same concern about the construction of institutional buildings that could not be repurposed for the more likely future use as housing without expensive demolition, which alone could prohibit housing development. They did not accept LCC's

¹¹ HRS incorrectly describes this building as an "administration building" on page 15 of the Plan. It is a house and was used that way for years.

many protestations that, “we have been here for over 100 years, and we will never sell our property.” The compromise was that LCC’s architect designed two large houses, totaling 6,850 square feet, with a center connecting area, which could be removed to separate the houses in the future.¹² The driveway and parking area were designed to accommodate the two houses. These two houses could easily provide housing for at least several families, not just five housing units for teachers and restricted for temporary use.

HRS’s stated reasons for demolishing these structures that represent a total of 11,942 square feet of housing is that it wants to build its ring road and a 15,900 square foot theater (performing arts building - “PAB”). Mr. Smith explained at a community meeting that the current all-purpose gyms on the North Campus require using automated systems to move seating into place for theater use. This way, HRS will not have to double the purpose of these buildings any longer since the PAB will handle HRS’s needs for a theater and the two gyms can be used exclusively as gyms. The PAB would seat 450 people.

HRS currently has three all-purpose gyms. Building O on the South Campus is a 6,050 square foot building that HRS plans to use for between 55–125 students or guests. HRS has two all-purpose gyms on the North Campus. According to Ms. Land and Mr. Smith, one seats 800 to 1000 people and the other seats 412 people. (The neighboring Greek Orthodox Cathedral has a large gym, which is rarely in use.) Altogether under the Plan, HRS would have the total ability to seat 1,987 people. The Plan also contemplates using the center of the South Campus for an amphitheater as shown on the original plan drawings and page 32 of the Plan (“stone/lawn steps”).

It is not necessary to have four theaters or the capacity for four theaters for a K-12 school, located in the middle of a residential neighborhood. The PAB presents the same planning problem that neighbors have raised in the past. Its protestations to the contrary, as with LCC, at some point, HRS is going to be forced to move because its rate of growth is extremely high for a residential neighborhood. It is also very high for the non-religious private school industry in Oakland and the surrounding cities. Perusing the California State Department of Education Statistics reveals that generally in the Oakland area, private schools are in the 350-550 range, not 884 students, let alone 1,250 students. Repurposing the 15,900 square foot PAB, located next to residences would be very difficult, especially since neighborhood theaters have, for the most part, not survived in Oakland. For example, the city just recently granted a permit to demolish a neighborhood theater in the Laurel district after it sat unused for decades. Oakland’s entertainment

¹² On page 15 of the Plan, HRS correctly states that this building was constructed as a residential facility for children, but left out the information that it was also designed to be reused as two houses. It states that the building would be used for administrative or classroom purposes, but elsewhere its listed use is for five teachers to live in it temporarily.

centers are currently in the Downtown district, and they are dependent on patronage to survive without HRS “bleeding off” customers by pulling them into a residential neighborhood away from restaurants and clubs. (See the Palace Theater,¹³ the Fox Theater,¹⁴ as just two examples in Oakland. Many other theaters are located in the region.)

E. The Plan Results in the Destruction of Over 60 Beautiful, Mature Native Trees Through Cutting them Down, Pulling them Out of the Ground to “Move Them,” or Killing Them By Grading Near their Roots, Thereby Also Destroying Extant Bird Habitat

The Plan suggests that its vision for the South Campus would be to create a natural environment.¹⁵ However, its proposal for handling the existing trees, especially the mature native trees would most likely destroy them. The Plan reports on page 16 that:

[t]he site contains approximately 395 trees that include Coast Live Oaks, Redwoods, Eucalyptus, Pines, Cyprus, Pear and Olive trees. The existing trees are of varying health, age and size. Approximately 60% are native.

The Plan then states that it intends to move or cut down a sizeable number of trees:

The plan proposes to relocate 9 smaller (10-20” dbh) oak trees and 45 small native trees. 33 native trees either dead or in poor condition will be removed and 107 non-native trees including many in poor condition will be removed.

It is highly unlikely that so many trees are in such “poor condition,” that they need to be removed. Moreover, HRS’s suggestion that mature trees can be pulled out of the ground, moved, and replanted on the site is unrealistic unless HRS has an unlimited budget and can work on the tree moving project for the long period necessary to complete the many steps to preserve the trees. The new locations for the mature trees require considerable space for each one, which is also a factor in determining whether moving them is feasible.¹⁶ Many of the most spectacular trees on the South Campus are mature live oaks, and after they reach 8 feet in height, they generally send out shallow roots that prevent relocation without killing the trees.¹⁷

¹³ <http://www.palacetheateroakland.com/>;

¹⁴ <https://thefoxoakland.com/>

¹⁵ . See Plan, page 30.

¹⁶ <http://www.deeproot.com/blog/blog-entries/the-realities-of-large-tree-moving>

¹⁷ <https://homeguides.sfgate.com/digging-live-oak-tree-64043.html>

Furthermore, the Plan includes substantial grading, basically covering much, if not all, of the South Campus:

Area	Cut (CY)	Fill (CY)	Net (CY)
Ring road	4,500	1,800	2,700
Interior Site	9,200	4,200	5,000
Total	13,700	6,000	7,700

The amount of grading on a very steep hillside contemplated in the Plan will no doubt destroy the root systems around the trees. The Plan anticipates disturbing 13,700 cubic yards of soil, and regardless of whether it puts about half of it back on the South Campus, the disruption will be extreme for the trees. (Generally, a cubic yard of dirt equals 1.5 tons.)¹⁸ This type of extensive grading is expensive, time-consuming, and highly technical to avoid killing the trees. Arborists do not recommend grading around or near trees.¹⁹

The trees that the Plan contemplates preserving include Eucalyptus trees, which are present in bountiful amounts on both HRS's North and South Campuses. Many of these trees are incredibly tall, and they all present a fire hazard.²⁰ They are also dangerous on windy days and shed large, heavy branches and bark.²¹ The Plan is "upside down" and should instead preserve the native trees, remove all of the Eucalyptus trees and prevent the latter type of tree from becoming re-established.

F. The Plan Continues HRS'S Very Long History of Poor Relations with the Neighborhood by Creating Negative Impacts on the Adjacent and Nearby Neighbors

It is hard to fathom how trustees could leave the formation of the Plan up to two board members, both experienced land development attorneys, and end up with so many negative impacts on the residents, including many who live blocks away from the school. Besides the problems that negatively impact residents as far away as Montclair due to problems such as causing a bottleneck on a major evacuation route, the Plan negatively impacts closer residents as follows:

¹⁸ <https://www.soildirect.com/calculator/cubic-yard-calculator/>; <https://www.todayshomeowner.com/cubic-yard-calculator/>

¹⁹ <https://www.bartlett.com/resources/Preventing-Damage-to-Trees-from-Grade-Changes.pdf>; <https://hortnews.extension.iastate.edu/1995/7-14-1995/prot.html>

²⁰ <https://www.gardeningknowhow.com/ornamental/trees/eucalyptus/eucalyptus-fire-hazards.htm>

²¹ <https://www.gardeningknowhow.com/ornamental/trees/eucalyptus/eucalyptus-in-windy-areas.htm>

Pulling the Toe Out of the Hillside: Pulling toes out of hillsides to make level ground is problematic, especially when the hillside is exceptionally steep, as here. Recently, HRS has announced that it intends to purchase an easement from Ability Now that will allow it to create more parking spaces. The Plan involves grading the toe of the steep hillside below Ability Now to remove the toe so that there is a level area for parking. (Plan, page 30.) Like moving trees, the topic of how to grade a hillside to avoid flooding and land sliding is complicated and best avoided.²² Instead of relying on a qualified geotech engineer and obtaining the necessary study, HRS relied on a landscape architect and general civil engineer, who are not qualified to deal with this complicated issue. (Also, unfortunately, HRS has already been grading the toe of that hillside to make parking spaces, and NSC cannot find any evidence that it ever obtained a grading permit from the city.) This type of casual approach to the hills is not new with HRS.

On the North Campus years ago, HRS pulled the toe out of the hillside by leveling the area to make its main parking lot. It installed a small retaining wall at the base of the hillside adjacent to its new parking lot. At the top of the hillside, there is a barn and housing. Over the years, erosion and significant drainage problems have caused the barn to lose ground, coming closer every few years to the edge of the hillside above that parking lot. In the future, that barn will no longer have sufficient ground to support it, and then next, the house will go down the hill, then the housing above that house will go down the hill, and so forth. Like Ability Now, the property owner did not realize the potential loss of land as a result of HRS's handling of the steep hillside.

