



## **Head Royce School Planned Unit Development Permit (PUD) Project**

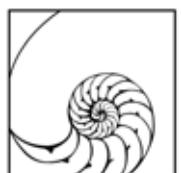
### **Response to Comments / Final Environmental Impact Report**

SCH #2019029032

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City of Oakland

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# Table of Contents

## Head Royce School Planned Unit Development (PUD) Project Response to Comments / Final EIR

<u>Chapter</u>	<u>Page</u>
<b>1: Introduction</b>	
CEQA Process .....	1-1
Response to Comments / Final EIR .....	1-2
<b>2: Proposed Changes to the Project</b>	
Design Changes .....	2-1
Operational Changes.....	2-7
Other Minor Changes or Clarifications .....	2-8
<b>3: Master Responses to Frequent Comments on the Draft EIR</b>	
Neighborhood Impacts and Quality of Life Concerns .....	3-2
Wildfire Hazards.....	3-3
Conflicts with an Adopted Evacuation Plan .....	3-7
Vehicle Miles Traveled (VMT) .....	3-13
Traffic Congestion .....	3-17
Noise Impacts .....	3-21
Loop Road Design, Impacts and Intended Operations .....	3-39
No Community Use of the Performing Arts Center .....	3-44
<b>4: Responses to Individual Comment-</b>	
Introduction .....	4-1
Responses to Public Agency Comments .....	4-6
Responses to Groups and Organizations .....	4-16
Responses to Individuals .....	4-86
Letters in Support .....	4-323
<b>5: Responses to Comments during Public Hearings on the Draft EIR</b>	
Landmark Preservation Advisory Board, 12/12/21 .....	5-1
Oakland Planning Commission, 12/15/21 .....	5-7

## List of Tables

<u>Table Number</u>	<u>Page</u>
3-1     Summary of Short-Term Noise Measurement Data .....	3-23
3-2     Summary of Long-Term Noise Measurement Data .....	3-27

## List of Figures

<u>Figure Number</u>		<u>Page</u>
2-1	Relationship between Loop Road Alignment and Adjacent Ability Now Property .....	2-2
2-2	Proposed Historic Rehabilitation at Building 2 (as originally proposed, and as changed without ADA ramp) .....	2-4
3-1	March 2020 Noise Monitoring Locations .....	3-25
3-2	Short-Term and Long-Term Noise Monitoring Results .....	3-26

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# Introduction

This Final Environmental Impact Report (EIR) has been prepared by the City of Oakland (City) as Lead Agency, pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. This EIR presents the environmental analysis of the proposed Head-Royce School Planned Unit Development Project (Project) to the public for review, and for agency decision-makers to use in their consideration of the Project. This chapter summarizes the CEQA process for the Project, explains the CEQA context for this Final EIR and new information provided herein, and describes the organization of this document.

## CEQA Process

### Notice of Preparation

The City published a Notice of Preparation (NOP) on February 1, 2019, pursuant to State CEQA Guidelines Section 15082 (Notice of Preparation and Determination of Scope of EIR). The NOP indicated that an EIR would be prepared for the Project, and invited comments on the scope of the Draft EIR. The public scoping period for the Draft EIR ended on March 11, 2019. Public scoping sessions were conducted by the Oakland Planning Commission on February 20, 2019, and the Oakland Landmarks Preservation Advisory Board (LPAB) on March 11, 2019. The NOP was sent to responsible agencies, neighboring cities, interested organizations and individuals, properties in the Project vicinity, and to the State Clearinghouse.

### Notice and Public Review of the Draft EIR

The City issued a Notice of Availability (NOA)/Notice of Public Hearing of the Draft EIR on November 5, 2021, announcing the availability of the Draft EIR for public review and comment. The NOA noticed a 45-day public review and comment period on the Draft EIR, ending December 20, 2021.

During the public review and comment period on the Draft EIR, the City held a public meeting on the Draft EIR before the Oakland Landmarks Preservation Advisory Board (LPAB) on December 13, 2021, and a public hearing at the Oakland City Planning Commission on December 15, 2021. In accordance with the revised Emergency Order No. 3 of the City of Oakland that was adopted due to the outbreak of COVID-19, the meetings before the Landmarks Preservation Advisory Board and the Planning Commission were conducted online, rather than in person. Consistent with Alameda County's Shelter in Place Orders and guidance from the Governor's Office of Planning and Research, the Draft EIR was made available in digital form.

The City encouraged agencies and interested parties to submit written comments on the Draft EIR electronically to the following address: [cbrown@oaklandca.gov](mailto:cbrown@oaklandca.gov). Written comments could also be submitted to the City of Oakland Bureau of Planning by mail. The City received some letters by U.S. mail, but in most cases, the commenters submitted their correspondence electronically.

By the end of the comment period, the City received written comments from 287 commenters. Of those 287 comment letters, 57 letters included comments on the adequacy and/or accuracy of the Draft EIR, and 230 letters expressed support for the Project and the EIR conclusions. The list of commenters that addressed topics related to the adequacy and/or accuracy is provided in Chapter 3, List of Commenters, of this Final EIR.

## Response to Comments / Final EIR

The City has prepared written responses to comments received during the public review and comment period for the Draft EIR. These comments and the Response to Comments are provided in Chapters 3 and 4 of this Final EIR. Chapter 3 provides “Master Responses” that respond collectively to comments received from many commenters. Chapter 4 provides all written comments (submitted by email, via the electronic comment tracker, by mail, or by hand), together with individual responses to comments not addressed in Chapter 3. No comments that were not also addressed in written form were received at the meeting of the Landmarks Preservation Advisory Board or at the hearing conducted by the Oakland City Planning Commission. All comments submitted at these public hearings are included in the individual responses to those comments in Chapter 4.

In addition to providing the comments and responses to comments on the Draft EIR, this document includes two other substantive chapters. Head-Royce School has proposed several modifications to its original Planned Unit Development (PUD) permit application, and the environmental effects of those changes are addressed in Chapter 2, Analysis of Project Changes. Other necessary updates, modifications and clarifications to the text and exhibits in the Draft EIR are found in Chapter 5, City-Initiated Updates and Errata to the Draft EIR. The Draft EIR, together with the comments, responses to comments, and other information included in this Response to Comments document constitutes the Final EIR, consistent with State CEQA Guidelines Section 15132, Contents of Final Environmental Impact Report. Due to the large volume of text contained in the Draft EIR and its appendices, this Response to Comments/Final EIR does not contain the full text of the Draft EIR, which remains available in a separate volume and is included here by reference.

The Draft EIR, this Response to Comments/Final EIR, and all supporting technical documents under City of Oakland Case PLN18532, and PLN18532-ER-01, and all of the documents submitted to or relied on by the City in preparation of the Draft EIR and Final EIR (i.e., Record of Proceedings), can be found at:

<https://cao-94612.s3.amazonaws.com/documents/Head-Royce-School>

### Intended Use of the Final EIR

The City of Oakland, as Lead Agency, will make the decision whether to certify the Final EIR in accordance with Section 15090 of the State CEQA Guidelines. Before the City may consider approval of the proposed Project, it must independently review and consider the information contained in the Final EIR. This includes certifying that the Final EIR adequately discloses the environmental effects of the Project, that the Final EIR has been completed in conformance with CEQA, and that the decision-making body of the Lead Agency has independently reviewed and considered the information contained in the Final EIR. Certification of the Final EIR would indicate the City’s determination that the Final EIR adequately evaluated the environmental impacts that could be associated with the Head Royce School Planned Unit Development (PUD) Project.

If certified, the Final EIR would be used by the City to inform its decisions to modify, approve, or deny approval of the proposed Project based on the analysis in the document and in accordance with the findings required by CEQA Guidelines Section 15091 (Findings) and 15093 (Statement of Overriding Considerations). Pursuant to State CEQA Guidelines Section 15126 (Consideration and Discussion of Environmental Impacts), the City would then use this Final EIR as the primary environmental document to evaluate all subsequent planning and permitting actions associated with the Project. These subsequent actions may include

- adoption of a Mitigation Monitoring and Reporting Program (MMRP)
- approval of a Preliminary Development Plan (Master Plan) pursuant to a Conditional Use Permit, or a revision to the currently applicable Planned Unit Development permit
- Design Review approval of Final Development Plans (as subsequently proposed by the applicant)
- Tentative Tract or Parcel Map (if required), and

- several subsequent permits as generally listed in Chapter 3, Project Description of the Draft EIR

Other Responsible Agencies would use the certified EIR to support their decisions via CEQA Guidelines Section 15096 (Process for a Responsible Agency).

### **Mitigation Monitoring and Reporting Program**

Public Resources Code Section 21081.6 and State CEQA Guidelines Section 15097 (Mitigation Monitoring or Reporting) require public agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of specified environmental findings related to and EIR (also mitigated negative declarations). Accordingly, as Lead Agency, the City has prepared an SCA/MMRP for the proposed Head Royce School Planned Unit Development (PUD) Project. The SCA/MMRP is included as an Appendix to this document.

The intent of the SCA/MMRP is to track and successfully implement the Standard Conditions of Approval (SCAs) and mitigation measures identified within the Final EIR and adopted as part of the Project to avoid or mitigate significant effects on the environment. The SCA/MMRP is designed to ensure compliance with the SCAs and mitigation measures during and after Project implementation. If the City decides to approve the Project, it would adopt the SCA/MMRP at the time of Project approval and would be responsible for conducting the monitoring included in the SCA/MMRP for the life of the Project.

### **New Information in the Final EIR**

Responses to comments received on the Draft EIR focus on comments that pertain to the adequacy of the analysis in the Draft EIR or to other aspects pertinent to the potential effects of the Project on the environment pursuant to CEQA. Comments that address topics beyond the purview of the EIR or CEQA are noted as such for the public record. Where comments have triggered changes to text or exhibits in the Draft EIR, these changes are consolidated in Chapter 5, City-Initiated Updates and Errata to the Draft EIR.

If “significant new information” is added to an EIR after a notice of public review of the Draft EIR document has been given (in this case, November 5, 2021, for the Draft EIR), but before final certification of the EIR, the Lead Agency must issue a new notice and recirculate the Draft EIR for further comment and consultation. State CEQA Guidelines Section 15088.5, Recirculation of an EIR Prior to Certification, specifies the following:

“Significant new information” requiring recirculation includes, for example, a disclosure showing that:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it; or
4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded”

None of the changes to the Draft EIR identified in this document meets any of the above conditions. Therefore, recirculation of any part of this Final EIR not required. The information presented in the Draft EIR and this document support this determination by the City.

### **Organization of this Final EIR**

Following this Chapter 1, Introduction, this Response to Comments / Final EIR is organized as described below:

Chapter 2, Proposed Changes to the Project – This chapter includes a brief summary of the Project sponsor’s proposed changes to the Project, and provides a brief analysis of whether those proposed changes may result in a new or substantially more severe environmental effect beyond that as disclosed in the Draft EIR.

Chapter 3, Master Responses – This chapter presents “Master Responses” to address the topics raised most often by the public in the comments received on the Draft EIR.

Chapter 4, Responses to Individual Comments – This chapter includes copies of the written comments received by mail or email during the public review and comment period on the Draft EIR. Specific responses to the individual comments in each correspondence are provided following each letter.

Chapter 5, Responses to Comments during Public Hearings on the Draft EIR – This chapter includes summaries of oral comments made at the Oakland Landmarks Preservation Advisory Board’s public meeting on the Draft EIR held on December 12, 2021, and summaries of oral comments made at the Oakland Planning Commission hearing on the Draft EIR held on December 15, 2021. Responses to all comments from the public, LPAB members and Planning Commissioners, is provided.

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# Proposed Changes to the Project

Following publication of the Draft EIR but prior to publication of this Final EIR, Head-Royce School has proposed certain modifications to their proposed Project Description. None of the information in this chapter is considered “significant new information” as defined in State CEQA Guidelines Section 15088.5 and requiring recirculation of any part of this Final EIR (as described in Chapter 1, Introduction). Although none of the proposed changes to the Project substantially changes any of the significance conclusions of the Draft EIR, the City has decided that these changes warrant disclosure to the public and City decision-makers for informational purposes related to the Project.

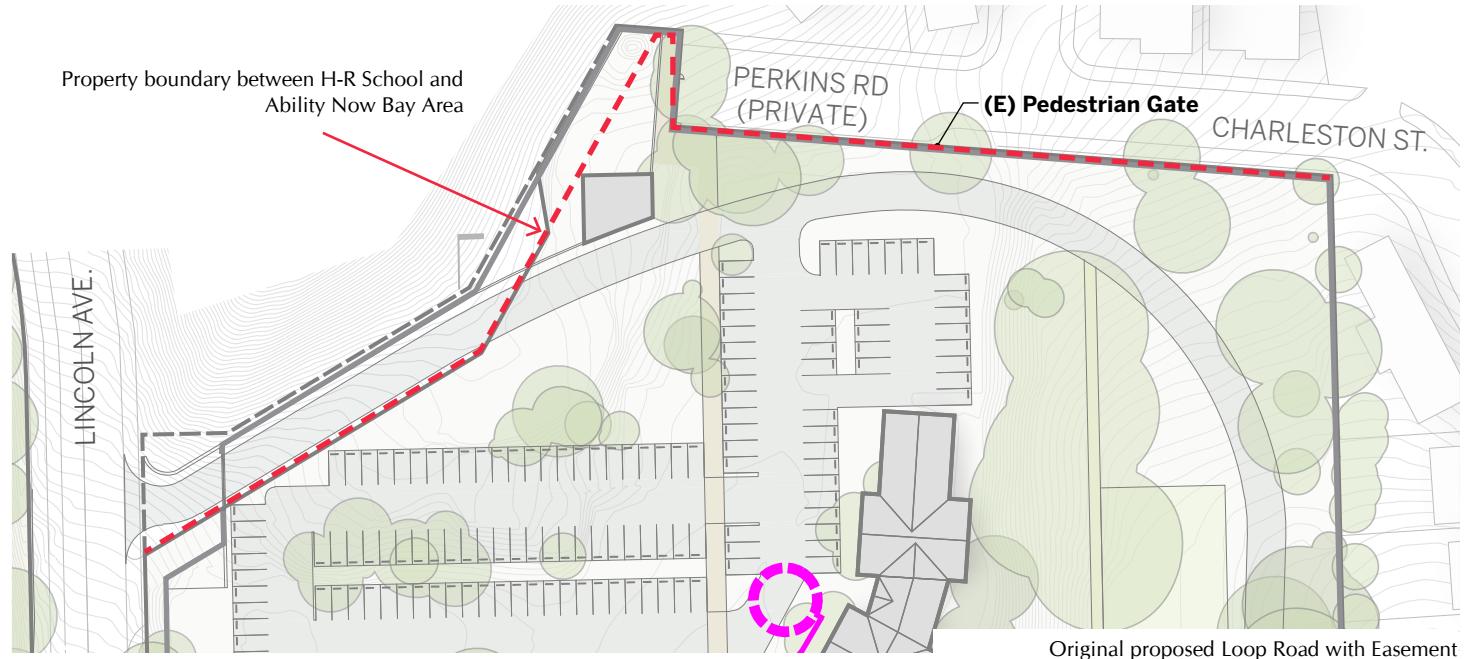
## Design Changes

### **Project Site (without Ability Now easement) and Loop Road Alignment**

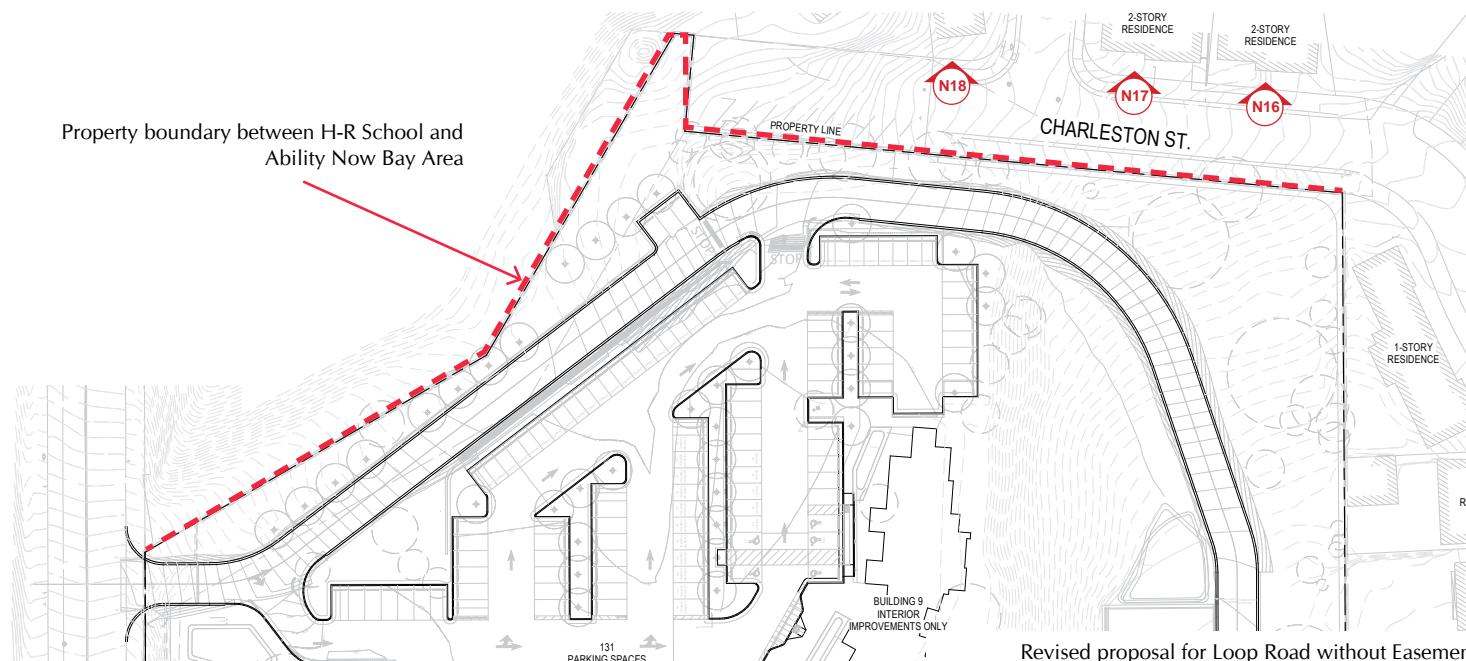
The original Project included a portion of a separate property at 4500 Lincoln Avenue (Assessor’s Parcel # 29-1009-10-5). This separate property is owned by a different entity (the non-profit Ability Now Bay Area). Head-Royce currently has a lease agreement with Ability Now Bay Area for non-exclusive use of an existing playfield on this separate property, and the School’s current use of this property is subject to prior conditions of approval pursuant to a 2018 amendment to the Head-Royce PUD permit. No change to this current condition for use of the playfield was proposed under the original Project, nor is any change to this condition now proposed. The original Project had also proposed/anticipated obtaining an easement from Ability Now Bay Area for use of a 15-foot wide strip of land on the Ability Now property along the eastern (uphill) boundary of the proposed South Campus. This proposed/anticipated easement was intended to accommodate a portion of the proposed Loop Road.

The School is no longer pursuing this easement from Ability Now Bay Area, and the Project site no longer includes a proposed easement on the 15-foot strip of land on the west side of the Ability Now Bay Area property that abuts the proposed South Campus. Without use of this easement, the alignment of the upper portion of the proposed Loop Road has shifted to the west (downhill), and the currently designed entrance to the Loop Road is about 30 feet further downhill on Lincoln Avenue than was assumed under the original Project. The Loop Road entrance has a longer right-angle dimension at its intersection with Lincoln, and the arc of the original Loop Road design has been straightened so that its alignment is fully within the former Lincoln property (see **Figure 2-1**). With this re-design, the Loop Road generally retains its original length, at approximately 1,610 linear feet from entrance to exit.

The re-designed Loop Road results in a slight decrease to the limits of grading for the Project, marginally reducing cut slope excavation (the anticipated 15-foot easement was located on a sloped portion of the Ability Now hillside), and eliminating the need for a retaining wall on the Ability Now property. It will not result in any changes in the number of trees to be removed, as no tree removal was originally contemplated on the Ability Now property. These changes would marginally reduce grading impacts as identified in the Draft EIR, but would not result in any new significant or more severe impacts not addressed in the Draft EIR and thus does not necessitate recirculation of any portions of the Draft EIR.



Original proposed Loop Road with Easement



Revised proposal for Loop Road without Easement

**Figure 1**  
Loop Road Alignment with and without Easement on Adjacent Ability Now Property

Source: Head-Royce School, PUD Permit Application 2019 vs 2022

### Parking

The re-designed Loop Road alignment does encroach into the area previously contemplated for the upper parking lot, resulting in a reduction in available parking spaces.

The original Project proposed to retain and redesign the 129 paved parking spaces that currently exist on the former Lincoln property and to add 25 new on-site parking spaces, for a net of 154 total parking spaces on the proposed South Campus. The redesigned Loop Road alignment encroaches into the parking area and reduces the available space for additional new parking. Accordingly, the current design results in a net addition of 9 new parking spaces, for 138 total parking spaces on the proposed South Campus (a decrease of 16 parking spaces as compared to the original design of the Project). The existing (North) Campus has 154 parking spaces and no change to these parking spaces was, or is currently proposed. Similar to the original Project, if the School's parking demand exceeds the total parking supply at full enrollment, the School proposes to either add 52 stacked parking spaces to the North Campus, or further reduce the parking demand.

Parking is not a CEQA topic. The reduced supply of parking as part of the School's proposed changes to the Project neither reduces a potentially significant impact, nor does it result in any new significant or more severe impacts not addressed in the Draft EIR, and thus does not necessitate recirculation of any portions of the Draft EIR.

### **Historic Buildings**

Pursuant to the Project, three of the existing buildings on the proposed South Campus are to be rehabilitated and reused for on-going School purposes. These three buildings are the 1929 to 1935-era buildings designed and constructed by W.G. Corlett and Reed & Corlett. They include Building 0 (the Junior Alliance Hall, originally constructed in 1935 as an auditorium and gymnasium with administrative offices), Building 1 (the Mary A. Crocker Cottage, originally constructed in 1929-1930 as a dormitory for children), and Building 2 (the Grace L. Trevor Cottage, also originally constructed in 1929-1930 as a dormitory for children). Building 0 is to be used for collaborative meeting space for small groups, as well as larger assembly space for between 55 to 125 people. Office space for administrative use will also be provided. A small kitchen may be included for catering and food service. Buildings 1 and 2 would be used for classroom and administrative functions. Rehabilitation efforts would chiefly involve interior upgrades and renovations, but will also involve installing new exterior features and modifying others to meet modern life/safety requirements and/or the School's programmatic needs and design preferences. Elevations depicting the proposed exterior renovations of Buildings 0, 1 and 2 were shown on Figure 3-8, 3-9 and 3-10 of the Draft EIR, and were evaluated for consistency with Secretary of Interior Standards for historic buildings in the Cultural Resources chapter of the Draft EIR.

Based on comments received during review of the Draft EIR and the School's own design studies, Head-Royce School proposes certain changes to their exterior designs for renovation of Building 0 and Building 2. Specifically, many of the historical steel sash windows on Building 0 have been determined to be salvageable and the School now proposes to include restoration of as many steel sash windows on Building 0 as possible. The School also now proposes removal of the ADA ramps at Building 2 (see **Figure 2-2**).



Building 2 West Elevation, per Draft EIR



Building 2 West Elevation, per Chnages to the Project (Final EIR)

**Figure 2**  
**Building 2, Proposed Changes to West (Primary) Elevation**

Source: Skidmore, Owings and Merrill, 1/21/2022

### Building 0 Windows

The Draft EIR's analysis relied on a Historic Resource Analysis prepared by Page & Turnbull (Appendix 7B). In that Historic Resource Analysis of the original Project, Page & Turnbull found that replacement of some steel sash windows on secondary façades of Building 0 with double-glazed steel sash windows would not affect the ability of Building 0 to convey its historic character, and would not result in a significant adverse effect under CEQA. The majority of the building's character-defining features, including the large original steel sash windows facing Lincoln Avenue would be retained, and the proposed replacement windows would match the existing windows in lite configuration and profile.

While not necessary to mitigate a significant impact, Page & Turnbull agrees that the proposed changes to the Project to retain and repair those existing historic windows whose condition allows such rehabilitation, is consistent with best practices in historic preservation, and would not result in a new CEQA impact on historic resources.

### Building 2 ADA Ramp

In their Historic Resource Analysis of the original Project, Page & Turnbull also found that the ADA-compliant ramps planned for the west façades of Building 1 and Building 2 would be simple, stucco-clad structures finished to match the existing buildings' surface color and texture. Each ramp would be set to the side of each building's central entry staircase, thus preserving the original entry sequence. The original Project's ramp designs were found to not have a negative effect on the buildings' ability to convey their historic significance, were appropriately sited and designed to be compatible with the continuing educational uses of the buildings, and would not result in a significant adverse effect under CEQA.

While not necessary to mitigate a significant impact, Page & Turnbull agrees that the proposed changes to the Project to remove the ADA-compliant ramp from the westerly facade of Building 2, and to instead retain the existing porch and stairs, is consistent with best practices in historic preservation and would not result in a new CEQA impact on historic resources.

### Conclusions

These changes to the Project's intended rehabilitation designs for Building 0 and Building 2 would further reduce the less than significant impacts on historic resources as identified in the Draft EIR, would not result in any new or more severe significant impacts not addressed in the Draft EIR, and do not necessitate recirculation of any portions of the Draft EIR.

### **Storm Drain System**

The Draft EIR Project Description described a preliminary Stormwater Management Plan (SWMP) that included both site landscaping and building design elements intended to promote infiltration and attenuation of stormwater runoff. The SWMP provided for stormwater drainage to be day-lighted wherever possible in a non-piped stormwater management approach, managed to mimic natural patterns of flow within the watershed, avoid pipes and armored conveyances, encourage infiltration of stormwater, and utilize ecological methods to create a diversity of vegetation types and landscape functions. It also included a potential element to capture rainwater from within the building footprints for reuse. This potential reuse strategy was anticipated to capture rainwater runoff from the Performing Arts Center and Link Pavilion Building, store this rainwater in above ground cisterns and below ground tanks, and potentially integrate this rainwater into a "greywater" system for landscaping and toilet flushing.

The School has re-evaluated their preliminary SWMP, and no longer intends to capture and reuse stormwater on-site for toilets or landscaping. Instead, all stormwater will either infiltrate within the Project area or be routed to the on-site drainage system, and treated for stormwater quality in on-site bio-retention basins

prior to release into the surrounding storm drain system (existing storm drain mains in Lincoln Avenue to the north, and to an existing drainage way to the south).

The Hydrology chapter of the Draft EIR included an analysis of the Project and its proposed SWMP, including analyses of this systems ability to convey and treat anticipated stormwater flows. This analysis presented in the Draft EIR concluded; that:

- The Project would result in a decrease in total impervious surface of the site as compared to pre-Project conditions. Table 11-1 of the Draft EIR shows that 10-year peak flows from the site (at 13.27 cubic feet per second [cfs]), will be the same or less than existing pre-Project levels at all points of discharge, thereby not substantially altering the existing drainage pattern of the site or contributing to increased risk of flooding in downstream receiving waters. This conclusion was not dependent on (did not include) any on-site reuse of rainwater for landscape irrigation or toilet flushing.
- The Draft EIR also included a peer-review of the proposed preliminary SWMP, concluding that the post-construction stormwater treatment facilities provided for pursuant to the Project were in general conformance with Alameda County Clean Water Program, Provision C.3 of the MRP, and thus also consistent with SCA Hydro-4: NPDES C.3 Stormwater Requirements for Regulated Projects. These requirements will reduce water quality impacts to downstream receiving water. The post-construction stormwater treatment facility design was not dependent on (did not include) any assumptions for on-site reuse of rainwater for landscape irrigation or toilet flushing.
- Since the Project does not increase the total impervious surface over pre-Project conditions, it was the opinion of the EIR peer-review consultant that the Project was not subject to Hydromodification Management Measures (i.e., on-site stormwater retention).

The hydrology analyses presented in the Draft EIR were not dependent on, and did not account for any on-site reuse of stormwater flows. Therefore, the School's decision to reconsider on-site reuse of certain portions of rainwater for landscape irrigation or toilet flushing does not materially affect these analyses or the EIR conclusions. The hydrology and water quality impacts of the Project were already fully addressed in the Draft EIR and were not predicated on any on-site reuse of rainwater, so no changes to that analysis are necessary. On-site reuse of rainwater is not necessary to reduce or avoid any potentially significant impacts identified in the Draft EIR, and is not necessary to comply with applicable regulatory requirements (i.e., is not required pursuant to Alameda County Clean Water Program, Provision C.3 of the MRP, or with NPDES C.3 Stormwater Requirements for Regulated Projects). The School's reconsideration of on-site reuse of rainwater does not result in a new significant impacts or a more severe impact that was not addressed in the Draft EIR and recirculation of any portions of the Draft EIR is not warranted or necessary.

### **Loading Dock at the PAC**

The Draft EIR Project Description included a description of the Performing Arts Center building that would include a loading dock at the southwest portion of this new building. The loading dock was anticipated to accept deliveries, potentially once per day between the hours of 9:00 a.m. and 5:00 p.m., on Monday through Saturday. Trucks used for deliveries were assumed as no greater than 26 feet in length, whereas pickup trucks will likely be more commonly used. The Noise Chapter of the Draft EIR evaluated the noise impacts attributed to the loading dock, including noise associated with truck engines, back-up alarms, roll-up doors and unloading activities. It was the EIR acoustic consultant's professional opinion (based on measured noise levels at similar types of loading docks) that the loading dock may generate a noise level of about 75 dBA Leq at a distance of 50 feet, and maximum noise levels would be about 14 dBA higher (or 89 dBA Lmax). Based on modeling results, noise levels generated by loading dock activities at the nearest sensitive receptor (receptor R4 on Linnet Avenue) during the "worst-hour" condition would not exceed the City's daytime residential standards, and the noise impacts attributed to loading dock activities were found be less than significant.

Since publication of the Draft EIR, the School has reconsidered the need for this loading dock at the Performing Arts Center, and has decided to remove the loading dock as a design element of the PAC. Instead, any deliveries that need to be made to the PAC will occur in the lower drop-off area between the Loop Road and Building 2. The PAC is intended to provide practice, performance and classroom space for the School's theater, dance and music groups, and to hold assemblies, concerts, meetings and host speakers. The School expects delivery needs for these School uses to be light, and accommodated without the need for a loading dock.

The distance from the originally proposed loading dock to the nearest sensitive receptor (which was R-4 at Linnet Avenue) was approximately 95 feet. The distance from the now-proposed delivery location at the lower School drop-off area to the nearest sensitive receptor (R-3 on Alida Court) is now approximately 105 feet. If the source noise was the same, the slightly closer receptor R-3 would likely experience similar, and perhaps slightly elevated noise as the noise levels modeled in the Draft EIR for receptor R-4. However, the delivery location at the School drop-off site would not require delivery trucks to use back-up alarms and would not have loading dock roll-up doors. Therefore, the noise source at the drop-off location would not be as loud as a loading dock, the source noise level would be lower, and the noise impacts at Receptor R-3 would be less than was modeled for loading dock noise at receptor R-4 (i.e., less than significant).

As a good neighbor measure, the School should still implement applicable best management practices for this delivery location. These practices should include prohibiting unnecessary idling of delivery vehicles, and avoid noise generating events such as slamming of truck gates and intentional dropping of materials. Furthermore, although not required to address a significant noise impact, the Project proposes to construct a 6-foot high wall along the property line separating the Loop Road from adjacent residences. Assuming the 6-foot height of the wall is relative to the ground elevation of the delivery location, the wall would be anticipated to provide 5 to 6 dBA of additional noise reduction to the adjacent shielded residences, further reducing noise impacts. This change in the Project description would shift the location of the most affected sensitive receptor from R-4 receptor to the R-3 receptor, but would not result in any new significant or more severe impacts not addressed in the Draft EIR and thus does not necessitate recirculation of any portions of the Draft EIR.

## **Operational Changes**

### **Mini-Loop at the Loop Road**

The original Project anticipated use of just a portion of the Loop Road, from the entrance at Lincoln Avenue to the upper parking lot (Lot A) as a small (or mini) loop circulation plan. The School anticipated restricting vehicular access to the "mini-loop" only during off-peak hours. This "mini-loop" was located in the northeastern-most corner of the site, away from the school's closest residential neighbors to the south and west. During off-peak hours, visitors to the South Campus would enter via the Loop Road entrance, could drive only as far as the upper parking lot, and would exit back out on the Loop Road entrance, working as a two-way street during off-peak hours. The mini-loop was intended to enhance Campus security and to minimize the number of vehicles circulating the full Loop Road at off hours. To prevent any parents from short-circuiting the perimeter Loop Road during peak hours (i.e., using the mini-loop when it was not intended), retractable barriers were to be erected to limit vehicles to using only the full perimeter of the Loop Road during peak times.

The School has reconsidered the potential operational difficulties of operating and enforcing the one-way Loop Road as a two-way mini-loop street during select hours of the day, and no longer proposes to implement the mini-loop concept. Instead, off-peak trips and any services requiring access the South Campus will use the full one-way Loop Road to exit back out onto Lincoln.

The mini-loop would not have required any additional construction other than construction of the Loop Road, and removal of the mini-loop idea does not involve any more or less construction. The mini-loop's redirection of traffic back out onto Lincoln at the Loop Road entry would only have applied during off-peak hours, and would have shortened off-peak trips by only about 1,000 feet. The number of off-peak vehicle trips that would have used the mini-loop would have been minor, and requiring that these off-peak trips use the full Loop Road would not create any new or substantially more severe air quality or noise affects along the Loop Road than were previously disclosed in the Draft EIR. This change in the Project would neither reduce and/or avoid any potentially significant impacts, nor would it result in new significant impacts not addressed in the Draft EIR, and accordingly does not necessitate recirculation of any portions of the Draft EIR.

### **Sustainable Buildings**

The Draft EIR Project Description indicated that the School intended to pursue LEED Gold certification for the renovation of existing Buildings 0, 1 and 2, and to meet LEED Gold certification or equivalent for new construction of the Performing Arts Center and Link Pavilion. The School now intended to use LEED Gold as a benchmark for the design process, but LEED certification will not be pursued. All elements of the Project will comply with CALGreen Standards. The only portions of the Draft EIR that referenced LEED certification were the GHG Chapter in the ECAP Consistency Checklist (Table 9-1) and the Energy section of the Utilities and Services Chapter.

The only requirement for meeting the ECAP Consistency Checklist criteria relative to energy demands of new buildings is to comply with the City of Oakland Green Building Ordinance (Chapter 18.02 of the Oakland Municipal Code). Irrespective of LEED certification, all elements of the Project are designed to meet the requirements of the City's Green Building Ordinance. The Energy section of the Utilities and Services Chapter references required compliance with City of Oakland SCA Utilities-2, which requires that the Project comply with applicable requirements of the California Green Building Standards (CALGreen) as related to energy use (i.e., Title 24 standards). The Project will meet these required standards.

Whether or not the Project achieves LEED Gold as a benchmark for the building design process, or meets LEED Gold certification or equivalent, the Project would still comply with the City of Oakland's ECAP Consistency Checklist and would still comply with CALGreen building standards. This issue was fully addressed in the Draft EIR and no changes to those analyses are necessary. This topic does not necessitate recirculation of any portions of the Draft EIR.

### **Other Minor Changes or Clarifications**

#### **Public Use of the Performing Arts Center**

As fully described in the Project Description of the Draft EIR, the function of the proposed Performing Arts Center building (the PAC) is to provide for the School's theater, dance and music groups with practice, performance and classroom space, and to hold assemblies, concerts, meetings and host speakers. The Project Description includes no reference to potential public or community use of this building, and Head-Royce School is not proposing that the PAC be used for public or community use. During the EIR Scoping Meeting held before the City Planning Commission in February of 2019, members of the Planning Commission expressed interest in having the School consider making this building available to the community for special public or private, non-school events, believing that providing a venue for such events would be a community benefit that the School could offer. Head-Royce School made no commitment at this meeting to make the building available to the public. Further discussions between City staff and the School made it clear that the School would not pursue or consider this option, due to strong neighborhood objections. Staff found no CEQA basis for considering this option in the Draft EIR. Community use of the PAC would not lessen or avoid any environmental effects, is not an objective of the Project sponsor, and has no means of implementation

without support (or potential support) from the School. Accordingly, analysis of this option was dropped from the Draft EIR.

The Project applicant has now requested that the City no longer pursue any further exploration of public use of the PAC. The Draft EIR does not reference community use of the PAC building, nor is such use proposed as part of the Project. The potential impacts attributed to the School's use of the PAC were fully addressed in the Draft EIR and were not predicated on any public use of this building. Public use of this building is not necessary to reduce or avoid any potentially significant impacts identified in the Draft EIR, and the School's request that public use of this building no longer be pursued does not result in a new significant impacts or a more severe impact that was not addressed in the Draft EIR. Recirculation of any portions of the Draft EIR on this topic is not warranted or necessary.

### **Pedestrian Crossings at Lincoln**

The Draft EIR Project Description identified two options for providing pedestrian connections between the existing and proposed South Campus. The first option is to construct a pedestrian tunnel under Lincoln Avenue to connect the existing Campus to the proposed South Campus. The second option is to use only at-grade crossings of Lincoln Avenue for all pedestrian connections between the existing and proposed South Campuses. Even if the pedestrian tunnel is approved, the Project does not propose to construct this tunnel until Phase 3 of construction, and no timeframe for this Phase of construction is specified. The at-grade crossings will be permanent, but the extent to which these at-grade crossings are used will be substantially lessened with construction of the pedestrian tunnel.

As described in the Draft Project Description (page 3-33), "the furthest uphill existing traffic signal that is located at the entrance to the Head-Royce athletic field parking lot and the Ability Now Bay Area parcel will be retained and upgraded to coordinate with the two downhill traffic signals". Additionally, "at-grade pedestrian crossings across Lincoln Avenue would be provided at the uphill and downhill traffic signals controlling the proposed South Campus' Loop Road vehicular ingress and egress access points" (page 3-34).

Although the Draft EIR identifies two proposed pedestrian crossings between the North and proposed South Campuses (one crossing at upper Loop Road entrance traffic signal on Lincoln, and one crossing at the lower Loop Road exit traffic signal on Lincoln), the original PUD permit application only identified one pedestrian crossing at the lower Loop Road exit. The Project applicant has requested that this change be clarified as part of the Final EIR. The School's clarification as to these pedestrian crossings does not result in a new significant impacts or a more severe impact that was not addressed in the Draft EIR and recirculation of any portions of the Draft EIR is not warranted or necessary.

### **Neighbor Access**

Pursuant to the original Project Description, the School had anticipated providing access to the proposed South Campus available to neighbors through key-card access. For security purposes, the provision of neighbor access to the South Campus through issuance of key cards is no longer anticipated. This change in the Project has no environmental consequences and does not necessitate recirculation of any portions of the Draft EIR.

### **Storage Shed**

In addition to the PAC and the Link Pavilion, a third new building is proposed on the South Campus. This third building is an approximately 1,500 square-foot, 14-foot tall building to be used for storage and maintenance. This storage and maintenance building is to be located on the easterly (uphill) side of the Loop Road near the Ability Now property and Charleston Street. This building was fully considered in the impact analysis of the Project as presented throughout the Draft EIR, but was not specifically noted as being included in any one of Project phases. To clarify, the storage and maintenance shed identified in the Project Description is to be

included as part of Phase II of the project, constructed concurrently with construction of the Loop Road. This component of the Project was already fully addressed in the Draft EIR, and no changes are necessary.

### **North Campus Improvements**

At the existing (North) campus, the Mary E. Wilson Auditorium (known as the MEW) is used to host assemblies, performances and special events, but was originally constructed and used as a gymnasium. As indicated in the Draft EIR Project Description, construction of the new Performing Arts Center as part of the Project will enable the existing Mary E. Wilson Auditorium to return to its original use as a gymnasium only. The Performing Arts Center is not proposed to be constructed until Phase III of the Project, and until the Performing Art Center is constructed, the Mary E. Wilson Auditorium will continue to host the School's assemblies, performances and special events.

At one time, Head-Royce School contemplated raising the roof on the existing MEW building by five feet, which would enable the height of this building to meet applicable standards for high school volleyball use. However, this idea has been found by the School to be economically infeasible. This idea was referenced in the Project's application materials, but was not included in the Project Description of the Draft EIR and was not evaluated in the EIR. This proposed change in the School's original PUD permit application does not change the EIR, as this concept was not carried forward in the EIR.

### **Building 9**

Building 9 (the Champlin House) is one-story building constructed in 1999 as a residence hall. The Project proposes renovation and reuse of Building 9 for classroom and administrative use, with no significant changes to the exterior. Originally, the School was considering an option of converting the interior of Building 9 into 5 apartment units that would provide temporary housing for newly hired faculty or staff. The School is no longer interested in pursuing this option for temporary housing, and intends to use Building 9 for classroom and administrative uses only, consistent with the use as analyzed in the Draft EIR.

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## Master Responses to Frequent Comments on the Draft EIR

This Chapter of the Head-Royce School Final EIR contains master responses to many of the comments that were frequently raised in numerous letters and public comments received by the City on the Draft EIR. These frequently raised issues include:

- Concerns that the Project would substantially affect the surrounding community and the quality of life of its neighbors;
- Concerns about wildfire hazards, whether the Project is appropriately sited given existing wildfire hazards, and the adequacy of the Draft EIR's analysis of wildfire hazards under CEQA;
- Concerns about evacuation plans for the Oakland Hills, whether the Project would significantly affect the ability of the surrounding neighborhood to evacuate the area in the event of a catastrophic wildfire or other major hazardous event, and the adequacy of the Draft EIR analysis of evacuation impacts under CEQA;
- Disagreement with the Draft EIR's methodology, analysis and conclusions regarding vehicle miles traveled (VMT);
- Concern that the Project will exacerbate existing traffic congestion on Lincoln Avenue, Highway 13 and other local neighborhood roads, and questioning why the Draft EIR does not include an in-depth analysis of local traffic congestion problems and how the Project's proposed increase in enrollment will bring additional traffic to the area;
- Skepticism over the Draft EIR's analysis of noise impacts on surrounding neighbors, including questions as to whether the data used to estimate the Project's potential noise impacts was accurate and reliable, and whether the technical analysis was developed by qualified technical experts; and
- Objections to a perception that Head-Royce School proposes to make the Performing Arts Center (PAC) building available for special events by the community, or make the building available for rent for other public or private events.

Each of the Master Responses that follow addresses these concerns and comments. These concerns are addressed in the context of how this information was presented in the Draft EIR, whether the information presented in the Draft EIR adequately addresses the topic, and whether these comments may raise new information that may require additional analysis, recirculation and further public disclosure. These Master Responses address whether the comments raise the potential for new significant impacts of the Project not adequately analyzed in the Draft EIR, or whether these comments raise the potential for a substantial increase in the severity of an environmental impact as analyzed in the Draft EIR. These Master Responses also address the potential need for further mitigation measures to reduce impact to a less than significant level. Finally, these Master Responses consider whether feasible alternatives or mitigation measures are identified that are substantially different from those presented in the Draft EIR, and that would clearly lessen the

environmental impacts of the Project, or if the Draft EIR was so fundamentally inadequate and conclusory that meaningful public review and comment was precluded.

## **Neighborhood Impacts and Quality of Life Concerns**

### **General Nature of Public Comments**

Numerous comments on the Draft EIR express anger at the Draft EIR's analysis and conclusions, suggesting that it is "preposterous", "ridiculous" or "outrageous" that the Draft EIR concludes that the Project would not significantly affect the environment of the surrounding community, and this community's quality of life.

### **CEQA versus Project Merits**

The Project will result in new noise sources that will be noticeable to surrounding neighbors. These new noise sources include temporary construction activities that will disturb adjacent neighbors. Ongoing operation of the Project will add students and school-related activities that will be heard by its neighbors. These operational noise sources include a new internal roadway near adjacent homes, which is not desired by many of the adjacent residents. The Project will add new sources of light seen by neighbors, will increase traffic to and from Head-Royce School, and will result in other effects that many of the neighbors find objectionable. It is clear from the numerous comments submitted to the City on the Draft EIR that many of the neighbors and others find the prospect of these changes to this neighborhood, irrespective of applicable CEQA thresholds, to be unacceptable, and are opposed to the Project. In consideration of the relative merits of the Project, City decision-makers will need to consider the relevant City of Oakland criteria for Planned Unit Developments per section 17.140.080 of the Oakland Planning Code, including:

- whether the location, design, size and proposed uses of the Project are consistent with the Oakland General Plan;
- whether the Project's location, design and size are such that the Project can be well integrated with its surroundings, and in the case of a departure in character from surrounding uses, that the location and design will adequately reduce the impact of the development;
- whether the Project's location, design, size and uses are such that traffic generated by the development can be accommodated safely and without substantially adding congestion on major streets, and will avoid traversing other local streets (see also Master Response to Comments on Traffic Congestion);
- whether the Project's location, design, size and uses can be accommodated and adequately served by existing public facilities and services;
- whether the Project will result in an attractive, healthful, efficient and stable environment; and
- whether the Project will be well integrated into its setting, will not require excessive earth moving or destroy desirable natural features, will not be visually obtrusive, will harmonize with surrounding areas and facilities, will not substantially harm major views for surrounding residents, and will provide sufficient buffering in the form of spatial separation, vegetation, topographic features or other devices.

Determination on each of these considerations will be subject to the discretion of City decision-makers, who must take into account all of the relevant information pertaining to these issues, including the perceptions and opinions of the Project's neighbors and the public.

This EIR has been prepared pursuant to the California Environmental Quality Act (CEQA) and the City of Oakland CEQA guidelines, standards and thresholds. Its purpose is to assist City decision-makers in their

determinations on the Project, and will be considered by City decision-makers in their review of the Project. The City's CEQA thresholds are intended to help clarify and standardize the City's CEQA analysis and the environmental review process, and the City has relied on these established CEQA thresholds (as amended over time to reflect changes in CEQA Guidelines) for all projects in the City since at least 2002. These thresholds include objective quantifiable and measurable threshold levels, or qualitatively defined standards, that define whether an impact of a project does or does not exceed a significant impact as defined under CEQA. Because these CEQA thresholds are standardized for all project in all locations of the City, they may or may not reflect the perceptions or opinions of interested members of the public. This does not mean that the perceptions and opinions of the public relative to the proposed Project are not relevant or important in the City's decision-making process. City decision-makers can consider all relevant information when considering the merits of the Project.

Pursuant to CEQA Guidelines Section 15090, prior to consideration of Project approvals, the City's decision-makers (acting as lead agency) must certify that the EIR has been completed in compliance with CEQA. The City's decision-makers must review and consider the information contained in the EIR, and conclude that the EIR reflects the City's independent judgement and analysis. If these findings required for certification of the EIR cannot be made, no action can be taken on the proposed Project.

## **Master Response - Wildfire Hazards**

### **General Nature of Public Comments**

Numerous comments on the Draft EIR focus on the location of the Project in a Very High Fire Hazard Severity Zone (VHFHSZ), and the risk to persons and property from potential wildfires in the area. Many of these comments disagree with the analysis of wildfire hazards presented in the Draft EIR, and suggest that the City should not consider approval of the School's proposed increase in student enrollment because of the present risk of wildfire hazards. The majority of these comments disagree with the Draft EIR's conclusion that the potential for the Project to exacerbate wildfire hazards would be reduced to less than significant levels with implementation of the Vegetation Management Plan as recommended in the Draft EIR.

### **Information Presented in the Draft EIR**

#### Existing Setting

The Setting section of the Wildfire chapter of the Draft EIR clearly identifies that the Project site is located in a VHFHSZ as identified by the City of Oakland and CalFire, and that the site is also located in an area identified as being within a Wildland Urban Interface zone (DEIR pages 16-1 through 16-4). The Draft EIR also presents fire hazard factors that are specific to the Project site including localized weather conditions that can result in extreme fire danger and high ignition potential, hazardous vegetation and fuel loads, and older buildings constructed well before current Fire Code requirements (DEIR pages 16-5 and 16-5).

Contrary to numerous inaccurate public comments, the Draft EIR does not treat the threat of fire danger to Head-Royce School as "...very unlikely..." These comments have taken the text of a separate Evacuation Planning Recommendations report out of context. The Evacuation Planning Recommendations report has two instances of the use of the term "unlikely". The first instance is the statement that, "*While a worst-case scenario is somewhat unlikely, it is important for Head-Royce to consider any catastrophic situation that could severely endanger their students*". The second instance is a recommendation that Head-Royce strongly consider the parking lot near Farmer Joe's and CVS Pharmacy near Interstate 580 as an evacuation destination because, "*it is unlikely (but not improbable) that a wildfire would reach this [i.e., the Farmer Joe's and CVS Pharmacy] destination*." Neither the Draft EIR nor any of its technical appendices suggest that the threat of fire danger to Head-Royce School is unlikely or very unlikely.

The Regulatory Setting section of the Wildfire chapter of the Draft EIR provides an overview of the regulatory framework pertaining to wildfire protection applicable to the Project. This framework includes the California Fire Code requirements for Wildland-Urban Interface Fire Areas, the identification of Fire Hazard Severity Zones, and requirements for wildfire protection as part of new building construction, hazardous vegetation and fuel management, and defensible space. This section also identifies City of Oakland Fire Code requirements that apply to areas designated as VHFHSZs, including required preparation of Vegetation Management Plans. These regulations do not prohibit new construction or increases in population (students or other) in VHFHSZs, but do require measures that serve to reduce fire hazards at individual properties.

### Project Impacts

As is clarified throughout the Draft EIR, CEQA draws a distinction between consideration of the environment's effects on a project, and consideration of a project's impacts on the existing environment. CEQA is limited in its review of a project's impacts on the existing environment. The Draft EIR does not identify that the Project would have any significant effect on existing fire hazards in the area, and public comments on the Draft EIR do not identify any reasons that the Project or its activities would have a reasonable possibility of significantly increasing the risk of fire hazards in the area. Although the existing fire hazards to the School are clearly identified in the Draft EIR, the risk that existing wildfire hazards may affect the Project is not a CEQA threshold, and is not identified as such in the Draft EIR. There is no information or evidence to suggest that the Project would significantly increase the risk of fire hazards in the area. This specific topic is not a new significant impact of the Project that was not adequately analyzed in the Draft EIR.

It is proper under CEQA to evaluate whether a project might exacerbate the potential effects of existing environmental hazards. This may include impacts that might arise because a project brings development and people into an area affected by an existing environmental hazard, or if a project were to increase the risk of fire hazards substantially, by failing to comply with regulatory measures for fire hazard reduction. This is the nature of Impact Fire-1, which identifies that, "The Project would exacerbate current exposure of people and structures to a significant risk of loss, injury or death involving wildland fires by adding School buildings and increasing school enrollment at a school located within a VHFHSZ" (DEIR page 16-17). This impact was fully addressed in the Draft EIR, and public comments on the Draft EIR do not provide any evidence that there would be a substantial increase in the severity of this environmental impact as compared to the severity as identified in the Draft EIR. The Draft EIR clearly indicates that the Project site is located in, "one of the highest risk areas in the country for devastating wildland urban interface fires".

### Mitigation Measures

As is specifically identified in the California Fire Code and the City of Oakland Fire Code requirements that apply to areas designated as VHFHSZs, these Codes require preparation of a Vegetation Management Plan to reduce the potential for a project to exacerbate the risks of wildland fires. The Draft EIR (pursuant to SCA Fire-1: Designated Very High Fire Severity Zone – Vegetation Management) provides a Vegetation Management Plan developed to provide an enhanced level of wildfire safety at the Head-Royce School (including the proposed South Campus). The Vegetation Management Plan addresses both management of wildlands and on-site landscaping, because the biggest perceived threat to the School may be the wildlands, but the vegetation nearest the structures may be the biggest risk. A summary of the Vegetation Management Plan's recommendations is presented in the Draft EIR, and the full Vegetation Management Plan is provided in Appendix 16 of the Draft EIR.

To address the potential that the Project might exacerbate current exposure of people and structures to a significant risk of loss, injury or death involving wildland fires, the Draft EIR's recommended Vegetation Management Plan:

- identifies how to incorporate fire-safe plants and vegetation as a way to reduce fire risk to structures;

- specifies vegetation treatments within differing Fuel Management Zones on the Project site as required to create sufficient defensible space; and
- lists a sequence of scheduled vegetation management practices to be implemented during construction and on-going throughout the life of the Project, to reduce fuel loads and fire hazards

These components of the Vegetation Management Plan as recommended in the Draft EIR satisfy the requirements of the California Fire Code, the City of Oakland Fire Code, and City of Oakland Standard Conditions of Approval for projects located within the designated VHFHSZ. Furthermore (pursuant to SCA Fire-3), the Project is required to comply with all other applicable federal, state and local laws and code requirements, including but not limited to those imposed by the City's Bureau of Building and the Fire Marshal, for fire protection and life safety systems, fire service features, and materials and construction methods for fire-safe structures.

### **Considerations for Recirculation or EIR Inadequacy**

#### Existing Wildfire Risks vs. Exacerbation of Wildfire Risks

Consistent with CEQA, the Draft EIR does not consider the existing wildfire hazards present in the area to be an impact of the Project. Public comments on the Draft EIR suggesting that existing wildfire hazards are an impact of the Project are contrary to CEQA and supporting case law (i.e., Bay Area Air Quality, *supra*, 62 194\*194 Cal. 4th at p. 388, and Clews Land & Livestock, LLC v. City of San Diego (2017) 19 Cal. App. 5th 161, 193-194). While not an impact of the Project, the Draft EIR certainly does not suggest that the risk of wildfire hazard that is present at the site and in the surrounding area is less than significant, but rather highlights the significance of the risk that is present.

Consistent with CEQA and supporting case law, the Draft EIR does evaluate whether the Project might exacerbate existing wildfire hazards by bringing development and people into an area of existing wildfire risk. No public comments on the Draft EIR suggest that the Draft EIR did not identify this potential impact such that it represents a new impact not discussed in the Draft EIR, or that this impact is substantially greater than as described in the Draft EIR.

#### Vegetation Management as Reasonable and Feasible Mitigation

The Draft EIR does not suggest that implementation of the Project's Vegetation Management Plan and other codes and regulations as identified in the Draft EIR would reduce or materially lessen the existing risk of wildfire in the area. Rather, the Draft EIR concludes that implementation of the Project's Vegetation Management Plan and compliance with other codes and regulations pertaining to fire-safe development would substantially reduce the potential for the Project to exacerbate these existing hazardous conditions, such that the Project would not increase fire hazards. Specifically, exacerbated fire risk will be substantially mitigated through implementation of the Project-specific Vegetation Management Plan designed to minimize the potential for ignitions, crown fires and extreme fire behavior at the Project site, and by reducing and maintaining fuel loads and altering the structure, composition and spacing of on-site vegetation. None of the public comments on the Draft EIR presents any evidence to the contrary.

Numerous comments on the Draft have suggested that Head-Royce School "cannot be trusted" to implement the Vegetation Management Plan, based on its history of non-compliance with other fire-safe regulations (including regular annual fire inspections) of the Oakland Fire Department. Head-Royce School has posted the results of their annual fire inspections for the years 2020 and 2021 on the School's website.<sup>1</sup>

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<sup>1</sup> Accessed at: <https://www.headroyce.org/community/neighbors/fire-prevention>

- The School has nine separate properties that were inspected by the Oakland Fire Department in the summer of 2020 (4233 Lincoln Avenue, 4465 Lincoln, 4315 Lincoln, 4368 Lincoln, 4180 Whittle Avenue, 4200 Whittle, 4220 Whittle, 4282 Whittle, and 4286 Whittle). At seven of those properties, the Oakland Fire Department determined those properties to be Compliant at the time of inspection, and that additional corrective measures were taken at two of those properties before they were identified as “Compliant”.
- Those same seven properties were inspected by the Oakland Fire Department in the summer of 2021. At five of those properties, the Oakland Fire Department determined those properties to be Compliant at the time of inspection, and that additional corrective measures were taken at four of those properties before they were identified as “Compliant”.

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

#### Expert Analysis

The analysis of wildfire impacts as presented in the Draft EIR is supported by analysis prepared by the Principal of Wildland Res. Mgt., an expert in the field of wildfire hazard analysis and in the preparation of vegetation management plans. This professional expert analysis and the recommended Vegetation Management Plan were accurately summarized in the text of the Draft EIR, and presented in whole as an Appendix, which was made available to the public for review and comment.

#### Comments on the Merits of the Project

As explained above, consideration of existing environmental hazards (such as the risk of wildfire), especially those risks that are not changed or exacerbated by the Project, are not considered CEQA impacts of the Project. That CEQA consideration does not preclude City decision-makers from considering, based on substantial evidence, whether the Project is appropriate at the location proposed.

Neither the California Fire Code nor the City of Oakland Fire Code currently have any requirements that would fully preclude new development or increased population (including increases student population) in an area identified as a VHFHS. As noted in the Draft EIR, most wildfire-related plans and policies across the state address California’s response to emergency situations by developing new or updated recommendations related to wildfire preparedness, and by creating greater defensible space. However, when considering the relative merits of the Project, the City can consider whether it is prudent to increase the number of people, especially student populations, in an area of high wildfire risk.

As noted in the Draft EIR, the Project, plus all other existing development, and all potential future development projects within the Oakland/Berkeley Hills, contributes to a cumulative increased (or exacerbated) risk of hazards from wildland fires. This cumulative risk is potentially greatest in areas that are isolated from, or that have difficult access for emergency services, and/or lack emergency evacuation routes (see discussion of Emergency Evacuation, below). In that context, the following information specific to the Project site is presented:

- The Project site is located within two well-established Oakland Hill’s neighborhoods of Lincoln Highlands and Oakmore and is not in an isolated area.
- The proposed South Campus is immediately adjacent to the existing Head-Royce School and is a site that was previously developed and that housed a former institutional land use. The Project is also located adjacent or nearby to other large institutional uses (i.e., the Mormon Temple, the Greek

Orthodox Church and the Ability Now property immediately adjacent to the proposed South Campus.

- The Project site is bisected by Lincoln Avenue, an important throughway to and from the Oakland Hills, which provides a direct evacuation route in the event of a catastrophic wildfire event.

These existing Oakland Hill's neighborhoods, existing nearby institutional uses and the existing Head-Royce School are all subject to relatively the same elevated risk of wildfire events.

To the extent that City decision-makers may consider options for limiting or preclude new development and/or redevelopment (such as the Project) within Oakland's VHFHS Zones, the Project site does not appear to have the physical or geographic characteristics that would make it a priority location for establishing such a new building moratorium based on fire risk. However, the Project does present a very important concern pertaining to increasing the number of children that would be present within an area of very high fire hazard risk, and the Draft EIR does present sufficient information for City decision-makers to evaluate that risk when weighing the relative merits of the proposed Project.

