



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