Here, the removal of the toe of the hillside below Ability Now's field could well stimulate a landslide. Very near the same location, there was a landslide at the top of Camellia Place with the city forced to deal with the costs of stabilizing it. The only thing predictable with landslides is that they are followed by years of litigation. Certainly, to the extent that a landslide involves the adjacent Camellia Place homeowners, they will look to the city to again fix the hillside and to HRS for the damages, all of which are entirely foreseeable.

Ring Road: The Plan contemplates installing a road that surrounds the South Campus and is adjacent to the housing. (Plan, pages 22-23.) The "ring road" places traffic within 25-100 feet of bedroom windows of 15 homes. Currently, there are three access points from Lincoln into the South Campus. None of them have interfered with the residents' enjoyment of their own homes. The Plan will now force adjacent homeowners to hear the noise and breathe the particulate matter from numerous cars entering and leaving the campus. HRS is in operation from 6:00 a.m. to at least 6:00 p.m., daily on weekdays. On weekends, it often has a steady stream of cars for its events. Many of these events last until late in the evening and disperse around 11:00 p.m. when people return to

²² <https://www.planning.org/pas/reports/report126.htm>

their cars laughing and yelling to each other, and waking up the neighbors. The ring road moves that activity closer to the adjacent houses. None of the other institutions on Lincoln use this type of access road. It is hard to conceive of any institution that would construct one that is so problematic for neighbors, and that will invite so much controversy.

Noise: The Plan includes an 11,500 square foot amphitheater in the middle of the South Campus. The “Commons” will act as

a heart of [the] campus composed of terraces . . . The terraced nature of the Commons connects the upper parking area and drop-off at the east end of the campus with the academic buildings and lower drop-off to the west. The Commons will be used daily for students to congregate and eat lunch. It may also be used intermittently for larger events, such as graduation. (Plan, page 30.)

(So, here we learn that instead of putting the drop-off and pick-up areas close to the tunnel for the safety and convenience of the school children, the concept was to accommodate the amphitheater so it “connects the upper parking area drop-off at the east end” and the drop-off area in the west area.)

The South Campus is located in a canyon that bounces sound off the hillsides. Sound travels into the housing located adjacent to and above the campus. The Plan contemplates that the entire neighborhood, located on the hillsides will become the “audience” for HRS’s amphitheater. If there is a loud-speaker involved in its use, the sound will travel much further and be incorporated into housing for many blocks of residences surrounding HRS. The neighbors should not be forced to become the audience for HRS’s graduation ceremonies and its “larger events.”

Similarly, the Plan has placed two “outdoor classrooms” as close as possible to housing on Laguna and Charleston. (Plan, page 30.) The outdoor classroom on Laguna is so close to the housing that it would be within feet of the houses. There is no acceptable reason why these classrooms were put there and will become a nuisance for the neighbors forced to listen to classes all day. The third outdoor classroom appears to be part of the amphitheater, which raises the question whether the plan is to use the amphitheater to create outdoor noise all of the time, rather than just lunch and large events.

Performing Arts Center: The Plan has placed the Performing Arts Center structure at the end of Linnet, a very narrow street with small, one or two level houses. The structure towers over the housing and its uses would have a deleterious impact on the housing:

An up to 450-seat Performing Arts Center (PAC) will provide the School's theater, dance, and music groups practice, performance and classroom space. The PAC will also be a place for the School to hold assemblies, concerts, meetings and host speakers. This building is anticipated to be up to 32 feet in height and 16,000 square feet in size. A preliminary elevation of this structure is attached as Figure 5.21 and indicates a potential location for rooftop solar panels. (Plan, page 19.)

Assuming that the city will require extensive sound-proofing, there will still be considerable interference with the nearby housing from vehicle traffic, doors opening and closing, people talking and laughing as they come into and leave the structure, and lighting at night. The road access into the building appears inadequate because of a sharp turn that would potentially prevent trucks carrying theater supplies from reaching the back door, which is also adjacent to the housing. Instead, the Plan shows a direct link from Linnet into the back door area. (See Plan, page 19.) This narrow street has a gate at the end, which is kept closed and is only for maintenance and emergencies. That gate will become the access point for the theater supplies, despite HRS's promises that it would not allow that to happen.

Continuation of Buses Looping Through the Neighborhood: A significant issue for years has been HRS's direction of private buses and the AC transit buses it rents to reverse their course on Lincoln by using the narrow residential streets to drive blocks away from the school and then return to Lincoln in a "loop." The NSC website explains with photos and a description of why this method is problematic.²³ The buses are too big to make the turns on the narrow residential streets, they create traffic jams for neighbors trying to get to work, and they generate a lot of noise and exhaust early in the morning and in the afternoons. On two occasions, HRS's buses have damaged property, and in one case, the bus sped off without notifying the property owner. Instead of having the buses arrive in the same direction they will be heading when they leave, the Plan continues this same pattern, even though it is annoying to neighbors, almost all of whom have nothing to do with HRS and do not live anywhere near it.

Lack of Adequate Parking: HRS has never provided sufficient parking for its uses. It now proposes the following:

An estimated 25 new on-site parking spaces will be added to the existing 129 paved parking count for faculty, staff and visitors for a total parking count of 154 spaces on the South Campus. As enrollment increases, the applicant will either add stacked parking in Lot F on the North Campus (for

²³ <http://www.headroycensc.org/traffic.html>; http://0104.nccdn.net/1_5/258/3c0/20c/Opposition-ot-HRS-Conditional-Use-Permit.pdf

a total of 344 parking spaces campus-wide) or will reduce parking demand by prohibiting some or all students from driving to school. Currently, approximately 90 students (juniors and seniors) have permits to drive to campus and park. (Plan, page 24.)

By now, HRS should have removed student parking, instead of allowing Lincoln to be used for this purpose. A 30% increase in the size of the school requires substantially more available parking than is offered in the Plan. A “watching and waiting” plan, as the school grows, before planning for adequate parking is unrealistic and potentially continues the pattern of inadequate onsite parking.

Conclusion: This correspondence has not discussed HRS’s original plans to rent out its South Campus for a regional entertainment center or its original intent to operate a pre-kindergarten program because HRS has stated on the record at a recent Planning Commission hearing that its application does not include either activity.

The Plan is inadequate at least for the reasons stated above.

Sincerely,

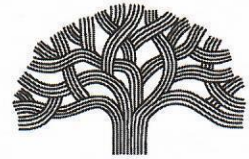
Karen Carona

On behalf of NSC

cc: Rebecca Lind
Bill Gilchrist
Oakland City Council
Oakland Mayor
Planning Commission
City Administrator
Landmarks Commission

EXHIBIT E

CITY OF OAKLAND



150 FRANK H. OGAWA PLAZA • 3RD FLOOR • OAKLAND, CALIFORNIA

Office of the Fire Chief
Reginald D. Freeman

Re: ADU Planning Code Amendments and Restrictions on Parcels Located in City of Oakland's Very High Fire Hazard Severity Zone (VHFHSZ)

Director Gilchrist,

I am offering this letter of support for the staff proposal regarding the ADU Planning Code Amendments and the restrictions that are included that would prohibit the development and construction of new Accessory Dwelling Units (ADU) in the city's Fire Hazard Severity Zone (VHFHSZ). I urge the Planning Commission to recommend this prohibition to the City Council as part of the proposed ADU Planning Code amendments.

Wildfires are a natural part of California's landscape and the potential risk of wildfires impacting communities in, and adjacent to, forested areas are at an all-time high. In the last few years, California has experienced the deadliest and most destructive wildfires in its history. Devastating wildfires have become the norm in recent years, with dozens of deaths and whole communities forced to evacuate on moment's notice. That is why local governments must address the wildfire risks associated with building and construction at the front end.

Oakland's history of wildfires is no secret in California, the Oakland firestorm of 1991 was one of the largest urban wildfires in history. The fire started on the border of Oakland and spread throughout the Berkeley hills. Ultimately 25 lives were lost, 150 people were injured, 1,520 acres of land was burned, and thousands of homes were destroyed. The high winds, steep terrain, and heavy fuel load made fighting this historic blaze a major challenge. The economic loss from the fire was estimated at \$1.5 billion.

While all of California is subject to some degree of fire hazard, there are specific features that make some areas more hazardous. CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. These zones, referred to as Fire Hazard Severity Zones, influence how people construct buildings and protect property to reduce risk associated with wildland fires. The maps are updated on an ongoing basis to incorporate improved fire science, data, and mapping techniques. Using the latest fire science, CAL FIRE has developed, and field tested a model that serves as the basis of zone assignments. The model evaluates properties using characteristics that affect the probability of the area burning and potential fire behavior in the area. Many factors are considered such as fire history, existing and potential fuel, flame length, blowing embers, terrain, weather, and the likelihood of buildings igniting.