## **Conflicts with an Adopted Evacuation Plan**

### **General Nature of Public Comments**

Numerous comments on the Draft EIR speak to the concern of whether there is adequate capability to evacuate the Oakland Hills in the event of a catastrophic wildfire or other extreme environmental hazard, and suggest that the Project would significantly add to an already dangerous evacuation scenario. Other comments suggest that the recommendations of the Draft EIR's Evacuation Planning Recommendations report highlight existing deficiencies in the School's evacuation preparedness plans to such an extent that the School should not be allowed to increase its enrollment. Other comments suggest that the recommendations included in the Evacuation Planning Recommendations report are not adequate to address the evacuation needs of the area. The majority of these comments disagree with the Draft EIR's conclusion that the Project's potential to exacerbate an already congested evacuation route would be reduced to less than significant levels with implementation of the recommendations (i.e., the pedestrian evacuation strategy) as presented in the Draft EIR.

### **Information Presented in the Draft EIR**

#### Existing Setting

The Setting section of the Wildfire chapter of the Draft EIR clearly identifies that current research on California wildfires has found that wildfires can spread more quickly than previously expected, may overwhelm officials and communication systems, and can over-stress an evacuation process. The Draft EIR also recognizes that with a high Diablo wind event and favorable fire conditions, a wildfire that begins in the Oakland Hills could reach Head-Royce within 15 to 30 minutes, making the need for an effective evacuation process for the School paramount.

The Regulatory Setting section of the Wildfire chapter of the Draft EIR indicates that many cities in California and across the United States do not have a public-facing evacuation plan. As of October 2020, the City of Oakland does not have a publicly facing evacuation plan for the Oakland Hills, despite recognition in multiple documents (including the Oakland 2016-2021 Local Hazard Mitigation Plan and the Oakland Safety Plan) for the need to improve evacuation procedures. The Association of Bay Area Governments' 2010 Local Hazard Mitigation Plan, and specifically its Annex for Oakland, does identify several mitigation strategies that should be taken by Oakland Unified School District to prepare for a major disaster. The City's Local Hazard Mitigation Plan encourages development of plans for evacuation or sheltering in place of schoolchildren during periods

of high fire danger, specifically recognizing that overloading of streets near schools by parents attempting to pick-up their children during these periods can restrict access by fire personnel and equipment.

### Project Impacts

Per CEQA Guidelines Appendix G, the CEQA threshold pertaining to emergency evacuation is whether the project would, “impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan”. This is the threshold applied in the Draft EIR. As concluded in the Draft EIR, the City of Oakland does not have a publicly facing evacuation plan for the Oakland Hills and there are no specified public emergency evacuation routes to be followed. The only emergency evacuation plan strategy that was identified is the City’s Local Hazard Mitigation Plan. This Plan encourages preparation of plans for evacuation or sheltering in place of schoolchildren during periods of high fire danger, specifically recognizing that overloading of streets near schools by parents attempting to pick-up their children during these periods can restrict access by fire personnel and equipment. As such, the Project does not conflict with or interfere with any such plans. No public comments on the Draft EIR provide any information or evidence to suggest that such an evacuation plan does exist, or that the Project would interfere with evacuation planning. This topic is not a new significant impact of the Project that was not adequately analyzed in the Draft EIR.

### **Considerations for Recirculation or EIR Inadequacy**

#### Exacerbation of Evacuation Congestion

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

As is clearly identified throughout the Draft EIR, the Project would increase student enrollment by 344 additional students over the currently allowed enrollment of 906, to a maximum enrollment up to 1,250 students. To support increased enrollment, the School projects an increase of 17 additional faculty and staff, bringing the Schools faculty and staff to 189 total employees. Thus, the Project represents an increase of 361 new people into the area, and those new people would potentially compete for the same limited evacuation routes to escape a wildfire hazard.

To put this increase of people into context, the following provides a quick comparison of current populations that would likely compete for availability of limited roadway capacity on Lincoln Avenue in the event of such an emergency:

- The Woodminster and Crestmont neighborhoods (Census Tract 4080) have a total population of 2,630 people. Assuming that Highway 13 may not provide an evacuation route under an extreme fire scenario, evacuation from these neighborhoods would likely be split between Lincoln Avenue (perhaps 50%) and Park Boulevard (perhaps 50%), with a total of 1,315 people using Lincoln;
- The Joaquin Miller and Piedmont Pines neighborhoods (Census Tract 4046) have a total population of 4,451 people. Similarly assuming that Highway 13 may not provide an evacuation route under an extreme scenario, evacuation from these neighborhoods would likely be split between Lincoln Avenue (perhaps 50%) and Redwood Road/35<sup>th</sup> Avenue (perhaps 50%), with a total of 2,275 people using Lincoln; and

- The broader Skyline/Sequoia Hills neighborhoods (Census Tract 4301.02) have a total population of 2,553 people. Also assuming that Highway 13 may not provide an evacuation route under an extreme scenario, evacuation from these neighborhoods would likely be split between Lincoln Avenue (perhaps 33%) and Redwood Road/35th Avenue (perhaps 33%) and Keller Avenue (perhaps 33%), with a total of 843 people using Lincoln.

Based on this broad population data and assumptions as to preferred routes of evacuation, the potential number of people from neighborhoods that are uphill of the School and that may seek an evacuation route down Lincoln Avenue can be estimated at approximately 4,432 people. Evacuees from these uphill neighborhoods would then merge with additional evacuees from below Highway 13, including the following.

- The Lincoln Highlands neighborhood (Census Tract 4067) has a total population of 5,567 people. Evacuation from this neighborhood would likely be split between Lincoln Avenue (perhaps 33%), 35th Avenue (perhaps 33%), and local streets such as Coolidge and Maple (perhaps 33%), with a total of 1,855 people using Lincoln.
- The neighboring Oakmore neighborhood (Census Tracts 4047 and 4048) has a total population of 4,709 people. Evacuation from this neighborhood would likely be split between Lincoln Avenue (perhaps 33%), Park Boulevard (perhaps 33%), and local street such as Lyman (perhaps 33%), with 1,570 people using Lincoln.
- Added to the Oakmore population would be the current population of Head-Royce School (a total of 1,087 student, faculty and staff), all of whom would be presumed to use Lincoln.

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

#### Evacuation Planning as Reasonable and Feasible Mitigation

The Project proposes, and the Draft EIR recommends a number of measures to be incorporated into the School's operations and Emergency Preparedness Manual that would substantially offset its contribution of additional people to a potential evacuation scenario:

- First, the Emergency Preparedness Manual will clearly instruct parents that they are not to attempt to pick up their students at School during such an emergency, and in fact would be prohibited from doing so until receiving instructions about when it is safe. This would prevent the situation identified in the Local Hazard Mitigation Plan, where overloading of streets near schools by parents attempting to pick-up their children during such an event may restrict access by fire personnel and equipment, and potentially block downhill traffic from using both lanes for evacuation;
- Second, the Project's proposed Loop Road provides off-street space for school drop-off and pick-up activities, substantially reducing the morning and afternoon traffic congestion that now occurs along Lincoln Avenue. Despite the School's best management efforts to make the current drop-off and pick-up activities on Lincoln Avenue as efficient as possible, there is still substantial traffic congestion that could overlap with an emergency evacuation. The Loop Road would significantly alleviate this current periodic congestion condition, which could occur simultaneously with an evacuation crisis;
- Third, after considering other potential evacuation procedures (such as by vehicle, bus or bicycle), the Evacuation Planning Recommendations report (Appendix 16B to the Draft EIR) recommends a

pedestrian evacuation in the event of a major wildfire, if there is enough time to move people away from campus (e.g., at least 10 minutes). A pedestrian evacuation is considered more efficient, safer and less impactful on the neighborhood, including by not adding traffic to a congested vehicle evacuation down Lincoln Avenue. The Evacuation Planning Recommendations report does not recommend a vehicular evacuation because it would likely cause additional congestion on surrounding roadways. This report also recommends that older students, faculty and staff who drive to campus should be dissuaded from evacuating in their own vehicles, especially since they would be expected to facilitate the pedestrian evacuation. However, certain vehicles may be necessary to transport people with disabilities and those who are unable to walk to safety; and

- Finally, the Evacuation Planning Recommendations report provides a number of practical, reasonable and effective strategies for improving the School's ability to plan for and implement an effective pedestrian evacuation. These recommendations address the issues of the Head-Royce Campus' layout and certain physical improvements that can be implemented to improve egress from the Campus in the event of a needed evacuation. They also recommend developing a better mechanism to communicate directly with local officials and Incident Commanders; identifying primary and secondary destinations and routes for an evacuation, and effectively communicating these destinations to parent and guardians; and regularly practicing an evacuation in concert with the Oakland Fire Department.

By implementing a pedestrian evacuation strategy, faculty and students from Head-Royce (including the additional population attributed to the Project) would not compete with residents of the surrounding area for safe vehicular evacuation on limited evacuation routes, and would not add additional vehicle congestion and delay. To the extent that residents in the surrounding area are also executing an evacuation on foot because of congested or stopped traffic on Lincoln, the School's pedestrian evacuation would be conducted pursuant to prior emergency preparedness drills, would be well organized and efficient, and perhaps provide an example for others.

The recommended evacuation strategy identified in the Evacuation Planning Recommendations report (an Appendix to the Draft EIR) is intended as a condition of approval for the Project's PUD permit, requiring a detailed implementation plan as a precondition prior to issuance of a certificate of occupancy for the first building permit that would enable an increase of current student enrollment. It would serve to further increase student safety, rather than significantly exacerbating existing environmental hazards in the event of an extreme wildfire event. As a condition of Project approval, these recommendations would also serve to address cumulative emergency evacuation conditions throughout the Oakland Hills by reducing potentially conflicting evacuation conditions.

#### Adequate Expert Analysis

The analysis of evacuation options and recommendations of an evacuation plan for the Head-Royce School as presented in the Draft EIR is supported by analysis prepared by Dr. Steven Wong. At the time of preparation of this report, Mr. Wong was a Doctoral Candidate at the University of California, Berkeley's Department of Civil and Environmental Engineering, and a Graduate Student Researcher for the California Resilient and Innovative Mobility Initiative. Mr. Wong is a local expert in the field of fire hazards and evacuation planning. He is a highly published researcher and author of evacuation behavior (see partial list of research papers at <https://scholar.google.com/citations?user=Y7LICiAAAAJ&hl=en&authuser=1>), and has since obtained his Doctorate and is now serving as an Assistant Professor at the University of Alberta, Canada in the Department of Civil and Environmental Engineering. The expert analysis and the Evacuation Planning Recommendations report he authored were accurately summarized in the text of the Draft EIR, and presented in whole as an Appendix, which was made available to the public for review and comment.

Dr. Wong's scope of work for the EIR was not to prepare a detailed evacuation plan for the School, but rather to analyze the potential effects related to the proposed Project under an evacuation scenario. Dr. Wong's

conclusion was that the School's then-current plans for shelter-in-place within the School's gymnasium (which has a very high fire rating for fire safety) was not an appropriate response to a wildfire event, and that evacuation of the School during a wildfire event that threatened to spread to the School was a much more safe and acceptable strategy. Dr. Wong did provide numerous recommendations for how such an evacuation should be accomplished, as well as identifying several current obstacles that needed to be corrected on the Campus in order for a pedestrian evacuation to be effective. It is the School's responsibility to consider these recommendations, and to re-draft an acceptable City-approved Evacuation Plan. That Plan is to be a condition of Project approval, to be implemented prior to issuance of a certificate of occupancy for the first building permit that would enable an increase of current student enrollment (see below).

#### Additional Mitigation

Numerous comments on the Draft have suggested that Head-Royce School cannot be trusted to implement the recommendation of the Evacuation Planning Recommendations report because of current issues with egress and lack of prior coordination with the Oakland Fire Department. However, as noted in the Evacuation Planning Recommendations report, Head-Royce School has proactively developed an Emergency Preparedness Plan, with a dedicated section that includes an Evacuation Plan. The Evacuation Planning Recommendations report finds the School's current Plan commendable (especially since the City and other large institutions do not have a public-facing evacuation plan), and that Head-Royce is an example for other schools in high fire-risk zones along the Wildland-Urban Interface in their preparation for wildfires (including in their work to reduce vegetation and create defensible space). However, the Evacuation Planning Recommendations report identifies a number of changes that should be made to the School's Emergency Preparedness Plan and campus facilities to increase student safety in the event of an extreme wildfire event.

Head-Royce has indicated that they have already begun to implement many of the egress improvements as recommended in the Draft EIR. Furthermore, the recommendations of the Evacuation Planning report as presented in the Draft EIR are intended as recommendations to City of Oakland decision-makers (i.e., the Planning Commission and City Council), and if City of Oakland decision-makers decide to approve the Project, these recommendations are intended as staff recommendations for conditions of such an approval. City decision-makers may believe that these recommendations require further evaluation and detail, or additional coordination with the OFD and the City's Emergency Services Department, or that on-going City monitoring of the School's implementation of these recommendations is warranted. These additional matters can be incorporated into the Project's conditions of approval, to be completed prior to issuance of a certificate of occupancy for the first building permit that would enable an increase of current student enrollment and/or added to the Project's overall Mitigation Monitoring Program.

#### Advancement of Greater Detail and Other Recommended Mitigation Measures

City staff appreciates the peer-review of the Evacuation Planning Recommendations report as prepared by Mr. William Weisgerber, President of Weisgerber Consulting, and included in the neighborhood Steering Committee's comment letter on the Draft EIR. Mr. Weisgerber clearly brings considerable expertise on the topic of emergency preparedness and evacuation planning. His peer-review includes a number of suggested improvements to the recommendations of the Draft EIR, and certain additional recommendations that help to improve and bolster the effectiveness of the recommended pedestrian Evacuation Plan. Based in part on Mr. Weisgerber's comments, the following additional mitigation measure is recommended for the Project:

**Mitigation Measure Wildfire and Emergency Evacuation-1, Emergency Evacuation Plan:** Prior to issuance of a certificate of occupancy for the first building permit that would enable an increase of current student enrollment, Head-Royce School shall be required to prepare a stand-alone Emergency Evacuation Plan for the School, to be prepared in consultation with a professional emergency evacuation expert. This Plan shall consider those recommendations as provided in Appendix 16B of the Draft EIR, as well as those additional recommendations as included in Mr. Weisgerber's peer

review/comment letter. Selection of the most appropriate and effective details of such an Emergency Evacuation Plan for the School will be conducted by the professional emergency evacuation expert to be retained by the School, and subject to review and approval by the Oakland Fire Department, with input from Emergency Services, Oakland Police Department, and the Oakland Department of Transportation. The School and their professional emergency evacuation expert shall coordinate with the City of Oakland on the details of this Emergency Evacuation Plan, which shall address, at a minimum, the following considerations:

- a) Establish communication connections with emergency alert systems: This may include developing a liaison relationship with the Fire Marshal and/or safety personnel as designated by the City Administrator, and/or OFD Operations Center (as do public schools). Establish a power-independent communication connection (such as cell phone, satellite phone, etc.) with the Emergency Management System to maintain emergency response communications in the event of an emergency and for real time updates. Consider participating in Alameda County's public alert system provided by Everbridge (called AC Alert), which Oakland first-responders use to broadcast incident-specific messages for any event.
- b) Remove existing physical obstacles throughout the Campus (both North and South) as identified by Dr. Wong: Appendix 16B of the Draft EIR provides a list of physical obstacles that hinder a viable pedestrian evacuation, and provides recommendations that Head-Royce should address to improve egress pathways, gates, stairs, gate openings, and ADA compliance to better prepare for an emergency evacuation.
- c) Establish accountability procedures for managing a pedestrian evacuation: These procedures should ensure a methodology for managing and accounting for all primary grade children during an evacuation, with responsibilities assigned to faculty and staff (and potentially older students) to ensure that all students are safely managed under emergency mass evacuation conditions. This may include classroom "all clear" verification, identifying "rally points" along the travel route, and head count verification that all students have reached the designated evacuation assembly point.
- d) Identify evacuation destination(s): Primary, secondary, and tertiary evacuation destinations should be established in consultation with City reviewers. The pre-designated assembly points should be communicated to all parents and guardians, with methodologies for adequately communicating emergency evacuation information, and instructions on how reunification with their students is to be achieved. No at-school reunification should be permitted under an evacuation condition (i.e., parents and guardians shall not be permitted to pick-up their children by driving to Campus).
- e) Publishing the Plan: Once the Evacuation Plan has been approved by the City, it shall be published on the School's website so that neighbors and the public are informed of the School's evacuation strategy.
- f) Training and Exercises: The School shall ensure that all faculty, staff, students, and parents are fully trained on the evacuation plan, with a minimum of semi-annual exercises observed by the OFD, to ensure that the Campus is well indoctrinated toward an emergency reflex response to a disaster.

This Emergency Evacuation Plan for the School will help improve and bolster the effectiveness of a pedestrian evacuation under emergency conditions.

## Vehicle Miles Traveled (VMT)

### Information Presented in the Draft EIR

The Draft EIR's analysis of vehicle miles traveled (VMT) is complex due to the complexity of the travel characteristics of the Project, but is not erroneous or manipulative and was not influenced by the Head-Royce School. The analysis was prepared by the EIR (third party) consultants, was reviewed by City staff and was revised based on scoping decisions made during the review process before it was presented in full in the Draft EIR (as is typical for all CEQA documents prepared by the City).

The methodology for preparing the VMT analysis is based on the *Technical Advisory on Evaluating Transportation Impacts in CEQA* (Governor's Office of Planning and Research [OPR], December 2018) and the City of Oakland's *Transportation Impact Review Guidelines* (TIRG, April 2017). A brief overview of the methodologies and approach used in the EIR, as guided and directed by the OPR Technical Advisory and TIRG, is provided below. The purpose of this information is to disclose to the public the scope and methodologies of the analysis, and the choices made during preparation of the Draft EIR in determining the significance of VMT impacts under CEQA.

### Thresholds

Public Resources Code section 21099 directed OPR to propose criteria for determining the significance of transportation impacts. In their Technical Advisory, OPR provides its recommendations to assist lead agencies in selecting a significance threshold that may be appropriate for their particular projects. While OPR's Technical Advisory is not binding on public agencies, CEQA allows lead agencies to "consider thresholds of significance . . . recommended by other public agencies, provided the decision to adopt those thresholds is supported by substantial evidence". (CEQA Guidelines, Section 15064.7(c)). Based on OPR's extensive review of the applicable research, and in light of an assessment by the California Air Resources Board (CARB) quantifying the need for VMT reduction in order to meet the State's long-term climate goals, "OPR recommends that a per capita or per employee VMT that is fifteen percent below that of existing development may be a reasonable threshold. Moreover, a fifteen percent reduction is consistent with SB 743's direction to OPR to select a threshold that will help the State achieve its climate goals. As described above, Public Resources Code section 21099 states that the criteria for determining significance must "promote the reduction in greenhouse gas emissions." In the *California Air Resources Board 2017 Scoping Plan-Identified VMT Reductions and Relationship to State Climate Goals* report, CARB assesses VMT reduction per capita consistent with its evidence-based modeling scenario that would achieve State climate goals of 40 percent greenhouse gas (GHG) emissions reduction from 1990 levels by 2030, and 80 percent GHG emissions reduction levels from 1990 by 2050. Applying California Department of Finance population forecasts, CARB finds per-capita light-duty vehicle travel would need to be approximately 16.8 percent lower than existing, and overall per-capita vehicle travel would need to be approximately 14.3 percent lower than existing levels under that scenario. Below these levels, a project could be considered to have low VMT and would, on that metric, be consistent with the CARB 2017 Scoping Plan Update assumptions that achieve climate state climate goals (OPR, page 10). In summary, achieving 15 percent lower per capita (residential) or per employee (office) VMT than existing development is both generally achievable and is supported by evidence that connects this level of reduction to the State's emissions goals (OPR, page 12).

As fully identified in the Draft EIR (page 14-22), the City of Oakland has adopted VMT thresholds based on OPR Guidance (as published in the TIRG, page 19). Generally, the City of Oakland uses the following thresholds of significance to determine if a project would generate substantial additional VMT (Criterion 1) and have a significant VMT impact:

- For residential projects, a project would cause substantial additional VMT if it exceeds existing regional household VMT per capita minus 15 percent.

- For office projects, a project would cause substantial additional VMT if it exceeds the existing regional VMT per employee minus 15 percent.
- For retail projects, a project would cause substantial additional VMT if it exceeds the existing regional VMT per employee minus 15 percent.

### The Draft EIR's Application of VMT Thresholds

#### *Screening*

To identify when a project is not expected to cause a significant VMT impact without conducting a detailed VMT analysis, many agencies (including Oakland) use “screening thresholds”. The City of Oakland TIRG identifies three key screening criteria for development projects that are presumed to have a less than significant VMT impact. These criteria include projects that are small (generating less than 100 vehicle trips per day); projects located near (within ½ mile) to an existing major transit stop or an existing stop along a high-quality transit corridor; and projects located in a low-VMT area.

The Project does not meet any of these three screening criteria, and the Project does not “screen out” from needing a detailed VMT analysis.

#### *Standard Residential, Office and Retail Projects*

Of the many types of land use projects, residential, office and retail projects tend to have the greatest influence on VMT. For that reason, OPR recommends the quantified thresholds described above for purposes of analysis and mitigation. For those residential, office and retail projects that do not “screen out” from needing a detailed VMT analysis, the City makes VMT data from the Metropolitan Transportation Commission (MTC) or the Alameda County Transportation Authority (ACTA) available. MTC and/or ACTA maintains a travel demand models that covers Alameda County and that produces sufficiently sophisticated VMT calculations for CEQA VMT analysis. For a typical residential, office or retail project, the per-person or per-employee VMT generated by such projects can be obtained directly from the MTC or ACTA database, and compared to regional average VMT. Those projects that are located within a TAZ that generates VMT at a ratio that is 15 percent less than the regional average are determined to be less than significant. Those projects that are located within a TAZ that generates VMT at a ratio that is not 15 percent less than the regional average are determined significant, and mitigation is required.

However, the Project is not a residential, office or retail project.

#### *Typical Schools (per standard TIRG)*

The Project is not a residential, office or retail project. For projects that do not fit within these land use categories, OPR recommends that lead agencies, using more location-specific information, may develop their own more specific thresholds, which may include other land use types. Lead agencies should consider the purposes described in section 21099 of the Public Resources Code and regulations in the CEQA Guidelines (i.e., a per capita or per employee VMT that is fifteen percent below that of existing development to help the State achieve its climate goals) for other project types, or thresholds different from those recommended by OPR. The City’s TIRG (page 23) provides thresholds of significance to determine if land uses other than residential, office and retail would result in significant impacts as it relates to VMT, indicating that childcare, K-12 schools, post-secondary institutional (non-student housing), medical, and production, distribution and repair (PDR) land uses should be treated as office for VMT analysis. Under the more conventional TIRG-recommended approach, the Project would be treated as an office land use, the office-based VMT per employee for the Project site (based on its location relative to MTC or ACTA-established TAZs) would be used to calculate the Project’s per capita VMT, and this number would be compared to the regional average office-based VMT. For comparison purposes, Head-Royce School independently retained a separate transportation

consultant (Nelson/Nygaard) to prepare a VMT analysis based on this more conventional approach (see Comment Letter II). As that analysis prepared by Nelson/Nygaard shows, use of this more conventional approach for schools would suggest that the Project would generate a per “employee” (i.e., student/faculty) ratio of 26.2 VMT. This result was compared to the regional office-based threshold of 15% lower than the regional average office-based VMT, at 18.53 VMT per “employee”, and was found to require a 29.4% reduction in VMT to achieve threshold levels and to be determined to be less than significant. Head-Royce School’s current TDM plan is required to reduce drive-alone trips to Campus by at least 30%. Extension of the School’s current TDM program to equally cover new students and faculty pursuant to the Project would bring the Project’s VMT per person to below threshold levels.

However, this approach was not used in the EIR for this Project. Based on data generated for this EIR, the School generates very different trip characteristics than would an office (or a school treated as an office), with a substantially higher number of drop-off and pick-up trips, as compared to parking or transit-based trips as would be calculated for an office land use. Accordingly, a comparison to an office-based VMT rate or an office-based VMT threshold would not be an “apples-to-apples” comparison, as recommended in the OPR Technical Advisory and Guidelines.

#### *Project-Specific Methodology*

Given that the more conventional approach described above may not provide an accurate reflection of the Project’s actual VMT characteristics, the Draft EIR relied on OPR’s recommendation to use more location-specific information to develop Project-specific impacts and thresholds. As presented in detail in the Draft EIR (Table 14-2), the existing School currently generates a per capita (students and faculty) VMT ratio of 26.9.<sup>2</sup> It is worth noting that this VMT per capita ratio, as developed using very Project-specific data, is within 3 percent of the ratio of 26.2 VMT per employee as identified in the MTC’s TAZ-based database. However, the MTC’s TAZ data relies on a tour-based model that calculates trips that are chained together, whereas the Draft EIR presents VMT on a trip-basis. The Draft EIR did not use a tour-based methodology (MTC methodology), which would have accounted for the number of drop-off and pick-up trips that would be part of a home-to-school-to work and work-to-school-to-home tour. This methodology would have required a comprehensive survey of all drop-off and pick-up drivers at the School to determine whether their drop-off or pick-up trip to the school was part of a “chain” (or tour) that included dropping students off on their way to work, or picking students up on their way home. Such a survey was not conducted, but if data from such a survey had been available, it would likely have demonstrated that the Draft EIR’s calculated VMT attributed to the morning home-to-school-to-home and afternoon home-to-school-to-home trips (amounting to four trips for each drop-off and pick-up) was an overestimate of the VMT calculated for these types of trips. Many of the current drop-off and pick-up trips at the School are likely part of such a “tour” and would not have been considered separate trips from-and-back-to- home for each drop-off and pick-up.

#### **Determining Project Impacts**

The Draft EIR used the methodology for determining potential VMT impacts as recommended by OPR Guidance (i.e., achieving 15 percent lower per capita VMT than ‘existing’). The definition ‘existing’ evolved as part of the EIR preparation process, as described below.

As presented in Appendix 14 of the Draft EIR, the “actual existing” VMT per population is 26.9, based on the existing School’s 2019/2020 school year TDM performance level of 65% non-SOV mode share. A threshold

<sup>2</sup> The current travel mode shares for Head-Royce School students and faculty/staff were estimated based on data provided by Head-Royce School, recorded observations by the School traffic monitor in November 2018, data collected by Fehr & Peers along the School frontage in November 2019, and Alameda-Contra Costa Transit (AC Transit) stop-level ridership in Spring 2019. The geographic distribution of students and faculty/staff is based on 2019 home ZIP code data provided by the Head-Royce School (see Figure 14-1 of the Draft EIR).

that would be 15% below ‘actual existing’ would be 15% less than that, or 22.9 VMT/student. In order to achieve that threshold, the School would need to reduce its actual 2019/2020 school year VMT ratio by about an additional five percent at Project buildout.

- However, the School’s actual VMT calculation is based on the School’s TDM performance level, which the EIR demonstrates to be an approximately 65 percent non-SOV mode share. The School’s TDM performance level during the 2019/2020 school year is substantially greater than the City-required TDM performance of a 20 percent vehicle-trip reduction (per SCA Transportation-4 as presented in the Draft EIR). It is also greater than the 30 percent non-SOV mode share for students once the School exceeds 900 students, as required under the currently effective provisions of the 2016 Head-Royce School PUD Conditions of Approval. Per the City’s TIRG, “transportation consultants performing CEQA analysis should take into account the VMT reductions of TDM measures required through the Standard Conditions of Approval and those incorporated as project design features or program commitments memorialized in the project’s TDM Plan.” Those required and memorialized standards are for a 30 percent non-SOV mode share. That Head-Royce School’s current (year 2019/2020 school year) TDM Plan was achieving a 65 percent non-SOV mode share and substantially exceeding current City requirements does not establish a new de-facto requirement to maintain this voluntary performance level. Similarly, if the School had not been achieving its required TDM performance level and was only achieving (for example) a 20 percent non-SOV mode share, that 20% non-SOV mode share would similarly not be used to establish an ‘existing’ threshold.
- Therefore, the Draft EIR did not rely on the “actual existing” VMT ratio as a CEQA threshold, as was presented in Appendix 14 of the Draft EIR. Rather (per the City’s TIRG guidelines), the Draft EIR calculated the VMT that the existing School would be generating if its TDM Plan was only achieving the requirements of the currently effective SCAs and PUD conditions of approval (i.e., at a 30% non-SOV mode share), to establish an existing baseline of ‘City-required’ VMT for the existing School. As shown in Table 14-3 of the Draft EIR, the VMT that would be generated by the existing School, if the School were only meeting City-required TDM performance levels, is 39.5 VMT per capita. Per OPR Guidelines, a threshold of 15% lower than existing (existing being “as required”) would be 33.6 VMT per capita.

Assuming that the School’s 2019/2020 TDM performance level of 65% alternative mode share continues into the future, even with the additional students and faculty that would be added pursuant to the Project, the resultant VMT is calculated to be approximately 27.3 VMT/capita. Since this VMT ratio is well below the “as-required” significance threshold of 33.6 VMT per capita, the Project was found to have a less than significant impact on VMT.

## Mitigation

It is possible that Head-Royce School’s TDM performance rate could drop from 65% non-SOV mode share, to 30% non-SOV mode share under its current PUD requirements (i.e., at the School’s own discretion). Such a drop in TDM performance would result in the School no longer meeting the 15% reduction in VMT as required under the Draft EIR threshold. To safeguard against this possibility, the following new mitigation measure is recommended:

**Mitigation Measure Transportation-1, TDM Performance Requirement:** Once the School exceeds a student enrollment of 906 students, the School shall commit to maintain an average of 34.5% (or 15% greater than its prior requirement of 30%) of its school-year student enrollment traveling by modes other than single occupancy vehicles (i.e., a 34.5% TDM rate). To monitor and enforce this TDM rate, a survey of alternative travel modes and on-site monitoring by an independent third party shall occur during each of two independent monitoring periods carried out during the school year, and the counts shall be averaged over the two (2) monitoring periods. However, the School may elect to conduct additional third party monitoring, and the counts shall be averaged over all of the academic

year monitoring periods. Alternative travel modes shall include walking, biking, carpooling or taking a bus.

The addition of this mitigation measure to the EIR does not require recirculation of the Draft EIR. Pursuant to CEQA Guidelines Section 15088.5, new information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project. New information added to an EIR is also not “significant” if it includes a feasible way to mitigate or avoid an environmental effect (including a feasible mitigation measure or alternative), unless the project proponent declines to implement the measure.

## Traffic Congestion

### General Nature of Public Comments

Numerous comments on the Draft EIR express serious concern that the Project will only exacerbate existing traffic congestion on Lincoln Avenue, Highway 13 and other local neighborhood roads. Many of these comments question why the Draft EIR does not include an in-depth analysis of local traffic congestion problems, and how the Project’s proposed increase in enrollment will only bring additional traffic to the area. Examples of comments on this topic include:

- “With its current enrollment, the school cannot handle the traffic problems. The backup on Lincoln Avenue and Highway 13 is not just a nuisance, it is dangerous”
- “The line of cars in the morning stretches from Head Royce down Lincoln Avenue for several blocks and up Lincoln Avenue onto the freeway exit. Adding more cars/students will and can only exacerbate this situation”
- “The current traffic to Head Royce dangerously clogs up the Joaquin Miller/Mountain/Hwy 13 intersection. I am concerned that the expansion of Head Royce will bring many, many more cars to the area”
- “For many years up to the present day, HRS has been unable to manage its existing traffic. Its planned 37% population increase will aggravate the already severely congested and dangerous traffic conditions”

### Traffic Congestion and CEQA

As fully explained in the Draft EIR (beginning at page 14-7), Governor Brown signed Senate Bill (SB) 743 in 2013, which added Public Resources Code Section 21099 to CEQA, effectively changing the way that transportation impacts are analyzed under CEQA. The intent of this legislation is to better align local environmental review with statewide objectives to reduce greenhouse gas (GHG) emissions, encourage infill mixed-use development in designated priority development areas, reduce regional sprawl development, and reduce vehicle miles travelled (VMT) in California. SB 743 recommends VMT as being the appropriate measure for assessing the transportation impact of a project on the environment, finding that VMT is a more appropriate measure than automobile delay, and that automobile delay as measured by intersection level of service (LOS) is not an impact on the environment. Automobile delay is a measure of travel speed. SB 743 specifically identifies automobile LOS (i.e., traffic congestion) as an inappropriate measure of environmental impact and encourages the use of VMT as an appropriate replacement measure.

The CEQA Guidelines from the State Office of Planning and Research (OPR) published in December 2018 require the use of VMT, and prohibit the use of LOS or other congestion-based metrics to measure significant impacts in CEQA documents after July 2020. In 2016, Oakland adopted VMT thresholds to implement the

directive of SB 743, and these thresholds, as being consistent with the 2018 changes to CEQA Guidelines, were used to evaluate transportation impacts of significance in the Draft EIR.

Accordingly and correctly, the Draft EIR does not include an analysis of traffic congestion as an impact on the environment, nor does it use a level of service-based threshold for its analysis of transportation impacts.

#### Non-CEQA Transportation Impact Review (TIR)

The City of Oakland's Transportation Impact Review Guidelines (TIRG) provide direction as to the scope of study required when evaluating potential transportation impacts of proposed development projects. This evaluation addresses a range of issues necessary for the City to analyze, evaluate, advise upon and disclose in the review of proposed projects. Oakland's adopted plans and policies shape this transportation analysis framework, which seek to achieve an effective, sustainable, multi-modal transportation system for the City.

Pursuant to the TIRG, a non-CEQA Transportation Impact Review (TIR) has been completed for the proposed Head-Royce School Expansion Project. The TIR evaluates access and circulation for all travel modes for the proposed Project, including a detailed evaluation of access and circulation by automobiles. The information provided in this TIR is consistent with the City of Oakland's Transportation Impact Review Guidelines, and specifically includes:

- Project Description
- Trip Generation
- Trip Distribution, Assignment, and Study Intersection Selection
- Traffic Operations Analysis
- Site Access and Circulation Review
- Collision History
- Conclusion and Summary of Recommendations

As is made clear above, this TIR is not a CEQA document or part of the CEQA review of the Project, but is a separate analysis required by the City to ensure consistency with the General Plan and other adopted plans and policies. Thus, it is not included in the EIR, nor is it part of the CEQA-mandated EIR public review process. This TIR will become part of the public record of the City's decision-making process. It will be made available for public review, along with other information relevant to considerations on the Project's merit.

#### **Project Description of Transportation and Circulation Improvements**

As described in the Draft EIR Project Description (Chapter 3, starting at page 3-31), the proposed Project includes several design elements specifically intended to address the safety and performance of the School's circulation system. These design elements are recited below.

##### Loop Road

Vehicular access to the proposed South Campus will be from Lincoln Avenue, via a new internal, one-way Loop Road that would ring the internal perimeter of the proposed South Campus. The entrance to this Loop Road would be at or near the existing curb cut and driveway off Lincoln Avenue at the easterly (upper) end of the proposed South Campus, and the exit would be at a similar existing curb cut and driveway off Lincoln at the westerly (lower) end of the proposed South Campus. The new Loop Road would be approximately 1,610 linear feet in length, providing on-Campus, off-street queuing space for vehicles.<sup>3</sup> Two distinct drop-off and

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<sup>3</sup> A number of comments have indicated that the length of the Loop Road is inconsistently described in differing portions of

pick-up points (one for the Upper School, and one for the Lower and Middle Schools) would provide an alternative to the current drop-off and pick-up location along Lincoln Avenue. Other than public and private bus loading and unloading (which would continue at Lincoln Avenue), all vehicle pick-up and drop-off activity at the School would occur along this Loop Road, rather than as currently occurs along Lincoln Avenue. The existing loading zones for AC Transit and private buses would be maintained on Lincoln Avenue as the width of the Loop road is too narrow to accommodate these larger vehicles, but the Loop Road is sized to accommodate emergency vehicles.

Access to the new Loop Road in the proposed South Campus will be controlled at signalized intersections. The Project proposes to reconfigure the existing Lincoln Avenue right-of-way to accommodate a downhill left-turn pocket and an uphill right-turn pocket into the one-way, signalized entrance to the Loop Road at the uphill access point. Parallel parking spaces along the south side of Lincoln Avenue (in front of the proposed South Campus) will be removed to accommodate this modification. A new signalized intersection on Lincoln Avenue is proposed at the egress point of the Loop Road at the westerly (downhill) corner of the proposed South Campus. This traffic signal will include a crosswalk sequence for pedestrians crossing Lincoln Avenue, replacing the current traffic signal that controls the existing pedestrian crosswalk at the Head-Royce Gatehouse. The furthest uphill existing traffic signal that is located at the entrance to the Head-Royce athletic field parking lot and the Ability Now Bay Area parcel will be retained and upgraded to coordinate with the two downhill traffic signals.

The new internal Loop Road would replace the circuitous turn-around routes identified in the School's Transportation Policy Guide and TDM program. The current Transportation Policy Guide and TDM program requests parents to follow a specific route called "the Alida Loop" through public streets in the adjacent, downhill neighborhood to change direction on Lincoln Avenue, and to use the Mormon Temple parking lot near Highway 13 as a staging area for afternoon pick-up.

The School originally proposed to restrict vehicular access to a smaller internal loop—the "mini-loop"—during off-peak pick up and drop off hours. The mini-loop was proposed as a portion of the larger Loop Road (not a separate loop) located in the proposed South Campus's northeastern-most corner, away from the school's closest residential neighbors to the south and west. This mini-loop was intended to minimize the number of vehicles circulating the Loop Road at off hours by allowing non-peak vehicles to enter from the Loop Road entrance to the proposed parking area at the northeast of the site, and return back out to Lincoln using this short segment of the Loop Road for two-way traffic during off hours. To prevent any parents from short-circuiting the perimeter Loop Road during peak hours, the School proposed retractable barriers that would limit vehicles to using only the perimeter Loop Road. As part of the School's proposed changes to the Project, the School has reconsidered the relative merits of the 'mini-loop' and has removed this option from their proposed Project.

#### Parking

The Project proposes to add 25 new on-site parking spaces, and to retain and redesign the 129 paved parking spaces that currently exist, for a net of 154 total parking spaces on the proposed South Campus. In addition, the existing Campus also has 154 parking spaces that are not proposed to change pursuant to the Project. School-wide, with the Project, there would be 308 total off-street parking spaces on the overall Campus.

Based on the School's own parking demand study in support of the Project, the School expects that 344 off-street parking spaces would be required to meet the anticipated demand. To accommodate the anticipated demand for 344 total off-street parking spaces at full enrollment, the School proposes to either add 36 stacked parking spaces at the existing Campus or to reduce parking demand by prohibiting some or all

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the Draft EIR. These discrepancies are very minor, and do not affect the validity of the Draft EIR's analysis.

students from driving to school (currently, approximately 90 students [juniors and seniors] have permits to drive to and park at the Campus).

#### Lincoln Avenue Crossing

The Project proposes two options for providing a pedestrian connection between the existing and proposed South Campus. The first option is to construct a pedestrian tunnel under Lincoln Avenue to connect the existing Campus to the proposed South Campus. The proposed pedestrian tunnel is to be constructed under the Lincoln Avenue right-of-way at the approximate mid-point of the proposed South Campus along Lincoln Avenue, aligning with the Upper Level courtyard in the existing Campus. The tunnel would provide students, faculty and staff with direct access to the existing Campus from parking and drop-off/pick-up locations in the proposed South Campus, and would be the primary passage route between the campuses during the school day. Access to the tunnel would be restricted to School use only, and would only be accessible from the School's private property and not accessible to the public.

The second option is to use three at-grade crossings of Lincoln Avenue (the existing crossing at the northerly parking lot to the Ability Now parcel, a relocated crossing at the Loop Road exist, and a new crossing at the Loop Road entry) for all pedestrian connections between the existing and proposed South Campus, and the tunnel would not be constructed. The relocated pedestrian crossing and the proposed new pedestrian crossing will need to be reviewed and approved for ADA design considerations prior to City acceptance. Even if the pedestrian tunnel crossing below Lincoln is approved, the three at-grade crossings will be permanent. The extent to which these at-grade crossings are used will be substantially lessened with construction of the pedestrian tunnel.

#### **Draft EIR Review of Safety and Performance of the Circulation System**

Consistent with the City's CEQA thresholds, the Draft EIR includes an analysis of whether these transportation and circulation improvements as proposed by the Project might conflict with City plans, ordinances or policies addressing the safety or performance of the circulation system, including transit, roadways, bicycle lanes and pedestrian paths. The Draft EIR does not analyze automobile level of service or other measures of vehicle delay, as these are not CEQA impact criteria (as explained above). The analysis presented in the Draft EIR (Impact Transp-2, starting at page 14-26) concurs as to the following:

- The Loop Road would provide access to 154 off-street parking spaces on the proposed South Campus, and would accommodate all personal vehicle drop-offs and pick-ups at designated locations within the proposed South Campus. The Loop Road would eliminate all personal vehicle drop-offs and pick-ups along Lincoln Avenue, and would eliminate School-directed use of Alida Street and Maiden Lane for personal vehicle turnaround onto eastbound Lincoln Avenue.
- One relocated at-grade crossing (at the lower Loop Road exit) and one new at-grade crossing (at the upper Loop Road entrance) will be permanent pedestrian crossings between the existing (North) campus and the Project's proposed South Campus. The crosswalks are to be designed with a 20-foot width to accommodate the number of students walking to and from buses, with high-visibility crosswalk markings, and bulb-outs at both sides of the crosswalk if required and feasible, to reduce the pedestrian crossing distance. A third pedestrian crossing of Lincoln Avenue, the existing crossing from the entrance to the upper parking lot at the North Campus to the Ability Now property, will remain as-is.
- Construction of an underground pedestrian tunnel below Lincoln Avenue would reduce at-grade pedestrian crossings across Lincoln Avenue, thereby enhancing pedestrian safety.
- Although the School population is expected to increase by 37 percent, the proposed on-site parking supply would only increase by 22 percent, which would provide fewer parking spaces per population and reduce the automobile trips generated by the Project.

- On-street parking on most streets surrounding the Head-Royce School is currently controlled by Residential Parking Permit (RPP), which limits parking for non-residents without a permit to two-hours during the day on weekdays. The RPP program is expected to continue on these streets, and use of on-street parking is not an option for most students and faculty/staff, further discouraging driving.
- The Project would also provide adequate short-term and long-term bicycle parking to satisfy City requirements.

The Draft EIR concludes that the Project's proposed circulation system improvements are consistent with applicable plans, ordinances and policies, and would not cause a significant impact by conflicting with adopted plans, ordinances or policies addressing the safety and performance of the circulation system, including transit, roadways, bicycle lanes and pedestrian paths.

## Noise Impacts

### General Nature of Public Comments

Numerous comments on the Draft EIR express skepticism over the Draft EIR's analysis of the noise impacts of the Project on surrounding neighbors. Many of these comments echo the peer-review comments of Mr. Jeffrey Pack of Edward L. Pack Associates, Inc., as included as an attachment to the Neighborhood Steering Committee letter. Mr. Pack's letter and similar comments from others, raises concerns about whether the Draft EIR relied on appropriate use of CEQA thresholds, whether the data used to estimate the Project's potential noise impacts was accurate and reliable, and whether the technical analysis was developed by qualified technical experts. Mr. Pack's conclusions, as supported by many other public comment letters, suggest that, "the noise study and ensuing DEIR noise chapter are seriously flawed and should be redone 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".

The following Master Responses on various sub-topics of the Draft EIR's noise analysis demonstrate that the Draft EIR was not flawed, was accurate and complete, and was prepared and peer-reviewed by technical experts in the field of acoustics.

### Background on Noise-Related Definitions

As fully described in the Background section of the Noise and Vibration chapter of the Draft EIR (Chapter 13), several noise measurement scales are used to describe noise, and there are several methods of characterizing sound.

- A decibel (dB) is a unit of measurement that indicates the relative amplitude of a sound. Zero on the decibel scale is the lowest sound level that can be detected by the human ear. Increasing sound levels (in dB) are calculated on a logarithmic basis (i.e., an increase of 10 dB represents a ten-fold increase in acoustic energy, an increase of 20 dB is 100 times more intense, 30 dB is 1,000 times more intense, etc.).
- The most common method of characterizing sound is the A-weighted sound level (dBA). This method is based on a scale that gives greater "weight" to the frequencies of sound that the human ear finds to be most sensitive.
- Because sound levels can vary over short periods of time, a method for describing either the average character of the sound, or the statistical behavior of the variations, is used. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy

as the sum of all the time-varying events. This energy-equivalent sound/noise descriptor is called Leq. Leq is the average A-weighted noise level during a measured period.

- Lmax and Lmin represent the maximum and minimum A-weighted noise levels during a measurement period.
- L1, L10, L50, L90 (etc.) represent the A-weighted noise levels that are exceeded 1%, 10%, 50% and 90% of the time during a measurement period.
- Day/Night Noise Level (Ldn) is the average A-weighted noise level during a 24-hour day, with a 10-decibel addition to those noise levels measured at night (between 10:00 pm and 7:00 am). Community Noise Equivalent Level (CNEL) is similar to Ldn in that it is the average A-weighted noise level during a 24-hour day, with a 5-decibel addition to those noise levels measured in the evening (from 7:00 pm to 10:00 pm) and a 10-decibel addition to those noise levels measured at night (between 10:00 pm and 7:00 am).
- Ambient Noise Level is the composite of existing noise from all sources near and far, representing the normal, existing level of environmental noise at a given location.

Each of these different methods of characterizing sound is used throughout the Draft EIR to describe changes in perceived noise (i.e., impacts) at “receptors” (e.g., a neighboring property). Their use depends on the different thresholds which measure the significance of that sound.

#### Ambient Noise Conditions

A number of comments on the Draft EIR criticized the lack of ambient noise measurements needed to establish an accurate baseline condition.

To assess ambient noise conditions at the Head-Royce School and surrounding areas, the Draft EIR used noise measurements that were conducted at the Head-Royce School in June of 2019 (i.e., pre Covid-19 pandemic). These noise measurements were taken at the School by Salter Associates (a professional acoustics firm). The dates of these measurements were from Friday June 7, 2019, to Monday June 10, 2019, and included a long-term measurement at the existing Campus’ upper parking lot, approximately 180 feet from the centerline of Lincoln Avenue. The primary noise sources at this location were parking lot activities and traffic along Lincoln Avenue. Daytime noise levels at this location ranged from 48 to 60 dBA Leq on weekdays.

- Using a combination of the data from the Friday and Monday noise measurements, weekday day-night noise levels were calculated to be 53 dBA Ldn.
- Daytime background noise levels, expressed as L90 (or the A-weighted noise levels that were exceeded 90% of the time during the daytime measurement period) are representative of background noise levels in the surrounding residential areas, and ranged from 40 to 45 dBA L90 on the weekdays.

The results of the June 2019 noise monitoring were compared to traffic noise modeling using the Federal Highway Administration’s Traffic Noise Model. Traffic volume inputs to the Noise Model are based on the traffic study prepared for the Draft EIR (Appendix 14A).

- Based on noise modeling using existing traffic volume inputs, traffic noise levels at 50 feet from the center of Lincoln Avenue were calculated to be approximately 61 dBA Ldn under existing conditions.
- Noise levels drop off at a rate of approximately 4.5 dBA per doubling of distance from the roadway, and at a distance of 180 feet from the centerline of Lincoln Avenue, noise levels would be expected to be 53 dBA Ldn.

These modeling results are consistent with the weekday day-night noise levels calculated from measured data in June 2019. Thus, the Draft EIR presented a consistent, verifiable and accurate baseline of ambient

noise conditions within the study area. The individual ambient noise levels at any one of the numerous residences surrounding the School may vary based on individual characteristics of topography, noise attenuation from intervening structures, and other unique features of each potential receiving source, but ambient noise as derived from noise measurements and noise modeling as presented in the Draft EIR is representative of average ambient conditions.

Much of the original technical noise analysis work for the Draft EIR was conducted by Illingworth & Rodkin (EIR technical sub-consultants to the City) during the summer of 2020, when the Covid-19 pandemic resulted in shelter-in-place regulations and prohibitions on fieldwork. Even after the shelter-in-place restrictions were lifted, the closures of offices and businesses throughout the Bay Area (including closure of Head-Royce School) resulted in substantially reduced outdoor activity and resulting low traffic levels. If additional noise measurements had been taken at that time (or even now), they would have shown an abnormally low level of surrounding ambient noise levels due to the reduced level of outdoor activity.

#### *Recent (March 2022) Noise Measurements*

The EIR Noise consultants (Illingworth & Rodkin, Inc.) conducted additional noise monitoring and measurements between Thursday, March 10, 2022 and Friday, March 11, 2022. During this period, school was in session with student attendance at Head-Royce, and traffic levels on Lincoln were trending back to pre-pandemic levels. Monitoring consisted of two long-term noise measurements (LT-1 and LT-2) and two attended short-term noise measurements (ST-1 and ST-2). The ambient noise environment in the area results primarily from vehicular traffic along Lincoln Avenue, occasional aircraft flyovers and residential activities such as yardwork.

Short-term noise measurement ST-1 was conducted on Thursday, March 10, 2022 in three ten-minute intervals starting at 11:50 AM, and ending at 12:20 PM. The monitoring location for ST-1 was at the front of 4229 Linnet Avenue (at the end of Linnet) adjacent to the fence on the property line abutting the Project site. The ten-minute average noise levels measured at this location ranged from 41 to 46 dBA Leq. Local vehicular traffic along Alida Street and aircraft flyovers were the primary noise sources at this location. Short-term noise measurement ST-2 was conducted on Friday, March 11, 2022 in three ten-minute intervals starting at 9:40 AM, ending at 10:10 PM. The monitoring location for ST-2 was near the northwestern corner of the intersection of Charleston Street and Camellia Place. The ten-minute average noise levels measured at this location ranged from 41 to 46 dBA Leq. Vehicular traffic along Lincoln Avenue was the primary noise source at this location. Short-term measurement data is summarized in **Table 3-1**.

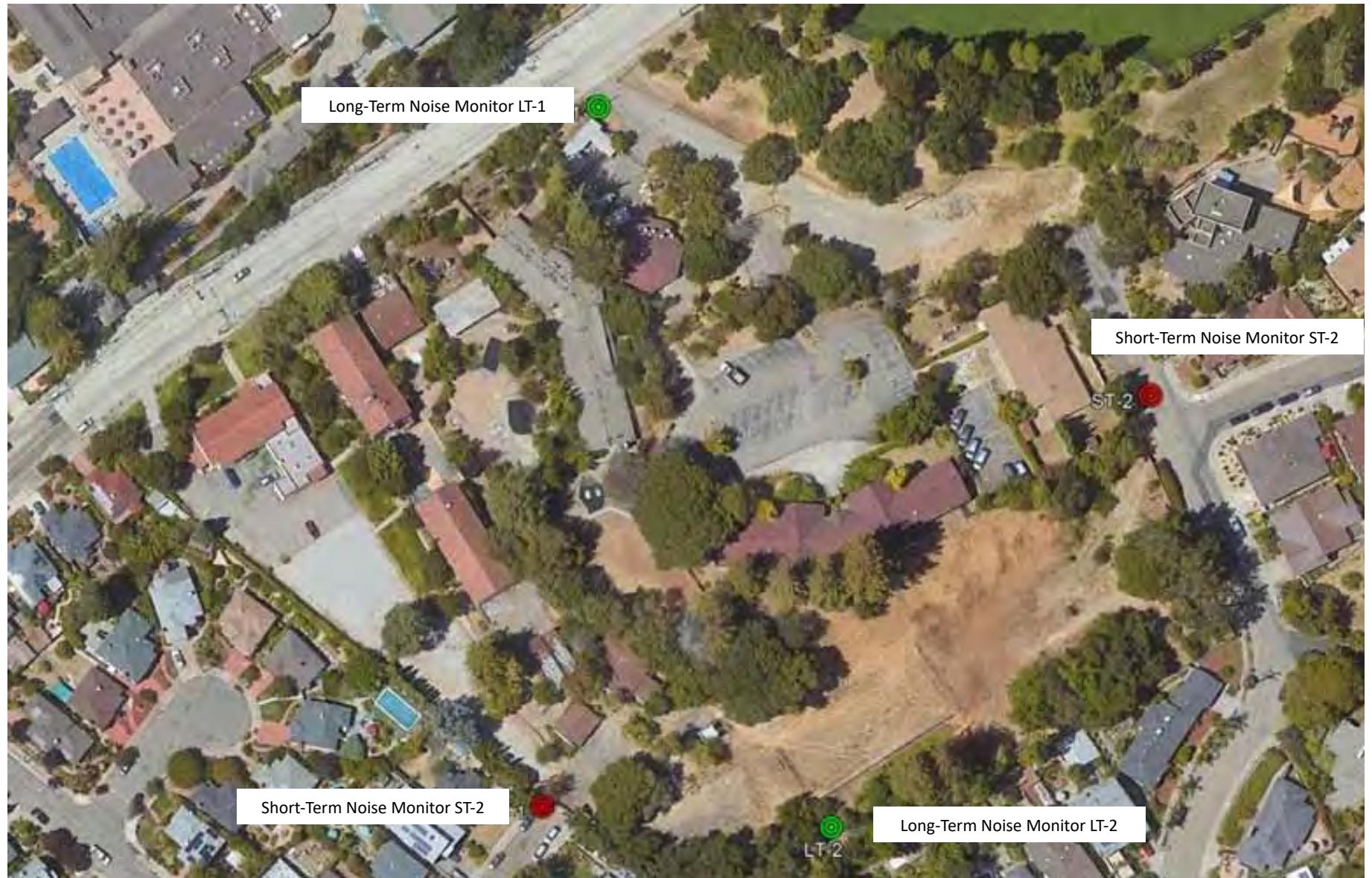
**Table 3-1: Summary of Short-Term Noise Measurement Data (dBA)**

<b>Location, Date, and Time</b>		<b>L(max)</b>	<b>L(1)</b>	<b>L(8)</b>	<b>L(50)</b>	<b>L(90)</b>	<b>Leq</b>
ST-1: 4229 Linnet Avenue, Thursday 3/10/2022	11:50 a.m. to 12:00 p.m.	59	56	51	41	38	46
	12:00 p.m. to 12:10 p.m.	55	53	58	40	37	44
	12:10 p.m. to 12:20 p.m.	51	49	45	38	36	41
ST-2: Intersection of Camellia Place and Charleston Street, Friday 3/11/2022	9:40 a.m. to 9:50 a.m.	61	48	43	38	36	41
	9:50 a.m. to 10:00 a.m.	60	59	50	39	37	46
	10:00 a.m. to 10:10 a.m.	59	52	46	39	36	42

Source: Illingworth & Rodkin, April 2022, personal communication with Lamphier-Gregory

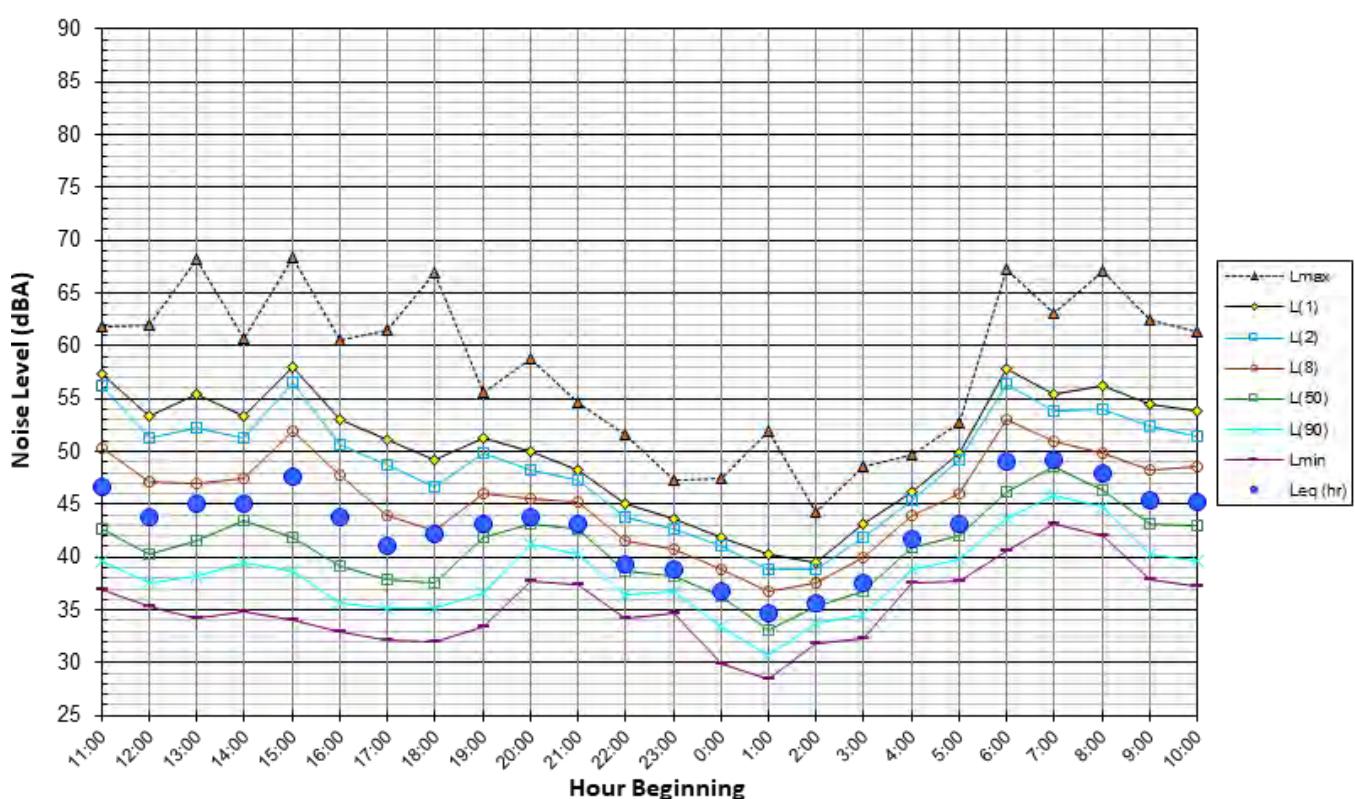
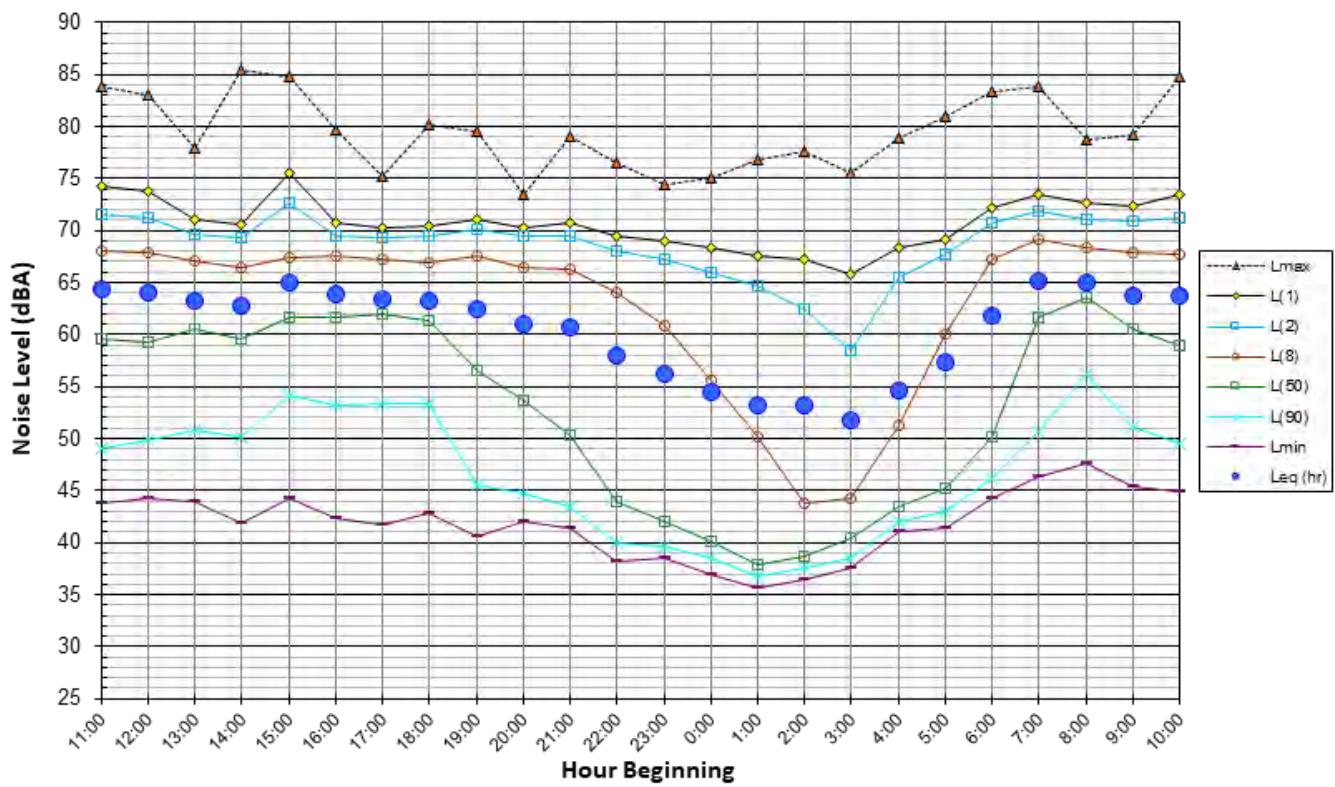
Long-term noise measurements LT-1 and LT-2 measured noise levels between Thursday, March 10, 2022 and Friday, March 11, 2022. The measurement location for LT-1 was at the northern corner of the Project site

along Lincoln Avenue, near the entrance to existing parking lots A and C. The measurement location for LT-2 was near the southeastern corner of the Project site at the fence line of an adjacent residential property in a relatively quiet area, away from local street traffic. These locations were selected to quantify the existing noise environment of the noise-sensitive uses nearest to the Project site (see **Figure 3-1**). Long-term noise measurement data is summarized in **Table 3-2**. The daily trends in noise levels at long-term noise measurement sites are shown in **Figure 3-2**.