The Fire Hazard Severity Zones identify fire hazard, not fire risk. "Hazard" is based on the physical conditions that give a likelihood that an area will burn over a 30 to 50-year period without considering modifications such as fuel reduction efforts. As a Fire Department, our Command Staff pays very close attention to shifting fire science, climate change, and the topography of our service area. The hazards and risks in play in these high-risk zones keep our

personnel up at night. Eliminating undue risk and hazards in the East Bay hills, such as ADUs, would go a long way to preventing the next major fire related disaster in this region.

The City Council adopted Resolution No. 87940 C.M.S. in response to the increased concerns of the past few seasons. As a response to this concern, the City established a Wildfire Prevention Working Group that meets regularly to both address short term needs and to continue the various long-term strategy planning and implementation. The Wildfire Prevention Working Group consists of the following Departments: Oakland Fire Department (OFD), Oakland Public Works (OPW), Department of Transportation (OakDOT), Bureau of Planning and Building (P&B), Oakland Police Department (OPD), and the City Administrator's Office as convener. The meetings cover a range of issues related to immediate fire safety challenges, ongoing hazard mitigation, with a strong emphasis on coordination between departments and nearby jurisdictions, as well as the Oakland community members likely to be most directly impacted by a wildfire in the very high fire hazard severity zone.

As noted in the current draft of the City's Vegetation Management Plan, adding ADUs and creating a higher level of density in the FHSZ and areas known as the Wildland Urban Interface (WUI) would pose an adverse fire risk to everyone in those communities, including the very people the new ADUs are designed to house. Current State law allows garages to be converted into ADUs without any off-street parking replacement. If that were to happen in these zones, it would push even more vehicles onto already crowded streets. As the Fire Department partners with the County using new technology, *Zonehaven*, to map evacuation routes for these zones, reducing congestion is of utmost importance. Moreover, additional density will exacerbate the already dangerous vehicle back-up and choke points at intersections that will occur during mass wildfire emergency evacuations. This existing and worsening "bottleneck" issue affects traffic flow and public safety on streets within VHFHSZ regardless of their available road width because multiple roads feed into the same key intersections needed to evacuate. When these key interactions become clogged, no cars can escape, and no emergency vehicles can get through to fight the fire or assist people to escape. In addition, adding new development in these areas will increase the amount of combustible fuel in the area, leading to a higher number of ignition sources and the likelihood of rapid spread of wildfire.

The Oakland Fire Department and the Wildfire Working Group is extremely sensitive to California's housing crisis and support the increases in density that strategically placed ADUs can achieve. However, there is a need to balance that with the very real increase in wildfires that are destroying thousands of housing units each year across California. Your recommendation to create reasonable restrictions on ADUs in the High Fire Severity Zone is a great example of establishing that balance. Now more than ever, Oakland residents and communities throughout the region are looking for their government to take pro-active steps to increase public safety and promote emergency preparedness. A surge in ADU's in the high fire severity zone project will put new and existing residents at risk and may worsen the climate crisis.

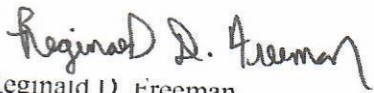
The Oakland Fire Department is fortunate to have built many proactive relationships with our partnering agencies who recognize that strategic and sustained action is necessary to protect the City's infrastructure, preserve life and property and enable the City to prosper without catastrophic loss due to wildfire.

Now more than ever, Oakland residents and communities throughout the region are looking for their government to take pro-active steps to increase and promote public safety preparedness. A

ATTACHMENT G

surge in ADU's in the high fire severity zone project put new and existing residents at risk and may worsen the climate crisis.

Thank you for your consideration,

A handwritten signature in dark ink, appearing to read "Reginald D. Freeman". The signature is fluid and cursive, with the first name "Reginald" being more prominent and the last name "Freeman" following in a similar style.

Reginald D. Freeman
Fire Chief, Oakland Fire Department
City of Oakland

EXHIBIT F

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

Redlined version – June 7, 2016

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

1. Approved Use.

Ongoing

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

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

Final Revised Conditions of Approval

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

f) The Conditions of Approval for REV13-003 supersede the previous Conditions of Approval for PUD04-400, PUDF07-520 and DS09-224.

2. Effective Date, Expiration.

Ongoing

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

3. Scope of This Approval; Major and Minor Changes.

Ongoing

The project is approved pursuant to the Planning Code only. Minor changes to approved plans, conditions of approval, facilities or use may be approved administratively by the Director of City Planning or designee. Major changes to approved plans, conditions of approval, facilities or use shall be reviewed by the City Planning Commission as a revision to the PUD. Major changes shall include increases in the academic or summer program enrollment, number of summer program sessions or merger of residential lots with the campus. The Planning Director or designee shall, in his or her discretion, determine whether other proposed changes in conditions, facilities or uses constitutes a minor or major change upon submission of an application for such change. A determination of whether a change is minor or major is subject to appeal pursuant to the Oakland Planning Code.

4. Conformance to Approved Plans; Modification of Conditions or Revocation.

Ongoing

a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60 days of approval, unless an earlier date is specified elsewhere, or the

applicant demonstrates to the satisfaction of the Planning Director that abatement requires more than 60 days to implement.

- b) Violation of any term, Conditions/ Mitigation Measures or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these Conditions/ Mitigation Measures if it is found that there is violation of any of the Conditions/ Mitigation Measures or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions, including but not limited to the imposition of financial penalties. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Conditions of Approval.

5. Signed Copy of the Conditions/Mitigation Measures.

With submittal of a demolition, grading, and building permit

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

6. Compliance with Conditions of Approval.

Ongoing

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

7. Indemnification.

Ongoing

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, Oakland City Council, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss, (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (**collectively called "Action"**) against the City to attack, set aside, void or annul, (1) this approval or (2) implementation of this approval. The City shall promptly notify the project applicant of any claim, action or proceeding. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorney's fees.
- b) Within ten (10) calendar days of the filing of any Action as specified in subsection a above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

Final Conditional of Approval

8. Severability.

Ongoing

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

9. Subsequent Conditions or Requirements.

Ongoing

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

10. Compliance Review and Matrix

Within 1 year of implementation of the revised Conditions.

Planning staff shall submit a compliance status report to the Planning Commission one year after implementation of the revised Conditions with the exact date to be agreed upon between the two parties (School and neighborhood).

Ongoing. On October 1 of each year, the project applicant shall submit to the Planning and Zoning Division and the Building Services Division a Conditions/ Mitigation Measures compliance matrix that lists each condition of approval and mitigation measure, including those addressing the summer program, the City agency or division responsible for review, and how/when the project applicant has met or intends to meet the conditions and mitigations. The applicant will sign the Conditions of Approval attached to the approval letter and submit that with the compliance matrix for review and approval.

11. Mitigation Monitoring and Reporting Program.

Ongoing

The following mitigation measures shall be incorporated into the project. The measures are taken from the Mitigated Negative Declaration for the Head Royce Master Plan Project (2006). In addition, the applicant has proposed other measures as part of a Transportation Demand Management Plan. For each measure, this Mitigation Monitoring and Reporting Program (MMRP) indicates the entity (generally, an agency or department within the City of Oakland) that is responsible for carrying out the measure (“**Responsible Implementing Entity**”); the actions necessary to ensure compliance with the applicable measure (“**Monitoring Action(s)**”) and the entity responsible for monitoring this compliance (“**Monitoring Responsibility**”); and the time frame during which monitoring must occur (“**Monitoring Timeframe**”).

TRAFFIC AND CIRCULATION

Impact T1: The increase in enrollment at the completion of the 2006 Master Plan could result in extension of the parking queue (defined as the cars waiting curb-side along Lincoln) during the morning drop-off and the after-school pickup period.

Mitigation T1: The project sponsor shall monitor the morning drop-off and afternoon pick-up queue during the school year as well as during any summer program operations. The procedures and monitoring forms are included in the TDM Plan. The project sponsor shall implement the monitoring procedures by either: 1) retaining a qualified independent traffic consultant to

monitor the extent of the queue along Lincoln Avenue or 2) hire a qualified independent traffic consultant, approved by the Bureau of Planning, to train at least two (2) supervising monitors to implement and supervise the monitoring procedures. Any new supervising monitor must be trained directly by the independent traffic consultant. If the school's drop-off or pick-up queue extends for more than 60 seconds in any single monitoring period (excluding delays due to extenuating circumstances such as a traffic accident) past the school's upper driveway and the red "no parking" zone above the driveway along the north side of Lincoln Avenue and extending into the "Keep Clear" zone, the school shall implement as many of the following actions and continue to implement these actions as would be necessary to accomplish the necessary reduction in the length of the queue:

- Implement staggered morning drop-off and afterschool pickup times.
- Stagger the afterschool bus pick-up times so that the buses are loaded and leave prior to the start of pickup.
- Discourage early arrival for pickup within the Transportation Policy Guide and during an annual back to school traffic presentation.
- Increase public and private bus ridership in addition to those already in effect at the time of the queueing violation.
- If the previous measures do not reduce the queue, work with the City to restrict on-street parking during morning drop-off and afternoon pickup on Lincoln Avenue to allow for a longer queue. The School shall retain a qualified traffic consultant to prepare an analysis of the queue extension for review by the City's Transportation Services and Oakland Police Department Traffic Safety Divisions. The School shall pay any required review fee. The City may decline to restrict on-street parking to allow a longer queue, in which case other measures noted above must be pursued.

Responsible Implementing Entity: Bureau of Planning and Public Works Agency, Traffic Engineering Division

Monitoring Action(s): Monitoring and reporting shall take place for four one-week periods, once at the beginning of each School semester, and once at the beginning of each Summer Program session. After 2017, the number of monitoring sessions and the duration of the monitoring period for each school year shall be determined by the City of Oakland's Transportation Services Division, Oakland Traffic Safety Division and Bureau of Planning based in part of the school's performance in reducing the queue. In accordance with the TDM, either a qualified independent traffic consultant or two (2) trained monitors shall monitor the Lincoln Avenue queues during after-school pick-up (3:00 to 3:45 p.m.) and morning drop-off (7:55 to 8:30 a.m.) by recording observations of the length of the each queue, reporting on the number of vehicles in the queue every 15 minutes, and the maximum number of vehicles in the queue during the daily monitoring period using the form provided as an appendix to the TDM. The monitoring persons shall also note the number of buses in the queue at each monitoring time. The Director of Operations shall prepare a report at the end of every week during each monitoring period based on the information gathered, sign the report, and submit to the Bureau of Planning. In addition to monitoring forms, the School shall also submit video documentation of the queue during the time

Final Conditional of Approval

periods referenced above eight (8) days each year (two days during each of the four (4) monitoring weeks) for a total of sixteen (16) video clips.

If the results of any of the monitoring periods show that the queue of vehicles extends for a period of 60 seconds or more during each monitoring period past the school's upper driveway, the School shall consult with Bureau of Planning, Transportation Services Division, and Oakland Police Department Safety Division and determine which of the above actions shall be implemented in what order to reduce the length of the queue.

Monitoring and reporting shall continue for an additional three (3) weeks following implementation of each of the above actions and shall continue as long as the City deems necessary to show that it has been effective in reducing the length of the queue.

Monitoring and Reporting Responsibility: Head Royce School
Monitoring and Reporting Review: Bureau of Planning

12. School Grades/Enrollment / Verification.

Ongoing

- a) Head Royce School is permitted to operate a K-12 Community Education Facility.
- b) The School is permitted to increase its enrollment to 875 students with this approval. Enrollment may increase by up to 15 students each year The City met with the School in 2010 and agreed to stay enforcement proceedings if the School would come into compliance with its conditions of approval and submit a TDM program. The School hired a traffic consultant in 2011 to look at ways it could implement improvements to drop off and pick up operations and develop a TDM program. The maximum school enrollment at Head Royce School is 906 students. No enrollment fluctuation resulting in enrollment above 906 students is allowed.
- c) The school shall submit the enrollment numbers to the Bureau of Planning no later than October 15th each year.
- d) In accordance with state law, the school shall also submit its enrollment figures to the California Department of Education no later than October 15th of each year.

13. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management.

Ongoing

The project applicant may be required to cover the full costs of independent technical review and other types of peer review, monitoring and inspection, including without limitation, inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

14. Hours of Operations (Academic, Childcare and After School Program).

Ongoing

Head Royce School's hours of operation, which include academic, childcare and afterschool programs, are from 7:00 a.m. to 6:30 p.m. Monday through Friday. Athletic practices, including outdoor practices, may commence at 6:30 a.m. on weekdays. Outdoor athletic practices and games shall end by 7:30 p.m. or sundown, whichever is earlier. Indoor activities involving only School students, faculty, staff and members of the board of trustees such as play rehearsals, standardized testing, band practices, and meetings of student organizations, faculty committees

Final Conditional of Approval

and meetings of the board of trustees are not considered Special Events as defined in Condition 16 and may occur after 6:30 p.m. on weekdays and between 8:00 a.m. and 6:00 p.m. on weekends. No field-wide lighting may be installed on the athletic field.

15. Summer Program Enrollment / Operations.

Ongoing

- a) Summer Program hours are from 7:30 a.m. to 6:00 p.m. over the summer from Monday through Friday only.
- b) Summer Program includes two, three (3) week sessions spanning six weeks, generally beginning the third week in June through the last week in July.
- c) The Summer Program may have evening or weekend Special Events. However, those Special Events will be included in the maximum number of Special Events listed below.
- d) The maximum Summer Program enrollment is 780 children per session. The Director of Operations shall submit the enrollment numbers to the Planning and Zoning Division 2 weeks prior to each session of the Summer Program.
- e) The playing fields or pool shall not be used prior to 9:00 AM.
- f) The School shall operate the Summer Program and shall not lease, partner, or loan the Summer Program to another operator or organization.
- g) Unless otherwise noted, all Conditions of Approval that apply to School operations apply to the Summer Program.

16. Number of Special Events / Days and Hours of Operation.

Ongoing

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

- a) A "Special Event" is defined as a gathering in which visitors (including parents) are invited to the campus in conjunction with a School or Summer Program-sponsored event or activity such as a Back to School night, a performance (play or musical), athletic event, dance, walk-a-thon, guest speaker, school fair, Admissions Open House, promotion or graduation ceremony, associated and carried out by the school (not hosted by an outside group or organization) and for which 50 or more visitor vehicles are expected. If more than one Special Event occurs on a single day, each Special Event shall count as a separate event. Parking rules for Special Events are outlined in Condition 23. A Special Event does NOT include indoor activities involving only School students, faculty, staff and members of the board of trustees such as play rehearsals, standardized testing, band practices, and meetings of student organizations, faculty committees and meetings of the board of trustees. In addition, neighborhood meetings required or requested to be held on campus as a condition of this permit or otherwise by the City are not considered to be Special Events.
- b) The school shall post an annual calendar on its website and provide the website link to the Neighborhood Committee described in Condition 24 at the beginning of the School year listing all Special Events and the anticipated number of visitor vehicles that will be generated for each event. The School is permitted an additional ten (10) total weekday evening events that are not on identified on the annual calendar, provided that the Neighborhood Committee is provided a 30-day notice of such addition and those events shall not take place during weekends or the summer.
- c) During school academic, childcare and afterschool program hours of operation, Mondays through Fridays, the School is permitted an unlimited number of Special Events. However, those events for which 50 or more visitor vehicles are expected must follow Condition 23 procedures for Special Events.

- d) The school shall be permitted a maximum of 85 evening Special Events per school year during the hours of 7:00 p.m. -9:30 p.m. All Special Event participants shall have left the campus and the lot locked by 10:00 p.m. School dances shall end by 10:30 p.m. with all participants leaving by 11:00 p.m.
- e) The school shall be permitted a maximum of 55 Saturday daytime Special Events per school year during the hours of 9:00 a.m. to 6:00 and 10 Saturday evening Special Events per school year during the hours of 6:00 p.m. to 9:30 p.m. The school shall be permitted a maximum of ~~ten (10)~~ eight (8) Sunday Special Events per school year during the hours of 9:00 a.m. - 6:00 p.m. The school shall be permitted a maximum of ten (10) single day summer Special Events during the hours of 9:00 a.m. - 6:00 p.m. ~~and only on weekdays.~~ One summer Special Event may take place on Saturday. There shall be no Sunday summer Special Events.
- f) No events shall be held that have not been published on the school calendar or a 30 day in advance or emailed to immediate neighbors one month in advance. The school is not permitted to rent or loan out any of its facilities.
- g) All Special Events shall be monitored by the School per the Condition of Approval.

17. Total Number of Employees.

Ongoing

- a) The Project Applicant shall submit the total number of employees to the Bureau of Planning no later than October 15th each year.
- b) In accordance with state law, the school shall also submit their employee numbers to the California Department of Education no later than October 15th of each year.