**Figure 3-1**  
**March 2022 Noise Monitoring Locations**

Source: Illingworth & Rodkin, 2022



**Figure 3-2**  
**Results of March 2022 Long-Term Noise Measurements**

Source: Illingworth & Rodkin, March 2022

These current noise measurement data generally confirm the assumptions for ambient noise conditions in the surrounding neighborhood, as presented in the Draft EIR. Daytime background noise levels, expressed as Leq (or the equivalent continuous A-weighted noise levels during the daytime measurement period) are representative of background noise levels, range from 41 to 46 dBA Leq on the weekdays.

**Table 3-2: Summary of Long-Term Noise Measurement Data (dBA)**

<u>Location and Date</u>	<u>Hourly-Average Noise Level, Leq</u>		<u>Day-Night Average Noise Level (Ldn)</u>
	<u>Daytime</u>	<u>Nighttime</u>	
LT-1: Along Lincoln Avenue Near Entrance to Parking Lots A and C, (Thursday, 3/10/2022 through Friday, 3/11/2022)	61 to 65	52 to 62	65
LT-2: Southeastern Corner of Site Near Residential Property Line (Thursday, 3/10/2022 through Friday, 3/11/2022)	41 to 49	35 to 49	49

Source: Illingworth & Rodkin, April 2022, personal communication with Lamphier-Gregory

These current noise measurement data generally confirm the assumptions for ambient noise conditions as presented in the Draft EIR. Traffic-generated noise levels within 50 feet of the center of Lincoln Avenue are as high as 65 dBA Ldn, and ambient noise conditions in the surrounding residential neighborhood are substantially reduced, at 49 to 50 dBA Ldn.

#### CEQA Noise Thresholds

Numerous comments on the Draft EIR have criticized the thresholds used to measure noise impacts of the Project, suggesting that the Draft EIR used incorrect or inappropriately applied thresholds, or that these thresholds are not representative of the perception of noise that will affect surrounding neighbors.

As presented in the Draft EIR, the City of Oakland relies on thresholds of significance to determine whether an increase in sound is significant (under the terms of CEQA). Being able to hear a new noise source (such as new students walking to class at the Project site), or finding a new noise source to be irritating or annoying, is not necessarily considered “significant”, unless that new noise source exceeds the City’s CEQA significance thresholds. The thresholds used by the City are presented in the Draft EIR on page 13-17 and 13-18, and are the same thresholds used in all CEQA documents prepared by the City of Oakland, and are published by the City for use by the City’s environmental consultants.

According to these thresholds, the Project would have a significant impact on the environment if it would generate a substantial temporary or permanent increase in ambient noise levels near the Project, in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. This threshold is further defined by the City as follows:

- *Temporary Noise Increase:* Construction noise impacts would be considered significant if project construction were to exceed the City of Oakland’s Construction or Demolition Noise Performance Standards as indicated in Table 13-4 of the Draft EIR, for activities that occur for more than 10 days (i.e., 65 dBA at residential uses during weekday daytime hours and 55 dBA during nighttime hours on weekends). The City allows for an exemption if an acoustical analysis is performed that identifies recommend measures to reduce potential impacts.
- *Permanent Noise Increase:* A significant permanent noise increase would occur if the noise level increase is 5 dBA Ldn or greater, with a future ambient noise level of less than 60 dBA Ldn; or if the

noise level increase is 3 dBA Ldn or greater, with a future ambient noise level of 60 dBA Ldn or greater.

- *Operational Noise in Excess of Standards:* A significant impact would be identified if project operations were to exceed the noise level standards specified in Table 13-5 of the Draft EIR, adjusted down by 5 dBA to account for noise sources consisting primarily of speech or music.

## **Construction Noise**

### *Sensitive Receptors and Construction Noise Thresholds*

As indicated in the Draft EIR, the neighborhoods surrounding the Project site are considered sensitive receptors to noise generated by the Project. The closest residences are immediately adjacent to the Project site along the South Campus' southerly and westerly boundaries, which front onto Charleston Street and Laguna Avenue to the south, and that back to the Project sites southerly boundary. Other nearby residences include homes that front onto Alida Court and Linnet Avenue to the west and that back onto the Project sites westerly boundary. The residence addressed in this comment is one of these closest homes, considered a sensitive receptor.

The applicable City of Oakland's thresholds for construction and demolition noise are the performance standards provided in the Oakland Municipal Code (OMC Section 17.120.050(G)). These performance standards apply to construction activities that occur for more than 10 days, or any repetitively scheduled and relatively long-term construction or demolition operation, and are established at 70 dBA at a receiving commercial use, and 65 dBA at a receiving residential uses during weekday daytime hours. The Oakland Municipal Code standards also allow for an exemption to these otherwise applicable thresholds, if an acoustical analysis is performed, and if the acoustic analysis recommends measures to reduce construction noise impacts.

### *Construction Noise Impacts*

The Draft EIR (beginning at page 13-18), includes a full analysis of construction-related noise. It finds that, at 50 feet from construction noise sources, maximum instantaneous noise levels generated during the Project's construction phases on the South Campus are calculated to range from 81 to 90 dBA Lmax. Residences that back up adjacent to the Project site and within approximately 50 feet of construction would be subject to hourly average noise levels calculated to range from 78 to 86 dBA Leq. Without further noise attenuation, the Project's construction noise would exceed the performance standard of the City Noise Ordinance (which is 65 dBA at residential properties) at unshielded residences located within 500 feet of construction activities, and especially at immediately adjacent residences.

### *Construction Noise Mitigation*

An acoustic analysis was conducted for the Project, and that analysis identifies a number of noise reduction measures to address Project-specific construction-period noise impacts to adjacent sensitive receptors, and to minimize the noise impact at the adjacent property boundaries wherever possible. These measures (as summarized from page 13-22 of the Draft EIR) include:

- limiting the use of concrete saws to the hours between 8:00 am and 4:00 pm on weekdays
- implementing "quiet" pile driving technology such as pre-drilling of piles (if geotechnical and structural requirements require pile or pier foundations at the Performing Art Center building)
- utilizing noise control blankets on new buildings as they are rehabbed or erected
- potentially using noise controls such as sound blankets at adjacent sensitive receivers to temporarily improve the noise reduction capability of adjacent buildings

- using the best available noise control techniques on equipment and trucks used for Project construction
- using hydraulically or electrically powered impact tools to avoid noise associated with compressed air exhaust from pneumatically powered tools
- using an exhaust muffler on any compressed air exhaust tools that may be required
- using existing or temporary electrical power poles instead of generators
- locating stationary noise sources as far from adjacent receptors as possible, and enclosing them within temporary sheds, insulation barriers or use other measures a to provide equivalent noise reduction
- positioning stationary construction equipment as far from noise sensitive receptors as possible
- prohibiting unnecessary idling of internal combustion engines, and
- erecting temporary plywood noise barriers around the construction site when construction is located adjacent to property lines shared with residential uses

The required use of practical noise controls on construction equipment has been found to reduce noise levels by 5 to 10 dBA. Assuming an average noise reduction of 8 dBA, construction is anticipated to meet the 65 dBA performance threshold at distances of 200 feet or greater, or where the noise receptors are located in shielded areas. Additional noise controls such as temporary noise barriers placed adjacent to property lines shared with residential uses would serve to further reduce construction noise effects. However, construction noise would likely remain above threshold levels of 65 dBA, especially at those residences that are immediately adjacent to the Project site.

As indicated in the Draft EIR (page 13-23), the Oakland Municipal Code standards that pertain to construction noise (OMC Section 17.120.050(G): Temporary Construction and Demolition Noise) allow for an exemption to the otherwise applicable threshold of 65 dBA as the maximum allowable construction noise over more than 10 days. The exemption is applicable if an acoustical analysis is performed, and that acoustic analysis recommends measures to reduce construction noise impacts. An acoustical analysis was performed for the construction phases of the Project, and that acoustic analysis recommends measures to reduce construction noise impacts. The recommendations listed above pursuant to SCA Noise-1 through Noise-5 would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance. These measures are comprehensive in their content, and for practical purposes represent all feasible measures available to mitigate construction noise at the site.

No detailed construction schedule has been prepared for the Project, as subsequent phases are dependent upon fundraising efforts, preparation and approvals of subsequent Final Development Plans and permits for each phase, and the School's readiness to proceed. However, the CalEEMod emissions calculator used to calculate construction-period emissions generated an assumed construction schedule of approximately 13 months for all Project construction activities, presuming that all construction would occur within one continuous period. This assumed schedule is based on the construction periods for other projects of a similar scale and nature, as built-in defaults in the CalEEMod model. Given that the total construction effort for the Project is expected to be slightly longer than a one-year period, and that schedule will be split between two or more construction sequences, it is reasonable to assume that any one of the construction sequences for the Project will not be more than one year in duration. Noise impacts during those construction sequences will vary depend on the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, the distance between construction noise sources and noise-sensitive receptors, and any shielding provided by intervening structures or terrain.

The City of Oakland's standard CEQA practice for addressing construction noise as part of environmental review considers construction noise impacts to be less than significant if the construction duration does not

exceed one construction season (typically one year or less), and if all reasonable and feasible noise attenuation measures are to be implemented. With implementation of the noise controls identified above, and recognizing that noise generated by construction activities would occur over a temporary period (less than one year during any individual construction sequence), the temporary increase in ambient noise levels during construction was found to be less than significant. This conclusion is consistent with City of Oakland standard CEQA practice for how to address construction noise as part of environmental review, and is generally applied to all construction projects that are near or adjacent to other sensitive receptors.

## **Operational Noise**

### Operational Noise Thresholds

The Oakland Planning Code (Chapter 17.120.050) establishes the operational noise thresholds from new stationary sources (i.e., operational noise that is emitted from a fixed location during an operations period). These thresholds (presented in Table 13-5 of the Draft EIR) identify the maximum allowable noise standards applicable to long-term exposure to operational noise for residential and civic land uses. These thresholds are established for the “receiving land use” (in this case, the nearest adjoining residences). Statistical descriptors are used to account for the time varying nature of ambient noise and noise generated by the source being evaluated. According to the Planning Code as referenced in the City’s CEQA threshold for operational noise, the “receiving land use” standard varies by exposure time (for example, the L<sub>33</sub> noise threshold is established at 60 dBA during the daytime, and the L<sub>8.3</sub> noise threshold is 70 dBA during the daytime. Consistent with the methods proscribed in the Planning Code, these noise thresholds were further reduced 5 dBA (i.e., were made 5 dBA more restrictive) for the noise expected to be generated by the Project consisting primarily of speech or music, or recurring noise. Since existing ambient noise levels at these receiving sites are not expected to exceed the allowable threshold, the standard (or threshold) was not adjusted up to equal the ambient noise level.

These operational noise thresholds were applied to each of the Project’s new daily operational noise sources, which include:

- the proposed outdoor classrooms,
- daily use of the central Commons outdoor space,
- school recess held at the existing recreation field,
- a dust collection system on the interior of the Building 2,
- the proposed parking lots,
- the two proposed audible crosswalk signals for pedestrian crossings of Lincoln Avenue, and
- the loading dock at the Performing Arts Center building

These operational noise thresholds were also appropriately applied to each of the Projects expected “special events”, including graduation ceremonies to be held in the outdoor Commons, and Special School Events held at the Performing Arts Center.

Because these operational activities of the Project would not occur every day (not on weekends or summer break), would not occur during the nighttime when school is not in session, and would not occur continuously throughout the day, the operational thresholds are most appropriately used for these types of activities. As is noted in the Draft EIR’s analysis of graduation ceremonies (one of the operational noise sources evaluated in the Draft EIR), these operational thresholds were used in Illingworth & Rodkin original analysis, reviewed by Salter Associates, and subject to an additional third-party peer-review by RGD Acoustics. Each of these professional and highly experienced acoustical consultants agreed on the use of the operational thresholds as being appropriate. The letter by Mr. Pack (and supported by other public comments) suggesting that the

permanent thresholds should have been used instead, is an outlier opinion not supported by City standard practice on all other EIRs prepared for the City, and not supported by the three professional acoustic consultants that prepared or reviewed this analysis. The City noise thresholds were used appropriately in the Draft EIR to determine whether new noise sources would be considered significant.

### Operational Noise Sources and Impacts

The Draft EIR and its accompanying technical Noise Study (Illingworth & Rodkin, Inc., Head-Royce School Noise and Vibration Assessment, July 23, 2020, Appendix 13A) clearly describes how the noise levels for each new noise source of the Project have been determined. For the most part, these new noise sources do not currently exist and cannot be measured, so professional judgement, experience and measurements from other similar noise sources that have been measured, are relied upon. These assumptions for individual noise source and their respective source noise levels were developed by professional acoustic consultants (Illingworth & Rodkin), working as consultants to the City under the EIR contract. They are based on noise measurements taken at other similar noise sources, the broad experience and understanding of acoustics represented by the consultants of this firm, and best professional judgement. Furthermore, these noise source levels were reviewed by a separate acoustic consultant (Salter Associates), and the noise levels for the Graduation Event noise source were subject to an additional third-party peer-review by RGD Acoustics. These professional and highly experienced acoustical consultants discussed and debated various methods for developing a noise source level for a graduation event, and eventually all agreed on the noise source levels for the graduation event as used in the Draft EIR. These other acoustic consultants did not raise any concerns with noise source levels for other operational noise sources associated with the Project. The letter by Mr. Pack (and supported by other public comments) suggesting that these noise source levels were based on data that either does not exist, is inaccurate or developed by parties of unknown qualification, would be incorrect.

Analysis of operational noise impacts as presented in the Draft EIR relied on the use of computerized modeling of the noise sources as described above, using SoundPLAN Version V8.2. SoundPLAN is a sophisticated three-dimensional noise mapping software that takes the characteristics of the noise source, and the geometry of the receivers, surrounding terrain and any intervening structures into account. SoundPLAN was used to calculate noise contours for each operational noise source identified for the Project, except for indoor noise sources that are not expected to be audible at the property line. The results of the SoundPLAN model are presented in the Draft EIR as noise contours emanating from each noise source (Figures 13-5 through 13-7), and as individual sound levels at identified sensitive receptors (Tables 13-9 through 13-14). These results are technically accurate, based on reliable modeling techniques, and accurate source data for sound levels.

Numerous comments on the Draft EIR suggest that the document's conclusions that noise impacts of the Project will be less than significant is not credible, and indicate that noise from the Project will adversely affect the quality of life of surrounding neighbors. The noise analysis in the Draft EIR does not suggest that neighboring properties will not hear any of these new operational noise sources, or that they will not find these new noise sources to be convenient or desirable. Rather, the analysis compares the resulting noise levels to the City's identified noise thresholds for operational noise levels, which defines significant noise impacts under CEQA. The analysis finds all of the Project's noise sources to be either less than significant, or mitigated to levels of less than significant (for noise associated with outdoor graduation event noise at the Commons, and late evening outdoor gatherings at the Performing Arts Center).

Many other comments suggest that certain of these noise impacts are incorrectly documented and inconsistent with the conclusions of the Noise Study (Appendix 13), specifically citing conclusions of the Noise Study at page 20 (pertaining to outdoor gatherings at the Performing Arts Center) and page 26 (pertaining to the loading dock).

The following provides a brief summary of how the source noise levels for each operational element of the Project have been derived, and the resulting noise levels at nearby sensitive receptors.

### *Outdoor Classrooms*

Noise source levels for outdoor classrooms assume one teacher and up to 15 students speaking at normal voice levels (a level of 60 dBA Leq at 3 feet), during school hours (8:30 am to 3:30 pm). Approximately five, one-hour long classes per day are anticipated.

Based on SoundPLAN modeling of this noise source, resulting noise levels from outdoor classrooms are below 30 dBA at all surrounding land uses. Outdoor classroom activity noise would be lower than existing noise levels generated on local roadways and surrounding residential activities, and would be below the established daytime thresholds. The outdoor classroom would not generate significant noise impacts on adjacent residences.

Numerous comments have suggested that the teacher at an outdoor classroom would need to speak much louder than was assumed in the Draft EIR to be heard, and that a teacher's voice may need to be as loud as 78 dBA Leq at 3 feet to be heard by student at 10 to 15 feet away. According to the Handbook of Acoustical Measurements and Noise Control, Third Edition (Harris, 1991), average sound levels for different male and female vocal efforts are divided into categories of shouting, loud voice, raised voice, and normal conversation. The average A-weighted vocal sound levels under quiet conditions for these three vocal categories are:

- 88 dBA for male shouting and 82 dBA for female shouting;
- 75 dBA for a male loud voice and 71 dBA for a female loud voice; and
- 65 dBA for a male raised voice and 62 dBA for a female raised voice

These are all maximum sound pressure levels ( $L_{max}$ ) measured at 1 meter (or approximately 3 feet) from the receptor.

Vocal sounds at 78 dBA at 3 feet far exceeds the "raised voice" category of 62 to 65 dBA at 3 feet, and even exceeds the loud voice category of 71 to 75 dBA at 3 feet, suggesting that teachers would need to shout or yell at their students to be heard. This suggestion is unrealistic, especially given the relative quiet ambient noise conditions at the site. Even assuming a teacher may shout at a level of 78 dBA at 3 feet for a short period of time, that loud-voiced shout would be reduced down to about 54 dBA at 50 feet (using a 6 dBA reduction per doubling of distance), which is about how far away the nearest off-site receptor would be from the outdoor classroom. At 54 dBA, this loud-voiced shout would not exceed the  $L_{max}$  threshold of 75 dBA, nor would it exceed the most restrictive  $L_{33}$  (or 20-minute) threshold of 55 dBA. The conclusion of less than significant against all applicable threshold criteria remain correct, and would even remain correct if using the unrealistic expectation of shouting voice levels continuously over the course of 20 minutes during a 1-hour long class.

### *Daily Use of the Commons*

Daily use of the Commons was assumed similar to that of the outdoor classroom, but with up to two school classes occurring simultaneously within this outdoor space. With two classes, activities would involve two teachers and up to 30 total students speaking at normal voice levels (a level of 60 dBA Leq at 3 feet) during school hours (8:30 am to 3:30 pm). Approximately five 1-hour long class periods per day are anticipated, with two classes occurring simultaneously during all periods.

Because the Commons area is further from nearby residences than the outdoor classroom, the noise modeling in SoundPLAN, assuming four noise sources calibrated to a normal conversation level of 60 dBA Leq at 3 feet, results in noise levels below 20 dBA at all surrounding land uses. Typical outdoor classroom activity occurring in the Commons would generate noise at levels below ambient levels and below the daytime thresholds. Use of the Commons space for outdoor classrooms would not generate significant noise impacts on adjacent residences.

### *Recess at the Playfield*

Recess is expected to involve an average of 30 and no more than 40 students on the recess field at a time, with up to four adults/teachers. Five one-hour recess periods are assumed per day, during the school hours (8:30 am to 3:30 pm). Based on noise monitoring conducted by the EIR noise consultant at other schools in the Bay Area, a noise level of 59 dBA at a distance of 50 feet from the center of activities was assumed for recess activities.

Noise modeling in SoundPLAN was used to calculate noise levels generated by recess activities at the nearest sensitive receptors (adjacent residences). Resulting noise levels summarized in Table 13-9 of the Draft EIR show that these resulting noise levels would not exceed any of the applicable operational noise standards, when the City standards are adjusted down by 5 dBA to account for the speech content of the activity (i.e., a more sensitive threshold for this type of noise source). As also shown on Figure 13-5 of the Draft EIR, the estimated hourly average Leq noise contours during recess would be less than 55 dBA at the nearest receptors, and this impact would not be significant.

### *Dust Collector*

The dust collector proposed to be installed on the interior of Building 2, near the east side of the building would be located near door and window openings, but (based on operational requirements of the dust collector) all doors and windows would need to be closed during its operation. Indoor operation of the duct collector with windows and doors closed is not anticipated to be audible off-site. This is a less than significant impact.

### *Regular Daytime use of the Performing Arts Center Building*

Regular performing art classes and certain Special Events would be held indoors at the Performing Arts Center during both daytime and evening hours, but no nighttime (10:00 pm to 7:00 am) events, classes or activities are proposed. Daily indoor use of the facility would include band, orchestra, dance, and choir practice without amplification. It is anticipated that 25 classes would be held in the facility per day, spread between five classrooms, each having 30 to 40 students and a teacher. Typical non-amplified noise from these classes is not anticipated to be audible at off-site locations.

### *Indoor Events at the Performing Arts Center Building*

Special Events (events where visitors and parents are invited to attend) may include up to 43 evening Special Events (held between 7:00 pm to 9:30 pm). They also include 27 daytime Saturday Special Events (held between 9:00 am to 6:00 pm), 5 Saturday evening Special Events (held between 6:00 pm to 9:30 pm), 5 daytime Sunday events (held 9:00 am to 6:00 pm), and 5 single-day weekday summer events (held 9:00 am to 6:00 pm). These permitted Special Events total 85 events per year. A maximum attendance of 450 persons is anticipated at these events, based on the seating capacity of the Performing Arts Center. Amplification would be used inside the facility.

Based on noise measurements conducted at various other Special Events and ceremonies at other Bay Area high schools, indoor special event activities with windows and door closed were not perceivable at the nearest residential property lines and did not affect measured noise levels in surrounding quiet residential areas. This is a less than significant impact.

### *Parking Lots*

Noise associated with use of the parking lots was assumed to include vehicular circulation, engines, car alarms, squealing tires, door slams and human voices. Based on noise measurement taken by the EIR noise consultant at other similar parking lot locations, parking lot sounds can typically reach maximum levels of 50 to 60 dBA  $L_{max}$  at a distance of 50 feet. Parking lot noise can be expected to generate maximum noise levels in

the range of 46 to 56 dBA L<sub>max</sub> at a distance of 100 feet, and 40 to 50 dBA L<sub>max</sub> at 200 feet (not accounting for differences in terrain). The cumulative duration of noise from these intermittent maximum sounds would be more than five minutes, but less than 15 minutes in any hour. Therefore, the L<sub>17</sub> value was used as the applicable regulatory threshold in the analysis.

The hourly average noise level resulting from all these noise-generating activities in a small parking lot would be anticipated to reach 40 dBA Leq at a distance of 50 feet from the parking area. Maximum and average noise levels generated in the parking lot and as received at the nearby residential receptors would be lower than the daytime thresholds established by the City of Oakland. During peak drop off/pick up hours (8:00 to 9:00 am and 3:15 to 4:15 pm), parking lot noise would not contribute measurably more noise than the noise attributed to those same vehicles traveling along the Loop Road (see below). This is a less-than-significant impact.

#### *Crosswalk Signal*

A new crossing signal at the lower Loop Road driveway would be approximately 30 feet from the nearest residence on Lincoln Avenue, and this signal would include an audible crosswalk device. These crosswalk devices typically include volume control options, and noise levels generated by these signals fall well below City of Oakland Noise Ordinance limits. However, due to the tonal and repetitive nature of such sounds, the crosswalk signal may be annoying to nearby residents, even if their noise level is below the ambient noise generated by traffic along Lincoln Avenue. Although this crosswalk noise is not considered a significant impact under CEQA, the acoustic professionals that prepared this section of the EIR recommended “good neighbor practices”, as developed under the sponsorship of the National Cooperative Highway Research Program (NCHRP), and following the requirements of the Manual on Uniform Traffic Control Devices, as presented in the Draft EIR.

#### *Loading Dock*

A loading dock for the Performing Arts Center building was proposed at the southwest corner of this new building. Noise generated by a small, non-commercial or warehouse loading dock can be expected to include back-up alarms and truck engine noise. Trucks used for deliveries were assumed as no greater than 26 feet in length, whereas pickup trucks will likely be more commonly used. It was assumed there might be one delivery per day on average, occurring between the hours of 9:00 a.m. and 5:00 p.m. on Monday through Saturday. It was also assumed that noise from back-up alarms would occur for fewer than 5 cumulative minutes in any hour. As a delivery truck is maneuvered through the loading dock area and is unloaded, it is the EIR acoustic consultant’s professional opinion that it may generate a noise level of about 75 dBA Leq at a distance of 50 feet. Maximum noise levels would be about 14 dBA higher (or 89 dBA L<sub>max</sub>).

Noise modeling in SoundPLAN was used to calculate noise levels generated by loading dock activities at the nearest sensitive receptors (adjacent residences). Resulting noise levels summarized in Table 13-10 of the Draft EIR show that these resulting noise levels would not exceed any of the applicable operational noise standards. Figure 13-5 of the Draft EIR shows that the estimated hourly average Leq noise contours during loading dock operations would exceed 55 dBA but would not exceed 60 dBA at the nearest receptors, and this impact would not be significant.

Several commenters have pointed out an inconsistency between the conclusion of the Noise Study (Appendix 13) and the conclusions of the Draft EIR, specifically related to analysis of the loading dock. None of the comments on this topic present any evidence that the Draft EIR’s conclusion is wrong, but rather point out this apparent inconsistency as a reason to be skeptical of the analysis. The Draft EIR (page 13-28) concludes that, “a delivery truck maneuvered through the loading dock area and unloaded is anticipated to generate a noise level of about 75 dBA Leq at a distance of 50 feet. Maximum noise levels would be about 14 dBA higher (or 89 dBA L<sub>max</sub>). As indicated in Table 13-10 and shown on Figure 13-5 of the Draft EIR, noise generated by loading dock activities is not expected to exceed the applicable thresholds at any of the closest residences to

the south (as shown on Draft EIR Table 13-10 for Receptor R4), and this impact would not be significant. This conclusion is not consistent with information presented in the Noise Study (Appendix 13, Table 9), which concludes that loading dock activities would exceed applicable thresholds at Receptor 4 under L33, L17 and Lmax conditions, and this impact would be significant. As explanation for this inconsistency, during review of administrative draft work on the DEIR, it was realized that computer modeling of the loading dock noise source had incorrectly been based on a larger commercial type loading dock, rather than the small, non-commercial loading dock using smaller vehicles (26-foot trucks and pickup trucks) as proposed by the Project. The modeling was recalibrated to the corrected noise source levels, the results of that corrected noise model were provided to the EIR consultant, and these corrected results were presented in the Draft EIR's Table 13-10 and Figure 13-5. These types of corrections are common when analyzing complex projects, and the correct conclusions of this analysis are as presented in the Draft EIR.

As a further response to this specific issue, the School has proposed a modification to the Project that would remove the loading dock at the proposed Performing Arts Center building, given the relatively limited need for hauling large materials in and out of the building. No impacts related to a loading dock would occur under this modified Project.

#### *Building 0 Deck*

Outdoor use of the deck on the west side of Building 0 for certain indoor and outdoor social gatherings was assumed to include 50 to 100 people, for one gathering per month, with a duration of approximately 2 hours during the school day (8:30 am to 3:30 pm). This noise source was calibrated to a raised conversation level (of 67 dBA Leq at 3 feet), with a spectral content similar to that measured for school graduation event. A lower noise source level is assumed for the social gatherings at Building 0 than for outdoor gatherings after the Art Center events. Events at Building 0 would be smaller, and meant to be informational events rather than social events, where participants would be less likely to raise their voices for conversation.

Noise modeling in SoundPLAN was used to calculate noise levels generated by these outdoor events at the nearest sensitive receptors (adjacent residences). Noise levels at the closest residences to the south of Building 0 are calculated to range from 39 to 47 dBA Leq during periods when attendees are utilizing the outdoor deck area. As shown in Table 13-9 of the Draft EIR, these resulting noise levels would not exceed any of the applicable operational noise standards, when the City standards are adjusted down by 5 dBA to account for the speech content of the activity (i.e., a more sensitive threshold for this type of noise source). As also shown on Figure 13-7 of the Draft EIR, the estimated hourly average Leq noise contours during events on this deck would be less than 55 dBA at the nearest receptors, and this impact would not be significant.

#### *Outdoor Gatherings at the Performing Arts Center Building*

The Draft EIR assumed that informal gatherings of up to 400 people might occur outside the Performing Arts Center for up to 1 hour following each special event, as performers and attendees socialize and discuss the event. The Special Events would take place during daytime and evening hours (ending by 9:30 pm), but the informal gatherings could potentially extend later into the evening/nighttime. Based on the Project Description, these informal gatherings would not include any amplification or formal entertainment (e.g., music).

Noise modeling was conducted assuming a noise source calibrated to a moderately sized outdoor event with raised group conversation levels (of 64 dBA Leq at 50 feet), and spectral content similar to that measured for the high school graduation event. As shown in Table 13-12 of the Draft EIR, these resulting noise levels would not exceed any of the applicable daytime operational noise standards. These events could exceed the adjusted nighttime standard at residences on Alida Court (Receptor R-3) if the activity occurred after 10:00 p.m. (i.e., as compared to the more stringent nighttime standard). Gatherings extending into nighttime hours would be a potentially significant impact. As also shown on Figure 13-7 of the Draft EIR, the estimated hourly

average Leq noise contours during such events would be less than 55 dBA at the nearest residential receptors.

Several commenters have pointed out what they believe to be an inconsistency between the conclusion of the Noise Study (Appendix 13) and the conclusions of the Draft EIR, specifically related to impacts of outdoor gatherings at the proposed Performing Events Center. These comments present no evidence suggest that the Draft EIR's conclusion were wrong, but rather point out an apparent inconsistency as further reason to be skeptical of the analysis. The Draft EIR (page 13-34) concludes that, "noise levels during gatherings after a Special Event at the Performing Arts Center would be similar or lower in level than existing daytime noise levels at these residences and would be below the adjusted daytime thresholds. However, noise levels could exceed the nighttime standard and the adjusted nighttime standards at residences on Alida Court (receptor R-3) if the activity occurred after 10:00 p.m. (i.e., as compared to the more stringent nighttime standard), and gatherings extending into nighttime hours would be a potentially significant impact. This conclusion is fully consistent with information presented in the Noise Study (Appendix 13, Table 5), which shows the very same calculated noise parameters at Receptor R3 for noise generated during gatherings after a PAC event. The Noise Study and the Draft EIR both consider this as a potentially significant impact.

The Noise Study concludes that, "simply limiting outdoor activity to no later than 10:00 pm would reduce the significance of this impact". The Draft EIR includes mitigation (Mitigation Measure Noise-3B, Special Event Notifications and Restrictions) pertaining to School-sponsored Special Events to ensure that all evening events at the Performing Arts Center are completed by 9:00 pm, with all post event gatherings, event traffic and exterior clean-up activities completed by 10:00 pm. The conclusions of the Noise Study and its recommendation for limiting the hours of permitted outdoor activity, and the mitigation measure presented in the Draft EIR are fully consistent on this topic.

#### *Outdoor Graduation*

The source noise level for outdoor graduation events at the Commons is perhaps the most complex of the Project's noise sources, as its noise levels would be generated by both crowd noise from graduation attendees and amplified speech and music. The source noise level for outdoor graduation events at the Commons is perhaps the most complex of the Project's noise sources, as its noise levels would be generated by both crowd noise from graduation attendees and amplified speech and music. The level of crowd noise was determined based on measured crowd noise at a prior Head-Royce School graduation event, adjusted upward by 3 dBA to account for the increased number of attendees (generally following a relationship of a 3-dBA increase in sound level for each doubling in attendance). Crowd noise was combined with sound levels generated by the proposed PA system (i.e., directional-array speakers at the front of the audience, calibrated to reach a level of 75 dBA at the last row of the audience). These noise source levels were reviewed by a separate acoustic consultant (Salter Associates), and the noise levels for the Graduation Event noise source were subject to an additional third-party peer-review by RGD Acoustics. These professional and highly experienced acoustical consultants discussed and debated various methods for developing a noise source level for a graduation event, and eventually all agreed on the noise source levels for the graduation event as used in the Draft EIR.

As shown in Table 13-11 of the Draft EIR, the noise levels generated by the crowd during an upper school graduation event with 1,000 spectators would be the dominant noise source at several of the identified receptor locations. However, this noise level would not exceed the adjusted maximum allowable noise level standards specified by the City of Oakland Noise Ordinance for daytime periods (7:00 am to 10:00 pm) at any of these sensitive receptor locations. Noise levels generated by the PA system as proposed would be the dominant noise source at several of the other receptor locations, and this PA system noise would exceed the adjusted maximum allowable noise level standard at residences along Charleston Street to the east (Receptor R10), and along Camellia Place to the northeast (Receptor R13). SoundPLAN Version V8.2, was used to calculate the noise contours resulting from this PA system, utilizing the topography of the site and buildings

in the surrounding area. The resulting Leq noise contours for the PA system at receptor locations are shown in Draft EIR Figure 13-6.

The crowd noise combined with the PA system noise (as shown on Draft EIR Table 13-11) is expected to exceed the adjusted maximum allowable noise level standard for at least 20 cumulative minutes in a 1-hour period at residences along Charleston Street to the east (receptors R9 and R10), and along Camellia Place to the northeast (receptor R13). The estimated hourly average Leq noise contours during such graduation events would exceed 60 dBA at the nearest residential receptors uphill from the Commons at Camellia Place, and would exceed 55 dBA further up Camelia Place, along Charleston Street and even across Lincoln Avenue at the School's North Campus.

Lower and middle school promotion ceremonies would have significantly lower attendance than that of upper school graduation ceremonies, and crowd noise levels generated during lower attendance events would be lower. Assuming an attendance of 500 spectators for middle and lower school promotion, and an adjusted speaker system array for the smaller audience, the PA system's noise levels would only be anticipated to exceed the adjusted noise level standard at one residence to the north along Charleston Street (R13). However, noise levels generated during large graduation ceremonies and promotion events held in the Commons are anticipated to exceed the adjusted daytime thresholds established by the City of Oakland Noise Ordinance at nearby residences. These three events (high school graduation and middle and lower school promotions) would occur only once each per year, and would only occur during daytime hours. Nevertheless, because these special events are projected to exceed the noise standard, they would be considered significant noise impacts.

Because noise impacts from these graduation events at the Commons are primarily the result of the amplified PA system (as demonstrated in Table 13-11), the Draft EIR recommends Mitigation Measure Noise-3A, Sound System Design Parameters. Per this mitigation measure, Head-Royce School shall have an acoustic engineer design and install a speaker array system for outdoor graduation events designed to lower the noise "spillover" from the system to no greater than between 52 and 53 dBA Leq at the southerly and easterly property lines. Examples of such a speaker array could include placing greater numbers of speakers at positions closer to the attendees (e.g., at the sides of the audience seating, rather than being elevated above the front stage), and elevating the speakers so that they are directed downward toward the attendees, rather than out across the entire Commons. This mitigation strategy was developed by the team of noise consultants and peer review consultants. By designing the PA sound system to the recommended standards at the property line, the resulting noise levels at all identified sensitive receptors could meet applicable noise thresholds (see Draft EIR Table 13-14). These measures would reduce the noise impacts associated with large Special Events to levels of less than significant.

#### *Traffic Noise on the Loop Road*

Based on the information provided by Fehr & Peers (the EIR transportation consultant), 385 student drop-offs and 385 pick-ups are anticipated to utilize the Loop Road each school day. Of these trips, approximately 343 would occur during the morning peak hour and 135 would occur during the afternoon peak hour. Speeds along the Loop Road are anticipated to be below 20 mph.

Traffic noise modeling was conducted using the Federal Highway Administration's Traffic Noise Model (TNM). This model calculates the hourly Leq noise level. For street traffic noise, the hourly Leq typically falls between the L10 and L50 statistical descriptors and is a good estimate of the L33 statistical descriptor used in the operational daytime thresholds. Based on the traffic noise modeling results:

- hourly average traffic noise levels of 52 dBA and 48 dBA Leq would be anticipated during the morning (8:00 to 9:00 am) and afternoon (3:15 to 4:15 pm) peak hours, respectively, at a distance of 50 feet;

- traffic noise levels during periods for after-school pick-ups (4:15 to 5:15 pm) and sports/clubs pick-ups (5:15 to 6:15 pm) would be about 47 dBA Leq at 50 feet;
- traffic noise levels for periods of early arrivals (7:00 to 8:00 am) and Kindergarten pick-up (2:15 to 3:15 pm) would be 43 dBA Leq at 50 feet; and
- noise levels during other periods during the day and during evening and nighttime hours would be negligible

Based on the results of traffic noise modeling, the maximum hourly-average traffic noise along the Loop Road would be 52 dBA Leq during the morning peak hour, at a distance of 50 feet. Residences adjoining the proposed Loop Road are as close as about 50 feet to 70 feet from the Loop Road. At the closest distance of 50 feet, noise levels generated by vehicle circulation along the Loop Road would not exceed any of the operational Leq daytime thresholds. Operational traffic noise impacts attributed to the proposed Loop Road would be less than significant.

Although not required to address a significant noise impact, the Project proposes to construct a 6-foot high wall along the property line separating the Loop Road from adjacent residences. Assuming the 6-foot height of the wall is relative to the ground elevation of the Loop Road, the wall would be anticipated to provide 5 to 6 dBA of additional noise reduction to the adjacent shielded residences, further reducing this traffic noise.

### **Traffic Noise on Lincoln**

The applicable City of Oakland thresholds for a permanent noise increase is defined as a noise level increase of 5 dBA Ldn (which is an averaged day/night noise level measurement) over ambient, where the future ambient noise level is less than 60 dBA Ldn. The threshold is also a noise level increase of 3 dBA Ldn or greater, where the future ambient noise level is 60 dBA Ldn or greater. This noise threshold is typically and almost exclusively used for measuring the significance of increased traffic noise, where traffic is generated throughout all hours of every day, potentially increasing the permanent (or continuous) noise levels in an area.

Based on the Project's transportation assessment (prepared by Fehr & Peers, the EIR transportation consultant), the Project is estimated to generate 270 additional morning peak hour trips, 108 additional afternoon peak hour trips, and an additionally 600 daily trips. All trips are anticipated to be along Lincoln Avenue. Existing traffic volumes along Lincoln Avenue range from 706 to 1,347 vehicle during the morning peak hour depending on location along the corridor, and from 601 to 1,141 during the afternoon peak hour.

By comparing existing to existing plus Project traffic volumes and assuming a conservative worst-case scenario whereby all peak hour trips generated by the Project travel the entire Lincoln Avenue corridor from east of Mountain Boulevard to west of Potomac Street, traffic noise levels along Lincoln Avenue are calculated to increase by 1 dBA over existing conditions. Based on noise modeling using existing traffic volume inputs (see Ambient Noise Conditions, above), existing traffic noise levels at 50 feet from the center of Lincoln Avenue were calculated to be approximately 61 dBA Ldn. This 1 dBA increase in traffic noise along Lincoln Avenue is less than either of the City's 3 dBA or 5 dBA increase over ambient thresholds (depending on whether ambient is less than or greater than 60 dBA), and this impact is correctly identified as being less than significant.

### **Cumulative Noise Impacts**

Comments on the Draft EIR indicate that a cumulative noise analysis was not included in the Noise Study presented in Appendix 13. These comments also suggest that the cumulative noise analysis presented 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.

### Cumulative Daily Operational Noise Impacts

The cumulative noise analysis that is presented in the DEIR (at page 13-42 and in Table 13-16) is complete. This analysis (which was conducted by Illingworth & Rodkin) recognizes that some school events could potentially take place simultaneously during school hours. These simultaneous daily uses could include:

- use of outdoor classrooms;
- daily use of the outdoor Commons and recess activities;
- indoor use of the Performing Art Center for school-related classes and operation of the dust collector (both of which would occur indoors and would not audible off-site); and
- gatherings on the deck at Building 0 (which are proposed once per month)

This cumulative analysis cites the various noise sources considered, and their respective individual noise levels at the residential receiver locations shown in the prior individual source analysis. Table 13-16 of the Draft EIR presents the sums of the various noise sources at each of the respective receivers. Potential cumulative noise levels generated during the simultaneous occurrence of all of these daily school hour activities and events are shown to be no greater than the loudest noise levels generated by each of these activities individually, at each receptor location. No cumulative noise exceedances are anticipated to occur from these cumulative school hour activities, cumulative daily noise levels would be below the daytime threshold of 55 dBA, and this would be a less than significant cumulative effect.

These cumulative noise levels are not added together with background ambient noise, as the threshold for operational noise (individual or cumulative) is not based on an increase over ambient (see discussion of CEQA Thresholds, above).

### Cumulative Peak Hour Noise Impacts

During the peak student-arrival period in the morning, cumulative noise sources attributed to the Project include:

- increased traffic on Lincoln Avenue;
- on-site traffic on the Loop Road; and
- noise associated with parking activities

Noise Receptor R-1 (the residence on Lincoln Avenue closest to the lower Loop Road exit) will be exposed to the maximum noise levels from each of these cumulative noise sources during the “worst-case” morning peak hour period. Based on the information presented above, this residence will be exposed to noise levels of approximately 55 dBA from additional Project-generated traffic on Lincoln Avenue, 52 dBA from traffic noise along the Loop Road, and approximately 40 dBA from nearby parking lot noise. These noise sources combine to generate a cumulative noise level of approximately 57 dBA at this residence – less than the conservatively applied L33 (20-minute) threshold of 60 dBA.

These noise sources, when combined with the existing approximately 61 dBA of traffic noise along Lincoln Avenue, result in a total noise level of approximately 62.4 dBA (or an increase of approximately 1.4 dBA), which is less than the 3 dBA increase threshold for cumulative permanent noise levels.

## **Loop Road Design, Impacts and Intended Operations**

### **General Nature of Public Comments**

Numerous comments on the Draft EIR express concern about the design of the proposed Loop Road as being too close to existing residences, and causing environmental effects on nearby homes that were not

adequately addressed in the Draft EIR. Comments also express skepticism that the Loop Road would function as described in the Draft EIR, questioning whether the Loop Road would prohibit emergency access to the neighborhood, and questioning whether the Loop Road would eliminate the current “Alida Loop” as the School-designated drop-off/pick-up route.

### **Loop Road Design**

In response to comments about inconsistent measurements of the length of the Loop Road as presented in the Draft EIR, this roadway (as realigned pursuant to proposed modifications to the Project Description, see Chapter 2) has been re-measured. An accurate measurement of the currently proposed Loop Road is approximately 1,610 linear feet, or about 160 feet longer (or approximately 10% longer) than as described in the Project Description of the Draft EIR. The relatively minor difference in measurements of the length of the Loop Road does not affect any of the analyses which were conducted in the Draft EIR to assess potential environmental effects attributable to the Loop Road (see below).

In addition to the 1,610 linear feet of the Loop Road, there would be an additional queue space within the easterly parking lot near the Loop Road entrance of 860 feet, plus 270 feet of additional queue space at the westerly drop-off near Building 2, for a total drop-off/pick-up length of 2,740 linear feet. This queuing space is where vehicles would wait their turn at the on-site drop-off and pick-up locations. In comparison, the frontage of the proposed South Campus along the south side of Lincoln Avenue is about 470 feet long, and the drop-off zone on the north side of Lincoln (the red-painted curb) is about 600 feet long, or a total current drop-off/pick-up length of 1,070 feet.

The Loop Road would be a paved road with a dimension of approximately 22 feet side-to-side. The road base would be adequate to accommodate vehicle loads and emergency vehicles (i.e., firetrucks and ambulances), but is not wide enough and would require turning radius' that are too tight to accommodate public or private busses. Details of the roadway design are not yet finalized, but the Loop Road would include either curb-and-gutter or drainage swales to accommodate and route stormwater runoff to culverts, which outfall into vegetated bio-retention facilities.

The Loop Road would not alter the current configuration or use of Charleston Court or the short segment of the former (private, non-dedicated) Perkins Road, which currently terminates at a small parking lot. The Loop Road would not include a connection to either Perkins Road to the east, or to Linett Avenue to the south. Emergency access to and via these gated roadways would be retained.

### **Potential Impacts Attributable to the Loop Road**

In response to numerous comments that the Draft EIR did not analyze or fully disclose environmental impacts attributed to the proposed Loop Road, the following provides a summary of the analysis that is included in the Draft EIR specifically pertaining to the Loop Road:

- Emissions from construction equipment and vehicle trip emissions was estimated for all new construction attributable to the Project including new and renovated school buildings and facilities, and construction of the Loop Road and parking lots. The total construction emissions of ROG, NOX, PM10 exhaust and PM2.5 exhaust emissions resulting from these construction activities were calculated, and found not to exceed applicable CEQA thresholds. Whether or not the Project would have a significant CEQA impact, certain of the City of Oakland Standard Conditions of Approval (SCAs) are applicable. These include Construction-Related Dust Controls and Construction Related Criteria Air Pollutant Controls. Implementation of these SCAs would further reduce the Project's less than significant construction-period emissions of criteria pollutants, including those pollutants attributed to construction of the Loop Road.
- Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known toxic air contaminant (TAC). The primary community risks associated with construction

emissions are cancer risks from diesel particulate matter (DPM) and exposure to PM2.5. A community health-risk assessment of the Project's construction activities (which specifically includes construction of the Loop Road) was conducted to evaluate potential health effects to nearby sensitive receptors. This assessment includes dispersion modeling to predict off-site concentrations of TAC emission resulting from Project construction, so that lifetime cancer risks and non-cancer health effects can be evaluated. This analysis concludes that the maximum concentrations for DPM and PM2.5 occur at a single-family residence southeast of the Project site along Charleston Street. Without mitigation, the maximum increased cancer risk at this location was found to exceed the single-source threshold for community risks. Pursuant to City SCA's requiring construction-related Diesel Particulate Matter Controls, the Project applicant is required to ensure that all off-road diesel equipment is equipped with the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type as certified by CARB. Tier 4 engines automatically meet this requirement. As shown in Table 5-5 of the Draft EIR, construction-related health risks and hazards associated with certified Tier 4 diesel-powered construction equipment would not exceed the single-source health risk thresholds.

- The increase in traffic resulting from increased student enrollment, as well as the increase in on-site traffic attributed to the proposed South Campus Loop Road, the upper school drop-off area and the lower/middle school drop-off area will result in increased emission of TACs and PM2.5. TAC and PM2.5 concentrations from vehicles on the Loop Road were modeled for total Project traffic, as both the existing and proposed South Campus will use the Loop Road for drop-off areas. To calculate the increased cancer risk from these Project-related trips, community health risks were adjusted for exposure duration to account for the potential that the maximum exposed individual may be exposed to construction emissions for the first year of the 30-year period, and from roadway traffic for the following 29 years. Year 2022 emissions were conservatively assumed as being representative of future conditions over this 30-year time period, since emissions per vehicle (especially diesel emissions) are expected to decrease over time with increasingly stringent regulations. Dispersion modeling of TAC and PM2.5 emissions was conducted using the U.S. EPA AERMOD dispersion model. The Loop Road and drop-off/pick-up areas were evaluated with the model, using a series of traffic volumes along the Loop Road. The maximum increased lifetime cancer risks and annual PM2.5 concentrations for individual receptors were then computed. The cancer risk calculations rely on modeled TAC and PM2.5 concentrations, and methods and exposure parameters as recommended by BAAQMD and described in Appendix 5 of the Draft EIR. The modeled DPM and PM2.5 concentrations at the maximum exposed individual were used to calculate the community health risks. As shown in Table 5-5 of the Draft EIR, the maximum cancer risks from construction and operation activities of the Project (including construction and operation of the Loop Road) would exceed the single-source significance threshold for cancer risk. The PM2.5 concentration and HI from combined construction and operation activities was not found to exceed the single-source significance threshold. Individually, the operational emissions attributed to traffic on the Loop Road was found to contribute an increased cancer risk of 0.9 per million as compared to a threshold of 10 per million. As shown in Table 5-7 of the Draft EIR, implementation of City-required construction-related Diesel Particulate Matter Controls would reduce diesel emissions to levels that would not exceed the single-source thresholds, and the Project's combined construction and operational health risks would be reduced to levels of less than significant.
- Grading for the Loop Road would include cuts into the existing slope of 6 to 10 feet, and fills of 6 to 10 feet in other areas, retained by a retaining wall of 3 to 8 feet in height. These cuts and fills are fully accounted for in the Draft EIR's analysis of slope stability. This analysis concludes that soil erosion impacts would be reduced to less than significant levels with implementation of all required reasonable and feasible erosion control measures.

- The same grading operations as described above could reduce soil cohesion and render exposed soils to erosive forces, and dislodged soils could be washed into nearby drainages and/or the stormwater system, causing excessive siltation of creeks and receiving water bodies. The Draft EIR concludes that City-required Standard Conditions of Approval (SCAs) for the Project requiring preparation an effective Erosion and Sedimentation Control Plan for Construction, and Stormwater Pollution Prevention Plan (SWPPP) would reduce potential impacts of construction of the Loop Road to water quality and sedimentation to a level of less than significant.
- Portions of the Project's improvements, including portions of the Loop Road, are within 100 feet of the Laguna Branch of Peralta Creek. Uncontrolled erosion and sedimentation could adversely affect this creek. The Draft EIR identifies City-required SCAs for the Project requiring preparation an effective Creek Protection Plan as well as applicable Vegetation Management for Creekside Properties. These plans must include implementation of best management practices (BMPs) for managing vegetation prior to, during, and after construction, and that these requirements would reduce impacts on creek habitat and water quality as attributable to the Loop Road to levels considered less than significant.
- Based on traffic noise modeling results conducted for the Loop Road, the maximum hourly-average traffic noise level along this roadway would be 52 dBA Leq during the morning peak hour, at a distance of 50 feet. Residences adjoining the proposed Loop Road are generally as close as about 50 feet to 70 feet from the Loop Road. At the closest distance of 50 feet, noise levels generated by vehicle circulation along the Loop Road would not exceed any of the operational Leq daytime thresholds. Operational traffic noise impacts attributed to the proposed Loop Road would be less than significant.
- The Draft EIR concluded that construction and operation of the Loop Road would not conflict with any adopted plans, ordinances or policies addressing the safety and performance of the circulation system, including transit, roadways, bicycle lanes and pedestrian paths.

Operational noise and air quality impacts associated with traffic on the Loop Road were based on total traffic volumes, not length of the road. Operational hydrology/runoff impacts attributed (partially) to the new Loop Road were based on separately derived square-foot calculations of the Project's impervious surfaces. Construction-related impacts pertaining to grading and construction-related emissions were also based on separately derived square-foot calculations of the Project's construction area. The 9% difference between the length of the Loop Road as described in the Draft EIR and the actual length of the Loop Road as recently re-measured does not affect the analyses listed above.

### **Loop Road Operations versus Lincoln Drop-Off and “Alida Loop”**

The Project Description and the Transportation chapters of the Draft EIR both describe the Loop Road as a clockwise loop along the perimeter of the proposed South Campus, with an inbound driveway on Lincoln Avenue along the east (uphill) side of the proposed South Campus, and an outbound driveway along the west (downhill) side. Both driveways on Lincoln Avenue would be signalized. The Loop Road would provide access to new parking spaces on the proposed South Campus and would accommodate all personal vehicle drop-offs and pick-ups at designated locations within the proposed South Campus.

Numerous comments on the Draft EIR question the assertion made in the Draft EIR that this Loop Road would actually eliminate drop-offs and pick-ups along Lincoln Avenue, or eliminate the use of the Alida Loop. Neither of these comments addresses perceived inadequacies or deficiencies of the environmental analysis as presented in the Draft EIR. They generally speak to the relative merits of the Project. Questioning whether the Loop Road would operate as proposed by Head-Royce School is not a comment on the environmental analysis as presented in the Draft EIR, or on the adequacy of the Draft EIR. The analysis presented in the Draft EIR evaluates the potential changes to the environment, presuming that the Loop Road would operate as

proposed, and therefore represents a potential “worst case” of the maximum traffic conditions on the Loop Road. No further response is required under CEQA.

However, because the Draft EIR does presume Loop Road operations as proposed, the following information is provided to support this presumption:

#### Changes in the Drop-off and Pick-up Procedures

Currently, Head-Royce students are dropped off and picked up along Lincoln Avenue and enter the existing Campus through the School’s Gatehouse. Drop-off occurs on both sides of Lincoln Avenue, but pick-ups are required to take place on the north side of Lincoln. A crossing guard assists pedestrians across Lincoln Avenue at a signalized crosswalk. Pursuant to Head Royce’s currently applicable TDM Plan, the School uses traffic monitors to maximize a smooth and safe drop-off and pickup process, which includes both circulation assistants and traffic monitors. Circulation assistants manage the pick-up and drop-off of students, control the sidewalks, report incidents, and seek to ensure the safety of both pedestrians and drivers. Traffic monitors report incidents and patrol certain key intersections to ensure that parents are following appropriate procedures. Circulation assistants and traffic monitor the queue along Lincoln Avenue so that it does not extend beyond the School’s upper driveway and the red “no parking zone” above the driveway along the north side of Lincoln Avenue for more than 60 seconds in any monitoring period. To best manage the pick-up and drop-off process, Head Royce School maintains a trained force of 8 adults (5 circulation assistants and 3 traffic monitors) for morning drop-off, and 10 adults (7 circulation assistants and 3 traffic monitors) for afternoon pick-up. Head-Royce School also publishes a Transportation Policy Guide, which outlines the procedures intended to mitigate the impact of the School, and students, parents and faculty members who drive to Campus are required to follow these guidelines about parking, pick-up and drop-off procedures. The School communicates and enforces these rules by mailing them to parents at the start of every school year, presented them as part of Back-to-School Night, posting them outside the Lincoln Avenue entrance during drop-off and pick-up, and posting them at the main gate. The School also requires a signed acknowledgement of receipt of the Guide from all families every year, and substantial compliance with the Guide is a condition of employment and enrollment at Head Royce.

The proposed Loop Road would substantially change this drop-off and pick-up procedure by eliminating all personal vehicle drop-offs and pick-ups along Lincoln Avenue. Passenger loading for both public and private buses would remain on Lincoln Avenue, but the new Loop Road would be used to provide on-Campus, off-street queuing space for vehicles. Two drop-off and pick-up points (one for the Upper School, and one for the Lower and Middle Schools) would be provided within the proposed South Campus. All vehicle pick-up and drop-off activity at the School is intended to occur along this Loop Road, rather than as currently occurs along Lincoln Avenue. The School will need to adopt a revised Transportation Policy Guide to help ensure that the Loop Road is used as intended, and could rely on its trained force of circulation assistants and traffic monitors to prevent drop-offs and pick-ups from occurring on Lincoln, and to help facilitate drop-offs and pick-ups at the designated locations along the Loop Road.

#### Eliminating the “Alida Loop”

To manage the current morning drop-off process on Lincoln, Head Royce School temporarily restricts parking on the north side of Lincoln Avenue to its upper driveway so that this parking lane can be used as a drop-off queue. To manage the current afternoon pick-up process on Lincoln, the School again temporarily restricts parking on the north side of Lincoln and has an agreement with the Mormon Temple to use their parking lot as a staging area for the afternoon pick-ups. Once the pick-up area along Lincoln Avenue is full, parents must queue in the staging area at the Mormon temple. The School’s Transportation Policy Guide also includes directions for those persons dropping off and picking up students on the proper procedure for changing directions on Lincoln Avenue after drop-offs and pick-ups. Drivers are not permitted to make U-turns on Lincoln Avenue or on surrounding surface streets. Instead, downhill (westbound) drop-offs returning back up

Lincoln Avenue are required to turn left on Alida Street, then right on Laguna Street, right on Potomac Street and then right on Lincoln to head back uphill (i.e., the Alida Loop). Uphill (eastbound) drivers returning down Lincoln Avenue must turn right on Maiden Lane, then left on Monterey Boulevard before heading down Lincoln Avenue. The School's enrollment contract requires that this traffic route be followed, and traffic counselors and monitors located along this Loop are allowed to cite infractions and are required to report them back to the School. These procedures are privately enforced by the School (not the OPD), as all of these roads are public streets, and legal driving maneuvers cannot be publicly prevented.

Provision of the Loop Road would enable the School to eliminate its directed use of Alida Street and Maiden Lane for personal vehicle turnarounds onto Lincoln Avenue. Instead, all School-directed drop-offs and pick-ups will occur internal to the proposed south Campus. Access to the South Campus will be controlled by a new signalized intersection at the northeast corner of the South Campus along Lincoln Avenue. The Lincoln right-of-way will be reconfigured to accommodate a downhill left turn pocket and an uphill right turn pocket, and parallel parking spaces along the south side of Lincoln Avenue will be removed to accommodate this public street modification. Vehicles exiting from the South Campus will be controlled by a signalized intersection at the northwest corner of the South Campus, which will permit both left (downhill) turns and right (uphill) turns. This signal will replace the current signal that controls the pedestrian crosswalk at the Head-Royce Gatehouse. The traffic signal location at the entrances to the Head-Royce east parking lot and Ability Now Bay Area will be retained. The School will need to revise its Transportation Policy Guide to help ensure that the Loop Road is used as intended, and could rely on its trained force of circulation assistants and traffic monitors to limit School-related vehicles from continuing to use the "Alida Loop", although the School cannot prevent drivers from using public streets.

## No Community Use of the Performing Arts Center

### General Nature of Public Comments

Numerous comments on the Draft EIR raised concerns and objections to Head-Royce School making the proposed Performing Arts Center (PAC) building available for special use by the community. These objections are based on grounds of potential environmental impacts, market infeasibility and concerns over neighborhood disruption.

### Project Proposal regarding Use of the PAC

The Project does propose to construct a new Performing Art Center building on the South Campus. As fully described in the Project Description (Chapter 3 of the Draft EIR), the function of this building is to provide for, "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, and anticipated to be up to 30 feet in height and 16,000 square feet in size." The Project Description includes no reference to potential public or community use of this building, and Head-Royce School is not proposing that the Performing Art Center building be used for public or community use.

During the EIR Scoping Meeting held before the City Planning Commission in February of 2019, members of the Planning Commission expressed their interest in having the School consider making this building available to the community for special public or private, non-school events, believing that providing a venue for such events would be a community benefit that the School could offer. Head-Royce School made no commitment at this meeting to making the building available to the public. Following up on the Planning Commission's request, City staff initiated efforts to consider a Project option that would include community use of the Performing Arts Center building, and to have that option considered in the EIR. However, further discussions between City staff and the School made it clear that the School would not pursue or consider this option due

to strong neighborhood objections. Staff found no CEQA basis for considering this option in the Draft EIR. Community use of the PAC would not lessen or avoid any environmental effects, is not an objective of the Project sponsor, and has no means of implementation without support (or potential support) from the School. Accordingly, analysis of this option was dropped from the Draft EIR.

The Draft EIR does not reference community use of the Performing Art Center building, nor is such use proposed as part of the Project. Certain technical studies prepared shortly after the February 2019 EIR Scoping Session do reference potential community use of the Performing Arts Center building, because it was under consideration at the time those reports were completed. However, no analyses of potential environmental implication associated with community use of this building have been carried forward into the text of the Draft EIR or this Final EIR. Those comments objecting to the Draft EIR based on its lack of critical analysis associated with community use of this building are unfounded, given that no such public or community use is proposed.



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# Responses to Individual Comments Letters on the Draft EIR

## Introduction

This chapter of the Head-Royce School Final EIR includes copies of the written comments received by mail or electronic mail during the public review and comment period on the Draft EIR. Specific responses to the individual comments in each correspondence follow each letter.

Each correspondence is identified by an alphabetical designator (e.g., "Letter A"). Specific comments within each correspondence are identified by a numeric designator that reflects the sequence of the specific comment within the correspondence (e.g., "A-1" for the first comment in Comment Letter "A").

Responses focus on comments that pertain to the adequacy of the analysis in the EIR or to other aspects pertinent to the potential effects of the Project on the environment, pursuant to CEQA. Comments that address topics beyond the purview of the EIR or CEQA are noted as such for the public record.

The following letters frequently include comments that are similar to many other comments received on the Head-Royce School Planned Unit Development (PUD) Project Draft EIR, as well as numerous comments on the relative merits of the Project. Accordingly, responses provided below to many of the following comment letters refer to Master Responses as contained in Chapter 3 of this document. This referral is not intended to diminish the relative importance of the individual comments contained in these letters or to slight the individual letter writers, but only recognizes that the same or similar comment is best answered by the same response.

The list of persons, organizations and agencies commenting on the Draft EIR is as follows:

Letter A – East Bay Municipal Utility District (EBMUD)	Letter AA - Korin, Joan
Letter B – Law Offices of Veneruso & Moncharsh, Leila H. Moncharsh	Letter BB - Wake, Victoria
Letter B2 – Edward L. Pack Associates	Letter CC - Lerner, Jodi
Letter B3 – Weisgerber Consulting	Letter DD - Leung, Maria
Letter B4 – Kennedy	Letter EE - Marshall, Amelia
Letter B5 – Clearwater Hydrology	Letter FF - Matanky, Jami
Letter C – Neighborhood Steering Committee (Cultural Resources)	Letter GG - Matson, Hollis and Deborah
Letter D – Neighborhood Steering Committee (Traffic)	Letter HH - McHugh, Alice
Letter E – Aelion, Sally	Letter II – Nelson Nygaard
Letter F – Aelion, Victor	Letter JJ – Oakland Heritage Alliance
Letter G – Aikawa-Olin	Letter KK - Piper, Sue

- Letter F – Aelion, Victor  
Letter G – Aikawa-Olin, Kimberly  
Letter H - Atwater, Christopher  
  
Letter I –Bachman, Eric  
Letter J –Bichsel, Bridget  
Letter K – Boe, Carl  
Letter L - Bonner, Brian and Ferry, Ashley  
Letter M - Bowerman, Meg and Larry  
Letter N – Branca, Tom  
Letter O – Call, Amy and Tom  
Letter P – Caronna, Karen  
Letter Q - Claasen, John  
Letter R - Claasen, Pamela  
Letter S - Egan, Donna  
Letter T - Eggert, Sylvia  
Letter U - Fogelman, Arthur  
Letter V - Gaudet, Lois  
Letter W - Gielegem, Lori Leigh and Tiede, Gregory  
Letter X - Godfrey, Lauren  
Letter Y - Haiman, Eric  
Letter Z - Karvonen, Teresa  
  
Letter LL, Prestianni, John  
Letter MM – Purcell, Anne  
Letter NN - Romaneski, Ryan - Chair, Diamond Improvement District  
Letter OO - Rothschild, Marian  
Letter PP - Royal, Deborah  
Letter QQ - Shiba, Diana  
Letter RR - Sigars, J  
Letter SS - Gililand, Kathryn  
Letter TT - Thompson, Rod  
Letter UU - Tobey, Terry  
Letter VV – Todd, Elizabeth  
Letter WW - Urbano, Kimberley  
Letter XX - Vance, Robert  
Letter YY - Wake, Victoria  
Letter ZZ - Wessling, Tim  
Letter AAA - White, Thomas  
Letter BBB - Wong, Karen and Steve  
Letter CCC - Young, Karen  
Letter DDD – Zamacona, Frank  
Letter EEE – Zamora Kantor, Miriam



December 6, 2021

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

Re: Notice of Availability of a Draft Environmental Impact Report for the Head-Royce School Planned Unit Development Permit Project, Oakland

Dear Ms. Brown:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Head-Royce School Planned Unit Development Permit Project located in the City of Oakland (City). EBMUD commented on the Notice of Preparation of a Draft EIR for the project on February 26, 2019. EBMUD's original comments (see enclosure) still apply regarding water service, water conservation, and wastewater planning. EBMUD has the following additional comment.

#### WASTEWATER SERVICE

On page 15-18, the DEIR references EBMUD's 2015 NPDES permit which is no longer relevant. EBMUD's NPDES permit was renewed in 2020.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,

David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:KTL:djr  
sb21\_333. Head-Royce School Planned Unit Development Permit Project NOA of DEIR Response

Enclosure

cc: Head Royce School  
4315 Lincoln Avenue  
Oakland, CA 94602

February 26, 2019

Rebecca Lind, Planner III  
City of Oakland Bureau of Planning  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland, CA 94612

Re: Notice of Preparation of a Draft Environmental Impact Report for the Head-Royce School Planned Unit Development Permit (PUD) Project (Case Number PLN18532-ER01)

Dear Ms. Lind:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Head-Royce School Planned Unit Development Permit Project located in the City of Oakland (City). EBMUD has the following comments.

#### GENERAL

EBMUD owns and operates water mains within Lincoln Avenue that will be affected by the construction of a pedestrian tunnel under the roadway. These water mains are necessary to provide continuous service to EBMUD customers in the area. If modifications to the streets occur that require water main relocation, the relocation costs would be at the project sponsor's expense. A minimum 20-foot-wide right-of-way is required for installation of new water mains. All costs associated with abandonment and relocation of water mains, relocation of water services, relocation of hydrants, pipeline extensions, and offsite improvements would be at the project sponsor's expense. The engineering, installation, and abandonment of water mains often require substantial lead time, which should be accounted for in the project sponsor's development schedule.

EBMUD owns and operates multiple rights-of-way (R/W) within the proposed development highlighted on the attached EBMUD Distribution Map (1506B480). In the North Campus, R/W 1059, a 15-foot-wide easement and R/W 5176, a 20-foot-wide easement, both provide access to a 16-inch water main for the Piedmont Pressure Zone. EBMUD also owns the 20-foot-wide easement, R/W 3174 within the North Campus. Along the eastern edge of the South Campus, R/W 1057 is a 50-foot-wide easement that also provides access to a 16-inch water main and an eight-inch water main. It is not clear from Figure 3 of the NOP, but the proposed 36-foot by 30-foot maintenance building may be within R/W 1057 and potentially on EBMUD's pipelines. The integrity of these pipelines needs to be maintained at all times. Any proposed construction activity in EBMUD rights-of-way would be subject to the terms and conditions determined by EBMUD including relocation of the water mains and/or rights-of-way at the project sponsor's expense.

375 ELEVENTH STREET , OAKLAND , CA 94607-4240 , TOLL FREE 1-866-40-EBMUD

A-1

A-2

## WATER SERVICE

EBMUD's Piedmont Pressure Zone, with a service elevation between 325 and 500 feet, and EBMUD's Dingee Pressure Zone, with a service elevation between 500 and 600 feet, will serve the proposed development. The property currently has water service. Separate structures on a single parcel require separate water services. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed project. Engineering and installation of water services require substantial lead time, which should be provided for in the project sponsor's development schedule.

## WASTEWATER SERVICE

EBMUD's Main Wastewater Treatment Plant (MWWT) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from this project and to treat such flows provided that the wastewater generated by the project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWT. Due to reinterpretation of applicable law, EBMUD's National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD's WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system ("Satellite Agencies") hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance ([www.eastbaypsl.com](http://www.eastbaypsl.com)), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in WWF discharges. If sufficient I/I reductions are not achieved, additional investment into the region's wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

A-3

To ensure that the proposed project contributes to these legally required I/I reductions, the lead agency should require the project applicant to comply with EBMUD's Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

## WATER CONSERVATION

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:CC:dk  
sb19\_030.doc

Attachment: EBMUD Distribution Map (1506B480)

cc: Head Royce School  
4315 Lincoln Avenue  
Oakland, California 94602

A-4

A-5

**Potable Distribution System**

- Regular Pipeline
- Service Lateral
- System Valve
- Check Valve
- Change of Pipe ID
- ◎ Rate Control Station
- ◎ Regulator
- ◊ Water Flow Meter
- Manhole
- Service Connection
- Hydrant
- Water Facility
- Pump Station

**Supply System**

- Supply Main
- Raw Service Connection

**Recycled Distribution System**

- Recycled Main
- Service Lateral
- Hydrant
- Service Connection
- Recycled Facility

**Wastewater System**

- Wastewater Interceptor

**Landbase**

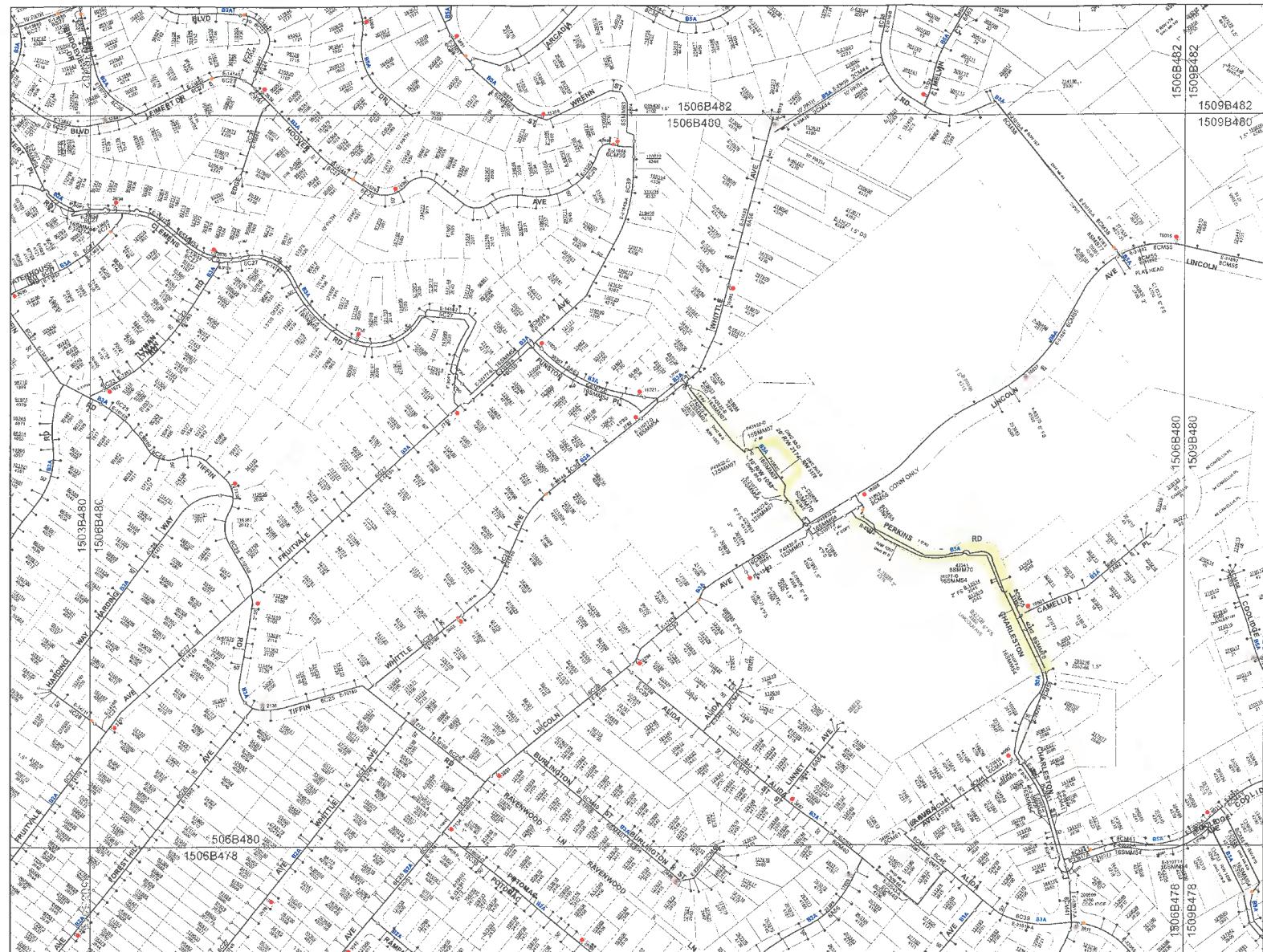
- EBMUD Right of Way
- Shared Right of Way
- Right of Way Crossing
- EBMUD Property



This information is furnished as a public service by East Bay Municipal Utility District. The District makes no attempt to produce and publish the most current and accurate information possible. This information must be accepted and used by the recipient with the understanding that the District makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability for the use of this information. Furthermore, the District assumes no liability associated with the use or misuse of such information. Please notify the District if discrepancies are found.

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**1506B480**



Date Printed: 2/6/2019

## Public Agency Comments

### Response to Letter A – East Bay Municipal Utility District, December 6, 2021

#### **Response to Comment A-1:**

Comment noted. The text on page 15-18 is revised as follows:

The ~~latest 2020~~ NPDES permit issued to the RWQCB ~~limits average dry weather influent flow to the MWWTP average dry weather flow discharge to the Bay to 120 MGD at its discharge point.~~ As of 2015, discharge rates from the MWWTP at the outfall were approximately 53.8 MGD, leaving a potential increase of up to 66.2 MDG of discharge capacity.

#### **Response to Comment A-2:**

EBMUD's comment is that any proposed construction activity in EBMUD rights-of-way would be subject to the terms and conditions determined by EBMUD including relocation of the water mains and/or rights-of-way at the project sponsor's expense. This requirement is consistent with City of Oakland SCA that require the project applicant to comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including those of EBMUD.

#### **Response to Comment A-3:**

This comment notes that when the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed project. This comment is noted.

#### **Response to Comment A-4:**

This comment notes that EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from this project and to treat such flows, provided the wastewater generated by the project meets the requirements of the EBMUD Wastewater Control Ordinance. This comment is consistent with the conclusions of the Draft EIR.

This comment also notes, however, that wet weather flows are a concern. To ensure that the proposed project contributes to these legally required I/I reductions, EBMUD encourages the lead agency to require the project applicant to comply with EBMUD's Regional Private Sewer Lateral Ordinance.

As indicated on page 15-10 of the Draft EIR, "Ordinance No. 13080, adopted in 2011, amends the Oakland Municipal Code and extends the EBMUD Regional Private Sewer Lateral (PSL) Ordinance to apply to lower sewer laterals. EBMUD adopted the Regional PSL Ordinance in February 2010 and subsequently the City Council passed Ordinance No. 13025 C.M.S. in July 2010 adopting the EBMUD Regional PSL Ordinance. However, the ordinance covered only the upper portion of sewer laterals (that portion between the property line and the building). The United States Environmental Protection Agency (U.S. EPA) required Oakland to extend the EBMUD Regional PSL Ordinance to apply to lower laterals."

The Project intends to replace or rehabilitate existing sanitary sewer collection systems, including sewer lateral lines on the site, and these new sewer lateral lines will be constructed to City standards to prevent I/I.

#### **Response to Comment A-5:**

Pursuant to City of Oakland SCA Utilities-1, Water Efficient Landscape Ordinance, which applies to the Project, the project applicant shall comply with California's Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage.

## **Letter B - Veneruso & Moncharsh**

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### 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.)

Courtney Brown  
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Oakland, CA 94612  
December 20, 2021  
Re: HRS Expansion DEIR  
Page 2

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:

B-1

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

B-2

Courtney Brown  
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Oakland, CA 94612  
December 20, 2021  
Re: HRS Expansion DEIR  
Page 3

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

Courtney Brown  
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December 20, 2021  
Re: HRS Expansion DEIR  
Page 4

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?

B-3

B-4

Courtney Brown  
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Oakland, CA 94612  
December 20, 2021  
Re: HRS Expansion DEIR  
Page 5

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.)

Courtney Brown  
City of Oakland, PBD, Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
December 20, 2021  
Re: HRS Expansion DEIR  
Page 6

B-5

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:

B-7

B-8

Courtney Brown  
City of Oakland, PBD, Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
December 20, 2021  
Re: HRS Expansion DEIR  
Page 7

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?

Courtney Brown  
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250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
December 20, 2021  
Re: HRS Expansion DEIR  
Page 8

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 of 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

B-9

B-10

B-11

Courtney Brown  
City of Oakland, PBD, Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
December 20, 2021  
Re: HRS Expansion DEIR  
Page 9

children to the school instead of putting them on 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.)

Courtney Brown  
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250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
December 20, 2021  
Re: HRS Expansion DEIR  
Page 10

#### 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.

B-13

In his comment letter, Mr. Weisgerber explains the conditions that caused CalFire to place HRS on both sides of Lincoln Avenue in the VHWFRZ. 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.

B-14

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.)

B-15

B-12

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250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
December 20, 2021  
Re: HRS Expansion DEIR  
Page 11

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

Courtney Brown  
City of Oakland, PBD, Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
December 20, 2021  
Re: HRS Expansion DEIR  
Page 12

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.

B-16

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

Courtney Brown  
City of Oakland, PBD, Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
December 20, 2021  
Re: HRS Expansion DEIR  
Page 13

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 linear 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

Courtney Brown  
City of Oakland, PBD, Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
December 20, 2021  
Re: HRS Expansion DEIR  
Page 14

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

B-17

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.

B-18

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:

B-19

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 MTCO<sub>2</sub>E in annual emissions as one alternative agencies may use in determining CEQA significance for new land use projects].<sup>2</sup> 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 &*

Courtney Brown  
City of Oakland, PBD, Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
December 20, 2021  
Re: HRS Expansion DEIR  
Page 15

*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.

Courtney Brown  
City of Oakland, PBD, Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
December 20, 2021  
Re: HRS Expansion DEIR  
Page 16

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.

B-20

**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.

B-21

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.

B-22

**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.

B-23

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.

Courtney Brown  
City of Oakland, PBD, Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
December 20, 2021  
Re: HRS Expansion DEIR  
Page 17

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

Courtney Brown  
City of Oakland, PBD, Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
December 20, 2021  
Re: HRS Expansion DEIR  
Page 18

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

## Groups and Organizations

### **Response to Comment Letter B – Law Offices of Veneruso & Moncharsh, Leila H. Moncharsh, December 20, 2021**

#### **Response to Comment B-1:**

This is an introductory comment establishing the commenter's relationship to the Neighborhood Steering Committee and identifying those general areas of the Draft EIR that the commenter believes are deficient under CEQA. Each of these areas of purported deficiency is addressed separately, below.

This comment also references several attached expert comment letters from William Weisgerber (evacuation), Colleen Kennedy (entertainment venue), Clearwater Hydrology (drainage), Jeffrey Pack (acoustics), and Jennifer Tso (arborist). These attached expert comment letters are addressed as separate letters (e.g., Letter B1, Letter B2, etc.).

#### **Response to Comment B-2:**

The DEIR does not minimize nor does it fail to describe the Project truthfully or accurately. The Draft EIR's Project Description identifies the following components of the Project:

- 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.
- Building 0 is to be used for collaborative meeting space for small groups, as well as larger assembly space for between 55 to 125 people.
- The Commons would be the central outdoor gathering place within the proposed South Campus, composed of terraces integrated with perennial planting and a stepped water feature connecting to rain gardens, and would be used daily for students to congregate and eat lunch. It may also be used intermittently for larger events such as graduation.

#### **Response to Comment B-3:**

Please see Master Response regarding Community Use of the Performing Arts Center

#### **Response to Comment B-4:**

The Mary E. Wilson (MEW) Auditorium is located on the North Campus and is currently used to host assemblies, performances and special events. Until such time as the new Performing Arts Center building is constructed as part of Phase 3 on the proposed South Campus, the MEW Auditorium will continue to be used for these School purposes. Once the performing Art Center building is constructed on the South campus, the MEW auditorium would be returned to its original use as gymnasium. At one time, Head-Royce School contemplated raising the roof on the existing MEW building by five feet, which would enable the height of this building to meet applicable standards for high school volleyball use. However, this idea has been found by the School to be economically infeasible, and therefore not included in the Project Description.

#### **Response to Comment B-5:**

None of the comments above (B-1 through B-4) validates the assertion that the DEIR failed as an informational document, was vague in its description of the Project, or lacked full details about the entire

Project. The Project Description of the DEIR is adequate, and recirculation of the Draft EIR for additional public comment is not warranted.

**Response to Comment B-6:**

These are general comments serving as introduction to the commenter's opinion that the DEIR's findings of "Less than Significant" are not supported by evidence, and suggesting that the expert reports in Appendices to the DEIR disagree with the conclusions of the Draft EIR. Each of these areas of suggested inconsistencies are addressed separately, below.

**Response to Comment B-7:**

The commenter is correct that Appendix 16B to the Draft EIR, Evacuation Planning Recommendations, includes an evaluation of nine exit points for students to escape off the campus. However, the Evacuation Planning Recommendations report does not indicate that all of these escape routes are unavailable for use. Rather, the report identifies certain issues associated with each of these points that may inhibit access and egress, and provides recommendations for improving these exit points for more efficient egress under a wildfire or other emergency condition. These recommendations include measures such as additional cutting back of vegetation, replacement of gates with push-bar exists, and ADA improvements. The Evacuation Planning Recommendations report does not "paint a picture of children running from one unusable exit to another unusable exit, trying to reach Lincoln Avenue", but rather identifies specific and practical improvements that can be made on the Campus to improve egress from the Campus in the event of an emergency.

**Response to Comment B-8:**

Please see Master Response regarding Conflicts with an Adopted Evacuation Plan and Master Response regarding Wildfire Hazards.

The Evacuation Planning Recommendations report certainly does NOT suggest that a pedestrian evacuation scenario would leave 906 children presumably to die. This is a misrepresentation of the Draft EIR document and its technical reports.

**Response to Comment B-9:**

Please see responses to Mr. Weisgerber letter in Responses to Letter B1.

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

**Response to Comment B-10:**

Please see Master Response regarding VMT Calculation, Thresholds and Conclusions, and specifically the Master response to VMT thresholds.

Please see Master Response regarding Noise, and specifically the Master response pertaining to Loading Dock Noise and the differences between a commercial type loading dock, rather than the small, non-commercial loading dock using smaller vehicles as proposed by the Project.

Each of the conclusions of the Draft EIR related to the significance of VMT, noise and wildfire impacts (and all other chapters of the Draft EIR that relied on technical experts) were determined by the City's retained experts, and were not changed or rejected by the City or the EIR consultant. Contrary to the commenter's assertion, the DEIR's findings pertaining to evacuation, noise and VMT were not based on bare conclusions or

opinions. Rather, the Draft EIR's conclusions are supported by expert evidence as prepared by technical experts, and recirculation is not warranted.

**Response to Comment B-11:**

As noted in this comment, CEQA Guidelines § 15125(a) (1) provides that, "in describing the environmental setting, lead agencies should generally describe conditions on the ground at the time the notice of preparation (NOP) is published". The NOP for this project was published in February of 2019, well before the beginning of the global pandemic, so the DEIR's reliance on pre-pandemic baseline conditions to describe the physical environmental conditions near the Project is consistent with this general guidance.

Furthermore, many of the technical studies prepared for this EIR were conducted in 2020, during the height of the pandemic. Traffic counts, noise measurements and other baseline calculations that might have been conducted during that time would have had dramatically different results because of the shelter-in-place restrictions, economic shut downs and the reluctance of the public to risk exposure. A 2020 baseline would have represented a substantially different condition than was occurring in pre-pandemic 2019, and would have been substantially different from a baseline condition based on activity currently being experienced in 2022. There is no evidence to suggest that conditions as existed in 2021 will represent a new or more realistic expectation of future baseline conditions.

It remains uncertain whether the pandemic is going to "go way" away or not, or whether it will "turn into an endemic" or not (as suggested in this comment). There is no substantial evidence or reliable projection of these unknown future conditions, and it would be speculative to presume a drastic change in baseline conditions or in future behavior.

The continuation of this comment provides a good example of this issue. This comment suggests that there is no reason to believe that parents are going to stop engaging in what the school calls "bus resistance," and that the "right approach" would have been to analyze potential impacts against 2021 conditions, where traffic has increased exponentially because fewer student are now taking the bus to school. Data provided by Head-Royce School sheds some light on this condition:

- The School's bus ridership during the 2019-2020 school year was 430 students riding the bus, out of a total of 897 students, or 48% of School students riding the bus
- The School's bus ridership during the 2020-2021 school year was 0, as school was closed during the height of the pandemic
- The School's bus ridership at the end of the 2021-2022 school semester was 375 students riding the bus out of a total of 903 students, or 41% of School students riding the bus

Data from AC Transit also shows similar trend lines in system-wide bus ridership:

- During AC Transit's Fiscal Year 2018-2019, system ridership was approximately 53 million riders
- During AC Transit's Fiscal Year 2019-2020, system ridership was down to approximately 44.45 million riders
- During AC Transit's Fiscal Year 2020-2021, system ridership dropped to approximately 21.24 million riders
- During AC Transit's fiscal year 2021-2022, monthly ridership in September 2021 was 103,057 riders, up from September 2020 ridership of only 70,801 riders. Similarly, monthly ridership in January 2022 was 81,191 riders, up from January 2021 ridership of only 52,097 riders

These numbers demonstrate the high volatility in transit use (by Head-Royce School students and the general public) over the past several years as compared to pre-pandemic conditions, but do not present substantial evidence that necessarily supports a reliable projection of transit use into the future. At most, these numbers

do suggest a trend line of increasing transit ridership as compared to the extreme drop during the height of the pandemic.

In summary, the DEIR's reliance on pre-pandemic baseline conditions to describe the physical environmental conditions in the vicinity of the Project is consistent with CEQA guidance, the DEIR certainly does not "pretend that the pandemic never happened", but neither does the Draft EIR speculate as to what future baseline conditions may look like.

#### **Response to Comment B-12**

The Draft EIR includes numerous citations to City of Oakland Standard Conditions of Approval (or SCAs). These SCAs are Uniformly Applied Development Standards that substantially mitigate environmental effects. The SCAs were initially adopted by the Oakland City Council on November 3, 2008 (Ordinance No. 12899 C.M.S.), pursuant to Public Resources Code section 21083.3 and CEQA Guidelines section 15183 (and now section 15183.3). They incorporate development policies and standards from various adopted plans, policies and ordinances, which have been found to mitigate environmental effects. The SCAs are incorporated into a project regardless of the project's environmental determination pursuant to CEQA. As applicable, these SCAs are adopted as requirements of an individual project when the project is approved by the City, and are designed to, and will, substantially mitigate environmental effects.

In reviewing the Head-Royce School Project, the City has determined which of the City's SCAs are applicable to the Project based upon the Project's characteristics and location, zoning district, applicable plans and types of permits and approvals required for the Project. These SCAs are not mere "suggestions to the school", nor do they contain a "tone" that is unique or special to the School. These SCAs apply to all projects in the City (as applicable), and would be adopted as requirements of the Project if the Project is approved. As such, they are binding mitigation that the City will enforce.

The Draft EIR includes a number of "Recommendations" that supplement or enhance SCAs to better address unique circumstances of the Project. For example, SCA Geo-2: Soils Report requires the Project applicant to submit a soils report prepared by a registered geotechnical engineer for City review and approval, and requires the Project applicant to implement the recommendations contained in the approved report during Project design and construction. This SCA is further supplemented and enhanced by Recommendation Geo-3A: Stability of Slope below Building 9, to address the specifics of the Project's unique slope stability issues that exist below Building 9, as recommended pursuant to peer-review by the City's geotechnical engineering consultants. This is not a suggestion to the School, but a recommendation to City decision-makers (i.e., the Planning Commission and/or City Council) to make this recommendation a further Condition of Project Approval. Assuming that this recommendation is accepted by the City (as CEQA Lead Agency) this recommendation would also become binding mitigation as required by the City.

#### **Response to Comment B-13**

The analysis of evacuation options and recommendations for a more detailed evacuation plan for the Head-Royce School is supported by the analysis prepared by Mr. Steven Wong as presented in the Draft EIR. At the time of preparation of this report, Mr. Wong was a Doctoral Candidate at the University of California, Berkeley's Department of Civil and Environmental Engineering, and a Graduate Student Researcher for the California Resilient and Innovative Mobility Initiative. Contrary to numerous comments, Mr. Wong is a local expert in the field of fire hazards and evacuation planning, is a highly published researcher and author of evacuation behavior, and has since obtained his Doctorate and is now serving as an Assistant Professor at the University of Alberta, Canada in the Department of Civil and Environmental Engineering. The expert analysis of the Evacuation Planning Recommendations report that he authored were accurately summarized in the text of the Draft EIR.

This Recommendations Report recognizes that Head-Royce School currently has an evacuation plan intended to safeguard its students, but that several additional items should be further addressed in their evacuation

plan. These items include the infeasibility of shelter-in-place in most wildfire situations, the route and destination of an evacuation from Campus, the loss of power and communication with officials and parents, and identification of egress points. These recommendations suggest a re-write of Head-Royce Schools' Emergency Preparedness Manual.

As indicated in the Master Response to comments on Evacuation Planning, City staff recommends that Head-Royce School be required to prepare a stand-alone Emergency Evacuation Plan for the School. This Emergency Evacuation Plan is to be prepared in consultation with a professional emergency evacuation expert and subject to review and approval by the Oakland Fire Department, with input from Emergency Services, OPD Traffic Division, and the Public Works' Transportation Planning staff. This Plan shall consider those recommendations as provided in Appendix 16B of the Draft EIR as well as those additional recommendations as included in Mr. Weisgerber's peer review/comment letter. Selection of the most appropriate and effective details of such an Emergency Evacuation Plan for the School will be conducted by the professional emergency evacuation expert to be retained by the School and as approved by the Oakland Fire Department.

#### **Response to Comment B-14**

Please see responses to Mr. Weisgerber's letter, as Responses to Comment Letter B-1

#### **Response to Comment B-15**

Please see Master Responses to comments on Wildfire Hazards and Conflicts with an Adopted Evacuation Plan.

#### **Response to Comment B-16**

Please see response to Comment B-12 regarding Recommendations as not simply being suggestions to Head-Royce School, but instead recommendations to City decision-makers to further supplement or enhance SCAs to better address unique circumstances of the Project.

The remainder of this comment lists a number of grievances of the commenter, indicating the School has a history of non-compliance with prior Conditions of Approval. It is not a CEQA matter whether the School has appropriately complied with prior conditions of approval or not. These grievances do not raise concerns on the adequacy or accuracy of the Draft EIR and no further response is warranted.

#### **Response to Comment B-17**

Pursuant to CEQA guidelines Section 15002, the basic purposes of CEQA are to inform governmental decisions-makers and the public about the potential significant environmental effects of proposed activities. An EIR must identify ways that environmental damage can be avoided or significantly reduced. It must seek ways to prevent significant, avoidable damage to the environment by requiring changes in projects through use of alternatives or mitigation measures. It must also disclose to the public the reasons why a governmental agency may approve a project in the manner the agency chose, if significant environmental effects are involved. None of these fundamental purposes of CEQA calls upon the lead agency to design projects.

In this case, the City of Oakland (as Lead Agency) conducted a full transportation analysis of whether the Project would cause substantial additional VMT impacts. It also analyzed whether the Project would conflict with a plan, ordinance or policy addressing the safety or performance of the circulation system, and whether it would substantially induce additional automobile travel by increasing physical roadway capacity. Accordingly, the City fully complied with CEQA on this matter, pursuant to its charge as Lead Agency.

**Response to Comment B-18**

Please see Master Response to the Loop Road Design, Potential Impacts and Intended Operations, particularly the subsections on Loop Road Design and Loop Road Operations versus Lincoln Drop-Off and “Alida Loop”.

As indicated in the Draft EIR’s Project Description, all vehicle pick-up and drop-off activity at the School that currently occurs along Lincoln Avenue would instead occur along the Loop Road. The current drop-off and pick-up lane would remain as a parking lane, as it is now at all times other than drop-off and pick-up periods. The Draft EIR Project Description does indicate the School’s suggestion (as part of the Project Description) to prevent parents from short-circuiting the Loop Road by placing traffic cones along the current Lincoln drop-off and pick up zone. Any such barrier would require a permit issued by the City for improvements within the right-of-way, but would not physically alter the environment in any meaningful way. The existing parking lot at the upper end of the North Campus would remain, and would continue to provide a portion of the parking needs of the School.

**Response to Comment B-19**

As fully described on page 9-6 of the Draft EIR, the City of Oakland Planning Commission adopted new SCAs related to GHG emissions from development projects as part of its December 2020 actions to implement the City’s 2030 ECAP. If a development project completes the ECAP Checklist and qualitatively demonstrates compliance with the Checklist items as part of the project’s design, or alternatively, demonstrates to the City’s satisfaction why the item is not applicable, then the project will be considered in compliance with the City’s CEQA GHG Threshold of Significance. If a development project cannot meet all of the Checklist items, the project will alternatively need to demonstrate consistency with the 2030 ECAP by complying with the City of Oakland’ SCA for a GHG Reduction Plan. If the project cannot demonstrate consistency with the 2030 ECAP in either of those two ways, the City will consider the project to have a significant effect on the environment related to GHG emissions. The City’s 2030 ECAP does not have a specific metric ton GHG threshold for individual projects for construction emissions or operational emissions. Instead, in December 2020, the City Planning Commission adopted an ECAP Checklist that every project applicant must complete to show consistency with the ECAP.

This approach to analyzing GHG emissions is fully described in the CEQA Thresholds presented on page 9-8 of the Draft EIR, which read as follows, “The project would have a significant impact on the environment if it failed to demonstrate consistency with the 2030 Equitable Climate Action Plan adopted by the City Council on July 28, 2020. Consistency with the 2030 ECAP can be shown by either committing to all of the GHG emissions reductions strategies described on the ECAP Consistency Checklist, or by preparing a project-level GHG Reduction Plan that quantifies how alternative reduction measures will achieve the same or greater emissions than would be achieved by meeting the ECAP Consistency Checklist.

This CEQA Threshold as adopted by the City (as Lead Agency) is further described in footnotes 6 and 7 of the Draft EIR, as follows. “<sup>6</sup>The City’s Thresholds of Significance pertaining to greenhouse gas (GHG) emissions and global climate change are intended to achieve deeper emissions reductions than the more lenient thresholds adopted by the Bay Area Air Quality Management District (BAAQMD) in June 2010. Pursuant to CEQA, lead agencies must apply appropriate thresholds based on substantial evidence in the record. The City’s Thresholds rely upon the technical and scientific basis for the City’s 2030 Equitable Climate Action Plan (ECAP), which provides substantial evidence that adherence to the 2030 ECAP, will achieve GHG emissions reduction targets of 56% below 2005 levels by 2030 and 83% below 2005 levels by 2050. Use of the City’s thresholds is consistent with and authorized by CEQA Guidelines section 15064. The City’s thresholds have not been challenged and remain in effect”. Additionally, “<sup>7</sup>The ECAP Consistency Checklist includes all of the project-level GHG emissions reduction strategies that are either regulatory requirements or are necessary at a project level to meet the adopted city-wide GHG emissions reduction targets of 56% reduction from 2005 levels by 2030 and 83% reduction by 2050. As new strategies are adopted to align with the 2030 ECAP, the

Checklist will be updated and new projects will be expected to achieve the revised strategies or comply with the GHG Reduction Standard Condition of Approval.” Accordingly, compliance with the ECAP Consistency Checklist provides deeper GHG emission reductions than the more lenient thresholds as cited in this comment.

The Draft EIR’s Table 9-1: ECAP Consistency Checklist provides a full list of Checklist items as adopted by City of Oakland Planning Commission, and a qualitative demonstration of compliance with each of these Checklist items. Based on the demonstration of full compliance with the ECAP Consistency Checklist, the Project is not required to prepare a GHG Reduction Plan, and its impacts related to GHG emissions are considered less than significant. The City’s ECAP Consistency Checklist does include questions as to whether the Project is subject to a Transportation Demand Management Program (which it is), and whether the Project would include transit passes for employees and/or residents (which it would). The ECAP Consistency Checklist does include questions that pertain to VMT.

Please also refer to the Master Response to Comments on VMT, and specifically the section on compliance with VMT CEQA Thresholds. There is no demonstration that the Project would exceed the applicable VMT threshold used by the Lead Agency in the Draft EIR.

#### **Response to Comment B-20**

Please see Response to Comment B-11 pertaining to “bus resistance”. This comment about bus resistance, parents driving to School, etc., does not provide any evidence that the answers presented in the GHG Checklist are incorrect or inaccurate. The School is currently subject to a Transportation Demand Management Program, and City SCA’s would require an update to that TDM Program to address the additional students and faculty associated with the Project.

The second question of the ECAP Checklist pertains to projects that are located within “Transit Accessible Areas” as defined in the Planning Code. The context to this ECAP Checklist question pertains to whether a project that located in a Transit Accessible Area is designed to minimize parking and therefore discourage single-occupant vehicles. This question is correctly answered, in that the Head-Royce School and the Project site is not located within a Transit Accessible Area as defined by the Planning Code. The full text of this Checklist answer is not a “fairy-land excuse”, but rather a factual description of public transit services in the vicinity, and a comparison of these transit facilities to the definition of Transit Accessible Area, providing evidence to show that the site does not meet these definitions.

The third question of the ECAP Checklist pertains to projects including structured parking (i.e., parking garages), and whether the structured parking garage has been designed for potential future adaptation to other uses, should the demand for parking decrease over time. This question is correctly answered, in that there is no structured parking garage proposed as part of the Project. Contrary to this comment’s assertion, the potential for a stacked parking lift at the North Campus parking lot is included in the Project Description at page 3-33. It says, “To accommodate the anticipated demand for 344 total off-street parking spaces at full enrollment, the School proposes to either add 36 stacked parking spaces at the existing Campus to achieve a total of 344 parking spaces Campus-wide, or to reduce parking demand by prohibiting some or all students from driving to school.” At page 3-41, the Draft EIR states that the Project may also include, “adding stacked or structured parking on either the existing Campus or proposed South Campus for additional parking, if needed”. The full text of this Checklist answer is a factual statement that potential stacked parking lift could be removed (i.e., no adaptation would be required) if this site were to be adapted for other uses in the future.

The fourth question of the ECAP Checklist pertains to projects that are subject to a Transportation Demand Management Program (which the Project is), and asks whether the project would include transit passes for employees and/or residents. This question is correctly answered, in that the School is currently subject to TDM requirements and these TDM requirements will be extended to new students and faculty attributed to the Project. It also correctly answers that the School’s current TDM Plan includes providing a subsidy to

students and faculty for transit passes, and that subsidy would be extended to new students and faculty as well. Head-Royce School does hire buses from AC Transit and private buses, and (as documented in the Fehr & Peers Traffic Study and as shown on table 14-2 in the Transportation chapter of the DEIR) accommodated 758 (or 36%) of the 2,100 total current round-trips attributed to the existing School. While the commenter may not find this bus ridership adequate, it alone achieves greater than the 30% reduction in single-occupant vehicle trips as required under current requirements of the Schools City-approved TDM Program.

The seventh question of the ECAP Checklist is whether the Project would reduce or prevent the direct displacement of residents and essential businesses. This question is correctly answered, in that the Project would not displace existing housing, people or businesses. No housing currently exists within the Project site, and no housing, people or businesses would be removed as part of the Project (see also Impact Population 2 in Chapter 17 of the Draft EIR). The Project does propose demolition of eight of the twelve existing buildings on the proposed South Campus, none of which is used for housing or business. This ECAP Checklist question does not ask whether existing buildings might be renovated to accommodate housing.

The twelfth question of the ECAP Checklist is whether the Project would reduce demolition waste from construction and renovation and facilitate material reuse in compliance with the City's Construction Demolition Ordinance. This question is correctly answered, in that the Project would generate demolition waste (which is fully disclosed in the Draft EIR), but would comply with the Construction Demolition Ordinance by requiring the Project contractor reduces demolition waste and facilitates material reuse as required.

The fourteenth question of the ECAP Checklist is whether the Project would be located in a designated Very High Wildfire Severity Zone, and if so, would the Project incorporate wildfire safety requirements as required in a Vegetation Management Plan? This question is correctly answered, in that the Project would be located in a designated Very High Wildfire Severity Zone (as fully documented in the Draft EIR). As such, it would be required to provide an enhanced level of wildfire safety at the Head-Royce School by meeting defensible space requirements pursuant to the Vegetation Management Plan and Fire Safety Phasing Plan for Defensible Space of the Head-Royce School (Wildland Res. Mgt., November 13, 2020, Appendix 16A of the Draft EIR). See also Master Response to Wildfire hazards, and specifically the section pertaining to Vegetation Management as Reasonable and Feasible Mitigation.

#### **Response to Comment B-20**

Please see Response to Comment B-19 (above) regarding the City of Oakland's 2030 Equity and Climate Action Plan (ECAP) and its concurrent CEQA thresholds and Standard Conditions of Approval. The thresholds and analysis methodology included in the Draft EIR is fully consistent with the CEQA procedures of the City of Oakland (as Lead agency), and no recirculation of a new DEIR is warranted.

#### **Response to Comment B-21**

Please see Master Response to Comments on Wildfire Hazards, and specifically the section on Comments on the Merits of the Project.

#### **Response to Comment B-22**

Please see Master Response to Comments on Community Use of the Performing Arts Center. The Project Description includes no reference to potential public or community use of this building, and Head-Royce School is not proposing that the Performing Art Center building be used for public or community use.

#### **Response to Comment B-23**

As disclosed on page 18-28 of the Draft EIR, "*In the absence of a practical and reasonable No Project alternative wherein the Project site is preserved in its existing condition, the Minor Development – Alternative 2 is environmentally superior as compared to the Project and other alternatives. On balance, the potential environmental effects of Alternative 2 and the Project are both able to be mitigated to less than significant*

*levels. The environmental effects of Alternative 2 are comparatively less than those of the Project, but the differences as measured against CEQA threshold criteria are not substantial (i.e., there are few significant impacts or potentially significant that would be completely avoided under Alternative 2, as compared to the Project. There are no significant impacts of the Project that can only be reduced or avoided by consideration of Alternative 2. However, because Alternative 2 would result in impacts that are comparably less than those of the Project, it is environmentally superior to the Project and all other alternatives considered in this EIR.”*

Accordingly, the DEIR itself agrees with the comment that, “Alternative 2 presents the best environmental alternative”.

The commented suggests that there is so little information in the DEIR that it is difficult to figure out what modifications to Alternative 2 could be made so that it is more environmentally protective in keeping with CEQA. The Draft EIR, at 550 pages of text and over 1,400 pages of technical studies, does provide substantial information to achieve its purpose of informing City decisions-makers and the public about the potential significant environmental effects of proposed activities. It also identifies ways that environmental damage can be avoided or significantly reduced, and it identifies changes to the Project via alternatives or mitigation measures to reduce environmental effects.

The commenter’s recommendation for a Modified Alternative 2 is part of the public record on the Project, and will be forwarded to the City Planning Commission for their consideration, along with all other comments on the Draft EIR.



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

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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.*<sup>1</sup>

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.*

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

- 2 -

### 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?

B2-1

B2-2

- 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?

#### PAGE 9

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.

B2-3

B2-6

B2-4

B2-7

B2-5

B2-8

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):<sup>25</sup>

TABLE 3 FTA Groundborne Vibration Impact Criteria			
Land Use Category	Frequent Events <sup>1</sup>	Occasional Events <sup>2</sup>	Infrequent Events <sup>3</sup>
Category I: Buildings where vibration would interfere with interior operations	65 VdB <sup>4</sup>	65 VdB <sup>4</sup>	65 VdB <sup>4</sup>
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.

<sup>25</sup> 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.

B2-9

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.

B2-10

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.

B2-11

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.

B2-12

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

B2-13

## PAGE 20

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

B2-14

## 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<sub>eq</sub>. 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.

B2-15

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.

B2-18

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?

B2-19

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.

B2-16

## PAGE 28

**Parking Lot** – If the parking lot sources are expected to be less than 15 minutes per hour, the hourly L<sub>eq</sub> 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<sub>eq</sub> by about 6 dB. The source noise level over the duration of the source should be evaluated against the L<sub>17</sub> standard. If the source ends up being more than 15 minutes per hour, then the more restrictive L<sub>20</sub> limit should be used.

B2-20

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.

B2-21

B2-17

We concur with the audible crosswalk signal analysis and recommendations.

B2-22

#### 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

B2-23

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.

B2-27

#### PAGE 13-24

B2-24

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.

B2-28

#### PAGES 13-42 to 13-44

B2-25

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

B2-29

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.

B2-26

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.

B2-30

### **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.

B2-31

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.

B2-32

- 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 redone 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.



Jeffrey K. Pack  
President

**Response to Comment Letter B2 – Edward L. Pack Associates, December 8, 2021****Response to Comment B2-1**

While the definitions of this comment are different from those definitions cited in the Rodkin & Illingworth Noise Assessment and reproduced in the Draft EIR, in each instance, both definitions are correct. The definitions on pages 1 and 2 of the Noise Assessment and cited by Pack as being incorrect, are accurate definitions of sound intensity, loudness and A-weighted sound, and these definitions are not fundamentally different than the definitions suggested by Pack.

**Response to Comment B2-2**

The thresholds used in the Noise Assessment are the same thresholds as contained in the City of Oakland's CEQA Thresholds of Significance Guidelines (October 28, 2013), used to evaluate the significance of environmental noise resulting from projects. The full list of CEQA thresholds from Appendix G of the 2020 CEQA Guidelines (which are not accurately listed by Pack) are presented in the Draft EIR, page 13-17.

**Response to Comment B2-3**

The Noise Assessment does identify which standards are applicable to the residences near the Project, and to what sources the various standards are being applied. As noted on page 15 of the Noise Assessment, "A significant impact from project operations would be identified if project operations were to generate noise levels that would exceed the noise level standards specified in Table Oakland-2. For noise sources that consist primarily of speech or music with discernable meaning, the limits would be adjusted down by 5 dBA." This standard was applied to each of the Project's operation-period noise sources as identified on pages 14 through 25 of the Noise Assessment.

**Response to Comment B2-4**

Please see Master Response to Comments on Noise, specifically the responses pertaining to Ambient Noise Conditions, and CEQA Noise Thresholds. Noise modeling was conducted using the SoundPLAN model, using input parameters for each operational noise source, as identified.

**Response to Comment B2-5**

The commenter's assumption is correct, that CEQA generally does not address impacts of the environment (including noise) on a project. As stated in the Noise chapter of the Draft EIR (page 13-44), "Site constraints such as exposure to excessive levels of existing noise and vibration are not considered a potential impact of the Project under CEQA". The Noise chapter of the DEIR does address noise and land use compatibility of the Project for consistency with the policies set forth in the Oakland General Plan, but not as a CEQA topic.

**Response to Comment B2-6**

Please see Master Response to Comments on Noise, specifically the responses pertaining to CEQA Noise Thresholds. The Oakland Planning Code (Chapter 17.120.050) establishes the CEQA threshold for operational noise from new stationary sources (i.e., operational noise that is emitted from a fixed location during an operations period). These thresholds (presented in Table 13-5 of the Draft EIR) identify the maximum allowable receiving noise standards applicable to long-term exposure to operational noise for residential and civic land uses. These operational noise thresholds were appropriately applied to each of the Project's new daily operational noise sources. These operational activities of the Project would not occur every day (not on weekends or summer break), would not occur during the nighttime when school is not in session, and would not occur continuously throughout the day. Therefore, the operational thresholds are most appropriately used for these types of activities, as was determined by the City of Oakland as Lead Agency.

### **Response to Comment B2-7**

The U.S. Federal Transit Administration, Office of Planning and Environment's publication, "Transit Noise and Vibration Impact Assessment" (Hanson, Towers and Meister, 2006) describes vibration as, "an oscillatory motion, which can be described in terms of displacement, velocity or acceleration. Displacement, in the case of a vibrating floor, is the distance that a point on the floor moves away from its static position. The velocity represents the instantaneous speed of the floor movement, and acceleration is the rate of change of the speed. The response of humans, buildings and equipment to vibration is normally described using velocity or acceleration. Vibration amplitudes are usually expressed as either peak particle velocity (PPV) or the root mean square (RMS) velocity.

- PPV is used to evaluate the potential for building damage. It is defined as the maximum instantaneous peak of the vibration signal. PPV is typically used to monitor construction vibration.
- PPV is generally not considered the appropriate measurement for evaluating the human response to recurring vibration levels. Instead, RMS is used to evaluate human response to these types of recurring vibrations. The RMS of a signal is the average of the squared amplitude of the signal. For sources such as trucks or motor vehicles, PPV levels are typically 6 to 14 dB higher than RMS levels. FTA uses the abbreviation "VdB" for vibration decibels to reduce the potential for confusion with sound decibel. RMS (or VdB) measurements are typically used for measuring on-going ground-borne vibration/ground-borne noise causing human annoyance or interfering with the use of vibration sensitive equipment, such as vibration levels from train or rail transit. The criterion for acceptable ground-borne vibration is based on the maximum level for a single event., and divided into categories that correspond to frequent events (more than more than 70 vibration events of the same kind per day), occasional events (between 30 and 70 vibration events of the same kind per day) and infrequent events (less than 30 vibration events of the same kind per day).

Due to the short-term nature of the Project's construction activity and the lack of any on-going vibratory sources attributable to the Project, the primary vibration concern for the Project is the potential for short-term vibrations during construction to damage a structure. As shown in Table 13-15 of the Draft EIR, the California Department of Transportation recommends a vibration limit of 0.25 in/sec PPV to minimize the potential for cosmetic damage to sensitive historic structures, and 0.3 in/sec PPV as the threshold at which there is a risk of damage to older residential structures. The Draft EIR analysis uses the more conservative threshold of 0.25 in/sec PPV threshold (for cosmetic damage to sensitive historic structures) to minimize potential damage to on-site historic structures.

### **Response to Comment B2-8**

Please see Master Response to Comments on Noise, specifically the responses pertaining to CEQA Noise Thresholds. Because operational activities of the Project would not occur every day (not on weekends or summer break), would not occur during the nighttime when school is not in session, and would not occur continuously throughout the day, the operational thresholds are appropriately used in the Draft EIR to measure the impacts of the Project's operational activities. Permanent noise sources (i.e., increased traffic levels) were compared to thresholds measuring the permanent increase in noise over ambient, and found to be less than significant.

To be responsive to this comment (even though it suggests using an incorrect threshold for operational noise) and to test the results against the City's Ldn threshold for permanent noise, the following analysis is provided. This analysis and its methodology are not consistent with the City's standard CEQA practice, which instead relies on thresholds for operational noise sources based on standards as specified in Municipal Code, as was presented in the Draft EIR. The following information does not replace or supersede the analysis of operational noise as included in the Draft EIR, but rather is presented for informational purposes only.

The day/night noise level (Ldn) represents the average A-weighted noise level during a 24-hour day, with a 10-decibel addition to those noise levels measured at night (between 10:00 pm and 7:00 am). The Ldn for a given receptor can be calculated by adding the Leq values of each of the operational noise generating sources attributed to the Project at each receptor, and at each hour over the course of a 24-hour day, and then calculating an average of that equivalent sound level over a 24-hour period.

Sound pressure levels are expressed in decibels (which is a logarithmic scale). The addition of sound, and averaging of Ldn values, cannot be done by simple arithmetic addition of noise levels. Adding noise levels requires finding the antilog each number, add or subtract those antilog values, and then finding the log of that number – or by using a decibel calculator.

The operational noise sources attributed to the Project and that may combine throughout an average school day include the following:

- The Draft EIR provides dBA Leq values for the hourly average traffic noise from the Loop Road, as heard by a receptor at a distance of 50 feet from the Loop Road centerline. These hourly average Leq values vary across the day based on the volume of traffic on the Loop Road.
- The Draft EIR presents “worst hour” noise levels, expressed in L17 and L33 values, for noise attributed to recess activity at the playfield. For purposes of a conservative assessment, the louder L17 value is presumed to represent Leq, and five one-hour recess periods are assumed per day. The L17 value from recess activity noise as would be heard by each of the identified sensitive receptors is also presented in the Draft EIR.
- The Draft EIR presents “worst hour” noise levels, expressed in L17 and L33 values, for noise attributed to a loading dock. For purposes of a conservative assessment, the louder L17 value is presumed to represent Leq, and one hour of loading dock use per day is assumed. The L17 value from the loading dock as would be heard by each of the identified sensitive receptors is also presented in the Draft EIR.
- The Draft EIR calculated that noise levels from use of the Commons for outdoor classes would be below 30 dBA Leq at all surrounding receptors, and that noise levels from the additional outdoor classroom would be below 20 dBA Leq at all surrounding receptors. For purposes of a conservative assessment, the maximum noise values of 29 dBA Leq and 19 dBA Leq (respectively) were presumed at each receptor from these outdoor classroom activities, with five one-hour class periods assumed per day.
- The Draft EIR calculated the hourly average noise level resulting from all noise-generating activities in a small parking lot, finding that parking lot noise could be anticipated to reach 40 dBA Leq at a distance of 50 feet from the parking area. For purposes of a conservative assessment, these Leq values at 50 feet were presumed to occur at each receptor, with six one-hour parking periods assumed throughout the day.

This informational analysis does not include any noise attributed to the dust collector at Building 2, noise from the audible crosswalk signals, any of the noise attributed to special events (which are not daily), or any noise from indoor activities (which are not anticipated to be audible off-site). This informational analysis also assumes that the Project would not generate any measurable noise between the hours of 6:00 PM and 6:00 AM.

The conclusions of this informational analysis, using Receptor-3 at Alida Court and Receptor-7 along Laguna Avenue as examples, are presented in the tables below.

**Increase in Daily Operational Noise at Receptor R-3, Using Ldn Calculation Methodology**  
**(numbers below expressed as Leq)**

	Loop Road Traffic	Outdoor Classroom	Daily Commons	Recess	Parking	Loading Dock	Total
6:00 AM	-	-	-	-	-	-	
7:00	43	-	-	-	40	-	44.8
8:00	52	-	-	-	40	-	52.3
9:00	-	-	-	-	-	-	-
10:00	-	29	19	21	-	59	59.0
11:00	-	29	19	21	-	-	30.0
Noon	-	29	29		40	-	40.6
1:00 PM	-	29	19	21		-	30.0
2:00	43	29	19	21	40	-	44.9
3:00	48	29	19	21	40	-	48.7
4:00	47	-	-	-	40	-	478
5:00	47	-	-	-	40	-	47.8
6:00 PM to 5:00 AM	-	-	-	-	-	-	-
							Total Ldn, all sources: <b>47.1 dBA Ldn</b>
							Plus Existing: 50 dBA Ldn <b>51.8 dBA Ldn</b>
Increase over Existing (increase of +5 over existing exceeds the CEQA Threshold):							<b>+1.8 dBA Ldn</b>

Source: Lamphier-Gregory, with technical assistance from Illingworth & Rodkin

This table demonstrates that, if the noise analysis had been conducted as suggested in Comment B2-8 by using the methodology described above, and comparing the results against the City's threshold (which is a 5 dBA increase over existing, if existing is 60 dBA or lower), the Project would not result in a significant noise impact. Again, this methodology is not consistent with the City's standard CEQA practice (which was presented in the Draft EIR), does not replace or supersede the analysis of operational noise as included in the Draft EIR, but rather is presented for informational purposes only. It is worth noting that the Municipal Code's operational noise source thresholds as used in the Draft EIR appear to be more restrictive than the permanent noise threshold as presented above. This is primarily because the Ldn value represents the average A-weighted noise level during a 24-hour day, which includes more than 12 hours of each day (from about 6:00 PM to 6:00 AM) when the School would not be making any perceivable noise.

The following table for Receptor R-7 demonstrates similar results.

**Increase in Daily Operational Noise at Receptor R-7, Using Ldn Calculation Methodology**  
**(numbers below expressed as Leq)**

	Loop Road Traffic	Outdoor Classroom	Daily Commons	Recess	Parking	Loading Dock	Total
6:00 AM	-	-	-	-	-	-	
7:00	43	-	-	-	40	-	44.8
8:00	52	-	-	-	40	-	52.3
9:00	-	-	-	-	-	-	-
10:00	-	29	19	48	-	26	48.1
11:00	-	29	19	48	-	-	48.1
Noon	-	-	29		40	-	40.3
1:00 PM	-	29	19	48		-	48.1
2:00	43	29	19	48	40	-	49.7
3:00	48	29	19	48	40	-	51.4
4:00	47	-	-	-	40	-	47.8
5:00	47	-	-	-	40	-	47.8
6:00 PM to 5:00 AM	-	-	-	-	-	-	-
							<b>45 dBA Ldn</b>
							Plus Existing: 49 dBA Ldn 50.5 dBA Ldn
Increase over Existing (increase of +5 over existing exceeds the CEQA Threshold):							<b>+1.5 dBA Ldn</b>

Source: Lamphier-Gregory, with technical assistance from Illingworth & Rodkin

#### **Response to Comment B2-9**

Please see Response to Comment B2-7, above on the same topic.

#### **Response to Comment B2-10**

Comment noted. This comment concurs with the conclusions of Illingworth & Rodkin, Salter Associates and third-party peer-review by RGD Acoustics.