18. Master Plan May Be Required for Student Enrollment Increase or “Future Construction”.

Ongoing

The Project Applicant shall apply for a new or amended Planned Unit Development Permit for any student enrollment increase over 906 students on the Head Royce campus site, including but not limited to any physical expansion of Head Royce School’s operations at 4315 Lincoln Avenue or any other “Future Construction” associated with increasing Head Royce School’s operations. The City may require preparation of a campus-wide Master Plan for any such expansion. Future Construction is defined for purposes of this condition as: new, wholly reconstructed, or relocated school buildings, any expansion of floor area (as defined by Planning Code), new enclosed buildings or portions of buildings (i.e., storage shed, garage, attic on an existing building). For purposes of this condition, future construction does not include features such as unenclosed decks/balconies, stairs, walkways, patios, courtyards, fences, walls and retaining walls, trellises or other landscape features, interior remodeling of an existing building, or repair of existing building features. Any future Master Plan shall address, at a minimum, an adequate on-site pick-up and drop-off area, how the school will accommodate additional student growth, a comprehensive development plan for the entire School, including addressing all on-site parking, events, sports fields (if applicable) and traffic-related and vehicle access issues. The last enrollment and staffing form submitted to the California Department of Education shall be required as part of the application documents.

19. Operational Noise General.

Ongoing

Noise levels from the activity, property, or any mechanical equipment on site or as a result of school operations shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction

measures have been installed and compliance verified by the Planning and Zoning Division and Building Services. No outdoor amplified sound equipment shall be used on the campus without a permit from the City Manager's office. For the purposes of this permit, "amplified sound equipment" includes bull horns, air horns, or loud speakers.

20. Parking Requirement and Shared Parking

At maximum enrollment (906 students), the School shall provide a minimum of 157 off-street parking spaces and in all cases shall, at a minimum, maintain sufficient off-street parking to meet Oakland Planning Code section 17.116.070(C). These spaces may be provided either at 4315 or 4368 Lincoln Avenue, provided that the spaces used at 4368 Lincoln Avenue are not already allocated to the existing use permit governing uses at that site. The School may use surplus parking at 4368 Lincoln Avenue, the Greek Orthodox Church, Cerebral Palsy Center, Mormon Temple or other off-site locations for additional parking, provided that use of these facilities for parking is not in fulfillment of the School's obligation to provide 157 off-street parking spaces at maximum enrollment and are not required or needed for the uses governing those sites.

21. Whittle and Lincoln Avenue Properties.

Ongoing

The properties located at 4200, 4220, ~~and~~ 4180 and 4286 Whittle Avenue and 4233 Lincoln Avenue shall be limited solely to permitted residential uses as defined in the Oakland Planning Code and the School will not merge the lot without obtaining an amendment to the PUD as a Major Change. The school shall maintain the residential character and uses of these houses and ensure that the houses maintain their structural integrity. These properties shall not be used for additional School parking, School staging of materials or equipment, School storage (including storage of maintenance equipment) or school deliveries or student pick-up or drop-off. The gate in the existing fence between 4200 and 4220 Whittle and the School property shall be posted with a No Trespassing sign and locked (with keys provided only to residents of these properties), except a push bar or similar unlatching system may be installed on the School side of the gate only to allow for exit in an emergency.

22. Whittle Gate Access.

Ongoing

Access to the school through Whittle Gate shall be limited as follows: Deliveries to the School shall be directed to Whittle Gate in accordance with Condition 25. The project applicant may provide *pedestrian* card access to the Whittle Gate to students or employees who walk or bike to School and to neighbors who have been given card access keys. The 20 School employees that parked on Clemons Avenue are prohibited from receiving pedestrian access cards for the Whittle Gate. The School may provide up to 22 *vehicle* access cards to faculty, staff or disabled visitors to park in the parking spaces in the School's lower parking lot. Disabled students may be dropped off at Whittle gate. Each year, the School shall deactivate the cards and issue new cards. Monitoring of Whittle Gate shall take place in accordance with Condition 23, below. The number of pedestrian and vehicle passes distributed each year shall be submitted to the Planning and Zoning Division. The School shall install signs identifying the appropriate access points and access restrictions, if any, to the School.

23. Transportation Demand Management.

Ongoing

The applicant shall maintain a TDM plan attached as Exhibit A to these conditions during both the regular school year and during the Summer Program. Among other things, the TDM

implements Conditions 23 a-g as set forth below. The Conditions are the governing and enforceable conditions of approval.

a) Traffic Circulation and Management

The School shall continue to implement policies to ensure that 1) the drop-off and pick-up process is managed effectively and efficiently; 2) to minimize traffic on neighborhood streets; and to 3) encourage safe driving behaviors. These policies include:

- i. Continuation of before and after-school childcare programs to reduce the number of peak vehicles arriving and departing the campus.
- ii. Maintenance of detailed, written instructions of the vehicle pick-up and drop-off process for the purpose of increasing efficiency in the pick-up and drop-off operation. These procedures, which will be incorporated into a Transportation Policy Guide (Guide), shall include, but are not limited to, how to access the vehicle drop-off/pick-up lane from each direction (~~loops~~), a map showing the specific area where vehicle drop-off and pick-up is permitted, rules regarding safe practices for entering and exiting vehicles, and the area that queue cannot exceed. The School shall actively discourage and communicate the dangers of picking-up students on streets other than the designated drop-off area, as part of the Guide, parent meetings, Back to School nights and other means. The Guide shall specifically discourage early arrival for afternoon pickup. The summer program shall follow the Transportation Policy Guide.
- iii. Compliance with Mitigation Measure Mitigation T1 and Condition 11.
- iv. Mormon Temple Staging Area and Alternative: If the Mormon Temple Staging Area becomes unavailable for use during the pick up or drop off process, the School shall promptly institute one of the alternative means of maintaining the queue in compliance with these conditions as set forth in Condition 11. If an off-site staging area continues to be the preferred method to control the queue, the School shall institute that alternative within 30 days of the unavailability of the Mormon Temple in consultation with City staff. Alternative potential staging areas could include the parking lot of the Greek Orthodox Church, the Cerebral Palsy Center and/or the School's property at 4368 Lincoln,
- v. Circulation Assistants: During morning drop-off and afternoon pick-up periods, the project applicant shall assign 5 adults in the morning and 8 adults in the afternoon to assist with the efficient flow of pick-up and drop-off traffic in approximately the locations listed below, subject to refinement per discussion with the City planning staff. The circulation assistants shall be distinct from the traffic safety monitors.

Morning assistants:

1. One circulation assistant at the Lincoln Avenue crosswalk in front of the Gatehouse.
2. One circulation assistant at the bus loading zone on the north side of Lincoln.
3. One circulation assistant at the middle school gate above the bus loading zone on the north side of Lincoln.
4. One circulation assistant for the student drop off area zone on the south side of Lincoln

Final Conditional of Approval

5. One circulation assistant at the top of queue on the north side of Lincoln

Afternoon circulation assistants:

Same as morning with additional circulation assistants as follows:

6. One circulation assistant at the top of the main gate stairs matching parent vehicles to waiting students for pick-up.
7. One circulation assistant at the upper driveway to manage the queue.
8. One circulation assistant at staging area in the Church's overflow parking lot (or alternative)

The school shall have a sufficient number of qualified alternates on campus during every morning and afternoon drop-off time to ensure that the minimum number of traffic personnel is always met. All traffic assistants shall wear colored safety vests. The summer program shall have at least as many circulation assistants as the school year program.

b) Parking management strategies

The School shall implement parking management strategies to ensure that 1) the School minimizes parking in the neighborhood; 2) school-related parking does not disrupt traffic; and provides incentives to reduce single occupancy vehicles.

- i. Through its TDM and Transportation Policy Guide, the School's policy shall be to direct staff, students and visitors to park in the School's 157 off-street spaces, in the lot at 4368 Lincoln Avenue and on Lincoln Avenue above the Gatehouse and direct them not to park on the side streets in the neighborhood.
- ii. The School shall continue to pay for a Residential Permit Parking program on Alida Avenue, Alida Court and Linette Court through the City of Oakland unless the neighbors on these streets withdraw their request to maintain this permit program.
- iii. Staff who contract with the school to carpool shall be given on-site priority spaces relative to non-carpooling staff in order to reduce single occupancy vehicles,
- iv. Students shall be directed by the School to park in off-street parking on campus or on Lincoln Avenue above the Gate house. Students that contract with the school to carpool shall be given on-site priority spaces in order to reduce single occupancy vehicles.
- v. The School shall maintain the required number of parking spaces per Section 17.116.070(C) at all times, including the Summer Program (one (1) space for each three employees plus one space for each 10 high school students of planned capacity.) An increase in employees or high school students could require additional parking spaces to be provided to meet the Planning Code. Required parking may be provided either on the Head Royce campus itself, unless prohibited by other Conditions of Approval, or at 4368 Lincoln Avenue or at other off-street locations. Surplus parking spaces are defined as those spaces above and beyond the requirements of the Planning Code for the permitted use. City staff shall use the School staff and student enrollment information submitted to the State of California Department of Education to determine compliance with parking ratios.