#### **Response to Comment B2-11**

As indicated in the Draft EIR (page 13-34), “regular performing art classes and certain Special Events would be held indoors at the Performing Arts Center during both daytime and evening hours. No nighttime (10:00 pm to 7:00 am) events, classes or activities are proposed. Daily use of the facility would include band, orchestra, dance, and choir practice, all without amplification. It is anticipated that 25 classes would be held in the facility per day, spread between five classrooms, each having 30 to 40 students and a teacher. Typical non-amplified noise from these classes is not anticipated to be audible at off-site locations. Based on noise measurements conducted at various other Special Events and ceremonies at other Bay Area high schools (where noise levels were monitored at locations adjacent to the facility and in the surrounding neighborhoods), indoor special event activities were not perceivable at the nearest residential property lines and did not affect the measured noise levels in quiet residential areas.” This conclusion does presume that

doors and windows will be closed during these events, classes and activities, and that the building will attenuate exterior noise. Further, the Project will be subject to on-going requirements to continue to meet applicable Oakland noise standards for operational noise as measured at the property line.

#### **Response to Comment B2-12**

The Draft EIR (page 13-24) does include an analysis of daily use of the Commons, which would be similar to that of the Outdoor Classroom, with up to two school classes occurring simultaneously within this outdoor space. With two classes, activities would involve two teachers and up to 30 total students speaking at normal voice levels during school hours (8:30 am to 3:30 pm). Approximately five 1-hour long class periods per day are anticipated, with two classes occurring simultaneously during all periods. Noise modeling in SoundPLAN, assuming four noise sources calibrated to a normal conversation level of 60 dBA Leq at 3 feet, resulted in noise levels below 20 dBA at all surrounding land uses. Typical outdoor classroom activity occurring in the Commons would generate noise at levels below ambient levels generated on local roadways and residential activities, and below the daytime thresholds. Use of the Commons space for outdoor classrooms would not generate significant noise impacts on adjacent residences.

Use of the Project's Commons area for Special Events is limited to school graduation ceremonies and school promotion events. The School's largest such event is upper school graduation, held in midday during a single weekend each June. Approximately 800 to 1,000 people are anticipated to attend future upper school graduations. Noise from these graduation events would include amplified speech through a public address (PA) system, as well as crowd noise for the attendees. Full analysis of these Special Events is addressed in the EIR, beginning at page 13-30.

#### **Response to Comment B2-13**

No details of the Performing Arts Center and its rooftop mechanical equipment are currently available. However, all such equipment will need to comply with applicable Oakland noise standards for operational noise as measured at the property line. The need for noise-attenuating parapet or sound walls surrounding such equipment will be considered pursuant to subsequent building permits for the Performing Arts Center.

#### **Response to Comment B2-14**

Please see Master Response to Comments on Noise, specifically the section on Ambient Noise Conditions and Recent (March 2022) Noise Measurements, which generally confirm the assumptions for ambient noise conditions in the surrounding neighborhood, as presented in the Draft EIR.

#### **Response to Comment B2-15**

According to the Handbook of Acoustical Measurements and Noise Control, Third Edition (Harris, 1991), average sound levels for different male and female vocal efforts are divided into categories of shouting, loud voice, raised voice, and normal conversation. The average A-weighted vocal sound levels under quiet conditions for these three vocal categories are 88 dBA for male shouting and 82 dBA for female shouting; 75 dBA for a male loud voice and 71 dBA for a female loud voice; and 65 dBA for a male raised voice and 62 dBA for a female raised voice. These are all maximum sound pressure levels (Lmax) measured at 1 meter, or 3 feet, from the person. The comment suggests a teacher would need to speak continuously at a level of 78 dBA (indicated as a raised voice level) at 3 feet to be heard by student at 10 to 15 feet away.

Vocal sounds at 78 dBA at 3 feet far exceeds the "raised voice" category of 62 to 65 dBA at 3 feet, and even exceeds the loud voice category of 71 to 75 dBA at 3 feet, and suggests that teachers would need to shout or yell at their students to be heard. This suggestion is unrealistic, especially given the relative quiet ambient noise conditions at the site. However, even assuming a teacher may need to shout at 78 dBA at 3 feet for a short time, that loud-voiced shout would be reduced down to about 51 dBA at 50 feet (using 6 dBA of reduction per doubling of distance). Fifty feet is about how far away the nearest off-site receptor would be from the outdoor classroom. At 51 dBA, this loud-voiced shout would not exceed the Lmax threshold of 75

dBA, nor would it exceed the most restrictive L33 (or 20-minute) threshold of 55 dBA. The conclusion of less than significant against all applicable threshold criteria remain correct, and would even remain correct if using the unrealistic expectation of shouting voice levels over the course of 20 minutes during a 1-hour long class.

#### **Response to Comment B2-16**

The assumed recess noise level of 59 dBA at a distance of 50 feet from the center of the playfield is based on actual noise monitoring at other similar schools in the Bay Area, conducted by the professional acoustic firm preparing the technical report. This conclusion is also similar to an unrelated Noise Report published by the County of San Diego.<sup>1</sup> That noise study relied on noise measurements taken at a separate existing school facility (The Classical Academies) with approximately 400 students. Noise measurements were conducted of the children playing in the play field, and the results of the noise measurements varied between 60 to 64 dBA Leq for children playing, at a distance of 25 feet from the main activities in the center of the playing field. For purposes of a conservative analysis, the higher noise level of 64 dBA Leq was used as a reference noise level for a school play area. At 64 dBA Leq at 25 feet, and accounting for 6-dBA decrease per doubling of distance, this separate study had an equivalent of approximately 58 dBA Leq at 50 feet.

The Project's estimated noise level from the recess playfield (at 59 dBA at a distance of 50 feet from the center of activities) is consistent with other noise monitoring conducted by the EIR noise consultant at other similar schools in the Bay Area. It is also consistent with the results of a completely separate study on the same issue as conducted by a different consultant, also based on actual noise monitoring results. The commenter provides no source or methodology for estimating the average noise level for a playground with 35 five-year olds being "typically about 73 dBA Leq at 50 feet". The noise source data as used in the Draft EIR is credible and substantiated by other similar technical studies on this issue.

#### **Response to Comment B2-17**

The noise analysis related to traffic noise generated by the Loop Road is based on objective and quantifiable methods, as described on page 13-40 of the Draft EIR. This includes:

- information from the traffic study used for this EIR (Fehr & Peers, 2020) to arrive at a total of 385 student drop-offs and 385 pick-ups that are anticipated to utilize the Loop Road each school day. Of these trips, approximately 343 would occur during the morning peak hour, and 135 would occur during the afternoon peak hour.
- Speeds along this roadway are anticipated to be below 20 mph.
- Traffic noise modeling was conducted using the Federal Highway Administration's Traffic Noise Model (TNM).

Based on the traffic noise modeling results, hourly average level of traffic noise of 52 dBA Leq and 48 dBA Leq would be anticipated during the morning (8:00 to 9:00 am) and afternoon (3:15 to 4:15 pm) peak hours, respectively, at a distance of 50 feet, not taking into account any noise shielding. Traffic noise levels during periods for after-school pick-ups (4:15 to 5:15 pm) and sports/clubs pick-ups (5:15 to 6:15 pm) would be about 47 dBA Leq at 50 feet. Traffic noise levels for periods of early arrivals (7:00 to 8:00 am) and Kindergarten pick-up (2:15 to 3:15 pm) would be 43 dBA Leq at 50 feet. Noise levels during other periods during the day and during evening and nighttime hours would be negligible.

#### **Response to Comment B2-18**

As indicated on page 13-27 of the Draft EIR, noise associated with use of the Project's parking lots, and drop-off/pick/up locations as well, includes vehicular circulation, engines, car alarms, squealing tires, door slams

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<sup>1</sup> County of San Diego, Noise Report for the Christian Elementary School at Faith Chapel Project, LDN Consultants, Inc., 2016

and human voices. These sounds can typically reach maximum levels of 50 to 60 dBA Lmax at a distance of 50 feet. Parking lot noise can be expected to generate maximum noise levels in the range of 46 to 56 dBA Lmax at a distance of 100 feet, and 40 to 50 dBA Lmax at 200 feet (not accounting for differences in terrain). The total duration of noise from these intermittent maximum sounds in the parking lot would be more than five minutes but less than 15 minutes in any hour (a 17-minute duration (L17) is used as the applicable regulatory threshold for this analysis). The hourly average noise level resulting from all these noise-generating activities in a small parking lot would be anticipated to reach 40 dBA Leq at a distance of 50 feet from the parking area. The maximum (L17) and average noise levels generated in the parking lot would be lower than ambient levels generated on local roadways and residential activities, and below the daytime noise thresholds.

#### **Response to Comment B2-19**

As indicated in Response to Comments B2-17 and B2-18 above, the Federal Highway Administration's Traffic Noise Model was used to calculate traffic noise on the Loop Road, and a separate calculation was used to estimate noise from school drop-offs, pick-ups and parking. In the Cumulative analysis (presented beginning on page 13-42 of the Draft EIR, the combined noise that would occur during the peak student arrival period in the morning includes increased traffic on Lincoln Avenue, on-site traffic on the Loop Road, and noise associated with parking and drop-off activities. Noise Receptor R-1 (the residence on Lincoln Avenue closest to the lower Loop Road exit) will be exposed to the maximum noise levels from each of these sources during the "worst-case" morning peak hour period. This residence would be exposed to noise levels of approximately 55 dBA from additional Project-generated traffic on Lincoln Avenue, 52 dBA from traffic noise along the Loop Road, and approximately 40 dBA from nearby parking lot noise. These noise sources combine to generate a cumulative noise level of approximately 57 dBA at this residence – less than the conservatively applied 20-minute threshold of 60 dBA. These noise sources, when combined with the existing approximately 61 dBA of traffic noise along Lincoln Avenue, result in a total noise level of approximately 62.4 dBA (or an increase of approximately 1.4 dBA), which is less than the 3 dBA increase threshold for cumulative noise levels.

#### **Response to Comment B2-20**

Please see Response to Comment B2-18 above.

#### **Response to Comment B2-21**

Noise Receptor R-1 (the residence on Lincoln Avenue closest to the lower Loop Road exit) will be exposed to the maximum noise levels from increased traffic on Lincoln Avenue, on-site traffic on the Loop Road, and noise associated with parking and drop-off activities. These noise sources combine to generate a cumulative noise level of approximately 57 dBA at this residence. When combined with the existing approximately 61 dBA of ambient traffic noise along Lincoln Avenue (which is known based on prior measurements made by Salter in 2019), the result in a total noise level is approximately 62.4 dBA (or an increase of approximately 1.4 dBA), which is less than the 3 dBA increase threshold for cumulative noise levels.

#### **Response to Comment B2-22**

Comment noted

#### **Response to Comment B2-23**

Please see Master Response to Noise Comments, specifically the section regarding Loading Dock Noise. As explained in the Master Response, the original modeling of the loading dock had been incorrectly based on a commercial type loading dock, rather than the small, non-commercial loading dock using smaller vehicles (26-foot trucks and pickup trucks) as proposed by the Project. The modeling was recalibrated to the corrected noise source levels, the results of that corrected noise model were provided to the EIR consultant, and these corrected results were presented in the Draft EIR's Table 13-10 and Figure 13-5, which a conclusion of less than significant impact. No mitigations are warranted.

As a further response to this specific issue, the School has proposed a modification to the Project that would remove the loading dock at the proposed Performing Arts Center building, given the relatively limited need for hauling large materials in and out of the building. No impacts related to a loading dock would occur under this modified Project.

#### **Response to Comment B2-24**

As is the case with numerous City of Oakland Standard Conditions of Approval, SCA Noise-2, Construction Noise and SCA Noise-4, Project-Specific Construction Noise Reduction Measures require preparation of details plans and implementation of those plans as needed to achieve the performance standards cited in the SCAs. Accordingly, the Project applicant is required to submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to reduce construction noise impacts on adjacent sensitive receptors or businesses. The Construction Noise Management Plan is required prior to approval of construction-related permits, is to be approved by the Bureau of Building, implemented by the Project applicant during construction, and monitored/inspected by the Bureau of Building.

#### **Response to Comment B2-25**

As identified in the technical Noise Report, construction activities generating groundborne vibrations could be located as close as 30 feet from residences to the southwest, 50 feet from residences to the southeast, and 70 feet from residences to the north. Table 13 of the technical Noise Report presents construction vibration levels at a reference distance of 25 feet from the vibration source, and at various distances from the construction equipment that are representative of nearby residences and historic structures. Heavy construction located within 25 feet of any structure would have the potential to exceed the historic structure vibration threshold of 0.25 in/sec PPV, and heavy construction located within 18 feet of any structure would have the potential to exceed the normal/conventional construction threshold of 0.3 in/sec PPV. There are no off-site structures located within these threshold distances. At times, vibration generated by construction activities would be perceptible inside nearby structures, but is not be expected to result in any architectural damage to surrounding buildings.

#### **Response to Comment B2-26**

Comment noted.

#### **Response to Comment B2-27**

Comment noted. SCA Noise-6, Exposure to Community Noise pertains to the non-CEQA noise topic of the effects of existing ambient noise on the Project. This SCA references the City of Oakland General Plan Noise Element, Noise-Land Use Compatibility Matrix, which describes acceptable and unacceptable noise levels in units of dBA CNEL.

#### **Response to Comment B2-28**

Please see Master Response to Noise Comments, specifically the section regarding Loading Dock Noise, as also summarized in Response to Comment B2-23 above. The modeling of the loading dock was recalibrated to the corrected noise source levels, the results of that corrected noise model were provided to the EIR consultant, and these corrected results were presented in the Draft EIR.

The technical Noise Report also identified that noise from evening events at the Performing Arts Center could be fully addressed by requiring that events are completed by 9:00 pm, with all post event gatherings, event traffic, and exterior clean-up activities completed by 10:00 pm. This is consistent with the use of the Performing Arts Center as proposed.

### **Response to Comment B2-29**

AS clearly stated on page 13-42 of the Draft EIR, some school events could potentially take place simultaneously during school hours. This includes:

- daily use of outdoor classrooms
- daily use of the outdoor Commons and recess activities
- operation of the dust collector (which would be indoors and not audible off-site), and
- gatherings on the deck at Building (which are proposed once per month)

Potential cumulative noise levels generated during the simultaneous occurrence of all of these daily school hour activities and events are summarized in Table 13-16 of the Draft EIR, along with the applicable Oakland noise standards, which were adjusted down by 5 dBA to account for the speech content of the activities.

See also response to Comment B2-21 regarding cumulative traffic noise from increased traffic on Lincoln Avenue, on-site traffic on the Loop Road, and noise associated with parking and drop-off activities.

### **Response to Comment B2-30**

This comment suggests that, “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.” This comment does not suggest that the cumulative analysis is incorrect, but only questions the qualifications of the analyst.

All calculations conducted to compile the results presented in Table 13-16 of the Draft EIR, and to calculate cumulative transportation-related noise attributed to the Project, were conducted by Illingworth & Rodkin as cited in the footnote to the Draft EIR’s Table 13-16. This data was generated post-preparation of the original technical Noise Report, and provided to the EIR consultant in response to a request for this additional data.

### **Response to Comment B2-31**

This comment provides a summary of the commenter’s opinions and conclusions of the noise effects of the Project, do not reference the Draft EIR, and no response is required.

### **Response to Comment B2-32**

Each of the comments represents a summary or re-cap of issues and comments that were previously raised, and for which responses have already been provided:

- See Response to Comment B2-4 regarding ambient noise measurements
- See Response to Comment B2-8 regarding applicable noise thresholds
- See Response to Comment B2-11, -12 and -13 regarding noise attributed to the Performing Arts Center and the Commons
- See Response to Comment B2-13 regarding noise from mechanical systems
- The Draft EIR does present a non-CEQA analysis that addresses potential noise impacts to the Project’s classroom and administrative offices
- The Draft EIR does include analysis of noise attributed to outdoor classroom conditions, recess activities and amphitheater/Commons activities for school operations. Non-school uses are not proposed.

- See Response to Comment B2-24 regarding quantification of the construction-period noise barrier and performance standards contained in City of Oakland SCAs
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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 unprecedeted 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 26<sup>th</sup>.*  
(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 Agreement<sup>1</sup> to respond locally.

#### Historical California Wildfire References<sup>2</sup>:

- 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 3<sup>rd</sup> deadliest, and 3<sup>rd</sup> 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 destroyed<sup>3</sup> (\$1.3B of damage in 2017 USD), 22 fatalities. (*The 4<sup>th</sup> deadliest, and 2<sup>nd</sup> 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.*

B3-1

<sup>1</sup> 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)

<sup>2</sup> CalFire Stats and Events

Top 20 Most Destructive California Fires: [https://www.fire.ca.gov/media/t1rdhizr/top20\\_destruction.pdf](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](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>

<sup>3</sup> 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 3<sup>rd</sup> deadliest, and 3<sup>rd</sup> most destructive fire in California history<sup>4</sup>. 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.

<sup>4</sup> CalFire Stats and Events

- Top 20 Most Destructive California Fires: [https://www.fire.ca.gov/media/1rdhizr/top20\\_destruction.pdf](https://www.fire.ca.gov/media/1rdhizr/top20_destruction.pdf)
- Top 20 Deadliest California Fires: [https://www.fire.ca.gov/media/lbfd0m2f/top20\\_deadliest.pdf](https://www.fire.ca.gov/media/lbfd0m2f/top20_deadliest.pdf)

B3-2

##### **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>

B3-3

##### **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.”

B3-4

##### **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)

B3-5

The very nature of an evolving severity in the California Wildfire Season, weather and fire danger, and Wildland-Urbane 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.

B3-6

##### **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)*”

B3-7

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...*”

B3-8

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.*”

B3-9

##### **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.

B3-9

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:

B3-10

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.

B3-15

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:

B3-11

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:

- B3-12
- OFD FPB
  - Emergency Services
  - OPD Traffic Division
  - Public Works—Transportation Planning

B3-16

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:

B3-13

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...*”

B3-14

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.<sup>5</sup>
- In an emergency mass evacuation scenario, when hundreds of people (in the case of HRS, many between the ages of 5-11) are escaping a dangerous situation, the current HRS emergency exit plan only serves to exacerbate the seriousness of the danger to human life. For this case-in-point, a picture is worth a thousand words (see: unedited KTVU/Fox news footage of 1991 Oakland East Bay Hills Firestorm, evacuation here: <https://www.youtube.com/watch?v=NseOhUqZAh0>)

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

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

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

<sup>5</sup> “...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?

B3-19

- B3-17 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, ages 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.

B3-20

- B3-18

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.

B3-21

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 its 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.

B3-24

#### 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.

B3-25

B3-27

B3-27,  
cont.

- 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 Days<sup>6</sup> (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 SEMS<sup>7</sup> 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.

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<sup>6</sup> 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/>

<sup>7</sup> 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.cdds.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

B3-27,  
cont.

## **Response to Comment Letter B3 – Weisgerber Consulting, December 7, 2021**

The Weisgerber Consulting letter is focused on the topics of wildfire risks and evacuation safety. Many of the comments and perspectives provided in Mr. Weisgerber's letter have also been recited in numerous other comment letters. To best address the all of the comments on these topics from all comment letters, the Master Response to Comments chapter of this Final EIR includes Master Response to all comments on the issues of wildfire hazards and evacuation planning. However, these Master Responses have been prepared primarily in responses to Mr. Weisgerber's individual letter (Comment Letter B3). Many of the responses to Mr. Weisgerber's individual comments contain a cross-reference to these Master Responses. This approach is not intended to minimize the importance of Mr. Weisgerber's individual comments, but rather recognizes that responses to Mr. Weisgerber's comments are of importance to the wider community. These Master Responses are intended to specifically address Mr. Weisgerber's individual comments, as well as the numerous similar (and in many cases, precisely the same) comments made or repeated others.

As indicated in the Master Response to comments on Evacuation Planning, City staff appreciates Mr. Weisgerber's peer-review of the Evacuation Planning Recommendations report as included in Appendix 16B of the Draft EIR. Mr. Weisgerber clearly brings considerable expertise on the topic of emergency preparedness and evacuation planning. He has included in his peer-review/comment letter a number of suggested additions to those recommendations included in the Draft EIR, which could improve the effectiveness of the DEIR's recommended pedestrian evacuation plan. Based on the detailed recommendations that are included in the Draft EIR (as prepared by Mr. Wong) as well as Mr. Weisgerber's comments and recommendations on this topic, Head-Royce School be required to prepare a stand-alone Emergency Evacuation Plan for the School. This Emergency Evacuation Plan is to be prepared by a professional emergency evacuation expert and subject to review and approval by the Oakland Fire Department, with input from Emergency Services, OPD Traffic Division, and the Public Works' Transportation Planning staff. This Plan shall consider those recommendations as provided in Appendix 16B of the Draft EIR as well as those additional recommendations as included in Mr. Weisgerber's peer review/comment letter. Selection of the most appropriate and effective details of such an Emergency Evacuation Plan for the School will be conducted by the professional emergency evacuation expert to be retained by the School and as approved by the Oakland Fire Department. Accordingly, many of the responses to Mr. Weisgerber's comments below refer to the preparation of this Emergency Evacuation Plan. Again, this approach is not intended to minimize the importance of Mr. Weisgerber's individual comments, but rather recognizes that responding to many of Mr. Weisgerber's comments will be fully addressed in this updated Emergency Evacuation Plan.

### **Response to Comment B3-1**

This initial set of comments provides the commenters qualifications and a general discussion of wildfire hazards in California. Mr. Weisgerber's professional credentials are recognized, and his description of wildfire hazards is accurate.

### **Response to Comment B3-2**

As indicated in Master Response to Evacuation Planning under the subsection "Project Impacts", per CEQA Guidelines Appendix G, the CEQA threshold pertaining to emergency evacuation is whether the Project would, "impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan". By bringing new students and faculty into the area, the Project may exacerbate existing environmental hazards. In response, the Draft EIR recommends a number of measures to be incorporated into the School's operations and Emergency Preparedness Manual that would substantially offset its contribution of additional people to a potential evacuation scenario. By introducing the pedestrian evacuation strategy, faculty and students from Head-Royce (including the additional population attributed to the Project) would not compete for the limited evacuation routes with residents in the surrounding area, and

would not add additional vehicle congestion and delay, and this potentially significant impact would be reduced to less than significant levels. The recommended evacuation strategy identified in the Evacuation Planning Recommendations report (an Appendix to the Draft EIR) would serve to further increase student safety, rather than significantly exacerbating existing environmental hazards in the event of an extreme wildfire event. If required as conditions of Project approval, these recommendations would also serve to address cumulative emergency evacuation conditions throughout the Oakland Hills by reducing potentially conflicting evacuation conditions.

#### **Response to Comment B3-3**

As indicated in Master Response to Wildfire Hazards under the subsection “Existing Wildfire Risks vs. Exacerbation of Wildfire Risks”, consistent with CEQA, the Draft EIR does not consider the existing wildfire hazards present in the area to be an impact of the Project. While not an impact of the Project, the Draft EIR certainly does not suggest that the risk of wildfire hazard that is present at the site and in the surrounding area is less than significant, but rather highlights the significance of the risk that is present.

#### **Response to Comment B3-4**

As indicated in Master Response to Evacuation Planning under the subsection “Exacerbation of Evacuation Congestion”, the Draft EIR does recognize that the Project would increase student enrollment by 344 additional students over the currently allowed enrollment of 906, to a maximum enrollment up to 1,250 students. To support increased enrollment, the School projects an increase of 17 additional faculty and staff, bringing the Schools faculty and staff to 189 total employees. Thus, the Project represents an increase of 361 new people into the area, and those new people would potentially compete for the same limited evacuation routes to escape a wildfire hazard.

#### **Response to Comment B3-5**

As indicated in the Master Response to comments on Evacuation Planning, Head-Royce School shall be required to prepare a stand-alone Emergency Evacuation Plan for the School, to be prepared by a professional emergency evacuation expert. This Plan shall be based on the recommendations that are included in the Draft EIR as prepared by Mr. Wong, as well as Mr. Weisgerber’s comments and recommendations on this topic. This Emergency Evacuation Plan for the School shall be subject to review and approval by the Oakland Fire Department, with input from Emergency Services, OPD Traffic Division, and the Public Works’ Transportation Planning staff. This Plan shall consider the recommendation to subscribe to the AC Alert program.

#### **Response to Comment B3-6**

As indicated in Master Response to Wildfire Hazards, the Draft EIR’s Impact Fire-1 identifies that, “The Project would exacerbate current exposure of people and structures to a significant risk of loss, injury or death involving wildland fires by adding School buildings and increasing school enrollment at a school located within a VHFHSZ” (DEIR page 16-17). This impact was fully addressed in the Draft EIR. The Draft EIR clearly indicates that the Project site is located in, “one of the highest risk areas in the country for devastating wildland urban interface fires”.

To address the potential for the Project to exacerbate wildfire hazards, the Draft EIR includes a Vegetation Management Plan intended to satisfy the requirements of the California Fire Code, the City of Oakland Fire Code, and City of Oakland Standard Conditions of Approval for projects located within the designated VHFHSZ. Furthermore (pursuant to SCA Fire-3), the Project is required to comply with all other applicable federal, state and local laws and code requirements, including but not limited to those imposed by the City’s Bureau of Building and the Fire Marshal, for fire protection and life safety systems, fire service features, and materials and construction methods for fire-safe structures.

The Draft EIR does not suggest that implementation of the Project's Vegetation Management Plan and other codes and regulations as identified in the Draft EIR would reduce or materially lessen the existing risk of wildfire in the area. Rather, the Draft EIR concludes that implementation of the Project's Vegetation Management Plan and compliance with other codes and regulations pertaining to fire-safe development would substantially reduce the potential for the Project to exacerbate these existing hazardous conditions, such that the Project would not increase fire hazards.

**Response to Comment B3-7**

Please see Response to Comment B3-2, above.

**Response to Comment B3-8**

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

**Response to Comment B3-9**

Comment noted

**Response to Comment B3-10**

As indicated in Master Response to Wildfire Hazards under the subsection "Vegetation Management as Reasonable and Feasible Mitigation", the Draft EIR does not suggest that implementation of the Project's Vegetation Management Plan and other codes and regulations as identified in the Draft EIR would reduce or materially lessen the existing risk of wildfire in the area. Rather, the Draft EIR concludes that implementation of the Project's Vegetation Management Plan and compliance with other codes and regulations pertaining to fire-safe development would substantially reduce the potential for the Project to exacerbate these existing hazardous conditions, such that the Project would not increase fire hazards.

Please also see this Master Response as to Head-Royce School's compliance with regulations, including regular annual fire inspections of the Oakland Fire Department. OFD inspection reports for the last two years would seem to indicate that Head-Royce School has demonstrated their ability and willingness to comply with fire inspection requirements and regulations.

**Response to Comment B3-11**

The Emergency Evacuation Plan does not lack serious content, but additional detailed work on an Evacuation Plan for the School is required. Per additional mitigation, Head-Royce School is required to prepare a stand-alone Emergency Evacuation Plan for the School, to be prepared by a professional emergency evacuation expert, and subject to review and approval by the Oakland Fire Department. This Plan shall consider those recommendations as provided in Appendix 16B of the Draft EIR as well as those additional recommendations included in this comment pertaining to obstacles to viable egress pathways; student and staff accountability procedures, including procedures for managing primary grade children (K-6); ADA compliance; and evacuation training and exercise planning for effectiveness during emergencies.

**Response to Comment B3-12**

As indicated in Master Response to Wildfire Hazards under the subsection "Existing Setting", the Draft EIR does not treat the threat of fire danger to Head-Royce School as "...very unlikely..." These comments have taken the text of a separate Evacuation Planning Recommendations report out of context. The Evacuation Planning Recommendations report has two instances of the use of the term "unlikely". The first instance is the statement that, "*While a worst-case scenario is somewhat unlikely, it is important for Head-Royce to consider any catastrophic situation that could severely endanger their students*". The second instance is a recommendation that Head-Royce strongly consider the parking lot near Farmer Joe's and CVS Pharmacy near Interstate 580 as an evacuation destination because, "*it is unlikely (but not improbable) that a wildfire*

*would reach this [i.e., the Farmer Joe's and CVS Pharmacy] destination.”* Neither the Draft EIR nor any of its technical appendices suggest that the threat of fire danger to Head-Royce School is very unlikely.

#### **Response to Comment B3-13**

As indicated in the Draft EIR (page 16-8), SCA Fire-1: Designated Very High Fire Severity Zone, vegetation management applies to all projects involving construction of new facilities (i.e., the Project) that are located in the Designated Very High Fire Severity Zone. Pursuant to this SCA, Head-Royce School would be required to submit a Vegetation Management Plan to the Oakland Fire Department for review and approval prior to approval of any construction-related permit, with ongoing monitoring and inspection by OFD prior to, during, and after construction of the Project.

Similarly, a stand-alone Emergency Evacuation Plan for the School that is prepared by a professional emergency evacuation expert will also be subject to review and approval by the Oakland Fire Department either prior to any construction-related permit, or prior to any authorization to increase student enrollment beyond the currently approved maximum enrollment number.

#### **Response to Comment B3-14**

See response to Comment B3-14 above, which clearly provides that the Vegetation Management Plan will be subject to review and approval by the Oakland Fire Department prior to approval of any construction-related permit, with on-going monitoring and inspection by OFD. The Vegetation Management Plan would not be relegated to a maintenance of effort incumbent upon HRS for self-guided compliance. It would not rely on a HRS self-monitoring system, and (like all projects that involve construction of new facilities located in the Designated Very High Fire Severity Zone), would be monitored and inspected by OFD prior to, during, and after construction of the Project – not pursuant to any “self-inspection” designation privilege.

#### **Response to Comment B3-15**

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

As indicated in the Master Response to comments on Evacuation Planning, Head-Royce School shall be required to prepare a stand-alone Emergency Evacuation Plan for the School, to be prepared by a professional emergency evacuation expert. This Plan shall be based on the recommendations that are included in the Draft EIR as prepared by Mr. Wong, as well as Mr. Weisgerber’s comments and recommendations on this topic. This Emergency Evacuation Plan for the School shall be subject to review and approval by the Oakland Fire Department, with input from Emergency Services, OPD Traffic Division, and the Public Works’ Transportation Planning staff.

#### **Response to Comment B3-16**

Staff fully concurs with the recommendation that a bona-fide mass evacuation plan be developed for the School, with training for students, staff and parents. This Evacuation Plan is to be developed by a professional consultant who specializes in emergency planning and evacuation, subject to approval by the OFD Fire prevention Bureau, with advice and input from Emergency Services, OPD Traffic Division, and the Public Works’ Transportation Planning staff.

#### **Response to Comment B3-17**

This comment recites certain information included in DEIR Appendix 16B that outlines multiple egress obstacles for an evacuation from the existing Campus, but does not recognize that this Appendix also provides recommendations as to how these egress obstacles should be addressed. As noted above, Head-Royce School shall be required to prepare a stand-alone Emergency Evacuation Plan for the School that

addresses these recommendations as provided in Appendix 16B of the Draft EIR, as well as those additional recommendations as included in Mr. Weisgerber's peer review/comment letter.

#### **Response to Comment B3-18**

In its very first paragraph, the Evacuation Planning Recommendations report (Appendix 16B) highlights the infeasibility of the School's current shelter-in-place strategy, then evaluates several evacuation mode options, and concludes that a pedestrian evacuation is likely to be faster than other types of evacuations in most situations, given that most students do not have access to a vehicle. This comment does agree with this conclusion.

#### **Response to Comment B3-19**

The Evacuation Planning Recommendations report (Appendix 16B) does provide numerous recommendations as to how the School's Evacuation Plan should be modified, as well as site-specific recommendations as to how to accomplish a better pedestrian evacuation, including changes to egress points that are necessary to better accommodate faculty, students and visitors with physical disabilities. It also identifies the need for improved communication procedures, identifies possible destinations for an evacuation, and provides recommendations for a worst-case scenario planning effort. However, the Evacuation Planning Recommendations report is not, nor was it scoped to be the School's final evacuation plan.

As indicated in the Master Response to comments on Evacuation Planning, Head-Royce School shall be required to prepare a stand-alone Emergency Evacuation Plan for the School, to be prepared in consultation with a professional emergency evacuation expert. This Plan shall be based on the recommendations that are included in the Draft EIR as prepared by Mr. Wong, as well as Mr. Weisgerber's comments and recommendations on this topic. This Emergency Evacuation Plan for the School shall be subject to review and approval by the Oakland Fire Department, with input from Emergency Services, OPD Traffic Division, and the Public Works' Transportation Planning staff.

#### **Response to Comment B3-20**

The Evacuation Planning Recommendations report (Appendix 16B) does recommend, in cases where time permits, a bus evacuation. Presuming that Head-Royce's could have access to six mini-buses, those buses would facilitate an evacuation of approximately 42 people. Students and visitors with a disability should be prioritized, followed by younger students that may have difficulty walking long distances. It also recommends that buses take Whittle and Fruitvale Avenue up and down the hill to evacuate more students, rather than taking Lincoln Avenue, so that these buses do not add to downhill evacuation congestion on Lincoln, or conflict with emergency vehicles going uphill.

Evacuation Planning Recommendations report does not include a written plan for activating this bus system, does not design a specific system for accommodating a shuttle service, a bus/shuttle system has not been vetted for conflicts with City emergency plans for traffic, and an accountability component for the bus mode has not been developed. These detailed components of a recommended bus evacuation strategy are to be determined by a professional emergency evacuation expert retained to prepare a detailed Evacuation Plan for the School, and that Plan is to be reviewed and approved by the Oakland Fire Department.

#### **Response to Comment B3-21**

Comment noted. Vehicular or bicycle evacuation plans are not recommended.

#### **Response to Comment B3-22**

The Evacuation Planning Recommendations report (Appendix 16B) does identify several issues that need better solutions for a School Evacuation Plan, and provides recommendations to improve upon those issues. However, as is also noted in the Evacuation Planning Recommendations report, there is a broader issue (or shortcoming), in that there is no publicly facing emergency mass evacuation plan for the remainder of the

Oakland Hills. This includes the surrounding neighborhoods, the LDS Temple, Immersion Preschool, Ascension Cathedral, Ability Now (with multiple wheelchair user clients), and the UCP Plant Exchange Event Center. Head-Royce School is not the responsible party, and this EIR is not the appropriate venue for establishing such a broader plan for the rest of the surrounding neighborhood and other nearby institutional uses.

#### **Response to Comment B3-23**

The Evacuation Planning Recommendations report (Appendix 16B) is fully intended to apply to the full Head-Royce School, including the existing Campus and the proposed South Campus (the former Lincoln property). Whereas the proposed South Campus does not have any of the pedestrian evacuation constraints as attributed to gates and egress points within the existing Campus, the South Campus is fully anticipated and included in the other evacuation plan recommendations of the Report.

#### **Response to Comment B3-24**

To the extent that this comment asserts that the DEIR has “many unsupported conclusions”, the responses to Comments B3-1 through B3-24 above and the Master Responses to Comments on Wildfire Hazards and Evacuation Planning demonstrate that the EIR conclusions are supported by substantial evidence and the requirements of CEQA.

The Evacuation Planning Recommendations report is not, nor was it intended to be the School’s final evacuation plan. The purposes of the Evacuation Planning Recommendations report was to alert the School to certain shortcomings of their existing evacuation plan, to provide recommendations on the issues that required more attention, and fundamentally to identify mitigation strategies for evacuating the School population in a manner that does not significantly exacerbate the existing environmental hazards. The Evacuation Planning Recommendations report achieves these CEQA objectives, but does not go so far as to represent a detailed evacuation plan (i.e., procedures, applications or execution strategies).

As indicated in the Master Response to Comments on Evacuation Planning, Head-Royce School shall be required to prepare a stand-alone Emergency Evacuation Plan for the School, to be prepared by a professional emergency evacuation expert. This Plan shall be based on the recommendations that are included in the Draft EIR as prepared by Mr. Wong, as well as Mr. Weisgerber’s comments and recommendations on this topic. This Emergency Evacuation Plan for the School shall be subject to review and approval by the Oakland Fire Department, with input from Emergency Services, OPD Traffic Division, and the Public Works’ Transportation Planning staff.

#### **Response to Comment B3-25**

As indicated in Response to Comment B3-12, this comment is an incorrect citation of the actual text of the Evacuation Planning Recommendations Report. The Report actually says that Head-Royce should, “strongly consider the parking lot near Farmer Joe’s and CVS Pharmacy near Interstate 580 as an evacuation destination, because it is unlikely (but not improbable) that a wildfire would reach this destination.”

By asserting and incorrectly citing the Evacuation Planning Recommendations report as stating that, “It is also highly unlikely (but not improbable) that a wildfire would reach this [HRS] destination... (DEIR Appendix 16B, page 7)”, this comment could be considered a contrived approach attempting to discredit the Draft EIR and its preparers.

#### **Response to Comment B3-26**

As indicated in the Master Response to comments on Evacuation Planning, Head-Royce School shall be required to prepare a stand-alone Emergency Evacuation Plan for the School, to be prepared by a professional emergency evacuation expert. This Plan shall be based on the recommendations that are included in the Draft EIR as prepared by Mr. Wong, as well as Mr. Weisgerber’s comments and recommendations on this topic (including his “top 20” recommendation as listed in this comment). This Emergency Evacuation Plan for the School shall be subject to review and approval by the Oakland Fire

Department, with input from Emergency Services, OPD Traffic Division, and the Public Works' Transportation Planning staff.

**Letter B4 - Kennedy**

**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

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Re: Head-Royce Expansion  
December 14, 2021  
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"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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Oakland, CA 94619  
Re: Head-Royce Expansion  
December 14, 2021

3 | Page

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?

Ms. Leila Moncharsh  
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5707 Redwood Road, Suite 10  
Oakland, CA 94619  
Re: Head-Royce Expansion  
December 14, 2021

4 | Page

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.

Ms. Leila Moncharsh  
Veneruso & Moncharsh  
5707 Redwood Road, Suite 10  
Oakland, CA 94619  
Re: Head-Royce Expansion  
December 14, 2021

5 | Page

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

Ms. Leila Moncharsh  
Veneruso & Moncharsh  
5707 Redwood Road, Suite 10  
Oakland, CA 94619  
Re: Head-Royce Expansion  
December 14, 2021

6 | Page

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.

Ms. Leila Moncharsh  
Veneruso & Moncharsh  
5707 Redwood Road, Suite 10  
Oakland, CA 94619  
Re: Head-Royce Expansion  
December 14, 2021  
7 | Page

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

Ms. Leila Moncharsh  
Veneruso & Moncharsh  
5707 Redwood Road, Suite 10  
Oakland, CA 94619  
Re: Head-Royce Expansion  
December 14, 2021  
8 | Page

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

Ms. Leila Moncharsh  
Veneruso & Moncharsh  
5707 Redwood Road, Suite 10  
Oakland, CA 94619  
Re: Head-Royce Expansion  
December 14, 2021  
**9 | Page**

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

### **Response to Comment Letter B4 – Kennedy**

This comment letter addresses the single issue of potential public use of the Project's proposed Performing Arts Center Building. The commenter indicates that their review included portions of the Draft Environmental Impact Report, the Head-Royce Emergency Plan 2018-2019, plans for the South Campus, the fire prevention letters from Mr. Wong (DEIR Appendix 16B) and Mr. Weisgerber's letter (Comment Letter B-3). Her review also included the parking demand memo from Nelson-Nygaard, as well as a description of a possible publicly-accessed entertainment venue as described in the Draft EIR's Biology Appendix (Appendix 6A: Head-Royce School South Campus Redevelopment – Biological Resources Report, H.T. Harvey & Associates, January 2020). In that Biology Appendix, the commenter cites the following:

*"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 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."*

The commenter correctly cites this information from the Biology Appendix. However, as more fully described in Master Response to Comment on Public Use of the Performing Arts Center, the Draft EIR does not refer to the Performing Art Center building for community use, and such a public use of this building is not proposed as part of the Project. While certain technical studies that were prepared shortly after the February 2019 EIR Scoping Session (e.g., the Biology Appendix) make reference to such a potential use of the Performing Arts Center building, the idea of public use of this building was reconsidered, removed as a potential option of the Project, and not carried forward for analysis in the EIR.

Those comments objecting to the Draft EIR based on its lack of critical analysis associated with community use of this building are not relevant, as no such public or community use of the Performing Arts Center building is proposed. The only uses anticipated for the Performing Art Center are for school functions such as performing art classes, class plays, concerts, assemblies and parent meetings.

Other comments contained in this letter pertaining to the financial feasibility of using this building for community purposes are either CEQA topics, nor are they relevant to the merits of the Project, as the Project does not propose such a public use.

## Letter B5 - Clearwater Hydrology



**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.  
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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 Claassens' to install a top of slope french drain system to control the seeped conditions.

B5-1

B5-2

B5-3

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.

B5-4

## 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	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 2004	5.04 2021	11.87 2012	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

## **Response to Comment Letter B5 – Clearwater Hydrology**

### **Response to Comment B5-1**

The comment is noted that Clearwater Hydrology's independent review supports the conclusion of Sherwood, as presented in the DEIR, that stormwater control plan hydro-modification measures are not required, based on the assignment of Drainage Management Areas (DMAs) on the site, the estimated pre-project and post-project peak flow rates, and for the design 10-year recurrence interval storm.

This comment also includes an important caveat that no design details were provided for most of the hydraulic detention and runoff treatment or conveyance measures.

SCA Hydro-4: NPDES C.3 Stormwater Requirements for Regulated Projects relies on specified performance measures as established by a regulatory permit process, as is the case for many of the City of Oakland's Standard Conditions of Approval (SCAs). In this case, these performance standards are those requirements outlined in Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). Consistent with CEQA Guidelines Section 15126.4(B), "compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standard." According to this SCA, the project applicant is required to submit the details of its Post-Construction Stormwater Management Plan to the City Bureau of Planning and Bureau of Building for review and approval, prior to approval of construction-related permits. Those details shall incorporate the contents required under section 13.16.150 of the Oakland Municipal Code including Best Management Practices ("BMPs") during construction and after construction, and the City may require that a qualified consultant (paid for by the project applicant) inspect these measures and submit a written report of the adequacy of the control measures to the City. Accordingly, the design details of the hydraulic detention and runoff treatment and conveyance system as described in the Draft EIR will be provided pursuant to subsequent construction-related permits.

Based on the EIR sub-consultant's peer-review of the proposed preliminary Stormwater Control Plan, they concluded that:

- The civil drainage plan includes an appropriate assessment of existing conditions regarding the runoff volumes and general direction of flow from the drainage management areas, including flows entering the City storm drain system and flows entering into an off-site drainage channel
- The bioswale treatment areas are sized on a flow hydraulic design basis. The bioswales were sized so that they would have a capacity equal to the flow of runoff from the site resulting from a rain event equal to at least 0.2 inches per hour intensity. This meets the intent of water quality requirements outlined in Provision C.3 of the MRP (the calculations and sizes of the individual bioswale treatment areas were not provided for review).
- Those DMAs that incorporate pervious pavers appear to be in general conformance with requirements outlined in Provision C.3 of the MRP (the individual pervious paver detail was not provided in the plans for review).
- The Stormwater Plan indicates that 10-year peak flows will be reduced to at least pre-project levels at points of discharge. This requirement is intended to reduce the risk of flooding in downstream receiving waters.
- The Hydromodification Susceptibility Map published by the Alameda County Clean Water Program indicates that the subject project is in a "Potential Susceptibility Area" locality. However, the Project does not increase the total impervious surface over pre-project conditions, and therefore (in the

opinion of the EIR peer-review consultant) the Project is not subject to Hydromodification Management Measures stipulated within the referenced ACCWP handbook.

Based on this peer-review of the Stormwater Control Plan, the Project would result in a decrease in the total impervious surface of the site over pre-project conditions, and the Project's Stormwater Plan would reduce 10-year peak flows from the site to at least pre-project levels at points of discharge, thereby reducing the risk of flooding in downstream receiving waters. The Project will result in an overall reduction in stormwater flows from the site, and will reduce flows that are contributory to the off-site drainage channel/creek, as well as to the City stormdrain systems within both the Linnet Road and Lincoln Avenue rights-of-way. As such, the Project will not create or contribute substantial runoff that would exceed the capacity of existing or planned stormwater drainage systems, and would not substantially alter the existing drainage pattern of the site by increasing the rate or amount of flow of a creek.

#### **Response to Comment B5-2**

The comment is noted. It indicates that Clearwater Hydrology's independent review concurs that 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 up-gradient bioretention area, should alleviate surface flooding issues for the Alida Court properties. It should also reduce the volume of water infiltrating into the terrain up gradient of the Alida Court backyards, and will likely reduce groundwater seepage problems historically experienced at the 21 and 26 Alida Court properties. Balance Hydrology's concurrence is predicated on the final design of the Loop Road as incorporating a standard curb and gutter system.

The Project's proposed Loop Road will be designed and constructed to City of Oakland design standards. Whether these design standards will require a standard 6" curb face with 18" gutter, an 8" curb, or rolled curb will be determined by the Design and Construction Services Department of the City of Oakland Public Works Agency, but in all cases must accommodate the designed drainage flow.

#### **Response to Comment B5-3**

As shown on Table 11-1 in the Draft EIR, the amount of runoff currently contributing to the off-site drainage channel that runs behind the four homes on Laguna is calculated at 6.24 cfs under a 10-year design storm event. This is comprised of 3.47 cfs that is currently discharged via a stormdrain from the upper parking lot (which generally conforms to the Project's future DMAs #2 and #4), and 2.77 cfs that runs off the hillslope above the homes on Laguna. Under future conditions with the Project, the amount of runoff that will contribute to the off-site drainage channel that runs behind the four homes on Laguna is calculated at 5.08 cfs under a 10-year design storm event, or 1.16 cfs less than current conditions. This runoff will be comprised of 2.73 cfs (or 0.74 cfs less than current conditions). It will be discharged via a stormdrain from the upper parking lot (DMA #4, which will be replaced with a portion of permeable paving, thereby lowering runoff), and 2.35 cfs (or 0.42 cfs less than current conditions) that will run off the hillslope above the homes on Laguna.

The design parameters for the bioswale treatment areas are sized on a flow hydraulic design basis, so that they have a capacity equal to the flow of runoff from the site that would result from a rain event equal to at least 0.2 inches per hour intensity. This meets the intent of water quality requirements outlined in Provision C.3 of the MRP.

With less overall runoff in the direction of the hillside above the homes on Laguna, and with bioswale capacities designed to meet MRP C.3 provision, there would be less infiltration and less overall seepage pressure on slope above the homes on Laguna, not more.

**Response to Comment B5-4**

Comment noted. The recommendations by Rockridge and supported by Clearwater Hydrology call for stormwater treatment systems to provide underdrains and impermeable liners, and not to be designed for filtration into the subgrade. These recommendations also require that all such systems be designed in accordance with the Alameda County Clean Water Program - C3 Technical Guide. This recommendation is included in the Draft EIR as Recommendations Geo-5A: Grading Practices for Expansive Soils, which was developed in furtherance of SCA Geo-2: Soils Report (see page 8-33 of the Draft EIR).



(By electronic transmission)

December 20, 2021

Courtney Brown  
City of Oakland, PBD Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
Attn. Head Royce School Planned Unit Development Project DEIR Comments  
cbrown@oaklandca.gov

**RE: Head-Royce School Planned Unit Development Project DEIR**  
**Comment: Cultural Heritage Impacts**

Dear Ms. Brown,

I am a representative from the Neighborhood Steering Committee (NSC) that for the last ten years has worked on various issues regarding the Head-Royce School management and its various expansions.

We are asking your Commission to recommend that the DEIR cover several issues:

**For both Historic Buildings 1 & 2 -**

Modification #1: We question the installation of the large “ADA compliant access ramps” along more than half the length of the primary (west) facades. The accessible entrance to a historic property does not have to be the entrance used by the public in order to comply with ADA requirements. And there is already an existing ADA compliant ramp on the northeast facade of Blg. 1 that does not interfere with the features of the building. The DEIR should identify alternatives to installing access ramps on the primary (west) facades of Buildings 1 & 2.

Modification #2: We question modification of the front stairways in order to “meet egress requirements”. It is not clear in the DEIR if there are alternatives in accordance with chapter 5 of the CA historic building code (CHBC) which establishes minimum means of egress regulations for qualified historical buildings. The CHBC requires enforcing agencies to accept reasonably equivalent alternatives to the means of egress requirements in the regular code. The DEIR should provide information and assessment of alternatives to the proposed modification of the front stairways on Buildings 1 & 2.

**For Building 0 -**

Modification #1: We question replacement of original historic steel sash windows with double pane windows. As noted in the Page & Turnbull report, there are other ways to improve thermal performance of existing historic steel sash windows and to improve the

overall thermal performance of a building. And the original windows would need to be retained to fully comply with Rehabilitation Standard 6. More information is needed in the DEIR to explain and assess the impacts of restoration alternatives for the original steel sash windows on Blg. 0.

Modification #2: We question installation of a very large 33'x32' elevated deck and arbor on the primary facade of the South wing of Blg. 0. The deck would require removal and infilling of several original basement windows and an original doorway that has an awning with decorative wood brackets and rafter tails and is topped with terra cotta clay tiles. While the details of these modifications are available in the Page & Turnbull report, they are missing from the DEIR.

Additionally, an architectural drawing provided in Figure 4-7 of the DEIR reveals plans along the east side of the west wing of Blg. 0 for removal (and apparent infilling) of one doorway and the addition of two double entry way doors that would open out to the deck. Those changes have not been adequately explained and assessed in the DEIR simply by showing them in an architectural drawing.

Additionally, the NSC questions if the information provided in the DEIR sufficiently and accurately explains the impacts of the planned demolition of Buildings 4, 6, 7 & 8 on Oaklands cultural heritage:

Blg 4 - is a home originally named the Ethel Moore Cottage. The namesake of the cottage was a social worker in the early 1900s and founder of an important charitable organization, the Oakland Social Settlement. The home was assessed by Page & Turnbull to have been originally constructed somewhere between 1938 & 1946 for the Head of the Lincoln Home for Children and is one of the original buildings from the era of development for the property which spans from 1929-1948. Head Royce School plans to demolish this home within a city that has a housing shortage, undervaluing its importance as one of the original historical structures, and despite not having identified the designing architect(s) and specific original construction date(s).

C-1

Buildings 6 & 7 are also known as the Bushell Cottage and Bushell Kitchen. It was with the help of the Bushell families that more than 7 acres of property was purchased in 1928 for what became the Lincoln Home for Children. Buildings 6 & 7 were designed by Gerald M. McCue, a significant local architect who was also an educator and once served as Chair of Architecture at U.C. Berkeley and Dean of the Graduate School of Design at Harvard. Although Blgs. 6 & 7, constructed in 1958, were not yet age eligible for rating in the OCH Survey of 1996, the HRE describes those buildings as not representative of the architect's best work. However the NSC is concerned that the historical and architectural importance of those buildings has been undervalued in the HRE. The results of more detailed studies and assessments should be provided in the EIR.

C-2

Building 8, known as the Charleston House was constructed in 1957 and was designed by Robert Ratcliff, co-founder of one of the longest running architectural firms in the Bay Area that exists today under the name “The Ratcliff Architects”. The DEIR refers to the Charleston House and a building called the Holmgren House as being one and the same, and only provides details of the original 1957 structure and vague descriptions of some

C-3

C-4

C-5

C-6

C-7

additions from the early 1960s. However, according to the Lincoln Childcare Center's own historical timeline listed on their website [Lincolnfamilies.org](http://Lincolnfamilies.org), the Holmgren House was built in 1995 for their Intensive Residential Treatment program. The NSC is concerned that the HRE has undervalued the historical and architectural importance of this structure or possibly provided assessments based on incomplete information. Additional studies are needed in order to provide full and accurate information about Blg. 8 in the EIR.

The NSC would greatly appreciate your consideration of these issues with what has been provided in the DEIR.

*Rod Thompson*

Rod Thompson, NSC Executive Committee

**Response to Comment Letter C – Neighborhood Steering Committee (Cultural Resources),  
December 20, 2021**

**Response to Comment C-1**

As reviewed by Page & Turnbull in Draft EIR Appendix 7B, the ADA-compliant ramps planned for the west façades of Building 1 and Building 2 would be simple, stucco-clad structures finished to match the existing buildings' surface color and texture. Each ramp would be set to the side of each building's central entry staircase, thus preserving the original entry sequence. The ramp designs reviewed for the Project were found to, "not have a negative effect on the buildings' ability to convey their historic significance, and are appropriately sited and designed to be compatible with the continuing educational uses of the buildings".

**Response to Comment C-2**

The Project architect is using the CHBC wherever possible in developing accessible entries for Buildings 1 and 2. If the front stairway of Building 1 or Building 2 needs to be modified to meet egress requirements, modifications will match the existing materials and decorative tile pattern, and retain the existing building entry sequence.

**Response to Comment C-3**

Page & Turnbull's analysis of the Project found that the replacement of some steel sash windows on secondary façades of Building 0 with double-glazed steel sash windows would not affect the ability of Building 0 to convey its historic character. The majority of the building's character-defining features, including the large, original steel sash windows facing Lincoln Avenue would be retained, and the proposed replacement windows would match the existing windows in lite configuration and profile. Page & Turnbull agrees, however, that it is preferable and consistent with best practices in historic preservation to retain and repair existing historic windows wherever possible.

With respect to compliance with the Secretary of the Interior's Standards for Rehabilitation, a project which does not fully comply with all 10 standards may not necessarily cause a significant impact on a historical resource for the purposes of CEQA. Page & Turnbull's analysis of the proposed window replacements at Building 0 found that rehabilitation of historic windows is preferable to replacement, but the proposed window replacements at Building 0 would not diminish the building's ability to convey its historic character or its eligibility for listing in the California Register of Historical Resources. The proposed window replacement would not result in a significant adverse effect under CEQA.

**Response to Comment C-4**

A terrace at Building 0 is proposed to replace an existing parking area at the southwest corner of Building 0, and would extend most of the length of the west side of the east wing, with two stairways with stucco-clad handrails matching the finish of the existing building in color and texture. Associated with this addition, an existing doorway and awning and three small window openings would be removed and infilled. A non-original stairway would be removed from the south façade of the north wing, and new glazed wood doors would be installed at a new opening. In their analysis of the Project, Page & Turnbull found that the proposed terrace and associated alterations "will not significantly alter any of the historic character, materials, features, or spatial relationships of the building." Removal of the existing secondary openings and installation of new doors accessing the terrace would not diminish the overall integrity of design and materials of Building 0. Further, Page & Turnbull found that the "terrace and entry ramps all have low stucco-clad walls which are compatible with the material and design of Buildings 0, 1, and 2. The features themselves have clearly contemporary functions and uses, and appropriate in scale and location relative to the buildings." Addition of the terrace would bring new, active outdoor use compatible with the site's historic use and character to an area currently occupied by vehicle parking. The alteration of openings at building façades

adjacent to the deck is included in Page & Turnbull's Project analysis, which is included as Appendix 7B to the DEIR.

#### **Response to Comment C-5**

To clarify, as discussed in the Historic Resource Evaluation, Building 4 was not originally named the Ethel Moore Cottage. It was previously referred to as the Executive Cottage, and then the Linnet Cottage.

Ethel Moore (1871-1920) was an influential figure in Oakland's history, and it is appropriate to commemorate her legacy at the city's educational, recreational, and social service institutions. However, the cottage at the Head-Royce School south campus which was named for Ethel Moore (also referred to as Building 4) was constructed more than a decade after Moore's death, was not originally named for Moore, and was not connected, beyond this name, to her life's work. To be considered significant based on an association with an important individual, a historic building must be demonstrably associated with that person's productive life; commemoration through posthumous naming does not confer such significance.

Page & Turnbull provides a building description, alteration history, and evaluation of the significance and eligibility of Building 4 for listing in the California Register of Historical Resources in the Historic Resource Evaluation prepared for the Head-Royce School south campus. The approximate construction date of the building, which was altered significantly in two phases in 1954 and 1971, was established by Page & Turnbull based on its appearance in historic aerial photographs. The City of Oakland does not have permits for its original construction in building records for the site. It is not unusual for the names of architects and builders, and dates of original construction for small residential buildings to be unavailable to historic researchers. Records for subsequent alterations are available. Regarding its contribution to the use of the Lincoln Child Center, Page & Turnbull's evaluation states, "The building was constructed in the late 1930s or early 1940s to house the executive director of Lincoln Child Center, and was later converted to a residential group home in 1971. Both uses were part of the evolution and ongoing function of Lincoln Child Center's mission to provide residence and care to children in Oakland. However, the building does not appear to have a notable or specific association with any significant event or pattern at Lincoln Child Center, nor does it appear to reflect any specific events that have contributed to broad patterns of local or regional history or to have contributed individually to the cultural heritage of California."

#### **Response to Comment C-6**

Buildings named for but not directly associated with the productive lives of significant individuals are not considered historically significant for their association with those individuals.

Page & Turnbull provides a building description, alteration history, and evaluation of the significance and eligibility of Buildings 6 and 7 for listing in the California Register of Historical Resources in the Historic Resource Evaluation prepared for the Head-Royce School south campus. Information regarding the work of architect Gerald McCue is also provided in the HRE, to contextualize the evaluation of Buildings 6 and 7 as examples of McCue's work. Regarding the significance of Buildings 6 and 7 as examples of McCue's work, the HRE states the following, "Buildings 6 and 7 were constructed in 1958 by architect Gerald M. McCue. The buildings are modest expressions of Midcentury Modern design with limited character-defining features of the style and simple, inexpensive materials. McCue does appear to be a significant local architect for his contributions to industrial, commercial and residential design in various Modernist styles. These contributions include a residence at The Sea Ranch, Santa Teresa Lab for IBM in San Jose and the Almaden Research Center for IBM in San Jose, Los Gatos Civic Center Project, Oakes College at University of California, Santa Cruz, among other projects. However, Buildings 6 and 7 do not embody the same high artistic value as many of McCue's other projects, and thus cannot be said to be representative of his best work."

#### **Response to Comment C-7**

Discussion of Building 8 in the DEIR refers to the building completed in 1957. A 1999 site plan produced by Byrens Associates Architecture, which is included in the Page & Turnbull Historic Resource Evaluation, refers

to Building 8 as “Holmgren House / I.R.T. Program”. It is possible that the timeline on the Lincolnfamilies.org website inaccurately uses the term “built” to refer to the establishment of the program in an existing building. Page & Turnbull provides a building description, alteration history, and evaluation of the significance and eligibility of Building 8 for listing in the California Register of Historical Resources in the Historic Resource Evaluation prepared for the Head-Royce School south campus. The developmental history for the building includes a 1957 photograph published in the Oakland Tribune, a discussion of documented alterations, and aerial photographs documenting changes to the building’s footprint between 1958 and 2019. Information regarding the work of architect Robert Ratcliff is also provided in the HRE, to contextualize the evaluation of Building 8 as an example of Ratcliff’s work. Regarding the architectural significance of Building 8, the HRE states the following, “Building 8 was originally constructed by architect Robert Ratcliff in 1957 in a modest expression of Midcentury Modern style, with a low-pitch gable roof, wood board and batten cladding, and a covered patio. Although Robert Ratcliff appears to be a local master architect, Building 8 does not appear to be one of the more notable, significant or distinctive examples of his work.”

Furthermore, Building 8 has undergone substantial additions and alterations which have diminished its integrity of design, materials, and workmanship, and does not retain overall historic integrity. It is Page & Turnbull’s opinion that additional assessment would not reach a different finding.



Via Email

December 20, 2021

Courtney Brown  
City of Oakland, PBD Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
Attn. Head Royce School Planned Unit Development Project DEIR Comments  
cbrown@oaklandca.gov

RE: Head-Royce School Planned Unit Development Project DEIR Comments:  
Traffic Impacts

Dear Ms. Brown,

## INTRODUCTION

The Neighborhood Steering Committee (NSC) is a grassroots group of neighbors who volunteer their time, skills, and desire to help resolve issues resulting from the operations and activities of Head-Royce School. We engage with the City of Oakland and Head-Royce to advocate for the neighbors' points of view.

With this letter, we object to the increased traffic that would result from Head-Royce School's desired expansion described in its Draft Environmental Impact Report ("DEIR"). **The DEIR's conclusion that the expansion would cause "less than significant" traffic impacts is not credible and is the opposite of its own consultant's (Fehr & Peers) prior conclusions.**

Neighborhood roads can't accommodate a 37% increase—an additional 387 students and faculty---to the school's current population.<sup>1</sup> One need only spend a single day observing Lincoln Avenue<sup>2</sup> during Head-Royce's student pickup or drop-off times to observe the chaos that is the current traffic situation. The additional traffic generated by an enrollment boom would be inconsistent with the residential zoning and character of this neighborhood and exacerbate already overburdened road conditions.

The DEIR reaches its erroneous conclusion based on the following:



- a. First, the DEIR relies heavily on stilted calculations for **vehicle miles traveled (VMT)** to show there is virtually no change in traffic with its planned increase, and therefore no significant traffic impact. However, the DEIR's VMT numbers lack sufficient support, omit necessary data, and employ nonstandard methods, resulting in conclusions that ultimately oppose its own consultant's finding of significant impact and our own observations of traffic conditions.
- b. Second, Head-Royce contends constructing a new **internal loop road** on its South Campus will avoid the need to use Lincoln Avenue to queue its cars, use neighborhood streets to make turnarounds, and relieve any theoretical congestion. The DEIR makes this conclusion without any study of the function, management or efficacy of the internal loop, including capacity, turn rates, flow, or noise and pollution to nearby homes.
- c. Third, Head-Royce contends that a new Traffic Demand Management ("TDM") plan would assure **compliance** with best driving practices and prevent disruptions to the neighborhood. This is not credible because Head-Royce has not been able to meet its *existing* TDM compliance obligations with a *lesser* number of cars, which can only worsen if it is permitted to increase its population. Notably, this new TDM has not been included in the DEIR.

Many of the DEIR's conclusions about traffic are flawed, misleading, or unintelligible. Our comments focus on three areas in the DEIR: (a) VMT, (b) the internal loop road, and (c) compliance.

### **A. VEHICLE MILES TRAVELED (VMT)**

The DEIR's "less than significant impact" traffic finding hinges on its VMT calculations, which were altered to reverse its traffic consultant's [opposite] finding of "significant impact." The VMT calculations also contained numerous other flaws, that are readily apparent even from a lay person's perspective.

- D-1
1. **The DEIR uses an incorrect basis for its "Existing VMT."** As we understand it, VMT refers to the amount and distance of automobile travel attributable to a project and is recommended as an appropriate measure for automobile delay. (DEIR, 14-7; SB 743) *Existing VMT* is a measure of existing regional traffic. In contrast, we understand that *Project VMT* reflects new traffic resulting from the project. The DEIR does not evaluate total VMT impacts, rather it compares Project VMT *per population* against a Threshold of Significance to determine whether the project will create substantial traffic impacts. Therefore, total VMT is converted in the DEIR to a per population basis. Generally speaking, a Threshold of Significance is standardized as 15% below the Existing VMT.<sup>3</sup> If the Project VMT is above the
- D-2
- D-3
- D-4

<sup>1</sup> See EIR, p. 14-24, Table 14-4. The project wishes to add 356 students and 31 faculty to its existing 2018 student-faculty population of 1,052 for a total of 1,439.

<sup>2</sup> Lincoln Avenue is a relatively narrow, two-lane road. It is the main artery for this neighborhood and the school, with access to HWY 13 to the East and HWY 580 to the West. Head-Royce's plans do not include any road capacity improvements to Lincoln Avenue.

<sup>3</sup> See e.g., DEIR, Attachment 14, p. 10.



Threshold, traffic impacts are considered significant. In other words, this scheme essentially rewards projects that spur new transportation modalities that are more efficient than existing modalities. The overall goal of SB 743 is to reduce VMT per vehicle.

The first flaw here is that the DEIR *does not use regional traffic conditions* for Existing VMT. Instead, it compares Head-Royce's own Existing VMT to its own anticipated new traffic, or Project VMT. The only rationale given for deviating from accepted methodology is the conclusory statement that Head-Royce School has a "unique use and characteristics" – little other context or explanation is given.<sup>4</sup> We find there is little point to comparing school : school data on a per vehicle basis since the number will be (as it is in this case) essentially the same. Case in point: the DEIR Existing VMT per population of 26.9 and the Project VMT per population of 27.3 is nearly the same.<sup>5</sup> The small difference (an actual *increase* in VMT) of +0.4 results from a disproportionate increase in student to faculty. (Faculty have a lower VMT because they park at the school e.g., 2 trips per day, instead of 4 associated with a pickup/drop-off vehicles)<sup>6</sup>

In other words, the Existing VMT calculation is defective because it compares "Head-Royce : Head-Royce" rather than "Regional Conditions : Head-Royce." The DEIR's use of VMT in this way is misleading. It should be clarified and subject to a study of regional conditions and further validation.

2. **The DEIR's VMT numbers lack sufficient support.** The second major flaw is the lack of backup for the DEIR's VMT calculations. The DEIR relies on "estimates" or various reports and backup data (e.g., Head-Royce's car counts) that have not been provided with the DEIR or its Appendix 14. The omission of data severely undermines the public's ability to meaningfully review and comment on the DEIR's conclusions.

From what we are able to discern, the DEIR seems to largely rely on outdated data (e.g., from 2018-19 or before) which don't reflect "current" traffic conditions or driving habits.<sup>7</sup> For examples, neighbors witnessed a significant increase in single-occupant vehicles ("SOVs"), and corresponding decreases in carpools and students riding buses during the pandemic, presumably for social distancing. This

<sup>4</sup> DEIR 14-8; see also DEIR, Attachment 14, p. 10 ("Due to its unique use and characteristics, the Alameda CTC Model cannot be used to estimate VMT for the Head-Royce School")

<sup>5</sup> DEIR 14-26; DEIR, Appendix 14, p. 12.

<sup>6</sup> DEIR, Appendix 14, p. 12 ("The VMT per population for the School Expansion Project is slightly higher than the existing because the School Expansion Project includes a higher proportion of students than faculty and staff and students have higher VMT because the student drop off/pick-up trips are [sic] assumed to have twice the VMT as on-site parking trips as described above.")

<sup>7</sup> DEIR 14-7, Table 14-1.



apparent trend would significantly increase VMT estimates above that reported in the DEIR.

In still other areas, the DEIR favored using "estimates" where actual data should be available. (See e.g., 14-6 to 14-7 on existing mode shares). We provide two examples:

- D-5 i. **Zip Code Data.** It's unclear how the DEIR uses ZIP code data to make VMT assumptions.<sup>8</sup> It appears the DEIR assigns a travel mode based on the distance a student or staff lives from the school. The DEIR states:

Travel mode allocations were based on the availability of travel modes for each ZIP code. For example, all the walk and bike trips were allocated to the ZIP codes within five miles of the Head-Royce School. The bus trips were allocated based on the overlap between the private and public bus service areas and the home ZIP code locations, with most bus trips allocated to ZIP codes within 10 miles of the Head-Royce School.<sup>9</sup>

This Zip Code method may result in unrealistic allocations of mode shares. For example, we've witnessed virtually no one biking or walking to Head-Royce. Head-Royce is located on a steep grade, and many neighborhoods within 5 miles don't even have sidewalks. Assumptions should not be substituted for actual, verified data. Since mode shares and allocations are of its own population, Head-Royce should be able to readily obtain this data.

- D-6 ii. **Bus Ridership Estimates.** In a second example elaborating on bus ridership, it is unclear how the DEIR estimated that 42% of its population use private and public buses.<sup>10</sup> This appears especially inflated for the AC Transit portion. The DEIR suggests very limited riders on AC Transit:

D-7 Although the dedicated school routes have stops on Lincoln Avenue adjacent to the Head-Royce School, they typically do not serve the Head-Royce School population. These lines primarily provide bus service for the students who live in the area and attend nearby public schools. Although these AC Transit bus lines do provide for transit serves [sic] at high frequencies during school-related peak hours, which coincide with typical AM peak hours, they do not provide frequent bus service during the typical PM peak hours.<sup>11</sup>

<sup>8</sup> DEIR 14-6 to 14-8.

<sup>9</sup> DEIR 14-8

<sup>10</sup> DEIR 14-7.

<sup>11</sup> DEIR 14-2.



Head-Royce's Conditional Use Permit (CUP) requires that it provide vouchers to student and faculty bus riders. Therefore, actual ridership data should be available and used to validate its ridership assumptions. Changes in ridership over time should also be scrutinized as multiple lines of evidence yield better data.

There is virtually no discussion in the DEIR on how its estimates are validated or any other process that assures the quality and accuracy of the data. In short, the DEIR's data on transportation requires further study and disclosure of its sources.

- 3. Head-Royce selectively inflates VMT Threshold to reverse its consultant's conclusion.** The most egregious misstep occurs where the DEIR reverses Fehr & Peers' traffic conclusion from "significant impact" to "less than significant impact" by manipulating the VMT Threshold after the fact (using no new actual data but by making SOV assumptions).<sup>12</sup> The DEIR appears to do so in the following steps.

First, the DEIR changes Fehr & Peers' Threshold of Significance:

**Table 1—Comparison of Threshold of Significance**

Fehr & Peers (2020) (DEIR, Appendix 14, p. 10):	DEIR (DEIR 14-22):
"The School Expansion Project would cause substantial additional VMT if it exceeds the existing <u>VMT per Total School Population</u> minus 15 percent."	"The Project would cause substantial additional VMT if it exceeds the existing VMT per school population, assuming a 30 percent non-single occupant vehicle mode share (i.e., the current TDM Plan requirement), minus 15 percent."

Under the Fehr & Peer analysis, the Existing VMT is 26.9 and Threshold is **22.9** (i.e., a 15% reduction of 26.9 is 22.9).<sup>13</sup>

Under the DEIR, the Threshold balloons to a whopping **33.6**, paradoxically permitting each person associated with the school to travel an *additional* 10.7 miles. The DEIR inflates the Threshold of Significance by incorporating a 30% "allowance", backpedaling on its prior calculations. The DEIR accomplishes this mathematically by first increasing the Existing VMT of 26.9 by 35% (based on its claim that it has reduced SOV 35% more than the 30% required by its TDM, or 65% total) for an "adjusted" Existing VMT of 39.5. From there, it gets a Threshold of Significance of 33.6 (a 15% of 39.5 is 33.6).<sup>14</sup> The difference in results?

<sup>12</sup> Fehr & Peers' Transportation Assessment (Appendix 14) is slyly characterized by the DEIR as "amended as Chapter 14 of this EIR" to justify the changes.

<sup>13</sup> DEIR, Appendix 14, p. 10.

<sup>14</sup> DEIR 14-23, Table 14-3.



**Table 2—Comparison of Traffic Impact Conclusions**

Fehr & Peers (2020) (DEIR, Appendix 14, p. 10):	DEIR (2021) (DEIR 14-26):
"As described earlier, the threshold of significance for the project is recommended to be 15 percent below the existing VMT per population. Since the existing VMT per population is 26.9, the <b>recommended threshold is 22.9</b> . The VMT generated by the School Expansion Project is 27.3. Thus, the <b>VMT generated by the School Expansion Project is considered a significant impact.</b> "	" <b>The threshold of significance for the Project is 15 percent below the VMT per total school population, assuming a 30 percent non-SOV mode share (consistent with the current TDM Plan requirement), or 33.6 VMT/population.</b> The calculated VMT generated by the Project is approximately <b>27.3 VMT/population</b> . Since the VMT generated by the Project is below the significance threshold, <b>the Project would have a less than significant impact on VMT.</b> "

D-10

This reversal of fortune is not credible on any level. Even were it acceptable to "credit" Head-Royce with 35% inflation to its Existing VMT of 26.9 (we don't think it is), then the same 35% inflation must also be applied to the Project VMT 27.3. (Recall, Project VMT is essentially a parallel, proportional increase of its Existing VMT, with only a small difference – an 0.4 increase VMT per population due to more students to faculty)<sup>15</sup> If the DEIR did this, a 35% increase to 27.3 would result in a Project VMT of 36.9, which is above the inflated 33.6 Threshold, and therefore a significant impact.

HRS seems to confusingly claim that limiting parking somehow limits Project VMT increases:

Given that there are no additional parking spaces, all of the increase in SOV mode from the proposed School expansion would rely on drop-off/pick-up vehicles.<sup>16</sup>

[...]

Although the School population is expected to increase by 37 percent, the proposed on-site parking supply would only increase by 22 percent, which would provide fewer parking spaces per population and reduce the automobile trips generated by the Project.<sup>17</sup>

D-11



It appears to argue that limiting parking supply also eliminates more SOVs. But this Reagan-like supply side economics argument makes no sense (it didn't in the 1980's either). First, it fails to account that SOV includes—and is in fact dominated by—a parent driving with a student and is therefore unrelated to parking supply. Parents drive home, they don't park. Second, it is inconsistent with the Fehr & Peers earlier analysis that parking results in *less* trips per commuter vehicle (2 for vehicles that park, versus 4 for parents that must return home after drop-offs and pickups).<sup>18</sup>

- 4. Further Study & Data Gaps.** It's important to emphasize the limitations of the VMT per population analysis. The DEIR's exclusive reliance on a per population VMT approach ignores the increase in absolute numbers (a 10,500 increase over existing conditions) and the increase in trips in absolute numbers (a 600 increase over existing conditions). This dramatic increase does not support a "no significant impact" finding. In other spots, the DEIR correctly acknowledges the importance of reducing absolute VMT increases:

Increased VMT leads to several direct and indirect impacts to the environment and human health. Among other effects, increasing VMT on the roadway network leads to increased emissions of air pollutants, including GHGs, as well as increased consumption of energy. Transportation is associated with more GHG emissions than any other sector in California. As documented in the City of Oakland Equitable Climate Action Plan (July 2020), 67 percent of Oakland's local GHG emissions are produced by transportation.<sup>19</sup>

Traffic impacts should be further studied with multiple methodologies. In fact, Fehr & Peers Transportation Assessment promised follow up studies, such as:

...we will determine the adequacy of the roadway modifications proposed by the project and whether the proposed plans to alleviate the existing traffic congestion on Lincoln Avenue caused by cars and buses dropping off and picking-up students will be effective, or if these plans coupled with increased enrollment and additional turn lanes and signals on Lincoln Avenue, will result in additional traffic congestion or queuing along Lincoln Avenue.<sup>20</sup>

In addition, Fehr & Peers' work was also to include intersection forecasts, intersection operations analysis, site evaluation, collision history, consistency of plans, peer review of the TDM plan, and documentation and meetings.<sup>21</sup> We would support these additional

<sup>18</sup> DEIR, Appendix 14, p. 12; see infra, FN 6.

<sup>19</sup> DEIR 14-8.

<sup>20</sup> DEIR, Appendix 14, p.13.

<sup>21</sup> DEIR, Appendix 14, p. 13-16 (entitled "Next Steps").



studies, and ask that they, and the following missing traffic documents referenced in the DEIR be provided for further review:

- D-12
- i. Transportation Demand Management (TDM) Plan for the proposed project as required by the City of Oakland's Transportation Impact Review (TIRG, April 2017).
  - ii. The data identified in FNs 1 through 5 of Table 14-2 of the DEIR (DEIR 14-7) and Table 2 of the Fehr & Peers 2020 Transportation Assessment (DEIR, Attachment 14, p. 5):
    - 1. [Re: Drop off/Pickup (Carpool), Drop off/Pickup (SOV), Bike and Walk mode share data] Based on the Head-Royce School traffic monitor observations in November 2018 and confirmed by count data collected in November 2019
    - 2. [Re: On-Site Parking (Carpool) mode share data] Based on the number of students and faculty/staff carpool parking permits provided by Head-Royce School
    - 3. [Re: On-Site Parking (SOV) data mode share data] Based on data provided by Head-Royce School and the available parking supply
    - 4. [Re: Private Bus mode share data] Based on data provided by Head-Royce School in November 2018
    - 5. [Re: Public Bus mode share data] Based on the Head-Royce School traffic monitor observations and confirmed by AC Transit stop-level ridership data.
  - (bold added)
    - iii. Data regarding travel mode allocations by Zip Code (referenced on DEIR, p. 14-8, and Table 14-2 on p. 14-9)
    - iv. Study identified by Fehr & Peers, April 30, 2020 (DEIR, Appendix 14, p. 9) re: evaluation of 7 intersections for turning movement, pedestrian and bicycle volumes on Nov. 14, 2019.
    - v. Fehr & Peers, "November 2020" document (see DEIR 14-23, Table 14-2)
    - vi. Fehr & Peers, "2019" document (see DEIR 13-29)
    - vii. Fehr & Peers, "from AC Transit, 2021" document (see DEIR 14-3, Figure 14-1)
    - viii. Head Royce School November 2018 document (see DEIR 14-24, Table 14-4)
    - ix. Intersection Forecasts study/data (see DEIR, Appendix 14, p. 13)
    - x. Intersections Operations Analysis study/data, including without limitation all Synchro and VISSIM models (see DEIR, Appendix 14, p. 13)
    - xi. Site Evaluation study/data (see DEIR, Appendix 14, p. 14)
    - xii. Collision History study/data (see DEIR, Appendix 14, p. 14)
    - xiii. Fehr & Peers review of City of Oakland adopted Plans and Policy pertaining to transportation (see DEIR, Appendix 14, p. 15)
    - xiv. Fehr & Peers Peer Review of Head-Royce Schools TDM (see DEIR, Appendix 14, p. 15)
    - xv. Fehr & Peers memorandum summarizing non-CEQA Tasks (see DEIR, Appendix 14, p. 15)
- D-13
- D-14
- D-15



- xvi. All VMT calculation data and formulas used in the DEIR and Fehr & Peers Transportation Assessment (Appendix 14)
- xvii. All studies, documents or data that support Fehr & Peers conclusions that the project has “unique use and characteristics” that warrant not using the Alameda CTC Model and/or the City of Oakland’s screening process for establishing Thresholds of Significance. (See DEIR 14-23 ; DEIR, Appendix 14, p. 9-10)

#### B. THE PROPOSED LOOP ROAD

The EIR states that the construction of a new Loop Road on the South Campus eliminates the need to: (1) pick up and drop off on Lincoln Ave. and (2) use residential streets (Alida-Laguna-Potomac “loop”) to loop back up to the hills where most Head-Royce families live.<sup>22</sup> It makes these claims even though this concept has not been studied at all. There is no analysis of queue length, discharge rate, turn rate, or impacts to Lincoln Ave or adjacent and neighboring streets and homes. For example, the loop is too short to accommodate existing drivers even before an enrollment increase:

- i. Lincoln Avenue provides 1,679 feet of curb space, counting both north and south sides.<sup>23</sup>



\*Lincoln Avenue during Head-Royce morning drop-off (September 7, 2021)

- ii. In contrast, the proposed South side loop is described alternatively by the DEIR as 1,000 lineal feet (DEIR 13-40) or 1,450 lineal feet (DEIR 3-31). Even using the larger figure, this is 279 lineal feet short of what Head-Royce is using now.

<sup>22</sup> EIR, p. 14-26 (“The construction of the Loop Road within the proposed South Campus would eliminate all personal vehicle drop-offs and pick-ups along Lincoln Avenue.”)

<sup>23</sup> Residents measured the *existing* queue of Head-Royce cars that stretch from the Gatehouse to HWY13.



- iii. The new loop would not eliminate traffic from Lincoln Avenue, especially if it adds 387 more students and faculty.
- iv. The DEIR alternatively states that there are 385 student drop-offs and 385 pick-ups anticipated each day (DEIR 13-40) or 1,184 at the upper school drop off and 1066 at the lower school per day (DEIR 5-22). These are significantly different and must be clarified, along with an explanation of how these numbers were arrived at.
- v. The cars parked in the South Campus (154 new, existing parking spaces) will also add to the cars to the loop road because it's the only way to get in or out of the South Campus. It does not appear that these were added to the number of cars that did not previously have to use the queue, but now will need to queue in the Loop Road to get in and out of the South Campus parking lot.

D-17

D-18

We observed that Head-Royce drivers have consistently favored speed and convenience over compliance with driving rules. Current noncompliance is a strong indicator that they will not use a backed up internal loop road if there is a more convenient, expedient alternative. The next section of this letter further discusses Head-Royce's inability to secure compliance from its parent drivers.

#### C. EXISTING TRAFFIC NONCOMPLIANCE

Head-Royce has been unable to effectively manage existing traffic. A 37% increase results in a cumulative impact to severely congested and dangerous traffic conditions. Head-Royce's compliance with its existing CUP hasn't been adequately enforced which is contributing to the bad traffic conditions we experience today. The DEIR now proposes to *remove* certain compliance requirements.<sup>24</sup> We object. Changes to more relaxed standards combined with a larger population of students all but ensures worsening conditions. The following are some of our observations of noncompliance (which are not exhaustive):

##### 1. Documentation Regarding Non-Compliance

A collection of documents attached as Exhibit 1.i-vii. These exhibits, summarized here, show Head-Royce's historic inability to reliably or consistently achieve compliance with traffic requirements with its current enrollment numbers:

Exhibit 1.i: Emails from residents to Head-Royce voicing concerns over traffic violations.

Exhibit 1.ii: Excerpts from Neighborhood Liaison Committee (NLC) meeting notes posted on the Head-Royce website that involve ongoing complaints about

D-19

<sup>24</sup> See e.g., DEIR 12-24 where the DEIR proposes to eliminate all Head-Royce traffic “Compliance Reporting” currently required by the CUP (referred to as a “PUD” therein).



traffic. Continued requests for an evacuation plan have been omitted by Head-Royce.

Exhibit 1.iii: Excerpts from DKS traffic monitoring reports indicating lapses in compliance identified by monitors hired by Head-Royce.

Exhibit 1.iv: Photos of Head-Royce traffic violations.

Exhibit 1.v: Examples of historical letters from residents responding to Head-Royce's request to increase enrollment in 2015, and which express long-standing dissatisfaction with Head-Royce handling of traffic and opposition to enrollment increase.

Exhibit 1.vi: Bus schedules from AC Transit website.

Exhibit 1.vii: Traffic monitoring spreadsheets recording traffic-related violations and observations by neighbors.

Information identifying residents or Head-Royce drivers has been redacted from these exhibits due to privacy concerns.

## 2. Slow Streets

At the beginning of the Covid-19 pandemic, residents petitioned the City of Oakland to designate certain neighborhood streets as Slow Streets. Oakland public schools were closed to in-person learning at the time, so the space was very much needed. Head-Royce remained open. The City granted our request and installed "Slow Streets" signage on Alida Street, portions of Laguna Ave. and Potomac Street (the so-called Head-Royce "loop"), explicitly stating they were "Not Thru Streets."

However, Head-Royce drivers continued to use these streets to make turnarounds back up to the hills, where most Head-Royce parents lived.<sup>25</sup> After numerous pickets, requests, and a stakeholder meeting with Oakland Department of Transportation (DOT), Head-Royce administration agreed to "ask" its parents to use alternative routes. Parents did not comply and continued to use Slow Streets as if the signs were not there.

Residents then asked the mayor for assistance securing compliance from Head-Royce first on April 20, 2021, in a letter signed by 50 residents describing the situation.<sup>26</sup> We received no response. Residents followed up on May 20, 2021 as the traffic worsened, and a driver crashed into a resident's house on Alida Street.<sup>27</sup> We again received no

<sup>25</sup> E.g., DEIR, Appendix 14, Figure 2.

<sup>26</sup> See attached Exhibit 1, Resident's letter to Mayor Schaaf entitled "Please Protect Our Slow Streets against Head-Royce Commuter Traffic"

<sup>27</sup> See attached Exhibit 2, Resident's letter to Mayor Schaaf entitled " Second Request to Protect Slow Streets Against Head-Royce Commuter Traffic"



response. Both of those requests are attached here as Exhibit 2 and Exhibit 3, respectively.

Finally, without any engagement with the affected residents, DOT unilaterally notified the neighborhood on NextDoor that it was removing Slow Streets because AC Transit buses needed to use the streets. The City's notice made **no mention** of Head-Royce or its hundreds of cars that followed on the tails of the one or two bus lines that used the route. (See Exhibit 4)

The Slow Streets issue proves that the Head-Royce School administration has no ability to secure compliance from its parent driving community. It is also a marker that the City has not enforced rules or traffic violations against them. Traffic conditions can only worsen with the growth of the school population by any amount.

## CONCLUSION

The misuse of data and incompleteness of the DEIR calls into serious question the validity and credibility of its conclusion that there will be no significant traffic impact resulting from the school expansion. We request that further study be undertaken, that data gaps be filled and validated, and that this information be shared with the public.

D-22

Please direct responses for the NSC to Karen Caronna at [kamaca9@gmail.com](mailto:kamaca9@gmail.com). Thank you for your consideration of our comments.

Best Regards,

NEIGHBORHOOD STEERING COMMITTEE

D-20 Nearby residents and contributors to this letter include:

Karen Caronna (Burlington St.)	Rod Thompson (Lincoln Ave.)
Karen Young (Laguna Ave.)	John Prestianni (Charleston St.)
Hollis Matson (Laguna Ave.)	Peter Ton (Potomac St.)
Deborah Royal (Laguna Ave.)	

## Enclosures

Exhibits 1.i – vii: Collected Documents regarding Non-Compliance

Exhibit 2: Residents' First Letter to Mayor Schaaf re: Slow Streets (April 20, 2021)

Exhibit 3: Residents' Second Letter to Mayor Schaaf re: Slow Streets (May 25, 2021)

Exhibit 4: Correspondence with the City re: Elimination of Slow Streets (August 2021)

**Response to Comment Letter D – Neighborhood Steering Committee (Traffic), December 20, 2021****Response to Comment D-1**

This comment introduces the more detailed comments on each of these topics as addressed in subsequent comments. Please see Master Response to Comments on VMT, as well as the Responses to Comments D-2 through D-22, below.

**Response to Comment D-2**

Please see Master Response to Comments on VMT, specifically that section titled Determining Project Impacts and its explanation for the difference between preliminary administrative draft thresholds based on “actual existing”, versus “existing as required”.

**Response to Comment D-3**

VMT is specifically not recommended as an appropriate measure of automobile delay. With the California Natural Resources Agency’s certification and adoption of changes to CEQA Guidelines in 2018, automobile delay (as measured by “level of service” and other similar metrics) no longer constitutes a significant environmental effect under CEQA.

**Response to Comment D-4**

Please see Master Response to Comments on VMT and specifically that section titled Thresholds, which cites the Governor’s OPR, SB 743, the California Air Resources Board 2017 Scoping Plan, and City of Oakland’s adopted VMT thresholds as the basis for a per-capita VMT metric.

**Response to Comment D-5**

Please see Master Response to Comments on VMT and specifically those sections titled Typical Schools (per standard TIRG) and Project-Specific Methodology, which provides the explanation for using the threshold of 15% lower than existing (as recommended by OPR), and why existing is considered “existing as required” per City TIRG Guidelines).

**Response to Comment D-6**

Please see Response to Comment D-8 below, which provides a more detailed response to the alleged missing data.

**Response to Comment D-7**

Please see Response to Comment B-11, which responds to this same topic of pre-pandemic baseline (as existed at the time the NOP for this EIR was published) versus a current year 2022 baseline.

**Response to Comment D-8**

Figure 14-1 of the Draft EIR shows the geographic distribution of where students and faculty/staff reside, by ZIP code. The current travel mode shares for Head-Royce School students and faculty/staff were derived from data provided by Head-Royce School, recorded observations by the School traffic monitor in November 2018, data collected by Fehr & Peers along the School frontage in November 2019, and Alameda-Contra Costa Transit (AC Transit) stop-level ridership in Spring 2019. As indicated on page 14-8 of the Draft EIR, the travel mode allocations were then based on the combination of the availability of travel modes for each ZIP code. For example:

- all the walk and bike trips were allocated to the ZIP codes within five miles of the Head-Royce School

- the bus trips were allocated based on the overlap between the private and public bus service areas, and the home ZIP code locations, with most bus trips allocated to ZIP codes within 10 miles of the Head-Royce School
- all ZIP codes outside of a reasonable walk or bike distance and with no bus stops were allocated to either drop off/pick-up or on-site parking trips based on their respective mode shares

This methodology results in an acceptably accurate prediction of travel mode by location for the School's current population. Given that each successive year will bring new students in, and prior student that will have graduated, a more precise match of each current student's address to each current student's travel mode will only be precisely accurate for that one school year, and would be a similarly acceptably accurate approximation of the next years student population. Using either the methodology presented in the Draft EIR, or a more precisely defined methodology for the current year's student data, both methodologies would yield acceptable predictions of future travel mode by zip code and neither approach is necessarily a more accurate prediction for future years.

#### **Response to Comment D-9**

As indicated in Table 14-1, the majority of bus riders use the private bus system (34% of all students), whereas only 9% of all students rely on the AC Transit public bus system. With only 9% of students riding the AC Transit buses, this number does not "seem" overly inflated. The private bus ridership is provided by Head-Royce School based on 2018 information provided by Michael's Transportation, which operates the dedicated school buses, and public bus ridership is based on the Head-Royce School traffic monitor observations and confirmed by AC Transit stop-level ridership data from 2019. The comment provides no evidence to support an assumption that the numbers are inflated.

#### **Response to Comment D-10**

Please see Master Response to Comments on VMT, specifically that section titled Determining Project Impacts and its explanation for the difference between preliminary administrative draft thresholds (as were presented in Appendix 14) based on "actual existing", versus "existing as required" thresholds as used in the Draft EIR.

#### **Response to Comment D-11**

Per OPR's Technical Advisory on Evaluating Transportation Impacts in CEQA (Governor's Office of Planning and Research, December 2018, page 27), "potential measures to reduce vehicle miles traveled include limiting or eliminating parking supply, unbundling parking costs and provide parking cash-out programs. Parking demand management (i.e., lowering parking supply) is also one of the TDM strategies recommended in the City of Oakland TIRG for reducing VMT.

The comment suggesting that minimizing parking supply is inconsistent with the Fehr & Peers methodology for calculating drop-offs and pick-ups fails to recognize that the drop-off drivers do not intend to park all day at the School.

#### **Response to Comment D-12**

Please see Master Response to Comments on VMT, and specifically that section titled Thresholds. That section cites the California Air Resources Board's 2017 Scoping Plan-Identified VMT Reductions and Relationship to State Climate Goals, which assesses VMT reduction per capita consistent with its evidence-based modeling scenario that would achieve State climate goals of 40 percent GHG emissions reduction from 1990 levels by 2030 and 80 percent GHG emissions reduction levels from 1990 by 2050. Applying California Department of Finance population forecasts, CARB finds that overall per-capita vehicle travel would need to be approximately 14.3 percent lower than existing levels. Below these levels, a project could be considered low VMT and would, on that metric, be consistent with 2017 Scoping Plan Update assumptions that achieve climate state climate goals.

**Response to Comment D-13**

Please see Master Response to Comments on Traffic Congestion.

**Response to Comment D-14**

The most current HRS TDM Plan, as well as a peer-review of that TDM Plan is incorporated into the non-CEQA Traffic Impact Report and available for public review in that separate traffic-related document.

**Response to Comment D-15**

In addition to the School's TDM Plan (see Comment 14 above), this comment requests that all of the original data sources that were relied on for the VMT calculations be provided for review, as well as the original data sources used for the non-CEQA Traffic Impact Report. Please see the appendix to this Final EIR, which provides the following original sources of this data:

- Head-Royce School traffic monitor observations, November 2019
- Traffic count data, Fehr & Peers, November 2019
- Head-Royce School carpool parking permit information
- Michael's Transportation private bus ridership data
- AC Transit stop-level ridership data

The student and faculty address data and zip code reference information is not made public, but the results of that data are clearly presented in Appendix 14 of the Draft EIR.

The remaining data sources were used for the non-CEQA Traffic Impact Report that is not part of this EIR, and so are not appended.

**Response to Comment D-16**

Please see Master Response to Comments on Traffic Congestion. The separate non-CEQA Traffic Impact Report provides an analysis of the queue lengths, intersection volumes and intersection delay at the inbound and outbound intersections of the Loop Road at Lincoln. These traffic operational issues are not CEQA topics.

The frontage of the proposed South Campus along the south side of Lincoln Avenue is about 470 feet long, and the drop-off zone on the north side of Lincoln (the red-painted curb) is about 600 feet long, or a total current drop-off/pick-up length of 1,070 feet. The length of the Project's proposed Loop Road is measured at 1,580 feet, plus additional queue space within the easterly parking lot near the Loop Road entrance of 770 feet, plus 250 feet of additional queue space at the westerly drop-off near Building 2, for a total drop-off/pick-up length of 2,600 linear feet. Please see Master Response to Comments on Loop Road Design, Impacts and Intended Operations.

**Response to Comment D-17**

The Draft EIR does not say that the Loop Road would eliminate traffic from Lincoln Avenue. It does say that it would remove the School's current drop-off and pick-up activity from the Lincoln Avenue frontage, and would enable the School to no longer direct drop-off and pick-up traffic to use the Alida Loop through the surrounding neighborhood. Please see Master Response to Comments on the Loop Road, specifically the section on Changes in the Drop-off and Pick-up Procedures.

**Response to Comment D-18**

Automobile trip generation on a typical weekday for the School consists of parents dropping off and picking up their students, faculty/staff and a limited number of students driving and parking at the School, the private buses serving the School, and other trips (such as deliveries and visitors). Per Appendix 14 of the Draft EIR (Fehr & Peers, April 2020), buildout of the Project is expected to generate 2,250 total daily trips. Of this

total, 1,540 daily trips are attributed to drop-off and pick-up traffic, which is assumed to comprise four daily trips (home-to-school drop-off, back to home, home-to-school pick up, and back to home). Of these 1,540 daily trips, half of them (770 trips) will occur on the Loop Road (the drop-off and the pick-up), with 385 in the morning and 385 in the afternoon.

For purposes of air quality emissions, the entire 2,250 daily trips (1,540 drop-off/pick-up trips, 580 parking trips, 20 private bus trips, and 110 delivery trips) were included in the analysis.

For peak hour trips, morning peak hour has more trips than the afternoon peak hour trips because, although most of the students arrive during the morning peak hour, some (such kindergarten students) leave before the afternoon bell time, and many stay after the afternoon bell time because they participate in after-school activities.

- Of the 385 morning drop-offs, 343 are assumed to occur during the a.m. peak hour, and 42 are assumed to occur earlier in the morning (pre-peak hour). Of the 154 total parking spaces on the proposed South Campus, 128 parking spaces would be filled during the a.m. peak hour.
- Of the 385 afternoon drop-offs, 135 are assumed to occur during the p.m. peak hour, and the rest are assumed to occur earlier or later in the afternoon (non-peak hour). Of the total 154 parking spaces on the proposed South Campus, 60 parking spaces are expected to depart during the p.m. peak hour.

For a.m. peak hour analyses (e.g., noise), all of the 343 a.m. peak hour drop-offs are assumed to use the Loop Road, but none of the parking trips would travel on the Loop Road during the a.m. peak because they would fill the upper parking lot. For p.m. peak hour analyses, all of the 135 p.m. peak hour pick-ups would use the Loop Road, and 60 of the 154 parking trips would leave the Campus by using the Loop Road.

#### **Response to Comment D-19**

The Draft EIR does not propose any changes with regard to compliance monitoring, or relaxed standards. As stated on page 12-24 of the Draft EIR, “No on-going monitoring or reporting provisions to measure the effectiveness of this new circulation, drop-off and pick-up procedures or parking provisions have been proposed by the School. Monitoring requirements may be made by the City as conditions of Project approval, including the retention of independent monitors to verify the effectiveness of these PUD amendments and compliance with applicable traffic-related conditions of approval.”

#### **Response to Comment D-20**

This comment about Slow Streets does not reference the Draft EIR, nor does it pertain to any CEQA topics or EIR matters. No CEQA response is necessary.

#### **Response to Comment D-21**

Please refer to Responses to Comments D-1 through D-22 above, which address the issues summarized in this concluding comment.

## Letter E - Aelion, Sally

**From:** saelion@att.net  
**Sent:** Sunday, December 19, 2021 9:30 PM  
**To:** Brown, Courtney  
**Subject:** Head Royce School Planned Unit Development Permit Project DEIR Comments

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Courtney Brown:

I am writing to you with regards to the Head Royce School Planned Unit Development Permit Project DEIR Comments

I have grave concerns with regards to this project.

First is the increase of 344 additional students from 906 to 1250 students.

With its current enrollment, the school cannot handle the traffic problems. The backup on Lincoln Avenue and Highway 13 is not just a nuisance, it is **dangerous!** I don't see how any of their plans will alleviate these problems. Expansion of the student body, teachers and administrative staff will only make it worse. The increased traffic on the side streets becomes worse every year.

Second, the lack of adequate evacuation plans for the school and neighbors in the event of wildfire or earthquake or both. I lived here during the 1991 Firestorm. The current students weren't born yet during this catastrophic event. If the administrators of the school were in this area in 1991, then they have short memories. During one of the HRS neighborhood meetings they said they would remove all of the highly flammable eucalyptus trees. Unfortunately, this has not yet been done. If there is a fire or earthquake the inability to evacuate the students and surrounding residents could be catastrophic. Additionally, if the city approves this plan, it could be held liable in the event of lives lost.

Third, the planned amphitheater and open-air classrooms??? The school currently has an auditorium in the north campus. Why does it need another auditorium (outdoors)? Skyline High School manages quite well with just one auditorium with a much higher student count. An outdoor amphitheater will be very noisy and a nuisance to the neighborhood. They mention that other organizations could use their facilities. I understand that Head Royce is looking to create additional revenue. There are other event locations in the city that can provide for this such as: Woodminster Amphitheater, Skyline High School and others. These places have existing facilities with ample parking. Constructing a theater in a residential neighborhood would create increased traffic and noise at odd hours.

Fourth, the perimeter road around the South Campus may sound good, but in reality, parents dropping off kids most likely won't use it. No parents will want to take the time to drive the loop. They will continue to drop off their child off on Lincoln Ave. The parents that will obey the rules will drive the loop, honk their horns and create additional pollution and noise for the adjacent neighbors.

There are so many issues involved with this project...

Thank you for your consideration of our concerns.

Happy holidays,  
Sally Aelion  
60 Camellia Place  
Oakland, CA 94602

Thank you for your consideration of our concerns.

Happy holidays,  
Sally Aelion  
60 Camellia Place  
Oakland, CA 94602

E-1

E-2

E-3

E-4

## Individuals

### **Response to Comment Letter E – Aelion, Sally, December 19, 2021**

#### **Response to Comment E-1:**

Please see Master Response to comments on Traffic Congestion and CEQA, and reference to the non-CEQA Transportation Impact Review (TIR).

#### **Response to Comment E-2:**

Please see Master Responses to comments on Conflicts with an Adopted Evacuation Plan, and Master Response regarding Wildfire Hazards, specifically the section regarding Existing Wildfire Risks vs. Exacerbation of Wildfire Risks

#### **Response to Comment E-3:**

Please see Master Response to comments Community Use of the Performing Arts Center

#### **Response to Comment E-4:**

Please see Master Response to comments on Loop Road Design, Potential Impacts and Intended Operations, and specifically the section on Loop Road Operations versus Lincoln Drop-Off and “Alida Loop.

## Letter F - Aelion, Victor

**From:** victor aelion <vaelion@pacbell.net>  
**Sent:** Monday, December 20, 2021 2:01 PM  
**To:** Brown, Courtney  
**Subject:** Head Royce School Planned Unit Development Permit Project DEIR Comments

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Ms. Courtney Brown, Acting Planner III:

The Draft Environmental Impact Report (DEIR) for the expansion of Head Royce has so many problems, I almost don't know where to begin. I have lived in this residential neighborhood since 1965. This expansion does not take into account any of the concerns of the residential neighbors.

### The Traffic

Lincoln Avenue is a one lane in each direction road. It was not designed to handle this kind of traffic. Currently, the traffic backs up all the way up to Highway 13. Highway 13 backs up between Park Blvd. and Lincoln Ave. If the school is allowed to increase its enrollment, this will only get worse. This is at a dangerous level now!

### Evacuation and Emergency Response

There is nothing in the DEIR that addresses an evacuation plan in the event of a fire or earthquake. Seriously!!! How are they going to get 906 children out of harms way? Much less 1250 children. Do they all have short term memories? The Oakland Firestorm was in 1991 and the Loma Preita Earthquake was in 1989. HRS promised to remove the highly flammable eucalyptus trees. This has not been done yet. We are practically on top of the Hayward fault. How will the children be evacuated when the Hayward fault erupts? And it will, it's just a matter of time. If the City Planning Commission approves this, the casualties will be on the heads of the commission and opens the city up to potential huge liabilities. As a tax paying property owner, I do not want this additional liability. As a resident, I don't want to be a casualty of a wildfire or earthquake due to inadequate, non-existent planning of evacuation and emergency response.

### Performance Art Center potentially rented out to non-Head Royce students

Seriously??? Head Royce wants to turn this into a for profit endeavor with the adjacent residents paying the price of more traffic, more noise and more riffraff. The school is doing a piss poor job of handling the traffic as it stands. There are other facilities in Oakland such as the Woodminster Theater that can be rented out and the City of Oakland can make money. The thought of this is mind boggling as they have not addressed parking for these events nor have they addressed security.

### Perimeter road around the South Campus

The perimeter road around the South Campus may sound good, but in reality, parents dropping off kids most likely won't use it. Human nature is such that No parent will want to take the time to drive the loop. They will

continue to drop off their child on Lincoln Ave. The parents that will drive the loop, will honk their horns and 4 create additional pollution and noise for the adjacent neighbors.

These are just a few of the major issues that have the surrounding neighbors very, very concerned. I don't understand why the city would let the school expand. What does it have to gain? The school doesn't pay taxes. The homeowners do pay taxes. The city planning commission needs to listen to the tax payers. The traffic congestion has reached critical mass. Given the right set of circumstances of fire and earthquake, this can lead to mass casualties.

F-5

Thank you for your consideration,

Victor Aelion

Concerned Oakland Resident, homeowner and Taxpayer.

F-1

F-2

F-3

F-4

**Response to Comment Letter F – Aelion, Victor, December 20, 2021**

**Response to Comment F-1:**

Please see Master Response to comments on Traffic Congestion and CEQA, and reference to the non-CEQA Transportation Impact Review (TIR).

**Response to Comment F-2:**

Please see Master Responses to comments on Conflicts with an Adopted Evacuation Plan, and Master Response regarding Wildfire Hazards, specifically the section regarding Existing Wildfire Risks vs. Exacerbation of Wildfire Risks

**Response to Comment F-3:**

Please see Master Response to comments Community Use of the Performing Arts Center

**Response to Comment F-4:**

Please see Master Response to comments on Loop Road Design, Potential Impacts and Intended Operations, and specifically the section on Loop Road Operations versus Lincoln Drop-Off and “Alida Loop.

**Response to Comment F-4:**

This is a comment on the relative merits of the Project, rather than addressing any concerns on the adequacy or accuracy of information contained in the EIR. This comment will be forwarded on to City decision-makers for their consideration.

## Letter G - Aikawa-Olin, Kimberly, December 19, 2021

**From:** Kimberly Aikawa-Olin <kimaolin@yahoo.com>  
**Sent:** Sunday, December 19, 2021 9:32 PM  
**To:** Brown, Courtney  
**Subject:** Head Royce School Planned Unit Development Permit Project DEIR Comments

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Courtney Brown:

I am writing concerning the Head Royce School DEIR. I have major concerns about the noise the demolition of old buildings and the landscape on the site and construction of the school will cause, as well as the ongoing noise the school and, in particular, the Performing Arts Building , will result in as I live on Linnet Avenue, just below the proposed site. I believe the noise issues will cost me my job. Here are my concerns:

1: Noise: : utmost importance because I conduct medical video visits from my home for women with high risk pregnancies who need to make drastic lifestyle and medication changes involving diet, exercise, and up to 5 injections daily as well as multiple finger sticks for blood testing daily at specified times. . My position has been converted to mobile worker, and what was my clinic office is now used by rotating staff who need to be in the clinic for hands on work. So I rely on my home as my workspace, and need it to be quiet. My home, built in the 1920s as a one room building, may not mitigate noise as well as more modern buildings. My husband also works from home and works best in silence. Any extra noise outside, is toxic to our work environment. They also would make outdoor home entertainment areas fairly useless, if there is all kinds of construction or performance art building related sound making conversing difficult.

I would like to know what kind of sound wall they going to put up. I saw no details on the actual materials, design, and efficacy of the sound wall. Will it mitigate the sounds of construction, the school and performing arts buildings related noise per below to such a level we can continue working at home? Some of the sources of noise include:

A. Construction, tree removal, soil excavation and removal, building demolition and reconstruction, building supply transportation and unloading, heavy machinery such as backhoes, dump trucks, cement mixers, as well as drilling and jackhammers, etc.

B:Traffic on the ring road: especially during drop off and pick up hours, plus before, during, and after any use of the performing arts center and/or amphitheater.

C. Performing Arts Center:

I. Deliveries to and from the loading dock of the Performing arts center: these can involve heavy loads with very loud banging and scraping noises, as well as engine noise and beeping of vehicles backing up. II. Several hours before and after all rehearsals and performances as performers and crew come early to set up and stay afterwards to break down the sets and/or clean up, and some people hang out talking after performances cars, people talking, laughing possible long after the event has ended.

III. Besides all school year, weekends and evenings may also be affected by the noise at all hours of the day and into the night if Head Royce files for a permit to allow the community to rent the Performing Arts Center for other events.

2. Use of Linnet Avenue for "emergency access". If emergency vehicles can use the South campus ring road, what will constitute an emergency requiring them to use Linnet Avenue? Linnet Avenue is a tiny street, with some aging occupants who use Emergency services at times, and it blocks the entire street. Even delivery trucks and Waste management trucks block the street. At the last community meeting with Head Royce, we were told that there would be a 10 foot embankment below the Loop road at the end of Linnet Avenue. The 10 foot embankment was going to be topped with a 6 foot acoustic fence. However, the DEIR shows Linnet Avenue will be used "for emergency access only".

A. How is Head Royce going to keep Linnet Avenue open so residents can drive out of Linnet if they have a large vehicle or hundreds of kids walking out on the street? Are large numbers of children and staff going to be streaming

down Linnet Avenue fleeing a fire while we residents are trying to drive away from our homes? This sounds like a prescription for disaster: children will be at risk of being hit by cars and residents will be at risk of losing their lives as our departures are impeded by students blocking our streets and/or sidewalks when we try to pull out of our driveways.

B Phase IV includes buildings for temporary dwelling units on Head Royce Campus. This involves people living near Linnet Avenue temporarily: who will also add to clogging our little street if residents like us are trying to flee the area all at the same time due to fire or other disaster.

Please let me know how the noise of construction, of the school in session, and of the use of the Performing Arts Center will be silenced enough so we can continue to work effectively at home. Also, I would like to know how Head Royce plans to evacuate all their staff and students in the South campus without impeding our evacuation in the event of a disaster. I would also like to know what exactly constitutes an emergency requiring the use of Linnet Avenue.

Thank you.

Kimberly Aikawa-Olin

G-1

G-2

G-3

G-4

G-5

G-5

G-6

## **Response to Comment Letter G – Aikawa-Olin, Kimberly, December 19, 2021**

### **Response to Comment G-1:**

Please see Master Response to comments on Noise, and specifically the sections on Construction Noise, Sensitive Receptors and Construction Noise Thresholds, Construction Noise Impacts and Construction Noise Mitigation.

Specific to the comment on the effectiveness of a permanent sound wall, the Project proposes to construct a 6-foot high wall along the property line separating the Loop Road from the adjacent residences. Assuming the 6-foot height of the wall is relative to the ground elevation of the Loop Road, the wall would be anticipated to provide 5 to 6 dBA of additional noise reduction to the adjacent shielded residences.

### **Response to Comment G-3:**

Please see Master Response to comments on Noise, and specifically the section on Operational Noise from the Loading Dock Noise, Outdoor Gatherings at the Performing Events Center, and Loop Road Traffic Noise.

### **Response to Comment G-4:**

Please see Master Response to comments on Community Use of the Performing Arts Center

### **Response to Comment G-5:**

As noted in the Draft EIR's Project Description, vehicular access to the proposed South Campus will be from Lincoln Avenue only - no vehicular access to the site will be allowed from Charleston Street or Linnet Avenue. At Linnet Avenue, which ends in a cul-de-sac near the south Campus fence, there is currently a gated emergency access point to south Campus, but no through traffic is allowed. To maintain emergency access to the South Campus for fire trucks, ambulances, etc., the Project intends to maintain this gate as-is, to be used for emergencies only.

The pedestrian emergency evacuation plan calls for students to use Lincoln Avenue, not local streets such as Linette Avenue as their evacuation route.

### **Response to Comment G-5:**

The original Project Description included the objective of utilizing one existing building (Building 9) for school-related or potentially short-term employee housing, remodeling Building 9 to provide up to five units of temporary housing for new faculty. This concept would have added a minor increment of additional people on the Campus, and their contribution to an evacuation would have been similarly minimal. However, Head-Royce School has eliminated this potential use of Building 9 for this purpose (see Revisions to the Project Description, Chapter 2 of this document).

### **Response to Comment G-5:**

See Responses to Comment, above.

## Letter H - Atwater, Christopher, December 20, 2021

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**From:** Christopher Atwater <tophatwater@gmail.com>  
**Sent:** Monday, December 20, 2021 4:50 PM  
**To:** Brown, Courtney  
**Subject:** Head Royce School Planned Unit Development Permit Project DEIR Comments

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hey Courtney,

Writing to share my concerns regarding the DEIR recently released. My wife and I recently purchased the property at 4224 Linnet Ave, just a few houses down from the fence at the south west location of the proposed expansion. I've summarized my concerns in bullets below:

- The report states that delivery, loading and unloading at the Performance Arts building will be made in two places. Why were these specific delivery points closest to residential areas of the property chosen?
- What emergency evacuation procedures were planned as part of the DEIR? I do not see any reference to an evacuation plan, which I believe should be a top priority considering the recent changes to laws in the City of Oakland pertaining to ADUs.
- Why was the location for the new Performing Arts center and Amphitheater chosen? It seems this new location is as close as possible to residential homes in the area of the southwest campus and causes concern for the amount of disruption caused by noise from events at these locations.
- In DEIR appendices 8A to 16B, I see no mention of a sound wall to block noise disruption during construction. What is the plan to shield the neighborhood from disruption during a construction period that is likely to last years?

More generally, my concern is the amount of vagueness in the report and the lack of consideration for new neighbors on the south campus, despite the rhetoric used by the school to ensure that they are a positive part of this community.

My hope is that the school can provide more detail and respond to the concerns shared by my neighbors to come up with a plan that will not have such a large impact on the families surrounding their property.

Thanks,  
Christopher Atwater  
4224 Linnet Ave

H-1  
H-2  
H-3  
H-4  
H-5

## **Response to Comment Letter H - Atwater, Christopher, December 20, 2021**

### **Response to Comment H-1:**

The Project Description (page 3-27) accurately described the loading dock as follows, "A loading dock is proposed to be located on the west side of the [Performing Arts Center] building. It is anticipated that deliveries could occur approximately one time per day, in trucks of approximately 26 feet in length. The Noise Chapter of the Draft EIR (page 13-28) included a typographical error, indicating that, "the loading dock for the Performing Arts Center building is proposed to be located at the southeast corner of this new building. Only one loading dock was proposed under the Project, to be located at the west (or southwest corner) portion of the Performing Arts Center building. The loading dock was proposed at this location because it is immediately adjacent to the Loop Road.

However, Head-Royce School has eliminated the idea of including a loading dock at the Performing Arts Center building, as they do not believe the activities to be conducted at the Performing Arts Center will require a loading dock.

### **Response to Comment H-2:**

Please see Master Responses to Comments on Conflicts with an Adopted Evacuation Plan.

### **Response to Comment H-3:**

This comment speaks to the merits of the proposed Project (i.e., "why was this site chosen"), and not to the Draft EIR or its analysis of the Project. As to the amount of disruption caused by noise from events at these locations, please see Master Responses to Comments on Noise, and specifically those sections on Operational Noise Modeling Methodology and Conclusions and Outdoor Gatherings at the Performing Events Center.

### **Response to Comment H-4:**

Please see Master Responses to Comments on Noise, and specifically those sections on Construction Noise, Sensitive Receptors and Construction Noise Thresholds, Construction Noise Impacts and Construction Noise Mitigation.

### **Response to Comment H-5:**

At 550 pages of text in the Draft EIR and over 1,400 pages of technical studies, the Draft EIR achieves its purposes to inform City decisions-makers and the public about the potential significant environmental effects of proposed activities. It identifies ways that environmental damage can be avoided or significantly reduced, and it identifies changes to the Projects with alternatives or mitigation measures to reduce environmental effects.

25 Camellia Place  
Oakland, CA 94602  
March 10, 2019

Courtney Brown, Acting Planner III  
City of Oakland Bureau of Planning  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland, CA 94612

Re: Case File #PLN18532-ER01  
Head Royce School Planned Unit Development Permit Project DEIR Comments

Ms. Brown,

I am writing to express my concerns, raise questions, and provide criticisms about the Head-Royce School Planned Unit Development Permit Project (DEIR).

My residence is on Camellia Place, about where the photo in the DEIR was taken, (which claims to have been taken at the top of the street). My residence is barely visible at the far right on the picture and is certainly not at the top of the street. I've added photos – one taken at the approximately same elevation as the one in the DEIR, but from my side of the street, and one other taken further up the street. Camellia Place dead ends at the top of the hill. The only outlet is down the hill and onto Charleston Avenue. What does it mean in the DEIR when it says there will be "no vehicular access from Charleston Street or Linnet Avenue (except for emergency access)"? Does this imply that in the event of a fire or other emergency my only egress route may be blocked by Head Royce or emergency responders trying to evacuate students? In the event of an emergency at Head Royce School, how will students, parents, staff, and neighborhood residents be evacuated? What will be the impact of increasing student enrollment on an already congested neighborhood where residents can barely get through the streets on garbage pick-up day? Doesn't the report essentially say that the current evacuation plan is inadequate for the existing student enrollment? What dangers do an increased enrollment pose for the neighborhood and the City of Oakland?



Figure 4-2 in DEIR

I-1

I-2

I-3

City of Oakland  
December 18, 2021  
Page 3



Approximately same elevation across the street (from my residence)

Will the planting of redwood trees impede the views from Camellia Place?

City of Oakland  
December 18, 2021  
Page 4



View from further up Camellia Place

My residence like many others, does not have air conditioning, and I am concerned about pollution and noise levels during construction. The report characterizes this noise and pollution as temporary but the report also states that construction will occur in phases. While each phase has an estimated timeframe, there is no total length of time for construction given. What length of time is anticipated between each phase? How many years will residents endure construction noise before the project is complete? And if there are long periods of time between phases, will any damages to roads, sidewalks, and noise barriers be repaired between phases?

I-4

I-5

I am also concerned about the noise levels after construction is complete, especially for activities at the outdoor amphitheater in the middle of the South Campus that will exceed allowed levels without mitigation measures. The report offers no concrete measures to be taken to mitigate the excessive noise. The report references that residences on "Carmelita Place" will be negatively impacted by noise during graduation ceremonies. Is this an error and is it Camellia Place? What is the noise impact if the performing arts center is made available for other groups besides Head Royce? Lastly, the report references a "Loading Area A". What will this area do? What hours of operations will exist? What noise levels will be generated?

I-6

The proposed traffic flow changes to Lincoln Avenue did not receive enough attention in this report. How will the addition of another stop light and left turn arrows impact traffic flow? Will parents actually use the perimeter pick up and drop off if it adds additional time to do so? How will residents get in and out of their neighborhoods if traffic on Lincoln Avenue comes to a standstill? If Head Royce does not construct a tunnel to connect the north and south campuses and instead has students crossing Lincoln Avenue, what traffic delays will result? What are the safety implications for all students crossing Lincoln Avenue at street level?

I-7

COVID-19 is not mentioned in the report, but likely impacts the underlying assumptions and report conclusions. I now work from home instead of in an office. I am more concerned about noise levels now as they will impact my ability to work from home. More importantly, COVID-19 significantly changed commute patterns. Are more students traveling in single vehicles now than when the underlying studies were conducted? How will these changes impact miles traveled and air emissions goals? How does an increase in numbers of vehicles impact the proposed traffic flow on Lincoln Avenue and into and out of the internal perimeter road? It seems unrealistic to assume that everything will return to pre-pandemic levels.

I-8

I appreciate your time in considering my concerns.

Sincerely,

Eric Bachman  
25 Camellia Place  
Oakland, California

## **Response to Comment Letter I – Eric Bachman, letter received December 20, 2021**

### **Response to Comment I-1:**

Comment noted. The image shown on Figure 4-2 is more accurately described as being from approximately the mid-point along Camellia Place, with the top of Camellia Place being about three homes further up the hill. As indicated on page 4-8 of the Draft EIR, CEQA does not consider private views to be a CEQA threshold issue, but is concerned with impacts to scenic views enjoyed by members of the public generally. Many of the private views from nearby neighboring properties (such as those shared in this comment letter) are also enjoyed by the public from the public streets. The intent of the Draft EIR's Figure 4-2 is to demonstrate that prominent views from properties to the east, uphill of the site (e.g., from Camellia Place) are towards the Bay to the west. These views look out over the top of the Project site, and the limited extent of new development on the Project site would not adversely affect these scenic views. Both the image presented in the Draft EIR, and the images shared by this commenter, demonstrate this conclusion.

The large trees that are prominently visible at the horizon line in Figure 4-2 of the Draft EIR are on the Head-Royce School property. This view does indicate that, even if some of these trees (i.e., the eucalyptus) are removed as part of the Project's required Vegetation Management Plan, the planting of new trees on the upper portions of the site (nearest Camelia) could partially impede certain primarily private views from Camellia Place once they mature, as is currently the case.

### **Response to Comment I-2:**

Currently, Charleston Street dead-ends at a small parking lot near the property boundary between the former Lincoln property and the adjacent Ability Now property. There is an existing driveway off Lincoln Avenue, which parallels the same property line but it does not connect through to Charleston Street. The Draft EIR makes it clear that the Project will not include a connection from this on-site driveway (which would become a portion of the Loop Road) to the terminus of Charleston Street. Under current conditions, emergency vehicles (i.e., wildland fire fighting trucks) can drive on the unpaved portion of land between the driveway and Charleston Street, and this condition would continue with the Project. The evacuation of students in the event of a catastrophic wildfire event (most students would be located in the westerly portion of the site, on the opposite side of the campus from Camellia Place) would be in the direction of Lincoln Avenue, and not toward Charleston Street, which is the only public thoroughfare that connects to Camellia Place.