- vi. In its Transportation Policy Guide, the School shall define “single occupancy vehicle” as a vehicle with the one driver and one non-driving student or child.

c) Auto Trip Reduction Program

The School shall discourage single-student and single parent/student driving in the Transportation Policy Guide and implement policies with a goal of reducing single occupant vehicles arriving or departing the School. The Auto Trip Reduction Program shall be included in the TDM and address all four modes of transportation (pedestrian, bicycle, carpooling/vanpooling, and transit), including:

- i. The project applicant shall continue to sponsor and provide private buses (or an equivalent service and capacity as existing conditions).
- ii. The project applicant shall continue to subsidize an AC Transit bus pass to students and faculty as long as AC Transit bus service is available. The project applicant shall assign a transportation coordinator who will provide carpooling and ridematching services to parents who are interested in carpooling.
- iii. The School shall commit to maintain an average of 27% of its school-year student enrollment traveling to school by modes other than single occupancy vehicles (e.g. driving or being driven alone) as long as AC Transit maintains the bus routes that serve the School. However, once the School achieves a maximum student enrollment of 906 students, the School shall commit to maintain an average of 30% of its school-year student enrollment traveling by modes other than single occupancy vehicles. A survey of alternative travel modes shall occur during each of the two independent monitoring periods carried out during the school year pursuant to Condition 23(g) and the counts shall be averaged over the two (2) monitoring periods. However, the School may elect to conduct additional third-party monitoring and the counts shall be averaged overall additional academic year monitoring periods. Alternative travel modes shall include walking, biking, carpooling or taking a bus. If AC Transit chooses to discontinue one or more of the routes that service the School, the average required by this condition will be lowered by the percent of students who used the discontinued transit line. The School and the City will then work together to determine transportation alternatives and a new, appropriate percentage of students that should be traveling to school by means other than single-occupancy vehicles.

d) Special Events

- i. The project applicant shall establish transportation procedures for Special Events to 1) ensure that Special Events are managed efficiently and effectively; and 2) minimize traffic and parking in the neighborhood. The project sponsor shall anticipate the attendance of Special Events and note this on the school’s calendar. At least two weeks prior to a Special Event, the School shall confirm the anticipated number of vehicles and distribute the appropriate parking locations and restrictions to the attendees and Neighborhood Liaison Committee. For all Special Events, the school shall direct visitors not to park on neighborhood streets and instead encourage them to park in off-street lots or on either side of Lincoln Avenue above the gatehouse.

- ii. For single or cumulative Special Events on the same day that will generate between 50 and 150 people, the School shall provide sufficient parking either at the main campus, 4368 Lincoln Ave. or Lincoln Ave. above the gatehouse. For single events or cumulative events on the same day expected to be between 150 and 400 people, the School shall provide sufficient parking on-site, at 4368 Lincoln Avenue, on Lincoln Avenue above the gatehouse, the Mormon Temple, the Greek Orthodox Church and/or Cerebral Palsy Center. For events exceeding 400 people, an off-site alternative, with a shuttle or valet system, is required.
- iii. Traffic Monitors during Special Events: The purpose of traffic monitors during Special Events is to direct cars away from neighborhood streets and into off-street parking or onto Lincoln Avenue above the gatehouse. Single or cumulative events with 50 or fewer visitor vehicles people are not considered Special Events per Condition 16 and do not require a traffic monitor. However, parking signs shall be posted along Lincoln Avenue. Single or cumulative events with 50-150 people shall require one monitor along Lincoln Avenue at the corner of Lincoln and Alida and another monitor at the Whittle Gate. Single or cumulative events between 50 and 200 people shall require four (4) monitors. Monitors will be stationed at the following streets to direct cars to parking provided for the event: Whittle Gate, Lincoln Avenue south of the gate house, Alida Street between Lincoln and Laguna Avenue, and Alida Court. Single or cumulative events over 200 people shall require six (6) monitors, unless an off-site shuttle service is used. In addition to the streets listed above, the monitors will be stationed at the following streets: Tiffin Avenue between Whittle and Lincoln Avenue, and Burlington Street.

The traffic monitors shall wear a colored safety vest, carry digital cameras, and provide adequate information to the school in order to identify the Special Event parking violators and for the school to implement the enforcement policy. Monitors shall be in the neighborhoods 15 minutes prior to any event.

The project applicant shall provide a live hotline number to reach an event manager during Special Events to be used to report violations or complaints. Enforcement of violations of Traffic Safety Rules (see subsection (f) below) observed during Special Events shall be handled in the manner set forth in subsection f below and the TDM.

e) Communication

The project applicant shall establish communication protocols to 1) institutionalize and encourage good neighbor parking and driving behavior; 2) ensure that the School community drives in a safe manner; and 3) ensures the rules are clearly communicated, including:

- i. Traffic Safety Rules: The TDM contains a list of Traffic Safety Rules that are designed specifically to increase safety of the school community and the neighborhood. The TDM also includes a list of "Good Neighbor Rules" designed to decrease impacts to neighbors.
- ii. The project applicant shall continue to maintain a Transportation Policy Guide. The Guide shall include, but not be limited to the following: Vehicle drop-off and pick-up procedures designed to promote an efficient operation; bus loading procedures; Traffic Safety Rules; "Good Neighbor Rules" including blocking driveways, u-turns in

neighbor's driveways; Transit Subsidy Program; Special Event Traffic and Parking Rules; and consequences for violations. If necessary to reflect the updated TDM Plan, the Transportation Policy Guide shall be submitted to Bureau of Planning, Transportation Services Divisions, and OPD-Traffic Safety for review. The project applicant shall distribute the Transportation Policy Guide to each student's parent/guardian. Each student's parent/guardian will need to provide written acknowledgement of receipt of the Policy Guide, and acceptance of its policies as a condition of enrollment. The School shall submit a record of each family's acknowledgement of receipt in a form acceptable to the City if requested. The project applicant shall hold a parent meeting at the beginning of each school year to discuss the traffic and parking. If rules change significantly, as determined by the Director of the Bureau of Planning, after the beginning of the school year, the project applicant shall hold another meeting. A City staff member may attend. The project applicant shall annually review the Transportation Policy Guide and submit the Transportation Policy Guide for review by the Bureau of Planning, Transportation Services Division, and OPD-Traffic Safety staff.

f) Enforcement of Traffic Safety Rules and Event Traffic and Parking

- i. The School shall implement and maintain a system to identify and track persons who violate the School's Traffic Safety Rules as set forth in the TDM. Good Neighbor Rules as set forth in the TDM shall not be considered Traffic Safety Rules subject to enforcement by the Bureau of Planning. Violations of the Vehicle Code are enforced by the Oakland Police Department.
- ii. During the pick-up and drop-off periods: The School shall assign four (4) traffic monitors to implement and monitor the Traffic Safety Rules. The monitors shall be placed at:
 - Whittle Gate,
 - ~~On the westbound loop (e.g. the intersection of Laguna and Alida)~~
 - ~~Two~~ Three traffic monitors for Lincoln Ave between the main entrance and upper driveway.

The traffic safety rule monitors shall wear a safety vest, carry digital cameras, and provide adequate information to the school in order to identify the rule violators and for the school to implement the traffic safety rule enforcement policy. Monitors shall be in the neighborhoods 15 minutes prior to scheduled pick-up and drop-off times.

g) Compliance Reporting

- i. The project applicant shall hire a qualified traffic consultant, (based on at least three recommendations from the Bureau of Planning), approved by the Director of Planning or designee, to monitor compliance with the traffic-related conditions in the Conditions of Approval and the approved TDM. Specifically, the independent monitors shall verify compliance by:
 - Counting the number of traffic assistants and monitors present during drop-off and pick-up periods.
 - Observing the drop-off and pick-up traffic flow and recommending measures to ensure smooth operations to the City.
 - Reviewing the length of the queue and check if it extends above the upper driveway.
 - Collecting the number of violations that have been reported from Head Royce's database and recommending measures to reduce violations.

- Recording parking occupancy in all Head Royce parking lots.
 - Monitoring Whittle Avenue and Alida for School –related parking.
 - Auto Trip Reduction Program and related documents as determined satisfactory by the Director of Planning, to meet the alternative transportation mode percentage.
- ii. The independent monitor (which shall be chosen by the School based on at least three recommendations from the Bureau of Planning), shall monitor the school's compliance with the traffic-related conditions of approval as implemented by the TDM four times per year: once each semester, once during the Summer Program and once during a Special Event involving over 100 cars. The independent traffic consultant shall submit a written report within two weeks of the monitoring summarizing the results of the monitoring session. The reports shall include recommendations to remedy potential infractions of the traffic-related conditions of approval, if appropriate to the Bureau of Planning. Such measures proposed by the independent traffic consultant must be approved by the City of Oakland prior to implementation. The City of Oakland shall have one week to review and approve the submitted measures. Upon City of Oakland approval of enhanced or additional TDM measures, the project applicant shall be given four weeks after the approval to implement the recommended measures.
- iii. The School shall have one semester to cure any traffic-related violations of the conditions of approval. If after invoking enhanced or additional TDM measures the School still does not meet its traffic-related conditions of approval based on the independent monitors reports submitted to the City of Oakland, the Bureau of Planning may refer the matter to the City of Oakland Planning Commission for scheduling of a compliance hearing to determine whether the School's approvals should be revoked, altered, or additional conditions of approval imposed. This could include a permanent reduction in enrollment. The City of Oakland can also impose penalties on a per infraction fee pursuant to the City's Master Fee Schedule based on the observations of city officials, the Oakland Police Department, or the independent monitors. In determining whether reduced enrollment or other remedies are appropriate, the City of Oakland shall consider if the School has demonstrated a good faith effort to comply with the traffic-related conditions of approval. It will be up to the School to provide evidence to the City of Oakland of good faith efforts for review.