### **Response to Comment I-3:**

Please see Master Responses to Comments on Conflicts with an Adopted Evacuation Plan.

### **Response to Comment I-4:**

At this time, Head-Royce School anticipates moving forward with Phase I and Phase II of the Project at the same time, shortly after Project approval, if that approval is granted. Physical improvements at the proposed South Campus pursuant to a combined Phase I and Phase II would include:

- Demolition of Buildings 3, 4, 5, 6, 7, 8, 10 and 11
- Removal and trees and landscaping as necessary to implement those physical improvements listed below
- Grading and construction of the proposed new Loop Road, including new off-street drop-off and pick-up locations within the proposed South Campus, as well as new/relocated traffic signals along Lincoln Avenue. Pedestrian crossings of Lincoln Avenue between the existing Campus and the proposed South Campus would occur at at-grade crossings of Lincoln at the relocated traffic signals.

- The number of parking spaces on the proposed South Campus would be incrementally increased to meet the increased demand.
- Restoration and rehabilitation of Buildings 0, 1, 2 (those buildings identified as historic resources) and reuse of these three buildings for classroom and/or School administrative purposes
- Reuse of Building 9 (in its current condition) for classroom and/or School administrative purposes
- Improvements for outdoor gathering space, including improvement of the planned Commons area, plus improvement of walking paths and two outdoor classrooms
- Reuse of the existing playfield at the proposed South Campus for informal outdoor recreation

The combined Phase I and Phase II development would allow for an incremental increase in student enrollment from the current cap at a maximum of 906 students, with an overall increase of 144 students, to an increased student enrollment cap of 1,050 students.

It is likely that the combination of Phase I and Phase II of the Project may take a year or more to complete. This would likely include 3 to 4 months of demolition, tree removal, surface re-grading and additional site preparation for construction of the new Loop Road and parking; perhaps 6 to 8 months for restoration and rehabilitation of Buildings 0, 1, 2; and 2 to 3 months for outdoor landscaping and paving.

Timing for implementation of the subsequent Phase III improvements would be dependent on the School's availability of future financing, and no timeline for these improvement are currently known. These later Phase III improvement are expected to take perhaps 12 to 18 months of construction, inclusive of tunneling below Lincoln Avenue for the pedestrian tunnel, and anticipated simultaneous construction of the Link Pavilion and Performing Arts Center, as well as site preparation and paving for additional parking improvements.

Please see Master Responses to Comments on Noise, and specifically those sections on Construction Noise, Sensitive Receptors and Construction Noise Thresholds, Construction Noise Impacts and Construction Noise Mitigation.

#### **Response to Comment I-5:**

Pursuant to the City of Oakland's Standard Conditions of Approval that apply to all major development projects, the School and their general contractor will be required to submit a Construction Management Plan (CMP). The CMP shall be subject to review and approval by the Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department, Department of Transportation, and the Public Works Department. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management. The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the Project.

Other City of Oakland's Standard Conditions of Approval will require the School to obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including city streets, sidewalks, bicycle facilities, and bus stops. In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, the School must submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. This Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. Furthermore, the School will be required

to repair any damage to the public right-of way, including streets and sidewalks, caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue. In such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.

**Response to Comment I-6:**

Please see Master Responses to Comments on Noise, and specifically that section on Operational Noise.

Where the Draft EIR includes a reference to “Carmelita Place”, this is a typographical error. All such references instead should be to “Camellia Place”.

**Response to Comment I-7:**

Please see Master Responses to Comments on Traffic Congestion, and specifically those sections on Non-CEQA Transportation Impact Review (TIR) and Lincoln Avenue Crossings.

**Response to Comment I-8:**

Please see Responses to Comment B-11 (the response to the Neighborhood Steering Committee’s letters) regarding pre- and post-pandemic analysis. This Response also includes relevant current data from Head-Royce School and AC Transit regarding transit usage.

## **Letter J - Bichel, Bridget, December 15, 2021**

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**From:** Bridget Bichsel <bbichsel49@gmail.com>  
**Sent:** Wednesday, December 15, 2021 12:03 PM  
**To:** Brown, Courtney  
**Subject:** Head Royce School Planned Unit Development Project DEIR Comments  
**Attachments:** Head Royce School Planned Unit Development Project DEIR Comments

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

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December 12, 2021

To: Courtney Brown, Acting Planner, City of Oakland  
From: Bridget Bichsel, 4200 Laguna Avenue, Oakland, CA 94602  
Re: Head Royce School Planned Unit Development Project DEIR Comments

How will surrounding neighborhoods impacted by increased enrollment and traffic be evacuated, especially during school drop off and pickup? Evacuation during a wildfire or earthquake will not occur just at the HRS campuses. The neighborhoods surrounding the school are in the same wildfire and earthquake hazard zones and consist of other institutions, residents, and significant numbers of transitory population, in cars and on foot. All of these groups will be vying for the few escape routes available, the major one being down Lincoln Avenue. How will increased student population and additional traffic at HRS affect emergency evacuations of the whole neighborhood, not just the school? Is an orderly, quick, and safe evacuation of the entire neighborhood during a wildfire or earthquake possible during an event that occurs with little warning, especially as parts of the immediate neighborhood are subject to liquefaction and landslides?

Or, will exit routes be overwhelmed with traffic, evacuees, and possible blockages due to downed power lines? At current levels, HRS population and traffic would make evacuation problematic during a fast moving fire. Will an increase in HRS population and traffic make the situation worse by exposing residents to additional risk? As mentioned in the DEIR, fire would probably come from uphill, as would an earthquake on the Hayward Fault along highway 13. Evacuees located above the school exiting the Mormon Temple, Greek Church and Ability Now will travel down Lincoln, joining the congestion at the school.

Although Lincoln is a major thoroughfare for the area, it is a narrow street with multiple side streets pouring into it, as well as Sequoia Elementary School. We have all seen the images of people fleeing fast moving wildfires in Napa, Paradise and locally, the Oakland Hills Firestorm. Does the proposed Head Royce evacuation plan account for the likelihood of large numbers of people fleeing for their lives, looking after children and pets, and possibly elderly residents unable to evacuate on their own? There will be cars, emergency vehicles, pedestrians, animals, and children trying to escape along the same route. How does it provide for their students being caught up in that chaos once they exit the school and join the many others trying to escape? Will all these groups be able to occupy the few escape routes available without a significant slowdown? The history of wildfires and seismic activity in this area and the lessons we should be learning about congested escape routes make these questions essential.

What is the breakdown of the evacuation protocols for specific times of the day at the school: does disbursement of students throughout the campuses for classes and activities require different planning than evacuation during drop off and pick up, when Lincoln is packed with cars and buses? What is the evacuation plan for the PAC in case of an earthquake or fire during an evening event? In darkness?

Finally, is the Fire Department fully on board with the evacuation plan outlined in the DEIR? What are their additional recommendations taking into account the entire hill, not just the project site? Is the Fire Department satisfied that HRS complies with current regulations?

J-1

**Response to Comment Letter J – Bridget Bichsel, letter received December 12, 2021**

**Response to Comment J-1:**

Please see Master Responses to Comments on Conflicts with an Adopted Evacuation Plan. Please see the section on Exacerbation of Evacuation Congestion, which addresses the extent of a potential evacuation from the entire surrounding neighborhoods. Please also see the section titled Evacuation Planning as Reasonable and Feasible Mitigation pertaining to the relative benefits of pedestrian evacuation strategy rather than other vehicle-related strategies. Please also see the section titled Advancement of Greater Detail and Other Recommended Mitigation Measures regarding staff's recommendation that the School be required to prepare a stand-alone Emergency Evacuation Plan. This plan is to be prepared by a professional emergency evacuation expert and subject to review and approval by the Oakland Fire Department, with input from Emergency Services, OPD Traffic Division, and the Public Works' Transportation Planning staff.

**Letter K - Boe, Carl, December 20, 2021**

**From:** Carl Boe <cboe@inequality.us>  
**Sent:** Monday, December 20, 2021 4:15 PM  
**To:** Brown, Courtney  
**Subject:** Head Royce School Planned Unit Development Permit Project DEIR Comments  
**Attachments:** CH2b.pdf

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

**To: Courtney Brown, Acting Planner III**

**Thank you for hearing comments regarding the Head Royce School DEIR.**

**Loop Road Proposal**

The proposed loop road will have a huge impact on day to day life for my neighbors and myself. Although termed a "road" it is really pitched to function as a circular parking lot.

**Loop Road construction**

The proposed loop road includes some provisions to handle the impact of run-off drainage in the form of swales and storm drain placements, but nothing that directly addresses the instability of the slope behind my house and others on Laguna Ave. Recent rains and wind have brought this issue to the forefront as rain and wind recently toppled yet another oak on the HRS property on the slope. Please see the attached hydrology report which speaks to my concern that the drainage plan is not adequate to mitigate water issues that will be created by loop road construction, as proposed.

**Loop Road: North campus alternative**

An alternative for the loop road that is not considered in the DEIR is to use the uphill entrance to HRS, with the road leading down to the parking lot, using the perimeter of the parking lot, proceeding counter-clockwise along the steep hill with solar panels, around the baseball and tennis courts, and exiting using the existing road back to the entrance driveway. Use the road construction against the steep hillside to shore up / stabilize the hillside. This alternative would seem to entail less impact on the environment, less impact on adjacent neighboring properties, better traffic flow on and off Lincoln Ave. No left turns off Lincoln would be needed.

**Loop Road: traffic flow and traffic lights**

Assessment / simulation has not yet been made whether the proposed combination of three closely spaced traffic signals involving left turns onto a loop road at existing or build-out levels of daily trips can accommodate flow along Lincoln Ave. I do not understand the conclusion that the "...Project would not increase the physical roadway capacity, would not add new roadways to the network, and would not induce additional automobile traffic." (p 14-27) nor understand why this would be interpreted as having little significance. The proposed loop road access involves new signaling, including a left turn into the entrance of the clockwise loop, and another signal at the exit. In short, a major shift in the current traffic flow, and under increased load with the build-out component.

The traffic appendix (Appendix 14) states that a VISSIM simulation will be done to understand flows: "we will determine the adequacy of the roadway modifications proposed by the project and whether the proposed phas-

to alleviate the existing traffic congestion on Lincoln Avenue caused by cars and buses dropping off and picking-up students will be effective, or if these plans coupled with increased enrollment and additional turn lanes and signals on Lincoln Avenue, will result in additional traffic congestion or queuing along Lincoln Avenue." That is, the math has not been done to determine how the signaling might affect Lincoln Ave traffic, or whether any signalling might work to accommodate the proposed loop road. Current traffic signals already lead to occasional backups onto highway 13, and this is before any increased enrollment.

My concern is that entire plan involving traffic flow and the proposed loop road hangs on the viability of the adequacy of the traffic signals to handle peak flows under current and planned settings. Yet that analysis has not been done. And the result of not finding out the answer is to dismiss the traffic impact as less than significant.

The staging area for pickups at the top of Lincoln, using the LDS overflow lot, has been very successful in mitigating overflow problems along Lincoln Ave. This staging area should continue to be used regardless of the details adopted for a loop road, perhaps obviating the need for such a road entirely, but certainly helping any queue and flow issues with pickup and dropoff.

A final concern regarding traffic flow of the proposed loop road is for area evacuations. If the "queue" is full on a loop road, how do those vehicles evacuate in an orderly fashion? Lincoln Ave will be jammed full of traffic, the traffic lights will be ignored by panicking drivers. Those on the loop road will be trapped, with no good way out by auto or on foot.

**Loop Road: pollution**

K-1  
The proposed loop road will really be a loop parking lot, as its intent is to move the queue along Lincoln onto HRS property. California anti-idling laws have to my knowledge never been enforced by HRS for vehicles awaiting pickups. Pollution from these many vehicles per day will drift down the slope and our back lots on Laguna will become smog-laden.

**Loop Road: noise**

K-2  
There is a 4' high wall on a short part of the proposed loop. The height and material seem insufficient to block traffic noise from the flow of cars and only a very short section of the loop path has a wall. Sound travels very well up and down the creekbed along Laguna, as I can easily hear my neighbor speaking on her cell phone when she is outside in her back yard. Noise levels for waiting cars (no loud stereos blaring) need be addressed.

**Outside Classrooms**

**Outside classrooms: location and noise**

K-3  
My understanding is that there outdoor classroom space is proposed for the area immediately adjacent to my back property line. If that is the case, there are two problems. First, the slope soil is quite unstable and likely vulnerable to disruption by constant human traffic. Landscape amelioration would be needed to secure the soil environment and protect vegetation. There is no border wall proposed to muffle sound from an outdoor classroom or provide any privacy to impacted neighbors of HRS. A well border wall might double as a water diversion barrier, to address the drainage concerns raised above.

Thank you for taking my concerns for the DEIR.

Regards,

Carl Boe  
4235 Laguna Ave  
Oakland, CA 94602

## **Response to Comment Letter K – Boe, Carl, December 20, 2021**

### **Response to Comment K-1:**

Please see Response to Comment 5-2 pertaining to Clearwater Hydrology's independent review of the Draft EIR. This review generally concurs that 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 up-gradient bioretention area should reduce the volume of water infiltrating into the terrain of the sloping portions of the site behind Building 9. Balance Hydrology's concurrence is predicated on the final design of the Loop Road as incorporating a standard curb and gutter system. The Project's proposed Loop Road will be designed and constructed to City of Oakland design standards. Whether these design standards will require a standard 6" curb face with 18" gutter, an 8" curb, or rolled curb will be determined by the Design and Construction Services Department of the City of Oakland Public Works Agency, but in all cases must accommodate the designed drainage flow.

### **Response to Comment K-2:**

This comment suggests an alternative location for the Project's proposed Loop Road, using the roadway and parking lots on the existing (North) campus, rather than the Loop Road on the proposed South Campus. CEQA provides guidelines for discussing project alternatives, with the following implications pertaining to this suggested alternative:

- The discussion of alternatives shall focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project (§15126.6(b)).

The Draft EIR's analysis of the potential impacts related to construction and use of the Loop Road on the South Campus related to air quality emissions during construction and operation, and noise impacts during construction and operation does not identify any significant impacts attributable to the Loop Road.

Geotechnical and hydrology impacts related to construction of the Loop Road would be mitigated by SCA's and detailed recommendations pursuant to those SCAs. A study of alternative Loop Road designs or locations is therefore not required under CEQA.

- The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project, and could avoid or substantially lessen one or more of the significant effects (§15126.6(c)).

The Loop Road on the proposed South Campus is one of the 11 integrated Project Objectives of the School, but most of the other basic objectives of the Project could be accomplished without the Loop Road as proposed. However, as discussed above, the Loop Road as proposed does not result in any significant effects that would be avoided or substantially lessened by this suggested alternative.

- An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation (§15126.6(a)).

There is no information in the EIR or elsewhere to determine whether a loop road on the north Campus as is suggested would be feasible. There would be geological conditions associated with the steep hillside above the soccer field that would make construction of this suggested loop road difficult, but such a road would likely be feasible.

- The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project (§15126.6(d)).

The Draft EIR does include a Minor Development Alternative (Alternative #2), which does not include the proposed Loop Road. Rather than construction of a loop road in an alternative location, this alternative

assumed no loop road, with all student drop-off and pick-up activity continuing to occur along Lincoln Avenue. The Draft EIR found, on balance, that the potential environmental effects of Alternative 2 and the Project are both able to be mitigated to less than significant levels. The environmental effects of Alternative 2 are comparatively less than those of the Project, but the differences as measured against CEQA threshold criteria are not substantial (i.e., there are few significant impacts or potentially significant that would be completely avoided under Alternative 2, as compared to the Project). There are no significant impacts of the Project that can only be reduced or avoided by consideration of Alternative 2. However, Alternative 2 would result in impacts that are comparably less significant than those impacts of the Project, and Alternative 2 is environmentally superior to the Project and all other alternatives considered in this EIR.

**Response to Comment K-3:**

Please see Master Response to Comments on Traffic Congestion.

**Response to Comment K-4:**

The Project's Loop Road is designed and intended to eliminate drop-off and pick-up activity along Lincoln Avenue, and to accommodate a long traffic que on-site rather than on Lincoln. To the extent that the Loop Road could become so congested on-site as to adversely affect turning movements at the signalized Loop Road entrance, the potential to condition Project approvals on continued use, or reconsideration of future use of the LDS overflow lot is a good idea, and will be conveyed to City decision-makers.

**Response to Comment K-5:**

Please see Master Response to Comments on Emergency Evacuation. Whereas an emergency condition that requires an evacuation could potentially occur at the same time as a school drop-off or pick-up schedule, the Loop Road would eliminate this activity from Lincoln Avenue, freeing up additional roadway capacity for emergency vehicles of evacuees.

**Response to Comment K-6:**

Please see Master Response to Comments on the Loop Road Design, Potential Impacts and Intended Operations, specifically as to Potential Impacts Attributable to the Loop Road. This section summarizes the Draft EIR's analysis and conclusions that the increase in traffic resulting from increased student enrollment, as well as the increase in on-site traffic attributed to the proposed South Campus Loop Road, the upper school drop-off area and the lower/middle school drop-off area will result in increased emission of TACs and PM2.5. However, the Health Risk Assessment included in the Draft EIR shows that these increased operational emissions would contribute an increased cancer risk of 0.9 per million as compared to a threshold of 10 per million. They would also result in an annual concentration of PM2.5 emissions of 0.14  $\mu\text{g}/\text{m}^3$  as compared to a single-source threshold of 0.3, and a Health Index rating of less than 0.01 as compared to a single-source threshold of 1.0. Each of these health risk attributes is less than the identified threshold, and therefore less than significant under CEQA.

**Response to Comment K-7:**

Please see Master Response to Comments on Noise, and specifically the section on noise attributed to the Loop Road.

**Response to Comment K-8:**

As noted in the Draft EIR (starting on page 8-20), an on-site fill slope on the southern side of Building 9 has displayed indications of minor instability since its construction. Artificial fill was placed at this slope in the mid to late 1940's, and was likely placed without engineering controls such as ground preparation, adequate compaction, subdrainage and a proper keyway. It is possible that future shallow sliding will gradually reduce the relatively level area between the Building 9 and the top of the slope, and slope instability may affect future improvements constructed on and at the base of the slope. To correct this condition, the geotechnical

engineer has recommended (as part of Recommendation Geo-3A, see page 8-22 of the DEIR), that the fill slope below the eastern-most 80 feet of Building 9, as well as the 80-foot long section of fill slope east of Building 9, should be reconstructed as an engineered fill slope. This reconstructed slope would be implemented during construction of the proposed future site improvements (i.e., the Loop Road). The proposed outdoor classroom (generally a wooden platform) is not proposed on this fill slope, and the issues associated with the fill slope are not attributed to the relatively minor 2 to 4 feet of grading proposed to establish a level walkway and level outdoor classroom platform.

Please see Master Response to Comments on Noise, and specifically the section on Operational Noise Sources including the outdoor classroom.

## **Letter L - Bonner, Brian and Ferry, Ashley, December 16, 2021**

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**From:** bonnerbl@gmail.com  
**Sent:** Thursday, December 16, 2021 12:15 PM  
**To:** Brown, Courtney  
**Subject:** Head Royce School Planned Unit Development Permit Project DEIR

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Our concerns relate to items in the document that are unclear or missing:

- The sound impact on the surrounding areas. The study does not cover the sound impact of the ring road nor the new playing field. Both will be very close to the surrounding properties. It is not clear if any noise-prevention efforts/structures will be along the ring road. Not only will there be an impact during drop-off/pick-up times but also when the road is used to access the events being held in the new event center. In addition, because the land slopes downward, the noise from the planned playing field inside the ring road will be radiated into the surrounding neighborhood. The lack of consideration of these issues are major deficiencies in the study.
- The congestion impact on Laguna, Charleston and Camellia because of the new gate from the campus onto Charleston. If people are allowed access by this gate it would be expected that students will be dropped off and picked up along Charleston by people wanting to avoid the congestion on Lincoln and on the ring road. The study does not explore this possibility nor what measures will be taken to prevent this from happening.
- The increased risk during evacuation of the campus grounds. The surrounding neighborhoods and the campus will both be relying on the same exits/entrances. The study does not deal with this possibility.

L-1

L-2

L-3

Thank you for the opportunity to review and comment on the DEIR.

Brian Bonner  
Ashley Ferry

**Response to Comment Letter L - Bonner, Brian and Ferry, Ashley, December 16, 2021**

**Response to Comment L-1:**

Please see master Response to Comments on Noise, and specifically the section on Operational Noise Sources including noise from the Loop Road at Recess Noise at the playing field.

**Response to Comment L-2:**

Currently, Charleston Street dead-ends at a small parking lot near the property boundary between the former Lincoln property and the adjacent Ability Now property. A driveway from Lincoln Avenue parallels the same property line, but does not connect through to Charleston Street. The Draft EIR makes it clear that the Project will not include a connection (or a gate) from this on-site driveway, which would become a portion of the Loop Road, to the current terminus of Charleston Street.

Under current conditions, emergency vehicles (i.e., wildland fire fighting trucks) can drive on the unpaved portion of land between the driveway and Charleston Street, and this condition would continue with the Project.

**Response to Comment L-3:**

Please see Master Response to Comments on Emergency Evacuation.

**Letter M - Bowerman, Meg and Larry, December 19, 2021**

**From:** Meg Bowerman <megbowerman@gmail.com>  
**Sent:** Sunday, December 19, 2021 6:48 PM  
**To:** Brown, Courtney  
**Subject:** Head Royce School Planned Unit Development Permit Project DEIR Comments

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Ms. Brown:

We are residents on Burlington Street, off of Lincoln, 2 blocks from HRS.  
My husband and I have lived here since 1979.

Over the years we have seen HRS grow and have been involved with Neighborhood Committees to ensure safety for the students and the neighborhood. Years ago we were assured that the student population would not continue to grow due to grave concerns of safety by the neighborhood community.

I have grave concerns about the proposed plan (here are only three due to some time constraints):

1. **Transportation:** currently, students/parents cars are not allowed to use Burlington St. as a turn-a-round to go back up to Highway 13. However, cars still enter our street, on average 2-5 per day. Our street has two hills that are blind spots for those entering and exiting the street. Residents of Burlington are aware of this and try to go slowly in each direction. Someone new to the block entering the street generally continues at the same speed as on Lincoln, resulting in sometimes, "near misses" with those exiting the street.  
**\*\*\*Drop off plan:** this sounds good on paper but drop off and pick up is STILL a major issue and the tunnel makes no sense.
  - Construction will only increase congestion
  - It is not up to the residential community to allow "bus resistant" students and parents the freedom to continue to drive their students to this narrow, congested thoroughfare.
2. **Amphitheater:** This is a residential community.
  - There is a wonderful amphitheater at Woodminster that can serve the purpose, and frankly could use community support.

- Noise travels in this canyon and it is not in the best interest of the community to even think about having this: noise, congestion, volumes of people in this narrow corridor invites accidents (which routinely happen up and down Lincoln due to speeding cars).

**3. Evacuation Plan:**

- It is well understood that the entire area is at risk of an imminent earthquake along the Hayward Fault (Highway 13)
- The school's expert on emergency evacuation is an assistant professor (located in Canada) who concedes that the current evacuation plan is insufficient.
- Where in the DEIR is the plan for evacuating 1250 students, plus staff and faculty, in coordination with the surrounding neighborhood?
- Isn't the City now on notice of foreseeable hazards, creating potential liability for the City and its taxpayers?

I would be glad to comment via zoom/in person.

This plan is not viable for our community and is an extreme safety hazard for both students, faculty, parents and neighbors..

Meg and Larry Bowerman  
2476 Burlington St.  
Oakland CA 94602  
510 684-7139

**Response to Comment Letter M - Bowerman, Meg and Larry, December 19, 2021**

**Response to Comment M-1:**

Please see Master Response to Comment on Traffic Congestion and CEQA. Please also see Master Response to Comments on Loop Road Design, Potential Impacts and Intended Operations.

**Response to Comment M-2:**

The Project does not include an amphitheater. It does include an outdoor common area called the Commons, where student can congregate, small outdoor classroom activities can occur, and at the end of the School year, outdoor graduation ceremonies are proposed to occur.

**Response to Comment M-3:**

Please see Master Responses to Comments on Emergency Evacuation, specifically the section on Adequate Expert Analysis as to Dr. Wong's credentials.

**Letter N - Tom Branca, November 5, 2021**

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**From:** Tom Branca <tbranca@me.com>  
**Sent:** Friday, November 05, 2021 12:27 PM  
**To:** Brown, Courtney  
**Subject:** Head Royce DEIR

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Good Afternoon,

I have been made aware of this project from both Head Royce and neighbors who seem to be very upset at this proposal. In looking over their proposal and attending a meeting or two I really cannot in any regard favor this project. As it is, the line of cars in the morning stretches from Head Royce down Lincoln Avenue for several blocks and up Lincoln Ave., and onto the freeway exit. Adding more cars/students will and can only exacerbate this situation both from an inconvenience point of view as well as the pollution these additional cars will add as they sit lined up to drop off the children. PLEASE, come yourself around 8:20-9 and watch the parade of lined up cars up/down Lincoln Ave. Also, regardless of what they say or do to mitigate it, watch the illegal u-turns at the corners and the neighbors driveways. Whether it is an underground tunnel or an above ground level pedestrian walkway will only add to the parking lot situation that already exists on Lincoln Ave, both in the morning and in the afternoon for several years during the construction. The only respite we neighbors, including myself, get from the traffic and the noise and the busses is the weekend and even then their events take away that little bit of quiet for the neighborhood. I see they are now planning on having additional events on weekends during the course of the year.

N-1

I sincerely hope our comments do hold some sway with the planning commission or whoever looks at these projects. On a more comprehensive level or view I also just don't understand why additional students are needed? We, in Oakland, have multiple wonderful public schools and charter schools and private schools to accommodate all our children. I hope our comments can and will be taken seriously and we are not just satisfying a regulation or process that already has a forgone conclusion.

With due respect

Tom Branca

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*Tom Branca*  
Landscape Horticulture  
Merritt College  
Dean Math/Sci.-Retired  
Faculty Pres.-Retired  
[tbranca@me.com](mailto:tbranca@me.com)

A garden requires patient labor and attention. Plants do not grow merely to satisfy ambitions or to fulfill good intentions. They thrive because someone expended effort on them.

**Response to Comment Letter N – Branca, Tom, November 5, 2021**

**Response to Comment N-1:**

Please see Master Response to Comment on Traffic Congestion and CEQA. Please also see Master Response to Comments on Loop Road Design, Potential Impacts and Intended Operations.

## Letter O - Call, Amy and Tom, December 19, 2021

**From:** topcat7878@aol.com  
**Sent:** Sunday, December 19, 2021 7:13 PM  
**To:** Brown, Courtney  
**Subject:** Head-Royce expansion

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

To Ms. Brown:

We are categorically opposed to the Head-Royce expansion for multiple reasons including:

\*Safety issues caused by increased speeding on residential streets in the neighborhood by Head Royce parents. (The parents already careen down the streets and the city took our slow streets away)

\*Increased pollution in the area due to more vehicle traffic

\* Geological impacts and the health of the canyon and surrounding areas

\* Enhanced noise and traffic in residential areas due to increased enrollment and a performing arts venue (open to the public for renting) planned for construction where housing already exists.

Additionally,

The DEIR states that delivery, loading and unloading at the Performance Arts building will be made in two places. Why these specific delivery points were chosen and what is the loading and unloading for? Or, why are deliveries proposed to be made at two points on south campus rather than at the currently designated point on Whittle Avenue (north campus)?

Why is parking not addressed in the DEIR, because street parking on Lincoln Avenue by parents and students is now preventing evacuation and emergency response?

Why the school's expert on emergency evacuation is an assistant professor (located in Canada) who concedes that the current evacuation plan is insufficient. Where in the DEIR is the plan for evacuating 1250 students, plus staff and faculty, in coordination with the surrounding neighborhood? Isn't the City now on notice of foreseeable hazards, creating potential liability for the City and its taxpayers?

The school administration and board cares little for its neighbors, the city of Oakland does not in any way benefit from this school and the Board has stated multiple times: "Head Royce is the jewel of Oakland." We find this to be a very elitist and privileged point of view and would like to see Head Royce do more for Oakland and Oakland residents and youth.

O-1  
O-2  
O-3  
O-4  
Sincerely,  
Amy and Tom Call  
Lincoln Highlands residents

## **Response to Comment Letter O – Call, Amy and Tom, December 19, 2021**

### **Response to Comment O-1:**

The Project Description (page 3-27) accurately described the loading dock as follows, “A loading dock is proposed to be located on the west side of the [Performing Arts Center] building. It is anticipated that deliveries could occur approximately one time per day, in trucks of approximately 26 feet in length. The Noise Chapter of the Draft EIR (page 13-28) included a typographical error, indicating that, “the loading dock for the Performing Arts Center building is proposed to be located at the southeast corner of this new building. Only one loading dock was proposed under the Project, to be located at the west (or southwest corner) portion of the Performing Arts Center building. The loading dock was proposed at this location because it is immediately adjacent to the Loop Road.

However, Head-Royce School has eliminated the idea of including a loading dock at the Performing Arts Center building, as they do not believe the activities to be conducted at the Performing Arts Center will require a loading dock.

### **Response to Comment O-2:**

Please see Master Response to Comment on Traffic Congestion and CEQA.

### **Response to Comment O-3:**

Please see Master Response to Comment on Emergency Evacuation, and specifically the section regarding Adequate Expert Analysis and the credentials of Dr. Steven Wong. Dr. Wong was not “the school’s expert”, he was retained by the City’s EIR consultant, who was retained by the City, to review and prepare an analysis of emergency evacuation conditions relative to the Project.

### **Response to Comment O-4:**

This is not a comment on the adequacy or accuracy of the Draft EIR. Comments on the relative merits of the Project will be forwarded to City decision-makers for their consideration.

## Letter P- Caronna, Karen, December 20, 2021 (and attachments)

**From:** Karen Caronna <karmac9@gmail.com>  
**Sent:** Monday, December 20, 2021 8:47 AM  
**To:** Brown, Courtney  
**Subject:** Head-Royce School Planned Unit Development Project PLN 18532-ER01 DEIR  
**Attachments:** hrs evac plan 2019.pdf

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Courtney Brown  
City of Oakland, PBD Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
Attn: Head Royce School Planned Unit Development Project DEIR Comments

RE: Head-Royce School Planned Unit Development Project PLN 18532-ER01 DEIR Comments:

Dear Ms. Brown,

When I first moved into my house, I spent a lot of time in the front garden landscaping. I was puzzled by the amount of extremely fast traffic on our normally quiet cul-de-sac. I was even more puzzled when, if I gestured to these drivers or called out "slow down please," the driver slowed down sufficiently to roll down their window and curse and scream profane abuse at me. I didn't understand who these drivers were or what made them feel entitled to verbally abuse me in front of my own house. From neighbors, I found out these drivers were from Head Royce School.

Hence, started my involvement with the Neighborhood Steering Committee, (NSC) and service as neighbor representative to the Head Royce managed Neighborhood Liaison Committee, (NLC).

Over the years, I have fielded numerous neighbor complaints about poor monitoring of traffic, speeding, dangerous driving practices on our narrow street with a blind hill and blind cul-de-sac, chaotic and dangerous traffic conditions on Lincoln Avenue during drop off and pick up times. Along with other concerned neighbors, I have joined in documenting this unsafe behavior, non-compliant operations by HRS, and the persistent impact of the traffic on the neighborhood. Although HRS will maintain that they are always in compliance and will point to "monitoring" data to show it, monitors paid for by them, we, the affected neighbors know and have documented that on a day to day basis, HRS drivers have little regard for following rules or respecting the safety and peace of the adjacent neighborhoods. As Mary Fahey (HRS Director of Community Relations ) wrote on July 15, 2019 in response to traffic complaints and documentation of repeat offenders, "**There seems to be a faction of people who do not follow directions.**" (email attached to NSC letter evidence)

HRS is largely a commuter school. The parents/students have little or no investment in the safety, tranquility, and wear and tear of our streets and neighborhoods, in which they do not have any investment. The majority of parents, staff and teachers do not live, shop, invest, pay taxes or vote in Oakland. Head Royce school has a long history of failure to adequately control their ever increasing traffic evidenced by the consistent complaints to them during neighborhood meetings and individual neighbor complaints. With the "opening up" since the pandemic, parents are still averse to carpooling and bus transportation for their commuter students. This increased number of single occupancy vehicles has had an extremely negative, chaotic, and unmitigated impact on the neighborhood. Head Royce continuously gives assurances on their mitigation plans, yet little or no difference is observed. HRS makes assurances, apologize for disruptions, but traffic violations and hazards continue to occur unabated. The inability to manage traffic as it is now is a continuing safety issue for students, neighbors, parent drivers, resident commuters, bicyclists.

-Will the commission consider the impact on an already overburdened neighborhood, of 1/3 increase of additional students and staff?

During the reduced number of students on campus in the gradual post-pandemic re-opening of the school, there were over 100 randomly reported errant cars plus several repeat violators, within two months on Burlington Street, designated by the school as a no traffic or turn around street. Also during the pandemic a local street, part of a "loop" put in place by HRS and not condoned by the neighbors, was designated a slow street by the City of Oakland. HRS misrepresented the "approval" by neighbors (use of the "loop" was crossed out in the 2016 CUP) for use of this corridor to the city, resulting in dozens of HRS cars daily claiming use of this "commuter corridor," speeding, texting while driving, violating the safe use of the slow street by children, pedestrians, bicyclists. Letters by neighbors to ODOT and the Mayor's Office received no response or relief.

-How are residents to enjoy their homes and neighborhood if they are constantly concerned with safety, noise, and pollution?

-If the current system of notification by HRS of violator drivers has minimal effect, how will the "new" plan address this issue?

There seems to be a persistent "faction of people who do not follow directions." The new plan furthers the school using the adjoining neighborhood's infrastructure as their own resource by altering Lincoln Avenue, adding a traffic light, and creating a potential for further back ups and neighborhood disruption.

The HRS paid monitoring company, DKS, has observed traffic violations, mostly observed on Lincoln Avenue in one location. What the DKS does not monitor is what happens throughout the neighborhoods. DKS observes a lack of required monitoring, yet these infractions continue to occur without accountability.

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.

-The intended loop is listed at 1000 ft, 1400 ft, or is it 1475 ft. Considering that HRS already uses both sides of Lincoln Ave, the Mormon lot for overflow, and the Off ramp to Highway 13 backs up with parents accessing the overflow lot, does the planned loop adequately address the volume of cars accessing the area?

-What is the planned "loop" discharge rate?

-What is the feasibility of cars making that loop in a timely manner?

-What mitigation will there be for noise? ( radios blasting, horns honking, loud conversations, doors slamming etc)

-What will happen when the loop is delayed by students taking extra time to enter/exit their cars, and the proposed left turn lane on Lincoln Avenue begins to back up?

-Is there a plan for monitoring the loop or backed up traffic?

-What will happen if that "faction" will take to the neighborhood and seek a more convenient drop off or pick up?

-If a student is not prepared to be picked up, does the driver simply wait, holding up the queue, or do they drive back out to Lincoln Avenue, to make indefinite circles like airport pick ups? Is there any plan for how the impact of random cars circling the approach to the queue will have on the neighborhood?

Drivers already maneuver to get out of the area more quickly by illegally u-turning on Lincoln Avenue (see DKS reports attached to NSC letter) and in the neighborhood. The total effect of drop-off and pick-up on Lincoln Avenue is chaos, and a bottleneck that prevents neighbors, business users, and potentially emergency vehicles, from moving through Lincoln Avenue at a reasonable speed.

The plan shows three signals on Lincoln Avenue.

-Where will the final placement and number of additional traffic lights be?

-How will the addition of a left turn lane and additional traffic lights impact flow of local traffic, local users, and emergency vehicles, from moving through Lincoln Avenue at a reasonable speed?

If 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.

-Is it realistic to assume impatient drivers will wait?

-Will the Mormon Temple lot still be used for queuing?

-How will back up at the proposed left turn light be managed?

-Does it make sense that drivers will proceed around an entire 8-acre campus, completing a one way inner loop, to pick up their children from the pick-up locations that are not near the proposed tunnel or crosswalk?

-What happens during inclement weather? Will parents simply avoid the loop and pick up students on Lincoln, closer to North campus?

-When drivers exit the loop, how will they safely merge back into the traffic going around the ring road?

At one point HRS considered widening the main driveway (Lot F) from Lincoln to the North Campus.

-Why is there no option to build a parking structure on the Lot F, and make it the point of pick up and drop off where there is already a traffic light on Lincoln?

-Why can't Lot A/C be used for turnarounds and pick-up/drop offs?

-Why is there no alternative to the ring road which is both ineffective and highly impactful to neighbors?

-How will the planning commission address that the loop road was designed, and presented as a done deal as an answer to traffic issues, without input from adjacent, affected neighbors, who oppose it? Why isn't there another plan proposed for managing the traffic?

-What plan is there for holding HRS accountable for traffic mis-management?

The plan indicates Lincoln avenue will be used for parking of large school busses during drop off and pick up. Lincoln avenue is a two lane road. When both sides of the street are used for parking, especially of large busses, the usable space of the road is dangerously narrowed. With heavy traffic, it would be nearly impossible for emergency vehicles to navigate this narrow passage. Because of the "bus tunnel," there is no space for a car to pull over to let an emergency vehicle pass.

-How will pedestrians, mostly students and staff-some of whom have been observed jaywalking, cross Lincoln safely if views are blocked by large busses?

-What thought has been given to the efficacy and safety of parking large busses and other cars along this corridor?

-Is the restriction of the traffic lanes within the fire department's requirement for safe passage? -With parked vehicles the street width is narrowed to 14.5 feet approx. Doesn't the Fire department require more street width?

-What allowances have been made for the safe passage of bicyclists who use the Lincoln Ave corridor?

### *I am opposed to the construction of a large capacity performance center.*

HRS already has auditoriums with class and practice rooms. One a thousand seat theater. One a dual theater/gymnasium, a community room and a pavilion.

-Why does a school need four theaters, a pavilion and additional food service?

-Is this development a for-profit entertainment venue?

-What academic purpose does it serve to build a massive building, directly adjacent to neighbor's back yards?

-Why can't a smaller theater be built elsewhere on the campus, if needed?

-Why does this, if built, need to be rented to non-school entities?

At one HRS presentation meeting, it was firmly stated that this building would NOT be rented to the public. At an NLC meeting of 9/18 it was asked if the school intended to apply for public use permit related to the new Performing Arts Center. It was noted that neighbors are strongly opposed to the space being available to the general public. Crystal Land and Jerry Mulvany confirmed that HRS has not submitted an application to make the PAC available for public use, and JoAnn Rawson-Tract stated that at the recent neighbor tour, HRS trustee Peter Smith also indicated the same. Now, apparently, the PAC will be used as a for profit rental to the public.

-Is this "venue" in conjunction with the catering facilities and reception/party deck proposed for Building O, in reality a plan to monetize the site?

-What steps will be taken to mitigate noise from this venue? The noise associated with concerts, or large gatherings?

-Won't the influx of cars, people coming and going, talking, slamming doors , starting engines etc. have a negative impact on the peace of the neighborhood?

-There appears to be a service or loading dock. Who will have access, what is the purpose of that door? What sort of equipment will be moved there? At what time of day?

AC Transit line 339 is no longer in service. Line 39 only runs Monday-Friday until 8 PM. If the Fruitvale BART station is the closest regional transit center, and a person left the venue at 10 PM, they would have to walk down Lincoln Ave to MacArthur, take a bus to downtown Oakland, transfer to another bus to return to BART.

Since public transportation to the proposed performance center is basically non-existent, how will the school address the issue of only one bus line serving that location, only Monday-Friday stopping at 8 PM making the proposed entertainment center only accessible by car?

-How will the potential of 450 plus cars descending on the neighborhood for an event plus the attendant traffic, noise and parking issues be mitigated?

-Why does the city need this venue, when there are more suitable venues downtown such as the Henry Kaiser Center, Fox theater, Paramount, Malonga Center, small theater spaces and music venues, all of which are accessible to public transit?

-Is the "car accessible only" site an issue of equity? How does the proposed venue serve the city and a diverse population at large?

### *Amphitheater.*

Calling an amphitheater with amplification the "student commons" is misleading. Sound carries in unpredictable ways within a canyon setting, and already neighbors have complained about events that have taken place in this "commons" area, at night, disturbing people in their homes. When presenters were asked at a neighbor meeting why this structure was planned and what academic purpose it served, why it had to be there, the presenter replied, "Because the view is awesome."

Why is this amphitheater with a view necessary?

Why can't a more suitable, unobtrusive, less impactful gathering place be built as "commons" without steps and amplification?

Has any thought been given to the fact that the city has an existing amphitheater at Woodminster in Joaquin Miller Park, approx. a mile away?

### *Evacuation plan.*

The proposed plan is inadequate.

This Fall, the Oakland planning commission voted to ban ADU's because of increasing population density in designated very high fire hazard zone where evacuation routes may be limited.

<https://oaklandsid.org/2021/09/16/proposed-ban-on-backyard-cottages-in-the-oakland-hills-moves-forward/>

Given the concerns over population density and safe, accessible egress in VHIFHZ , does it make sense to approve a population density increase for HRS of nearly 400 people, on the only evacuation route for an entire neighborhood narrowed by parked cars and school busses?

For years, members of the public on their own and through the NLC have been asking for copies of the evacuation plan, and questioning why no plan can be shared with the neighbors. HRS always had a "reason" for not providing the plan. Student names must be redacted. It's on file with the city. We'll shelter in place. A former NLC member sent a public records request to the city in 2015 to obtain a copy of the plan. She never received a reply. Ironically, those requests have not been included in most of the NLC meeting notes and no plan was presented until recently, to Dimond Improvement Association member JoAnn Tract -Rawson as a result of her request. (see attached plan and email from Mary Fahey Nov. 16, 2021)

-How does the planning commission in conjunction with the fire department and local experts plan to ensure an adequate, realistic plan is in place?

-How is the evacuation of the South Campus to take place?

It is doubtful worried parents will stay away as instructed, given their behavior over simple traffic rules.

-How will neighbors and emergency vehicles cope with frantic parents trying to access Lincoln Avenue, a two lane road? If the plan is to march 1200 plus students and staff down to the parking lot of a local business, what provisions have been made with businesses to accommodate them?

-If a local business is the pick up point for parents, how will the plan accommodate orderly picks up within a crowded and hectic parking lot, while neighbors or the store(s) may be trying to evacuate?

-How will the plan mitigate the chaos and panic among students and parents that will ensue during/after a disaster?

### *Ongoing concern over hazardous eucalyptus trees.*

In Neighborhood Liaison Committee meetings since 2017, the issue of vegetation management and the danger from eucalyptus trees has been an agenda item. Again referring to the Oaklandsid article about the proposed ADU ban, one of the concerns mentioned was eucalyptus trees.

Neighbors voiced concern about the safety of a stand of eucalyptus trees adjacent to homes on the south campus. HRS did remove 6 of the trees. Neighbors expressed concerns, particularly those living above the North Campus, about the hazard presented by stands of eucalyptus trees and debris on the hill above North Campus play field. The trees continue to remain. Neighborhood Liaison Committee representatives have been told that it is too expensive to remove the trees, also that they had a "fire expert" tell them that as long as they removed branches and debris up to 6' high the trees were not a potential hazard. Anyone who had lived through the Oakland Tunnel Fire of 1991, knows about and has witnessed the extreme explosiveness and flammability of eucalyptus trees.

*"Eucalyptus is flammable. But the thing that's most concerning is the volume of material it can produce."*

*-Scott Stephens, UC Berkeley fire ecologist— [bonnatur.org](http://bonnatur.org)*

*Our preferred approach does NOT focus on eucalyptus merely because they are non-natives. Rather, it is because they pose a far higher fire risk than native landscapes. Eucalyptus trees are called "gasoline trees" in Australia for their tendency to explode in fireballs at very high temperatures.<sup>[i]</sup> They drop far more flammable litter per acre than native trees and their embers stay lit longer and fly farther than embers from other vegetation.<sup>[v]</sup> Fire officials have concluded that the 1991 Oakland Hills fire was spread by the large eucalyptus, pine, and acacia.<sup>[v]</sup> Embers from these tree species flew onto nearby homes and blew rapidly across wide areas. Native trees, shrubs, and grasses do not catch or spread fire the way eucalyptus trees do. —Sierraclub.org*

What aspects of the proposed plan will hold HRS accountable for ongoing vegetation control and removal of hazardous material, especially of eucalyptus trees, considering the campus is in a designated Very High Fire Hazard Zone?

Photos taken 12/18/21.

-Why are the more fire resistant native species trees scheduled for removal?

The project is a large scale development plan inappropriate for a quiet, residential neighborhood already impacted with traffic and concern over fire hazards. There will be significant impact of such a plan, with a 3 1/2 year construction timeline, on directly adjacent neighbors, the immediate neighborhood and the surrounding residential community.

As a neighbor, I would recommend alternative #2, a more modified expansion plan with the following additions:

**NO** enrollment increase. The neighborhood cannot withstand any more density or traffic.

**NO** large performing arts center. A smaller theater building **only** for student use, if necessary.

**NO** rental to non-school organizations.

**NO** internal loop. Find a less resident-impact and safe manner for HRS to manage traffic on their property.

**NO** amphitheater and amplification.

Thank you for your time and consideration.

Best Regards,

Karen Caronna

Burlington St. Oakland

P-7

## **Response to Comment Letter P – Caronna, Karen, December 20, 2021 (and attachments)**

This comment letter and its attachments cite numerous grievances that the commenter has with Head-Royce School's past and current operations and practices, includes comments and opinions on the relative merits of the proposed Project (all of which will be forwarded on to City decision-makers) and additional comments on topics that are included in the Draft EIR. Although this comment letter does not identify any specific inaccuracies or inadequacies of the Draft EIR, the following responses are provided for those comments that pertain to environmental topics or to the Project Description as included in the Draft EIR.

### **Response to Comment P-1:**

Please see Master Response to Comment on Loop Road Design, Potential Impacts and Intended Operations.

### **Response to Comment P-2:**

Please see Master Response to Comment on Traffic Congestion and CEQA.

### **Response to Comment P-3:**

Please see Master Response to Comment on Loop Road Design, Potential Impacts and Intended Operations.

### **Response to Comment P-4:**

As indicated in the Draft EIR (page 3-11), the School is currently served by two regular AC Transit bus lines (Lines 39 and 339), five school-only AC Transit lines serving public schools in the area (Lines 604, 605, 606, 643 and 653), and private bus service sponsored by the School. These bus lines stop at the existing bus stops located on Lincoln Avenue to drop-off and pick-up passengers. These existing bus stops are generally in the same area as current vehicle drop-off and pick-up locations.

Pursuant to the Project, all private vehicle pick-up and drop-off activity at the School would occur along the Loop Road, rather than as currently occurs along Lincoln Avenue. Public and private buses would not use the Loop Road, but would continue to use the current bus loading zones on Lincoln Avenue. No buses would use Lincoln Avenue for parking, only passenger drop-off and pick-up as currently occurs.

### **Response to Comment P-5:**

Please see Master Response to Comment on Community Use of the Performing Arts Center.

### **Response to Comment P-6:**

The Project does not include an amphitheater. It does include an outdoor common area called the Commons, where student can congregate, small outdoor classroom activities can occur, and at the end of the School year, outdoor graduation ceremonies are proposed to occur. Please see Master Response to Comment on Noise, and specifically the section on Operational Noise Impacts attributed to daily use of the outdoor Commons, and outdoor graduation events at the Commons.

### **Response to Comment P-7:**

Please see Master Response to Comment on Emergency Evacuation, and specifically the section on Advancement of Greater Detail and Other Recommended Mitigation Measures.

### **Response to Comment P-8:**

Please see Master Response to Comment on Wildfire Hazards, and specifically the section on Vegetation Management as Reasonable and Feasible Mitigation.

**Letter Q - Claasen, John, December 19, 2021**

December 19, 2021

Rebecca Lind [rclind@oaklandca.gov](mailto:rclind@oaklandca.gov)  
City of Oakland, Planning and Building Dept.  
Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
Attn. Head-Royce School Planned Unit Development Project DEIR Comments  
Case File #PLN18532-ER01

These comments are provided by John Claassen, residing at 4229 Laguna Avenue since July 1979, a property adjacent to the southwest corner of the Head Royce south campus. We appreciate the opportunity to express our concerns with the Draft EIR.

We believe the Draft EIR does not adequately address impacts in several areas:

**Noise Encroachment**

The Draft EIR does not adequately address noise encroachment not only from the open-air amphitheater, but also from deliveries to the performing arts center, the daily stream of cars for drop off and pick up with likely idling vehicles stacking up the slope with their noise bouncing off of the new impervious structures like the performing arts center through all of the Laguna and Alida backyards. In addition, an "outdoor classroom" is drawn very close to the southern fence... students will have to cross the new loop road to be outside on a platform with sightlines into our backyards. The EIR needs to address how additional screening and noise mitigation will be provided for these activities.

**Transportation Congestion**

I believe the draft EIR does not adequately address traffic congestion especially on Lincoln Ave. which I believe is the most serious environmental problem with this development. We all share this earth as our common home, so we need to protect the environment and people are the most important part of our environment, our common home. The current traffic mitigation in my opinion is inadequate. With 300 new students projected at HR, there will be 300 additional trips to drop off students and pick them up after school and events. The new circular road to be built on LCC proposed site development will not lessen the drop offs and pick ups. I propose all 7<sup>th</sup> grade through 12<sup>th</sup> grade students at HR be provided a free student bus pass like the successful Measure BB free student bus pass program already in force at poorer schools in Alameda County. We need to support AC Transit as a great public transportation asset which will help lessen traffic congestion and green house gasses throughout the community. Public

transit must not be relegated to the transportation of last resort for the poor. Preserving our environment is all of our responsibility. HR students have done some great environmental projects in their curriculum. This is of vital importance, and I'm sure the HR students will accept this challenge of actually participating in this project. I request that you call a meeting with HR students and staff, and neighbors and AC Transit rep, ATU 192 reps, ACTC rep, former HR transportation consultant, and local transportation advocates to show this can be done and will benefit the whole community. If these resources are leveraged appropriately, there will not be a need for a loop road and substantial resources of trees, cost to Head Royce and damage to our environment will be avoided.

\* \* \* \*

Thank you for your consideration of these comments.

Respectfully,

John Claassen

4229 Laguna Avenue  
(510) 482-2075

Q-1

Q-2

## **Response to Comment Letter Q - Claasen, John, December 19, 2021**

### **Response to Comment Q-1:**

Please see Master Response to Comment on Noise, and specifically the sections on CEQA Noise Thresholds, Operational Noise Impacts attributed to daily use of the outdoor Commons and outdoor classrooms and outdoor gatherings at the Performing Arts Center, and Operational Loop Road Traffic Noise. The Project does propose to construct a 6-foot high wall along the property line separating the Loop Road from adjacent residences. Assuming the 6-foot height of the wall is relative to the ground elevation of the Loop Road, the wall would be anticipated to provide 5 to 6 dBA of additional noise reduction (relative to the noise levels presented in the Draft EIR) to the adjacent shielded residences.

### **Response to Comment Q-2:**

As shown in Table 14-1 of the Draft EIR, of the 894 total students at the School in November of 2018, 388 (or over 43%) arrived and left school via public or private bus. Subsequent data provided by the School shows that bus ridership during the 2019-2020 school year was up to 430 students riding the bus, or 48% of all students. There was no bus ridership during the 2020-2021 school year, as school was closed during the height of the pandemic. The School's bus ridership for the 2021-2022 school semester was 375 students riding the bus out of a total of 903 students, or 41%. In general (other than during school closure), these ridership numbers show a robust use of buses as a means of transport to and from the School.

As shown in Table 14-2 of the Draft EIR, of the 2,100 average daily person trips that occurred in November of 2018, these trips accounted for 1,052 total students/faculty at the School, with 1 trip to school and 1 trip back home). About 60 percent of these trips (1,272 person trips) arrived and left school in vehicles, either parking or being dropped-off/picked-up. About 36 percent (758 person trips) arrived and left school in buses, either public or private. This percentage of bus riders is lower than the student-only number because proportionally fewer numbers of faculty take the bus.

As shown in Table 14-5 of the Draft EIR, of the 2,880 average daily person trips with the Project, 1,712 person trips (or about 60%) are assumed to arrive and leave school in vehicles, and 1,068 person trips (or about 37%) will arrive and leave school in buses. The increase in vehicles with the Project (with an increase of 387 total students/faculty) is 440 person trips, or 220 more vehicles in, and 220 vehicles out each day.

**Letter R - Claasen, Pamela, December 19, 2021**

December 19, 2021

Rebecca Lind [rlind@oaklandca.gov](mailto:rlind@oaklandca.gov) [cbrown@oaklandca.gov](mailto:cbrown@oaklandca.gov)  
City of Oakland, Planning and Building Dept.  
Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
Attn. Head-Royce School Planned Unit Development Project DEIR Comments  
Case File #PLN18532-ER01

These comments are provided by Pam and John Claassen, residing at 4229 Laguna Avenue since July 1979, a property adjacent to the southwest corner of the Head Royce south campus. We appreciate the opportunity to express our concerns with the Draft EIR.

We believe the Draft EIR does not adequately address impacts in several areas:

Impact on Protected Trees and Future Impact on Remaining Trees

The coastal oaks on the southern boundary of the property are already demonstrating fragility. A large oak in the southwest property corner uprooted in 2019, and in December 2021, another oak split, taking down a second tree. It is likely the remaining half will be under significant strain. This recent collapse demolished a small oak we planted several years ago for privacy on Carl Boe's property at 4235 Laguna as well as crushing the perimeter fence. The DEIR needs to address more specifically perimeter trees and their proximity to planned substantial grading for the loop road and other development activities. A detailed plan for tree replacement that can restore more than existing coverage given the new encroachment should be required under the DEIR. These concerns are validated by the Traverso scope of work. Below is a photo of the tree that just fell in December 2021.

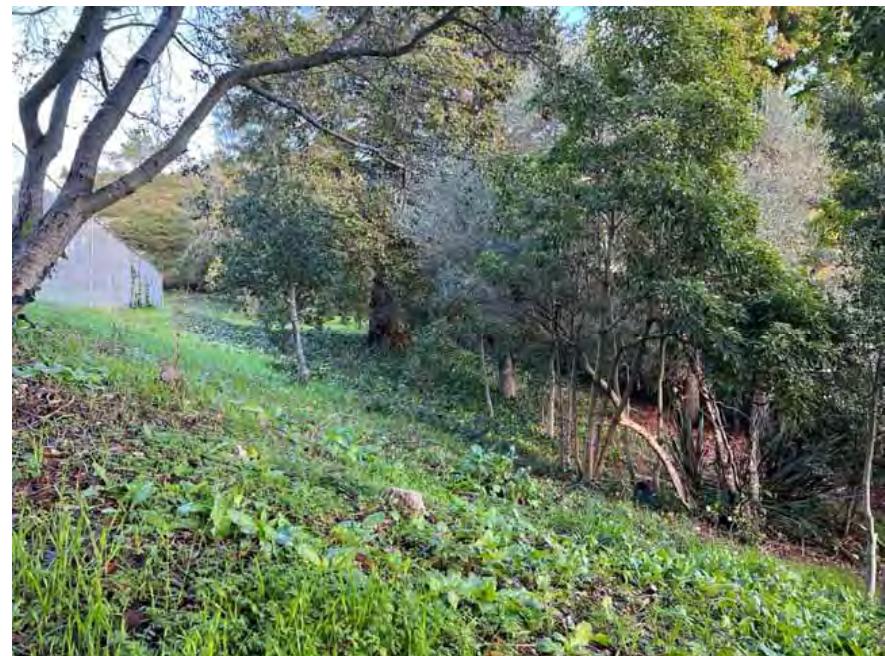


Grading Plan

The DEIR does not provide sufficient detail for the grading plan to accommodate the loop road. Below are photos taken from East to West and West to East on the southern boundary of the property showing the substantial slope of the property in this corner. As drawn, the loop road is indicated to go between the existing sports field and southern perimeter fence, an area of steep slope. To have the road banked appropriately for the required 90 degree turn against such a slope will likely require a substantial retaining wall. The plans for such a wall, and the consequent impacts on the adjacent trees have not been adequately addressed.

Photo taken from West to East ~ road as drawn is to go in between the left hand fence and property boundary and plans say redwood tree will be preserved. Note the steep slope that will require substantial grading for a proper road. This is not adequately addressed in the DEIR.

R-1



R-2

Photo taken from East to West ~ road as drawn makes a 90 degree turn to go around the proposed performing arts center and also as planned must accommodate truck deliveries to the center. Again, for the heavy traffic contemplated, inadequate grading plan details are provided as part of the DEIR and are critical to realistically determine which trees can be preserved or need to be replaced with added density given the substantial encroachment.



#### Drainage

The Draft EIR does not adequately address existing drainage issues. We have already expressed concerns regarding soil saturation to Head Royce under existing conditions and those conditions have likely already contributed to the loss of protected oaks discussed above. The plans as filed call for a catchment basin in the southwest corner of the property, exacerbating existing conditions and putting the remaining protected trees at additional risk with the far more extensive impervious surface contemplated with the loop road and associated grading.

#### Noise Encroachment

- R-3 The Draft EIR does not adequately address noise encroachment not only from the open-air amphitheater, but also from deliveries to the performing arts center, the daily stream of cars for drop off and pick up with likely idling vehicles stacking up the slope with their noise bouncing off of the new impervious structures like the performing arts center through all of the Laguna and Alida backyards. In addition, an "outdoor classroom" is drawn very close to the southern fence... students will have to cross the new loop road to be outside on a platform with sightlines into our backyards. The EIR needs to address how additional screening and noise mitigation will be provided for these activities.

\* \* \* \*

Thank you for your consideration of these comments.

Respectfully,

Pamela S. Claassen  
4229 Laguna Avenue  
[pamelclaassen@comcast.net](mailto:pamelclaassen@comcast.net)  
(510) 220-4903

R-4

R-5

## **Response to Comment Letter R - Claasen, Pamela, December 19, 2021**

### **Response to Comment R-1:**

As described in the Draft EIR (page 6-24), “The condition of on-site trees is mostly assessed as being in fair to good condition, with 38% of the trees rated as “good”, 55% rated as “fair” and only about 7% of the on-site trees rated as “poor” or worse. Many trees in fair condition exhibited moderate canopy dieback and codominant stems. Many trees in poor condition exhibited substantial canopy dieback and poor structure, such as included (ingrown) bark or codominant stems, or were leaning heavily. Tree diameters range from 4 inches to 54 inches, with a slight majority of trees falling into the 10-inch to 14-inch range, which indicates a mixed age population of trees from young to mature.”