24. Neighborhood Liaison Committee /Point of Contact/Complaints.

Ongoing

The School shall invite interested representatives from the surrounding neighborhood streets, including but not limited to, Upper Lincoln, Lower Lincoln, Alida Court and Whittle Avenue neighborhood (Neighborhood Committee) to meet with a representative from the School administration, the Director of Neighborhood Relations (or his or her designee) and a member of the board of trustees, in order to resolve conflicts and maintain communications between the school and the surrounding neighborhoods. The School shall convene the Neighborhood Committee at least twice a year, with one meeting held at the end of the school year prior to the start of the Summer Program. The date/time/location shall be mutually agreed to by the Neighborhood Committee and the School. Invitations to the meeting with a written agenda shall be mailed at least 10 days prior to the scheduled meeting to the Neighborhood Committee, the City Council's office for district 4, the planning director or designee, and all residents immediately abutting and adjacent to the School. The School shall increase the number of

meetings if determined to be necessary by City Bureau of Planning staff. School shall provide notice of these meetings to City staff who may attend.

No later than 30 days after this approval and ongoing

The Project Applicant shall designate a representative, or series of representatives, on site, to act as the primary point(s) of contact and as a complaint manager. The procedures and protocols to track and timely respond and resolve complaints/concerns raised by neighbors, or others relating to the school's operations, including but not limited to traffic, noise, etc. are contained in the TDM Plan. One of the purposes of this condition is to have the project applicant timely respond and resolve complaints prior to involvement by Building Services Code Compliance Division, unless the complaint is related to imminent threats to public health or safety. The School shall provide neighbors with a daytime and evening contact number for the complaint manager. Complaints will be responded to within 48 hours. In addition, the School shall provide neighbors with a 24-hour emergency hotline number for use in the event of an emergency.

25. Deliveries.

Ongoing

All deliveries, except US Mail, Fed-Ex and UPS trucks and a once a year mulch delivery to the playground area, must access the School via the Whittle Gate or the upper parking lot area. Except as noted above, no deliveries are permitted along Lincoln Avenue. Deliveries must be scheduled for 9 a.m. to 5 p.m. on weekdays, except for deliveries to the café which may commence at 7 a.m. on weekdays operation hours only and no overnight parking or idling is permitted. The School shall provide a live daytime and evening contact number for the complaint manager.

26. Emergency Management Plan.

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

The project applicant shall develop an Emergency Management Plan ("EMP"), and submit to Planning and Zoning Division, Transportation Services Division, OPD-Traffic Safety, and the Fire Marshall, for review and consultation. The Applicant shall implement the final EMP. The EMP shall include at least the following components:

a) Fire Protection Bureau Occupancy Review

Ongoing

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

b) Emergency Preparedness Plan

With 6 months and Ongoing

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

c) Fire Department Site Visits

The project applicant shall coordinate with the Oakland Fire Marshal's Office to make periodic unannounced visits to the school (the frequency, timing, and types of visits should be

at the Fire Marshal's discretion based on need for visits and compliance by the school) to verify that adequate emergency vehicle access is being maintained during peak pick-up and drop-off periods. The Fire Marshal should consult with the School to identify modifications to the circulation rules, if emergency access problems are identified.

Applicant and/or Contractor Statement

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission actions on _____ and all previous actions. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant:

(date)

Final Conditional of Approval

EXHIBIT G

Record Number:

Parcel No.:

Street No.:

4368 - 4368

Direction: ?

--Select--

Street Name:

Lincoln

Street
Type:

Ave

Street
Suffix:

--Select--

Search

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4 Record results matching your search results.

Click any of the results below to view more details.

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<input type="checkbox"/>	Record Number	Record Type	Address	Status	Action
<input type="checkbox"/>	FDV21-19912	Fire Vegetation Property	4368 LINCOLN AVE, OAKLAND CA	Non Compliance	
<input type="checkbox"/>	FDV20-19912	Fire Vegetation Property	4368 LINCOLN AVE, OAKLAND CA	In Compliance	
<input type="checkbox"/>	FDV19-22297	Fire Vegetation Property	4368 LINCOLN AVE, OAKLAND CA 94602	In Compliance	
<input type="checkbox"/>	FDV-23386	Fire Vegetation Property	4368 LINCOLN AVE, OAKLAND CA 94602	In Compliance	

Record FDV21-19912:
Fire Vegetation Property
Record Status: Non Compliance

Record Info ▼

Payments ▼

Inspections

Upcoming (1)

06/26/2021 at TBD Scheduled Vegetation Re-inspection (18944652)
Inspector: VMD 3

Actions ▼

Completed (2)

Non-Compliant - 1; Rescheduled - 1

Rescheduled Vegetation Annual (18904620)
Rescheduled by: KH on 06/01/2021 at 12:10 PM

View Details

Non-Compliant Vegetation Annual (18941336)
Inspected by: VMD 3 on 06/08/2021 at 12:00 AM

View Details

Record FDV19-22297:
Fire Vegetation Property
Record Status: Non Compliance

Record Info ▼

Payments ▼

Record Details

Project Description:

029 100900600 - 4368 LINCOLN AVE

Owner:

HEADROYCE SCHOOL

Record FDV19-22297:
Fire Vegetation Property
Record Status: Non Compliance

Record Info Payments

Inspections

Upcoming (0)
07/02/2019 at TBD Scheduled Vegetation Re-inspection (16241711)

Vegetation Annual (16138768, Optional)
4368 LINCOLN AVE
OAKLAND CA 94602

Print

Status Details

Non-Compliant
5/24/2019 12:00 AM
Desired Date: TBD

Record
FDV19-22297
Fire Vegetatic

Last updated
VMD 3
5/24/2019 8:55 AM
View Status History

View Result Comments

Related Inspections

Showing 0-0 of 0

ID	Inspection Name
----	-----------------

No records found.



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Home Building Planning Enforcement Fire

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Record FDV-23757:

Fire Vegetation Property

Record Status: In Compliance

Record Info ▼

Payments ▼

Inspections

Upcoming

You have not added any inspections.

Completed (2)

Compliant - 1; Non-Compliant - 1

Non-Compliant Vegetation Annual (14301188)

Result by: VMD 3 on 08/10/2018 at 12:00 AM

[View Details](#)

Compliant Vegetation Re-inspection (14671953)

Result by: VMD 3 on 09/28/2018 at 12:00 AM

[View Details](#)





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Record FDV-23757:
Fire Vegetation Property
Record Status: In Compliance

Record info

Payment

Vegetation Annual (14301188, Optional)
4315 LINCOLN AVE
OAKLAND CA 94602

Print

Status

Details

Non-Compliant
8/10/2018 12:00 AM
Desired Date: TBD

Record
FDV-23757
Fire Vegetation Property

Last updated
VMD 3
8/10/2018 9:56 AM
View Status History

View Result Comments

Status History

Showing 1-2 of 2

Status	Status Date/Time	Inspector	Update Time	Updated By	R
Non-Compliant	8/10/2018 9:48 AM	VMD 3	8/10/2018 9:56 AM	VMD 3	Et
Scheduled	7/24/2018 12:00 AM	VMD 3	6/9/2018 11:42 AM	KH	

Result Comments

Showing 1-1 of 1

VMD 3 (8/10/2018 9:56 AM)

Inspections

Upcoming

You have not added any inspections.

Completed (2)

Compliant: 1 Non-Compliant: 1

Non-Compliant Vegetation Annual (14301188)
Result by VMD 3 on 08-10-2018 at 12:00 AM

Compliant Vegetation Re-Inspection (145719)
Result by VMD 3 on 08-28-2018 at 12:00 AM





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4368 Lincoln-South Campus

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Record FDV-23386:

Fire Vegetation Property

Record Status: In Compliance

Record Info ▼

Payments ▼

Inspections

Upcoming

You have not added any inspections.

Completed (2)

Compliant - 1; Non-Compliant - 1

Non-Compliant Vegetation Annual (14291208)

Result by: VMD 3 on 08/10/2018 at 12:00 AM

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Compliant Vegetation Re-inspection (14671961)

Result by: VMD 3 on 09/28/2018 at 12:00 AM

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Record FDY-23386:
Fire Vegetation Property
Record Status: In Compliance

Record Info

Payment

Inspections

Upcoming

You have not added any inspections

Completed (2)

Completed: 1 Non-Compliant: 1

Non-Compliant Vegetation Annual (14291208)

Result by VMD 3 on 08/10/2018 at 12:00 AM

Compliant Vegetation Re-inspection (14671)

Result by VMD 3 on 09/28/2018 at 12:00 AM

Vegetation Annual (14291208, Optional)

4368 LINCOLN AVE
OAKLAND CA 94602

[Print](#)

Status

Details

Non-Compliant
8/10/2018 12:00 AM
Desired Date: TBD

Record
FDY-23386
Fire Vegetation Property

Last updated
VMD 3
8/10/2018 10:14 AM
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Status History

Showing 1-2 of 2

Status	Status Date/Time	Inspector	Update Time	Updated By	Relationship
Non-Compliant	8/10/2018 10:11 AM	VMD 3	8/10/2018 10:14 AM	VMD 3	Ec
Scheduled	7/18/2018 12:00 AM	VMD 3	6/8/2018 5:49 AM	KH	

Related Inspections

Showing 0-0 of 0

ID	Inspection Name	Relationship	Status
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Vegetation Annual (14301188, Optional)

4315 LINCOLN AVE
OAKLAND CA 94602

[Print](#)

Status

Non-Compliant
8/10/2018 12:00 AM
Desired Date: TBD

Last updated
VMD 3
8/10/2018 9:56 AM
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Details

Record
FDV-23757
Fire Vegetation Property

Status History

Showing 1-2 of 2

Status	Status Date/Time	Inspector	Update Time	Updated By	Result Comments
Non-Compliant	8/10/2018 9:48 AM	VMD 3	8/10/2018 9:56 AM	VMD 3	Edgar Molina Perez
Scheduled	7/24/2018 12:00 AM	VMD 3	6/9/2018 11:42 AM	KH	

Result Comments

Showing 1-1 of 1

VMD 3 (8/10/2018 9:56 AM)
Edgar Molina Perez

Related Inspections

Showing 0-0 of 0



GRASSROOTS
COMMUNITY
ADVOCATES

June 5, 2019

Re: Head-Royce Proposed Master Plan

Dear Head-Royce School Trustees, and Alumni Council Members:

Please accept our thanks to Crystal Land and Peter Smith for the informative meeting Head-Royce School (HRS) hosted for the community on May 7, 2019. It provided neighbors the opportunity to again be counted among supporters of education in Oakland, whether public or private.

The NSC last wrote to your Board of Trustees in March 2019. In response, HRS posted Myths vs. Facts on the school's website. [Please find attached the NSC response to this posting with additional comments.](#)

When NSC expressed concern because HRS had not submitted any expert studies to the City with its Master Plan application, we explained to the HRS Trustees that developers provide the City with these studies because they demonstrate that during the planning of the project, experts were involved and that potential negative impacts were considered and/or mitigated.

Since we expressed this concern about the lack of expert studies, HRS has vacillated about why no geotechnical, hydrology, arborist, traffic engineer, or acoustics studies accompanied its Master Plan application filed with the city in December 2018. HRS has vaguely claimed that experts were involved and worked on the plan or, HRS contends that the City's Environmental Impact Report (EIR) will do all the studies and then the neighbors will see the studies during a limited 45-day comment period.

An EIR will not replace the work that should have been done by experts *while* HRS designed the master plan. An EIR evaluates the project as designed only for environmental impacts, not for design of operational impacts affecting students, parents, and neighbors, or for impacts on homeowners and renters entitled to the peaceful enjoyment of their residences. Therefore, the idea that an EIR is a substitute for expert studies *during the formation of a plan* is not credible.

HRS now has a plan with easily discernable negative impacts on the neighborhood and the school community, which NSC previously described in its last correspondence to you. HRS apparently still has no traffic engineering study that supports its guesstimates concerning its traffic design. Neighbors are also somewhat incredulous that HRS seems to assume that eight-foot sound walls a few feet from house property lines and vegetation will stop noise from the perimeter road.

These planning failures are a poor reflection on the board and on HRS. It appears the board chose to leave the project to two attorney trustees, rather than taking an active part in mitigating the plan's obvious impacts. Listed by HRS on its website is a trustee who might have been helpful, but she is not even in California. Rachel Flynn was the City of Oakland Planning Director some years ago and at that time, pointed out to neighbors and HRS that the school was "overwhelming the public infrastructure around the school." She later left the city, joined the HRS board, took a job out of Oakland, and currently works in a city administration office for Fairfax, Virginia. It is not credible that she is an active, hands-on board member. How many more members are not attending regular board meetings, asking the critical questions, and taking control, rather than leaving everything to Mr. Verges and Mr. Smith?

The HRS board also appears to be in constant growth mode without any obvious connection to educating children in the typical small-sized private school setting. Just since 2006, HRS has gone from 700 students to acquiring a permit for 906 students. HRS has not even obtained the permit for the 1,250 students, and appears already working on your next expansion by continuing to accumulate real estate bordering the school. Two months ago, your board bought another house on Whittle. That pattern is consistent with "land-banking" to eventually replace housing with school and non-school operational uses such as an entertainment venue.

Despite consistent communication about how important HRS considers safety for children, the board does not appear to adequately fund or require safety measures as a priority. HRS agrees with the neighbors that there is an erosion problem on the hillside above the North Campus parking lot and that all of the eucalyptus trees need to be removed as they are a fire hazard. Yet, the board apparently is unwilling to fund immediately stabilizing the hillside above the parking lot, removing all eucalyptus trees, and staffing adequate landscape services for vegetation management.

Sincerely,

Karen Carona

On behalf of NSC

cc: Rebecca Lind
Bill Gilchrist
Oakland City Council
Oakland Mayor
Planning Commission
City Administrator

SETTING THE RECORD STRAIGHT ABOUT MISREPRESENTATIONS 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.

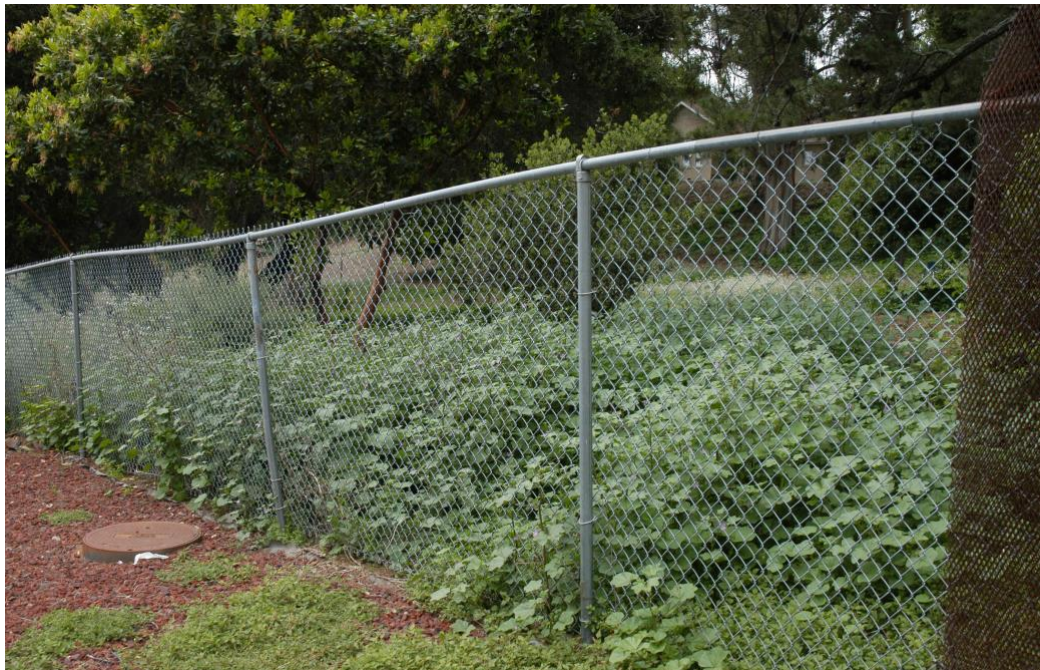
Thus, history shows that if HRS is granted another enrollment increase, the school will again violate the use permit and over-enroll as soon as possible. HRS has shown its objective to continuously expand its footprint, abandoning its reputation and roots as a small, elite private school. HRS suggests 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.