The Draft EIR also includes Figures 6-4 through 6-8, which show each tree on the Project site, overlain onto a grading plan to identify which trees have structural root zone (SRZ) or a portion of their SRZ within the limits of grading, and would be removed. These figures also show which trees lie outside of the limits of grading and would remain. The boundaries of the limits of grading are based on the Project’s detailed grading plan, which shows cut and fill slopes as well as retaining walls proposed to prepare the site for construction of the Loop Road. The SRZ of each tree is also color coded to identify those to be removed (red and orange), those to be retained (green), and those proposed to be relocated (yellow). The red and orange colored trees differentiate between native and non-native trees to be removed, and the light green and dark green colored trees differentiate between native and non-native trees to be retained. Each tree is also numbered, with the numbers corresponding to the HT Harvey Tree survey (Appendix 6B of the Draft EIR).

The DEIR does specifically address the type and location of perimeter trees, and their proximity to planned substantial grading for the Loop Road and other development activities.

As noted on page 6-22 of the Draft EIR, “SCA Bio-2 requires that replacement tree plantings be provided for the removal of native trees. Replacement tree plantings are not required for the removal of non-native species, for the removal of a tree that is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered. Replacement tree species shall consist of Coast Redwoods, Coast Live Oak, Madrone, California Buckeye, California Bay Laurel, or other tree species acceptable to the Tree Division. All replacement trees are to be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, or three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate. The Project applicant is required to install the replacement tree plantings and maintain the trees until established. Any replacement tree that fails to become established within one year of planting would require re-planting another tree at the Project applicant’s expense.”

A Tree Replacement Plan for each phase of the Project will be prepared in accordance with the City tree removal ordinance and policies.

### **Response to Comment R-2:**

As indicated in the Draft EIR (page 8-11), the portion of the site shown in this picture is an area of colluvium within a broad swale along the southerly site boundary that was partially buried by artificial fill. Pursuant to the August 2020 Rockridge Geotechnical and Geological Evaluation (Appendix 8F), the slope just uphill of this location is to be partially reconstructed to mitigate the potential for future slope instability under static and seismic conditions, during construction of the proposed future site improvements (i.e., the Loop Road). As shown on Figure 8-10 of the Draft EIR, the portion of the Loop Road that would be constructed where this picture was taken would include about 2 to 4 feet of fill, with a 4-foot retaining wall on the downhill side of the road and a 3-foot retaining wall on the uphill side of the road.

The redwood trees shown in this picture are identified on Figure 6-5 of the Draft EIR as Trees #7487 and #7488. These trees are on the downhill side of the Loop Road, and their SRZ is not within the limits of

proposed grading, but these trees do have large canopies and Critical Root Zones that extend well into the limits of grading. City of Oakland SCA Bio-2 requires that adequate protections must be provided during the construction period for trees such as these to remain standing. The Davey Tree Inventory Update/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.

**Response to Comment R-3:**

As shown on Figure 8-11 of the Draft EIR, the portion of the Loop Road to be constructed in the area where this picture was taken is proposed to include more substantial new fill of 6 to 8 feet, where the roadway currently curves up from the lower swale along the southerly site boundary. As shown on Figure 8-10 of the Draft EIR, this fill is to be held in place with an 8-foot retaining wall on the downhill side of the road.

As shown on Figure 6-7 of the Draft EIR, the trees on the downhill side of the road construction are expected to be retained, but the trees on the uphill side of the road (for example the Italian stone pine and the olive tree shown on the right side of this picture) are proposed to be removed.

**Response to Comment R-4:**

Please see Responses to Comments B5-1 through B5-4, which respond to Clearwater Hydrology's independent review of the hydrology and drainage analysis of the Draft EIR on behalf of the Neighborhood Steering Committee. These comments and responses provide additional detail on the drainage conditions and solutions proposed for the portion of the southwest corner of the site that is uphill from the homes along Laguna.

**Response to Comment R-5:**

Please see Master Response to Comment on Noise, and specifically the sections on CEQA Noise Thresholds, Operational Noise Impacts attributed to daily use of the outdoor Commons and outdoor classrooms and outdoor gatherings at the Performing Arts Center, and Operational Loop Road Traffic Noise.

**Letter S - Egan, Donna, December 20, 2021**

**From:** Donna Egan <egandonna@hotmail.com>  
**Sent:** Monday, December 20, 2021 3:24 PM  
**To:** Brown, Courtney  
**Subject:** Head Royce School Planned Unit Development Permit Project DEIR Comments  
**Attachments:** Outlook-n2rvhrzx; Outlook-mdxofuug; Outlook-vl5ssrup

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

*To: Courtney Brown, Acting Planner III  
From: Donna Egan*

## **My concerns about noise and disruption of daily life**

*Donna Egan, Linnet Avenue:*

*I live at 4215 Linnet Avenue where I have resided for over 10 ½ years. It is a very small street with 9 homes. I am three houses away from the gate at the top of the street that leads into HRS South Campus. I work from home.*

### **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.”*

*How will the issues described below be addressed? Will there be new studies done?*

1

*DEIR 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 TNM were not provided.*

S-2

*How will you address these important discrepancies? Will there be new studies done? There is a lack of important information that need to be provided. See below:*

*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.*

S-3

### **DEIR Page 22 Outdoor Classrooms**

*The baseline noise datum of 60dBA @ 3 ft. is not valid. The teacher and students are likely to be much farther apart, likely in the 10ft-25ft range, depending upon the size of the class. So to maintain a 60 dBA sound level at the listener, the speaker must speak at a level of 78 dBA @ 3ft. That is a raised noise level. The should be better analyses and controls of the outdoor classrooms and should also include the “L exceedance” values per the Noise Ordinance.*

S-4

*How will you address these issues in flawed data? Will there be a new study that will include a more comprehensive analysis of the recess and break periods, including the number of children in each play or gathering area, age ranges and descriptions and actual noise date of their activities?*

### **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. Older children’s voices get deeper in pitch and shouts and laughter can carry farther because of the greater acoustic power.*

S-5

*The values in Table 7 are about 14 dB too low. This results in a SIGNIFICANT IMPACT.*

S-1

### **Performing Arts Center:**

*My concerns are that the noise and disruption this massive project will cause has not been thoroughly studied, both the construction phase and the ultimate usage of this building, loading dock, parking and all the noise that will occur. This is definitely a SIGNIFICANT IMPACT on so many levels. Please address the issues stated below.*

*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,*

2

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.)

The Plan has placed the Performing Arts Center structure at the end of Linnet Avenue, 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: The building will be as close as about 50ft, from the nearest residential property boundary at the homes at the end of Linnet Avenue. The Performing Arts Building will have another attached building at the southerly end with a loading area. The DEIR does not provide a floor plan or description of this building, but it appears that it 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.

Performing arts buildings can generate significant levels of noise, particularly during evening hours. Theatrical production noise is mostly evident at the exterior by audience applause and cheers, theatrical music, whether live or pre-recorded, and by on-stage music productions. 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 more susceptible due to their lack of mass, air-space and inadequate seals.

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, car doors slamming, alarms going off accidentally, radios, loud music from cars will surely occur. And considering this PAC would be able to accommodate 450 people, that is a lot of noise disruption for a residential neighborhood, with homes so close by. Many people will be in their beds sleeping and this will be a terrible nuisance and even a health issue. If performances end at 10:00 pm there will be up to an hour before everyone vacates the building, finds their vehicles, say their good byes and drive off. Patrons should not be allowed to congregate on the south side the PAC either before or after events regardless of the time of day.

#### **From DEIR section 1.4.3 New Buildings-**

**They state that they may seek a new conditional use permit to allow community use of the performing arts center for non-school community sponsored events such as graduations for small schools or programs, recitals, neighborhood gatherings, functions of non profits. Allowed on the weekends.**

This is not what they said in every meeting with the planning commission. So now they are opening the proverbial door to lots of people using this facility. They don't stipulate a number. This is not fair to the neighbors. Is this going to be approved by the City of Oakland?

The loading dock activity for the PAC is of great concern. How often will there be deliveries? At what time of day or night? How will the trucks navigate the loop road? Will they just be backing up back on to Lincoln with the backup alarm blaring? During construction, this could be a huge noise disruption to the neighbors and community.

S-7

In this DEIR, it's stated that there will be a diesel engine emergency generator that will need to be tested periodically. What does that mean exactly? How often? How loud will the noise be?

S-8

#### **From the DEIR Appendices 8A-16B**

Residences adjoin the proposed location of the Loop Road to the southwest and are located as close as about 50 feet to the south and 70 feet to the northeast. The project proposes to construct a 6-foot high wall along the property line separating the Loop Road from these residences. Based on the information provided by Fehr & Peers, 385 student drop-offs and 385 pick-ups are anticipated to utilize the Loop Road each school day. Of these trips, approximately 343 would occur during the morning peak hour and 135 would occur during the afternoon peak hour.

S-9

There is NO mention of a sound wall. This is just a wooden fence? How will that mitigate sound whatsoever? 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. How can this be deemed not a SIGNIFICANT IMPACT if the date is not there to back it up? The TNM is not appropriate for school drop-offs and pick-ups. Actual noise date of drop-offs and pick-ups must be presented, which would include vehicles idling in queue, car doors closing or slamming, engines starting, people talking, radios playing, etc. Will there be a new study ordered?

#### **From DEIR Appendices 8A-16B**

Section 8.18.020, Persistent Noises a Nuisance: The persistent maintenance or emission of any noise or sound produced by human, animal or mechanical means, between the hours of nine p.m. and seven a.m., which, by reason of its raucous or nerve-racking nature, shall disturb the peace or comfort, or be injurious to the health of any person shall constitute a nuisance.

S-6

Failure to comply with the following provisions shall constitute a nuisance.

A. All construction equipment powered by internal combustion engines shall be properly muffled and maintained.

B. Unnecessary idling of internal combustion engines is prohibited.

C. All stationary noise-generating construction equipment such as tree grinders and air compressors are to be located as far as is practical from existing residences.

D. Quiet construction equipment, particularly air compressors, are to be selected whenever possible.

E. Use of pile drivers and jack hammers shall be prohibited on Sundays and holidays, except for emergencies and as approved in advance by the Building Official.

That is a lot of vagueness. Whenever possible? As is practical? Use of pile drivers and jack hammers shall be prohibited on Sundays and holidays except for emergencies. 6 days a week the neighbors will be subjected to relentless noise from construction. What about people who are in poor health and stay home in bed? What about people who work out of their home?

DEIR Pages 13-42 Daily Operational Noise

The conclusion that the daily operational noise impacts will be LESS THAN SIGNIFICANT is incorrect. The Illingsworth-Rodkin noise study concluded that some operational noise will be potentially significant. See the first paragraph on page 20 and the first paragraph on page 26 of the noise study. In addition, operations that indicate to be less than significant are likely to be significant when actual noise date are used in the analysis. This is a contradiction. How will this be handled? Who will add the necessary data?

Pages 14-42 to 13-44

The cumulative noise analysis was not included in the Illingsworth-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. How will this be fixed? Incomplete data is a big problem.

Since the daily operational noise generated by the project is a major environmental factor, 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 a evaluation against the CEQA criteria, as administered by the City of Oakland, be made.

5

Who made these the calculations? What are their qualifications? They were not disclosed.

How will this be taken care of? Please clarify.

## My Concerns and Questions about the Head Royce School Evacuation Plans From the DEIR

S-10

My first red flag concern is that the DEIR Evacuation Plan completely ignores the South Campus. How can that be possible? It focuses on the existing North Campus. I don't understand how HRS wants to do this massive expansion on the almost 8 acres of the South Campus and omit a detailed evacuation plan for this site. Can you address omission?

S-13

My second red flag regards the Preparer of DEIR evacuation plan, Mr. Steven Wong. He is based in Canada. That doesn't make sense. Why choose someone who is not local to this area?

S-11

From Steven Wong's evacuation plan recommendations: Memo: Evacuation Planning Recommendations for Head-Royce School

To: Scott Gregory, Lamphier-Gregory

From: Stephen Wong

Date: November 2, 2020

Recommendations:

1) Head-Royce is recommended to create a decision-making protocol within the evacuation plan that favors an evacuation action over a shelter-in-place action. The gymnasium should be a shelter-of-lastresort in the event of a catastrophic wildfire with little to no time to evacuate. It should be noted that long-range spotting can occur in high wind events, sparking new blazes beyond the fire front. Given these unpredictable circumstances, it is recommended that Head-Royce proceed with an evacuation of campus as soon as possible if a wildfire is detected.

S-12

2) Head-Royce is recommended to develop a mechanism to communicate directly with local officials including a way to talk with Incident Commanders without access to power. One option Head-Royce could

6

explore is the purchasing of a satellite radio that is compatible with Oakland emergency radios. In this way, Head-Royce could also be used for information gathering for the Oakland Emergency Management Services Division, the Oakland Police Department, and the Oakland Fire Department.

3) The evacuation plan is recommended to include a primary destination for an evacuation of campus. It is recommended that Head-Royce strongly consider the parking lot near Farmer Joe's and CVS Pharmacy.

This destination is recommended because it is located near multiple access points (i.e., Interstate 580, MacArthur Blvd., Fruitvale Blvd.) that will reduce congestion for parents during the reunification process.

Moreover, the major thoroughfares can provide access to AC Transit in the event that a second evacuation is necessary. It is also unlikely (but not improbable) that a wildfire would reach this destination. Ultimately, the evacuation location is deemed the safest location within a mile radius of campus from a wildfire and an easy location to travel to and from. Moreover, the location is downhill from the school and Lincoln Avenue has sidewalks on both sides of the street for a safe pedestrian evacuation.

4) Head-Royce is recommended to provide secondary options and routes for an evacuation in the event that the Farmer Joe's destination is inaccessible or blocked by a wildfire. Destination options include (but are not limited to): Sequoia Elementary School (on Lincoln Ave.); Bret Harte Middle School (on Coolidge Ave.); and Corpus Christi School (on Park Blvd.). Another option that should be considered is going uphill to the Oakland Temple and Ascension Cathedral which will likely serve as a staging point for firefighting operations. However, this should only be conducted with direct orders from local authorities (in particular fire or police), as this decision would likely move students closer to a wildfire event.

5) Routing and destination information is recommended to be added directly to the plan and

communicated with parents beforehand. As noted in the current evacuation plan, reunification on Lincoln Avenue would cause considerable congestion for both evacuees and emergency vehicles. A strong decision-making process and rationale within the plan will elevate parental concerns. Moreover, the school needs a mechanism to notify parents in the events of lost power and cell signal. Head-Royce is recommended to tell all parents to go directly to the Farmer Joe's parking lot first. Parents will then receive updates (if possible) to come up to campus if it is deemed safe to do so. Otherwise, students will be evacuating downhill and will reunify with their parents at the Farmer Joe's parking lot.

I am completely aghast at this evacuation plan that walks 1400 students, teachers, staff down Lincoln Avenue and go to the Farmer Joe's/CVS parking lots. That parking lot is full on an average day. The chaos would be monumental with all the HRS evacuees, and then directing the parents to come with their cars would be insane and dangerous. Clearly Mr. Wong is not from this neck of the woods. Please explain how this would work in real life in the middle of a wildfire or earthquake evacuation because I am extremely worried.

S-14

My 3<sup>d</sup> red flag is that in this DEIR evacuation plan, there is mention of the Mormon Temple, the Greek Orthodox Church, Ability Now, but not a mention of the hundreds of neighbors who would be evacuating at the same time as the school. If there is a wildfire or earthquake all of us living and/or working in the 2 lane Lincoln corridor would be rushing to get away from the danger. Can you explain this omission? If the Performing Arts Center is in full attendance with 450 people inside, that would be a huge problem in the midst of wildfire or earthquake evacuation. How would this be handled in the evacuation plan? Once again, no mention in the DEIR of the South Campus.

S-15

I am including much of the report that William Weisgerber, President of Weisgerber Consulting prepared in response to the evacuation plans in DEIR. His expertise is unquestionable. 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

S-16

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 26<sup>th</sup>.

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

It is worth noting that the 1991 East Bay Oakland Hills Firestorm (The Tunnel Fire) is both the 3<sup>rd</sup> deadliest, and 3<sup>rd</sup> most destructive fire in California history<sup>[11]</sup>. 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 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-Urbane 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.

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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.

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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)

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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.

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.

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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.<sup>[2]</sup>*
- *In an emergency mass evacuation scenario, when hundreds of people (in the case of HRS, many between the ages of 5-11) are escaping a dangerous situation, the*

*current HRS emergency exit plan only serves to exacerbate the seriousness of the danger to human life. For this case-in-point, a picture is worth a thousand words (see: unedited KTVU/Fox news footage of 1991 Oakland East Bay Hills Firestorm, evacuation here: <https://www.youtube.com/watch?v=NseOhUqZAh0>)*

*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.*

*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.*

*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?*

*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, ages 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.*

*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 its 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 Days<sup>[2]</sup> (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 SEMS<sup>41</sup> 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.
- 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.

I am soundly advocating for a new improved Evacuation Plan that takes all of William Weisberger’s well thought out responses in full consideration. I would not rely on the plan in the DEIR that Stephen Wong has prepared as it is so seriously flawed. Public safety is at stake. And as someone living so close to the South Campus, I am clearly part of the public.

S-17

13 CalFire Stats and Events

- Top 20 Most Destructive California Fires:  
[https://www.fire.ca.gov/media/t1rdhizr/top20\\_destruction.pdf](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](https://www.fire.ca.gov/media/lbfd0m2f/top20_deadliest.pdf)

[2] "...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/>

[3] 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/>

[4] 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>

Thank you very much for your serious attention to this most important letter of concerns and questions about the DEIR.

Respectfully,  
Donna Egan

I am including this letter that I wrote to the Oakland Planning Commission for the hearing on banning ADUs in VHFHSZ zone.

**From:** Tom Limon <tlimon.opc@gmail.com>  
**Sent:** Sunday, May 30, 2021 10:43 AM  
**To:** Payne, Catherine; rfilipau@oaklandca.gov

24

**Cc:** egandonna@hotmail.com

**Subject:** Fwd: Hearing Re: Proposed Amendments to Oakland Planning Code Regulations for ADUs in VHFHSZ

Thank you for your comment.

Catherine & Ruslan: Please include the email below in the public record for Item 2.

Tom Limon

----- Forwarded message -----

**From:** **Donna Egan** <[egandonna@hotmail.com](mailto:egandonna@hotmail.com)>

**Date:** Wed, May 26, 2021 at 1:10 PM

**Subject:** Hearing Re: Proposed Amendments to Oakland Planning Code Regulations for ADUs in VHFHSZ

To: [amandalmonchamp@gmail.com](mailto:amandalmonchamp@gmail.com) <[amandalmonchamp@gmail.com](mailto:amandalmonchamp@gmail.com)>, [cmanusopc@gmail.com](mailto:cmanusopc@gmail.com) <[cmanusopc@gmail.com](mailto:cmanusopc@gmail.com)>, [lraylynch@yahoo.com](mailto:lraylynch@yahoo.com) <[lraylynch@yahoo.com](mailto:lraylynch@yahoo.com)>, [tlimon.opc@gmail.com](mailto:tlimon.opc@gmail.com) <[tlimon.opc@gmail.com](mailto:tlimon.opc@gmail.com)>, [NHegdeOPC@gmail.com](mailto:NHegdeOPC@gmail.com) <[NHegdeOPC@gmail.com](mailto:NHegdeOPC@gmail.com)>, [jfearnopc@gmail.com](mailto:jfearnopc@gmail.com) <[jfearnopc@gmail.com](mailto:jfearnopc@gmail.com)>, [SShiraziOPC@gmail.com](mailto:SShiraziOPC@gmail.com) <[SShiraziOPC@gmail.com](mailto:SShiraziOPC@gmail.com)>

Hello Planning Commision

My name is Donna Egan and I own my home at 4215 Linnet Ave. Oakland 94602. I have lived here for 10 years. I received the postcard about the upcoming public hearing . I am not sure that my home is really in the very High Fire Hazard Severity Zone. I am trying to ascertain if it is, but I know I am adjacent to it.

I am surprised and dismayed that the City's planning commission is focusing on this issue instead of the very important, critical and overwhelming issue that is Head Royce School planning an enormous expansion of their South Campus. The gate into the 8 acres is at the end of my dead end street a few hundred feet away.

To target homeowners who need to build a granny flat, and not this public safety emergency waiting to happen with HRS seems absurd to me. Both of their campuses are in the "Very High Fire Hazard Severity Zone. Count

the students enrolled, the teachers, the staff, the sports events, extra curricular activities, the cars, the busses, and everything else and this is clearly a much bigger problem than homeowners who want to comply with all fire regulations, vegetation management and are willing to work with the City but want to be able to build an ADU for numerous reasons.

I am sure you are familiar with the plans for the HRS expansion. It includes a 450 seat performing art center directly behind the gate of Linnet Avenue, buildings taken down, new buildings built, trees, shrubbery taken down. They propose a new loop road, tunneling under Lincoln to build a pedestrian tunnel between the 2 campuses. Drainage issues are very concerning. We are still waiting on the EIR that has been delayed. Adding more than four hundred new students, plus staff, faculty, etc. in this neighborhood is more than dangerous to public safety given the new realities of fire, draught and water rationing .Not to mention Earthquakes. We are on a fault line.

Talk about traffic, choke points, and emergency evacuations with 2 campuses, Mormon Temple, Greek Orthodox Temple, Ability Now, Sequoyah Elementary school, and the residents of narrow streets all around this area trying to evacuate safely seems impossible to the people who live in this area. Lincoln corridor is 2 lanes between the 13 and 580. It cannot sustain a massive evacuation as things stand now, let alone with this massive proposed expansion. How would emergency vehicles be able to navigate?

I am including links to the websites of the Neighborhood Steering Committee as well as HRS Master Plan.

Please refresh your understanding of what is at stake.

Here is this comment from a neighbor on Lincoln Avenue.

Forwarding you a copy of a notice I received in the mail today from the Oakland Planning & Building Dept.. As you recently noted, all of HRS's property is within the very high fire hazard severity zone (VHFHSZ). I like the wording on the attached notice about the "prohibition of all new ADUs within the VHFHSZ to prevent significantly exacerbating the already existing choke points, road congestion, and limits in access of public safety vehicles along emergency evacuation routes in the event of a wildfire". Sounds very familiar to what the NSC has been saying for years regarding traffic congestion caused by HRS. What irks me is that the focus of the proposed Oakland planning code amendment is specific to ADUs (e.g.

"in law" type dwellings) given that the proposed HRS expansion would be exponentially more impactful than ADUs. It makes no sense to exclusively target limiting development on residential properties.

I hope you can convey to your colleagues on this commission how acute my concern and that of our surrounding neighborhoods is. On a personal note, a few years ago I found out that Head Royce School south campus was not in compliance with Oakland Fire and Vegetation Management. They had stopped watering consistently to save money and put everyone and everything around it in jeopardy. I spoke to Vince Crudele who immediately sent inspectors and informed HRS of violations.

Thank you for reading this and taking it under consideration.

Respectfully yours,  
Donna Egan

<https://www.headroycensc.org/>



#### [Neighborhood Steering Committee | Head-Royce School Issues Resolution Group](#)

The Neighborhood Steering Committee (NSC) is a grassroots group of neighbors who volunteer their time, skills, and desire to help resolve issues resulting from the operations and activities of Head-Royce School (HRS).

[www.headroycensc.org](http://www.headroycensc.org)

<https://www.headroyce.org/about-us/master-plan>

#### [Our Master Plan - Head-Royce](#)

4315 Lincoln Avenue Oakland, California 94602 phone (510) 531-1300 fax (510) 531-2649

[www.headroyce.org](http://www.headroyce.org)

From The Oakanside

## **Proposed ban on backyard cottages in the Oakland hills moves forward**

The Oakland Planning Commission approved a controversial policy limiting the construction of ADUs in the hills, hoping to ease evacuation during fires.



by [Natalie Orenstein](#) September 16, 2021



City planners and firefighters want to reduce density in the Oakland hills, where narrow roads can lead to congestion during fire evacuation.

Credit: Amir Aziz

The Oakland City Council will consider a controversial ban on building backyard cottages in the fire-prone hills, but the proposal doesn't go as far as city planners and firefighters initially wanted it to.

**Be prepared:** Check out our [wildfire safety guide](#).

On Wednesday, the Oakland Planning Commission unanimously approved a [proposal](#) that would prohibit the construction of most accessory dwelling units, or ADUs, in areas of the hills considered most at risk of fire. ADUs include cottages, in-law units, and other apartments built as an addition to, or nearby, a main house. The proposal, which makes its way to the City Council next, would allow only one "internal" ADU—like a basement apartment—at each property in the designated area, but does not allow for any detached structures or additions.

The policy scales down an original proposal that would have applied to a wider swath of the hills and restricted all types of ADUs.

Over the summer, the Oakland Fire Department and Planning Department asked for an [all-out ban on new ADUs](#) across the state-designated "Very High Fire Hazard Severity Zone." In Oakland, that's basically the entire hills area, where highly flammable trees and narrow, winding roads combine with dry, windy conditions in the summer and fall to create an extreme fire hazard.

Oakland fire and planning officials are concerned that if more ADUs are built in these areas, there will be more residents fleeing fires, increasing the risk of deadly traffic jams and obstructing emergency vehicles.

"We recently saw that in the South Lake Tahoe area with the Caldor Fire," said Deputy Fire Chief Nicholas Luby at Wednesday's meeting. "That was a planned evacuation, and still, the fire service ran into very difficult situations trying to evacuate a large number of people through limited infrastructure."

Some ADU construction has been limited in portions of the hills since 2017, in areas where streets are narrower than 20 feet. This only covers a small piece of the fire-hazard zone, however, where ADU construction has largely been able to move forward. Out of the 860 building permits taken out for ADUs since 2018 in Oakland, 100 were located in the fire-hazard zone,

according to city staff. The entire fire-hazard zone includes about 19,000 residential properties.

In June, a Planning Commission [meeting on the ADU ban](#) drew 50 speakers who mostly criticized the prohibition, saying the proposal covered too wide of an area, including streets where congestion is less of a concern. Many homeowners said they planned to build an ADU to house an aging relative or to bring in rental income during retirement. They questioned the logic of banning ADUs but not larger homes that could come with more people and cars.

California and local governments like Oakland have, in recent years, promoted ADUs as a quicker, cheaper way to alleviate housing shortages. Some critics of the suggested hills ban said it lets the Oakland hills—a largely affluent and predominantly white area—off the hook in helping address the housing crisis.

After hearing the concerns raised at the June meeting, the Planning Commission asked staff to come back with a more “surgical” proposal, identifying more specific areas of concern, instead of a blanket ban through the entire hills.

The proposal presented Wednesday reduces the affected area, no longer covering the whole Very High Fire Hazard Severity Zone, but only the parts where streets are narrower than 26 feet, which is the current minimum requirement for street width in Oakland. That area includes about 12,000 properties, instead of 19,000. Staff presented two options for that 12,000-property area: banning ADUs fully, or limiting construction to one internal apartment at each house.

Commissioners seemed to favor the latter option because it still allows some ADUs, alleviating some of the concerns about a ban.

 The light pink shows the area of the hills where most ADU construction is already prohibited. The darker pink shows the expanded area where most ADUs would be prohibited under the current proposal. The full colored portion at the top of the map displays the entire Very High Fire Hazard Severity Zone. Credit: City of Oakland

“With the way fire activity...is presenting itself with climate change, the fire department still feels the best option is to limit increased occupancy within the threat zone,” said Luby, the deputy fire chief. But he acknowledged the need to build more housing throughout Oakland, and said OFD is comfortable with the scaled-down ban.

Commissioners repeatedly praised OFD and planners for juggling the competing interests of public safety, housing needs, and equity concerns. They approved the proposed legislation, but didn’t fully endorse a piece of the proposal that would require certain homeowners and developers to add

fire sprinklers to the entire property when building a new internal ADU. They also asked the City Council to consider an exemption process if an ADU applicant has a medical need for an ADU, or if they can prove their project would not impede evacuation, for example by leaving a clear route out of the property.

One of the 15 or so public speakers Wednesday said they’ve been counting on the opportunity to build an ADU for both rental income and to potentially house a caretaker down the line.

“I never knew I was in the Oakland hills—I thought I was in upper Laurel,” said Trudy Martin. “As a low-income civil rights attorney, I don’t have a lot of assets to rely on for my retirement. A health condition left me disabled and I retired from my law practice. Now the prospect of an ADU is the only thing that stands between me and having to leave the area.”

Commissioner Sahar Shirazi was perhaps the most skeptical of the ban, saying it may “conflate two different issues,” limiting housing units in an affluent area, but not necessarily addressing the root issue of too many cars and poor transportation infrastructure.

Others said ADU tenants will almost definitely come with cars and increase fire hazards.

“I don’t think any of us wants to stop the production of housing units,” said Commissioner Vince Sugrue. But “public transit is really not a significant option if you live in the hills. It’s not really a walkable community, and you have invasive eucalyptus that can just move fire so quickly.”

The hills proposal is part of a [package of ADU policy updates](#) passed onto the City Council by the commission Wednesday. Most of the other changes are intended to bring Oakland into compliance with state laws making it easier to build ADUs throughout the city.

**Response to Comment Letter S - Egan, Donna, December 20, 2021**

This comment letter includes portions of Comment Letter B-2 from Mr. Weisgerber, and recites the same or similar comments from Comment Letter B-4 from Pack Associates. The following responses to comments in Letter S that are the same or similar to comments in Letters B-2 and B-4 therefore refer the reader to those responses to Letters B-2 and B-4.

**Response to Comment S-1:**

Use of the Project's Commons area for Special Events is limited to school graduation ceremonies and school promotion events. The School's largest such event is upper school graduation, held in midday during a single weekend each June. Approximately 800 to 1,000 people are anticipated to attend future upper school graduations. Noise from these graduation events would include amplified speech through a public address (PA) system, as well as crowd noise for the attendees. Full analysis of these Special Events is addressed in the EIR, beginning at page 13-30.

**Response to Comment S-2:**

Please see Master Response to Comments on Noise, specifically the responses pertaining to Ambient Noise Conditions, and CEQA Noise Thresholds. Noise modeling was conducted using the SoundPLAN model. The parameters for each operational noise source are identified.

**Response to Comment S-3:**

Please see Response to Comment B2-15, which responds to the very same comment by Pack Associates in their independent review of the noise analysis of the Draft EIR on behalf of the Neighborhood Steering Committee.

**Response to Comment S-4:**

Please see Response to Comment B2-16, which responds to the very same comment by Pack Associates in their independent review of the noise analysis of the Draft EIR on behalf of the Neighborhood Steering Committee.

**Response to Comment S-5:**

Please see Responses to Comment B2-11 and B2-18, which responds to similar comments by Pack Associates in their independent review of the noise analysis of the Draft EIR on behalf of the Neighborhood Steering Committee.

Please see Master Response to Noise Comments, specifically the section regarding Loading Dock Noise. As explained in the Master Response, the original modeling of the loading dock had been incorrectly based on a commercial type loading dock, rather than the small, non-commercial loading dock using smaller vehicles (26-foot trucks and pickup trucks) as proposed by the Project. The modeling was recalibrated to the corrected noise source levels, the results of that corrected noise model were provided to the EIR consultant, and these corrected results were presented in the Draft EIR's Table 13-10 and Figure 13-5, which a conclusion of less than significant impact. No mitigations are warranted. As a further response to this specific issue, the School has proposed a modification to the Project that would remove the loading dock at the proposed Performing Arts Center building, given the relatively limited need for hauling large materials in and out of the building. No impacts related to a loading dock would occur under this modified Project.

The technical Noise Report also identified that noise from evening events at the Performing Arts Center could be fully addressed by requiring that events are completed by 9:00 pm, with all post event gatherings, event traffic, and exterior clean-up activities completed by 10:00 pm. This is consistent with the use of the Performing Arts Center as proposed.

**Response to Comment S-6:**

Please see Master Response to Comments on Community Use of the Performing Arts Center. No community use of this building is proposed.

**Response to Comment S-7:**

Please see Master Response to Noise Comments, specifically the section regarding Loading Dock Noise.

**Response to Comment S-8:**

As noted in the Air Quality chapter of the Draft EIR (page 5-5), the Air District's New Source Review Regulation 9-8-110 establishes limitations on the hours of operation for reliability-related operation (maintenance and testing) of emergency generators. The Project's emergency generator engines will not operate more than 50 hours per year, which will satisfy the requirements of 9-8-111.

**Response to Comment S-9:**

Please see Responses to Comments B2-18 and B2-29 on noise attributed to the Loop Road and parking lots.

The Project does propose to construct a 6-foot high wall along the property line separating the Loop Road from adjacent residences. Assuming the 6-foot height of the wall is relative to the ground elevation of the Loop Road, the wall would be anticipated to provide 5 to 6 dBA of additional noise reduction (relative to the noise levels presented in the Draft EIR) to the adjacent shielded residences.

**Response to Comment S-10:**

These City Municipal Code requirements have been clarified pursuant to City of Oakland Standard Conditions of Approval (SCAs), including SCA Noise-1, Construction Days/Hours, whereby any construction project (including work at Head-Royce) shall comply with the following restrictions concerning construction days and hours:

1. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.
2. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.
3. No construction is allowed on Sunday or federal holidays.

**Response to Comment S-11:**

Please see Responses to Comments B-23 regarding apparent inconsistencies between significance findings related to loading dock noise.

**Response to Comment S-12:**

Please see Responses to Comments B-29 and B2-30 related to cumulative noise.

**Response to Comment S-13:**

Please see Master Response to Comments on Emergency Evacuation. The Emergency Evacuation analysis and recommendations included in the Draft EIR are intended to apply to the entire School, not just to the North Campus or the proposed new south Campus. Certain recommendations regarding pedestrian access are specific to the North Campus, but no such access constraints are found on the proposed South Campus.

Please also see Master Response to Comments on Emergency Evacuation, and specifically the section on Adequate Expert Analysis as pertaining to Dr. Wong's expertise and experience. Dr. Wong is a local expert in

the field of fire hazards and evacuation planning. He is a highly published researcher and author of evacuation behavior, was a Doctoral Candidate at UC Berkeley at the time he conducted his analysis, and is now serving as an Assistant Professor at the University of Alberta, Canada in the Department of Civil and Environmental Engineering.

**Response to Comment S-14:**

Please see Master Response to Comments on Emergency Evacuation, and specifically the section on Evacuation Planning as Reasonable and Feasible Mitigation.

As addressed in response to Comment B3-19, the Evacuation Planning Recommendations report (Appendix 16B) highlights the infeasibility of the School's current shelter-in-place strategy, then evaluates several evacuation mode options, and concludes that a pedestrian evacuation is likely to be faster than other types of evacuations in most situations, given that most students do not have access to a vehicle. Comment B3-19 from Mr. Weisgerber generally agrees with this conclusion.

In an emergency evacuation condition, it can be assumed that widespread chaos would be monumental. An organized and effective pedestrian evacuation plan for the School, as recommended, would limit the School's contribution to this chaos. It can also be assumed that an emergency evacuation condition would not be an "average day" at the Farmer Joe's parking lot.

**Response to Comment S-15:**

Please see Master Response to Comments on Emergency Evacuation, and specifically the section on Exacerbation of Evacuation Congestion.

**Response to Comment S-16:**

Please see responses to all of Mr. Weisgerber's comments in Responses to Comment Letter B-3

**Response to Comment S-17:**

Please see Master Response to Comments on Emergency Evacuation, and specifically the section on Advancement of Greater Detail and Other Recommended Mitigation Measures.

## **Letter T - Eggert, Sylvia, December 18, 2021**

---

**From:** Sylvia Flores Eggert <sylfloegg@gmail.com>  
**Sent:** Saturday, December 18, 2021 9:08 PM  
**To:** Brown, Courtney  
**Subject:** Head Royce School Planned Unit Development Permit Project DEIR Comments

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Ms. Brown,

I am a resident at 3334 Rubin Drive and use Joaquin Miller to Monterey to get to work. The current traffic to Head Royce dangerously clogs up the Joaquin Miller/Mountain/Hwy 13 intersection. I am concerned that the expansion of Head Royce will bring many, many more cars to the area. I recommend a City Planner sit at this intersection on a school day from 7:45- 8:45 am to be a personal witness to the chaos that Head Royce currently causes.

T-1

Sylvia Flores Eggert  
Sent from my iPad

**Response to Comment Letter T - Eggert, Sylvia, December 18, 2021**

**Response to Comment T-1:**

Please see Master Response to Comments on Traffic Congestion and CEQA.

**Letter U - Fogelman, Arthur, December 02, 2021**

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**From:** ajfinoak <ajfinoak@gmail.com>  
**Sent:** Thursday, December 02, 2021 12:12 PM  
**To:** Brown, Courtney  
**Cc:** Steve  
**Subject:** Fwd: Head Royce School Planned Unit Development Permit Project DEIR Comments:  
South Campus Playfield

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The DEIR for the Head Royce School Expansion Project:

SOUTH CAMPUS PLAYFIELD CONCERNS

> Page 3-36 of the Head Royce School Planned Unit Development Project Draft EIR States, "the existing playfield at the base of the South campus would be regraded and repositioned to continue to be used for recreational purposes including athletic practices, recess and informal play".

>  
> What are the conditions and restrictions that will exist for use of this field?

> While this may have been a play field with the previous school at some point the census of that school was minimal by comparison and use was very infrequent if at all. The increase in activities, students and hours of use will significantly impact the adjacent neighbors on both sides of Charleston Street and beyond.

>  
> Page 17-7 States, "All potential adverse physical effects on the environment attributed to the improvement and increased use of the playfield are fully addressed in the EIR as part of this project".  
> In my reading and rereading of the lengthy DEIR I do not see any specific reference to how the impact of changes in the use of this play field will be sufficiently mitigated for the surrounding neighborhood. Residential homes directly abut the playfield and noise will certainly travel throughout the surrounding streets and homes. Solely stating that the playfield will be "re-graded and repositioned to continue to be used for recreational purposes . . ." when it has rarely been used for many years tells the surrounding community little.

>  
> Your clarification and comments are certainly requested.  
>  
> Thank you,  
> Arthur Fogelman and Steve Rankin  
> 2580 Charleston Street,  
> Oakland, CA 94602

U-1

Sent from my iPad

**Response to Comment Letter U - Fogelman, Arthur, December 02, 2021****Response to Comment U-1:**

As Described in the Draft EIR Project Description (page 3-11), “a small grass play field measuring approximately 68 feet by 138 feet exists on the lower (southerly) portion of the proposed South Campus’ property line.” This existing play field at the base of the proposed South Campus would be re-graded and repositioned to continue to be used for recreational purposes including athletic practices, recess and informal play.

The Draft EIR and its accompanying technical Noise Study (Appendix 13A) clearly describe that recess activity at this field is expected to involve an average of 30 and no more than 40 students on the recess field at a time, with up to four adults/teachers. Five one-hour recess periods are assumed per day, during the school hours (8:30 am to 3:30 pm). Based on noise monitoring conducted by the EIR noise consultant at other schools in the Bay Area, a noise level of 59 dBA at a distance of 50 feet from the center of activities was assumed for recess activities. Noise modeling in SoundPLAN was used to calculate noise levels generated by recess activities at the nearest sensitive receptors (adjacent residences). Resulting noise levels are summarized in DEIR Table 13-9. This table shows that the highest noise levels from recess activities as heard at residences along Charleston Street would be 48 dBA L33 versus the applicable threshold of 55 dBA L33, 49 dBA L17 versus the applicable threshold of 60 dBA L17, and 60 dBA Lmax versus the applicable threshold of 75 dBA Lmax. The City standards derived from the Noise Ordinance were used as these threshold levels, and were conservatively adjusted down by 5 dBA to account for the speech content of the activity (i.e., a more sensitive threshold for this type of noise source). As indicated in Table 13-9 and shown on Figure 13-5, noise generated by recess activities is not expected to exceed the applicable thresholds at any adjacent residences, and this impact would not be significant.

**Letter V - Gaudet, Lois, December 19, 2021**

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**From:** lois gaudet <email.lois@gmail.com>  
**Sent:** Sunday, December 19, 2021 9:06 AM  
**To:** Brown, Courtney  
**Subject:** What traffic studies have been done?

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I live at 4725 Lincoln Av, Oakland 94602. I am not opposed to the school expansion. I am however very, very concerned. Today, without the expansion, there are times when I can not exit or enter(without impeding traffic behind me) my own driveway. Myself, and the other homes on long private drive are at the mercy of drivers on Lincoln to allow us to exit or enter. Sometimes they do, sometimes they don't. While there certainly can't be a stop sign or signal to accommodate a few houses, this should be assessed by a robust traffic impact study.

V-1

Everything that can be done, should be done to reduce traffic, not increase it. The turn around and drop offs should be done off site, not at the curb on a high traffic street. The school is an asset to Oakland, but there are many homeowners who will pay the price of poor design.

V-2

Lois Gaudet

Typos courtesy of spellcheck.

> "Whether you think you can or you think you can't, you're right" — Henry Ford

**Response to Comment Letter V - Gaudet, Lois, December 19, 2021**

**Response to Comment V-1:**

Please see Master Response to Comments on Traffic Congestion, specifically the response pertaining to Traffic Congestion and CEQA, and the separate non-CEQA Transportation Impact Review.

**Response to Comment V-2:**

Please see Master Response to Comments on the Loop Road Design, Potential Impacts and Intended Operations, specifically the section on Changes in the Drop-off and Pick-up Procedures. This section describes how drop-off and pick-up would no longer occur on Lincoln Avenue, but instead would be accommodated within the proposed South Campus property.

**Letter W - Gieleghem, Lori Leigh and Tiede, Gregory, December 20, 2021**

**From:** Lori Leigh Gieleghem & Gregory Tiede <lgbt@earthlink.net>  
**Sent:** Monday, December 20, 2021 9:55 AM  
**To:** Brown, Courtney  
**Subject:** Head Royce School Planned Unit Development Permit Project DEIR Comments

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December 19, 2021

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

RE: Head-Royce School Planned Unit Development Project DEIR Comments

Dear Ms. Brown:

The shutdown of Head Royce School's ("HRS") campus and the suspension of the summer program during the pandemic was a revelation. The ensuing reasonable calm of the residential streets surrounding the school, and the smooth operation of cars on the major thoroughfare of Lincoln Avenue demonstrated how much noise and disruption HRS's regular operations impose on the neighborhood.

Now that school is back in session, this neighborhood once again is subject to reckless drivers, gridlock, scofflaws, persistent traffic congestion, trash, and noise. The proposed South Campus construction (including a tunnel under Lincoln Avenue, a 450-seat performing arts center, multiple outdoor classrooms, and an open-air amphitheater) will tear up the neighborhood for several years. What is worse is the permanent long-term harm HRS's completed expansion of its campus and its student enrollment will cause to lives of the homeowners and renters who live here.

Further, the misuse of data and incompleteness of HRS's latest Draft Environmental Impact Report ("DEIR") belies the credibility of its conclusion of no significant effects upon the surrounding residential neighborhood from the school's proposed increase in enrollment. This letter addresses primarily the effects of the proposed expansion upon traffic congestion and noise, based upon our own observations from many years living near HRS. However, as noted in other letters you will receive, the expansion will cause a number of other significant and ruinous effects, including environmental degradation, elimination of architecturally significant buildings, and destruction of trees and wildlife habitats.

1

W-1

Also, HRS is located in an area designated by CalFire as a Very High Fire Hazard Severity Zone ("VHFHSZ"), and very close to a major earthquake fault. HRS's planned expansion and increase in student and staff population exacerbates an already looming problem: what, exactly is the school's plan to evacuate in the case of an emergency? And how does it plan to accomplish this while the rest of the neighbors, not just HRS staff and students, also are trying to flee? In particular, there is no mention whatsoever of any plans for coordinating the school's emergency evacuation with the surrounding neighborhood in the case of a wildfire in the hills, when every single person in danger will depend upon Lincoln Avenue as a major escape route. The DEIR minimizes, and in some cases, completely ignores this terrifying scenario.

W-2

**Present and Prospective Traffic Disruption:**

For many years up to the present day, HRS has been unable to manage its existing traffic. Its planned 37% population increase will aggravate the already severely congested and dangerous traffic conditions. HRS has failed to comply with its existing Conditional Use Permit, which has never been adequately enforced. This lack of enforcement already has contributed to the current gridlocked traffic conditions. For example, on Friday, December 17, the usual morning drop off of students resulted in the usual backups on both sides of Lincoln Avenue. This was followed a few hours later by more gridlock at noon. It took neighborhood motorists 20 minutes to half an hour to get to Highway 13 from a few blocks away on Whittle Avenue and Alida Street. On the return trip, attempts to avoid this traffic by taking Monterey Boulevard were thwarted by the HRS traffic that clogged Monterey; parent drivers were trying to avoid the very traffic they were creating. How does HRS propose to mitigate the current gridlocked traffic that it already causes twice a day?

W-3

The increased traffic from the school's desired expansion will exponentially worsen an already untenable situation. The DEIR's conclusion that the expansion would cause "less than significant" traffic impacts is ludicrous.

Neighborhood roads can't accommodate a 37% increase - an additional 387 students and faculty - to the school's current population. Lincoln Avenue during HRS's student pickup and drop-off times is chaotic, dangerous, and beyond HRS personnel's ability to control it. The additional traffic generated by increased enrollment is inconsistent with the residential zoning and character of this neighborhood and will exacerbate already overburdened road conditions. How does HRS propose to mitigate the increased vehicular congestion associated with more students?

W-4

Also, while HRS plans to expand its population by 37 percent, the proposed on-site parking supply would only increase by 22 percent. The DEIR doesn't address future parking needs that will arise with an increase in faculty, staff, and students. Currently, HRS faculty and staff (and some students) park their vehicles along Lincoln Avenue the entire day. Parent vehicles clog Lincoln Avenue twice a day, for about 45 minutes in the morning and in the afternoon. The parking along Lincoln eliminates the space necessary for emergency vehicles, should they be needed. There simply isn't room for these vehicles to pass. What is HRS's plan for emergency vehicle access?

W-4

Neighbors have repeatedly observed over the years that Head-Royce drivers favor speed and convenience over compliance with driving rules. This will only worsen with more students and a larger campus. How does HRS propose to enforce compliance with its own driving rules?

W-5

For over the 20 years we've been observing the traffic in this neighborhood, HRS has failed to secure compliance from its parent drivers, who routinely flout their own "Big 10 Traffic Rules." Moreover, HRS has proven singularly unable - or unwilling - to enforce these rules. Drivers routinely ignore posted traffic laws prohibiting U-turns, speeding, and reckless driving. They fling open their car doors

2

or cut suddenly into on-coming traffic. The so-called "monitors" have no authority to intervene. The majority of the hired monitors who occasionally sit at the street corners spend their time absorbed on their cell phones. Multiple written complaints to HRS's Mary Fahey (many of which include the license plate numbers of the violators, including repeat offenders), have not reduced the problem in the slightest. In fact, parent drivers in recent years have added abusive oaths and obscene gestures to their vehicular malfeasance. How does HRS propose to enforce compliance with its own driving rules, especially when it has the license plate numbers and vehicle descriptions of parent drivers who ignore these rules, including many who – by Ms. Fahey's own admission - are repeat offenders?

This daily noncompliance, extending back over at least two decades, is a strong indicator that parent drivers will not use a backed-up internal loop road if there is a more convenient, expedient alternative. How will HRS enforce the use of the loop road for pick-ups and drop-offs?

#### Present and Prospective Noise from HRS:

On Alida Street where it intersects with Rhoda Street, sports noise is audible - and frequently very loud - from the North Campus field year-round, both during the regular school year and whenever summer sessions occur. Every time sports practice events take place outdoors, we hear students screaming, coaches yelling, and whistles blowing. We hear it both outside and inside our house, which has double-paned windows throughout. The same is true for other outside events, not just sports.

Since HRS began using the Ability Now ("AB") fields for sports practice, we hear that noise, too: screaming, yelling, whistles. Thus, the sports noise has doubled with the addition of one single field on the south side of Lincoln. The South Campus will contain several more outdoor venues than a single playing field. These venues will be employed for performances, graduations, assemblies, and other events besides sports practice. Many of these outdoor venues propose to employ electric amplification. What does HRS plan to do to mitigate this noise?

For example, at a partially-outdoor HRS event that occurred on a Saturday evening in early November, amplified noise was clearly audible for hours. This event was located on the as-yet acoustically undeveloped South Campus. The noise will only increase when events are scheduled for the proposed outdoor amphitheater. What does HRS plan to do to mitigate this noise?

The function of an amphitheater is to amplify. None of the so-called mitigation efforts mentioned in the DEIR address that fact. The "mitigation efforts" in the report are heavy on speculation about what these proposed efforts "should" accomplish, but short on evidence that these efforts actually will work. And once the South Campus is built, the surrounding residents are stuck with the increase in decibels. What does HRS plan to do to mitigate this noise?

Traffic noise associated with HRS is a continuing problem up and down Lincoln, especially during the school's morning and afternoon drop-offs and pick-ups. There is also noise associated with the school's frequent evening events, and with traffic from after-school sports, practices, and rehearsals.

Traffic noise occurs not only up and down Lincoln, but also into the surrounding streets where there is a constant flow of HRS-related vehicular traffic. This traffic - already disruptive - has only increased since the pandemic, because parents are driving more, and using the buses less. With more vehicles on Lincoln, students are now walking farther into the neighborhood for drop-off and pick-up. For example, several parents now routinely pick up their teenagers on the corner of Rhoda and Alida. Pre-pandemic, this never happened. Vehicle pick-ups are supposed to take place at the school entrance, in the queue. Why is HRS allowing this continued violation of its own rules?

The South Campus's planned outdoor classrooms, a quad/commons, and the amphitheater will extend and amplify the normal sounds of a school day with its passing periods, breaks, recesses, and outdoor lunchtimes. Outdoor classrooms will require teachers either to raise their voices, or to employ electronic amplification to be heard. As a teacher, I speak from experience: when classes are held outside, voice volume of both teachers and students increase. Thus, the South Campus will add even more noisy disruption to the surrounding neighborhoods. What does HRS plan to do to mitigate this noise?

With more students and the build-outs on the South Campus, traffic noise will increase up and down Lincoln. Noise also will increase into the surrounding streets where the constant flow of HRS-related vehicular traffic will worsen. The loop road is not adequate to address this, and will take the noise (and pollution) literally into the backyards of many neighbors. What does HRS plan to do to mitigate this noise?

W-8

The noise from early-morning deliveries for HRS's North Campus from supply trucks are already a problem on Whittle. That problem can only increase with deliveries being made for the South Campus, especially if those trucks use the planned "loop road," which abuts residences. What does HRS plan to do to mitigate this noise?

In addition, noise from HRS's use of trucks will now increase from just school supplies and food services on the North Campus to the various institutional needs of the South Campus. This includes the planned additional entertainment and assembly complexes. The load-ins and load-outs from the various performance-related events at the performing arts center alone - which will abut residential dwellings - will generate considerable noise. What does HRS plan to do to mitigate this noise?

W-9

For example, the planned performing arts center ("PAC") planned for the end of Linnet Court is a 16,000 square foot, 32-feet high structure. It will loom over the neighborhood residences. As a 450-seat venue, it will add notable vehicle traffic and parking congestion. With the venue at capacity, audience vehicles alone will easily reach at least 250 cars per performance, assuming 2 passengers per car). Noise from evening performances - doors slamming, people conversing as they enter and leave the structure, and car alarms activated (accidentally or with security key fobs) are to be expected, as these disruptions are inevitable with PACs. This noise will continue long after the audience and performers have dispersed,. Clean-ups and load-outs occur after evening shows, which typically conclude at 10:00 pm. Clearly, this is an unacceptable level of nighttime noise pollution for a residential neighborhood. What does HRS plan to do to mitigate this noise?

W-10

And all this assumes these are performances associated with the school's students, over whom HRS has some control and can predict the types of audiences attracted to these presentations. To open up the PAC to outside groups opens up an entirely bigger set of problems. Who will determine the sorts of performances that are acceptable for a residential neighborhood? Lincoln Highlands is not an entertainment zone like downtown Oakland or Berkeley's theater districts. And will these performances attract patrons who use drugs and alcohol to enhance their experience? Whether or not HRS plans to rent to groups who sell alcohol, how will the behaviors of audiences who supply their own beverages be addressed, if they become unruly and unleash their reckless actions on residents?

W-11

The noise from the construction of the South Campus will be immensely disruptive, and even dangerous. The South Campus project will occur in a residential neighborhood, and along a major thoroughfare and evacuation route. Eight building demolitions, a dozen building constructions, trees felled, the creation of an internal road, and a subterranean tunnel under Lincoln Avenue will involve massive amounts of excavation, re-grading, and construction. The noise and disruption associated

with the construction alone will drag on for over three years, assuming HRS's predicted schedule is accurate. What does HRS plan to do to mitigate this construction noise, which, according to its own estimates, will extend over three years?

And that schedule for the South Campus construction is at best optimistic, if not fanciful. Note that the North Campus field reconstruction (a far less complicated project) has already exceeded its proposed schedule. The additional traffic generated by that comparatively minor project has caused delays and disruption along Lincoln for months because of heavy equipment trundling in and out of the site. Cars back up in both lanes of the road, unable to move until the equipment is removed out of the way. The South Campus construction project is of a far greater magnitude than this, and so, too, will be the disruptions. This added to the already burdensome traffic gridlock twice a day while school is in session is unreasonable. How does HRS plan to address this three-year impact upon the neighborhood, and upon every motorist who uses Lincoln Avenue? The southbound offramp from Highway 13 already backs up twice a day because of HRS traffic; this highly dangerous situation only will be exacerbated by the school's construction. Why hasn't DEIR addressed the Highway 13 freeway backup?

Finally, a comment on HRS's wholly inadequate wildfire and emergency evacuation plan (or lack thereof). HRS's own expert, Dr. Stephen Wong (who, we understand, is an academic, currently located in Canada) admits that the plan is inadequate. In fact, it is not only inadequate, but, given California's lengthy and catastrophic fire season, and the school's proximity to an earthquake fault, this is serious negligence that endangers the lives of students, staff, and neighborhood residents. Dr. Wong states in the DEIR that "it is also highly unlikely . . . that a wildfire would reach [HRS]." Dr. Wong's conclusion would be risible were it not so tragically wrong. For many of us, the horrific images of the 1991 East Bay Hills Firestorm are seared into our memories. Lincoln Heights residents were forced to leave their homes. Fortunately, the neighborhood was spared the devastation of the upper hills, but not by much. Where is HRS's adequate, workable evacuation plan for the school? And where is its evacuation plan that acknowledges that the school is part of a neighborhood of human beings – not just HRS students - who need to use the same escape routes to flee wildfires?

Despite its length, HRS's DEIR is vague, incorrect in many of its assertions, missing information, and fails to address many of the topics it is supposed to address. For all of these reasons, and many others that being addressed by others in this neighborhood who are directly and adversely affected by HRS's proposed expansion, I respectfully request that you and the planning commission address the serious questions and issues raised in this letter.

Thank you for your attention.

Lori Leigh Gielegem

Gregory B. Tiede

2632 Alida Street

Oakland, CA 94602

W-12

W-13

**Response to Comment Letter W - Gieleghem, Lori Leigh and Tiede, Gregory, December 20, 2021****Response to Comment W-1:**

This is an introductory comment suggesting that the Draft EIR's misuse of data and incompleteness belies the credibility of its conclusion of no significant effects upon the surrounding residential neighborhood. These assertions are specifically responded to, based on the individual comments that follow.

**Response to Comment W-2:**

Please see Master Response to Comments on Conflicts with an Adopted Evacuation Plan, specifically the sections on Exacerbation of Evacuation Congestion, Evacuation Planning as Reasonable and Feasible Mitigation and Advancement of Greater Detail and Other Recommended Mitigation Measures.

**Response to Comment W-3:**

Please see Master Response to Comments on Traffic Congestion, specifically the response pertaining to Traffic Congestion and CEQA, and the separate non-CEQA Transportation Impact Review.

**Response to Comment W-4:**

Please see Master Response to Comments on the Loop Road Design, Potential Impacts and Intended Operations, specifically the section on Changes in the Drop-off and Pick-up Procedures. This section describes how drop-off and pick-up would no longer occur on Lincoln Avenue, but instead would be accommodated within the proposed South Campus property.

**Response to Comment W-5:**

This comment does not address the Draft EIR or its analysis, but is rather a comment on the merits of the Project, the driving behaviors of parents of Head-Royce School students, and commenter's opinion that the School is unable to manage those driving behaviors. For informational purposes, Head-Royce School does condition enrollment in the School on agreement of parents and guardians to abide by the parking and traffic guidelines outlined in their Transportation Policy Guide, and the School contracts with Bay Valley Security to enforce neighborhood traffic rules and monitor specific areas of concern.

**Response to Comment W-6:**

The Project does not include an amphitheater. It does include an outdoor common area called the Commons, where student can congregate, small outdoor classroom activities can occur, and at the end of the School year, outdoor graduation ceremonies are proposed to occur. Please see Master Response to Comments on Noise, specifically the section on Noise Sources, which indicates that the only new noise source attributed to the Project that would involve amplified sound via a PA system would be outdoor graduation events at the Commons.

As indicated in the Draft EIR Noise chapter (Noise Impact 3: Noise from Special Events), noise levels generated by the PA system as proposed would be the dominant noise source at several of the identified receptor locations. The PA system noise would exceed the adjusted maximum allowable noise level standard at residences along Charleston Street to the east, and along Camellia Place to the northeast. Noise levels generated during large graduation ceremonies and promotion events held in the Commons are anticipated to exceed the adjusted daytime thresholds established by the City of Oakland Noise Ordinance at nearby residences. These three events (high school graduation and middle and lower school promotions) would occur only once each per year, and would only occur during daytime hours. Nevertheless, because these special events are projected to exceed the noise standard, they would be considered significant noise impacts. To address these noise impacts, Mitigation Measure Noise-3A, Sound System Design Parameters, requires that Head-Royce School shall have an acoustic engineer design and install a speaker array system

designed to lower the noise “spillover” from the system to no greater than between 52 and 53 dBA Leq at the southerly and easterly property lines. Examples of such a speaker array could include placing greater numbers of speakers at positions closer to the attendees (e.g., at the sides of the audience seating, rather than being elevated above the front stage), and elevating the speakers so that they are directed downward toward the attendees, rather than out across the entire Commons. By designing the PA sound system used at special graduation events to minimize noise “spillover” as defined by the 52 to 53 dBA Leq standard at the property line established per Mitigation Measure Noise-3A, the resulting noise levels at all identified sensitive receptors would meet applicable noise thresholds.

**Response to Comment W-7:**

This comment does not address the Draft EIR or its analysis, but is rather a comment on the merits of the Project, the driving behaviors of parents of Head-Royce School students, and the School’s perceived inability to manage those driving behaviors. Please see Response to Comment B-11 pertaining to the Schools bus ridership pre- and post-pandemic.

**Response to Comment W-8:**

Please see Master Response to Comments on Noise, specifically the sections on Operational Noise Thresholds and Operational Noise Sources. Please also see Response to Comment B2-15 regarding sound levels attributed to teachers’ voice levels at outdoor classrooms.

**Response to Comment W-9:**

Please see Master Response to Comments on Noise, specifically the section on Outdoor Gatherings at the Performing Events Center. The technical Noise Report included in the Draft EIR concluded that that noise from evening events at the Performing Arts Center could be fully addressed by requiring that events are completed by 9:00 pm, with all post event gatherings, event traffic, and exterior clean-up activities completed by 10:00 pm. This is consistent with the use of the Performing Arts Center as proposed.

**Response to Comment W-10:**

Please see Master Response to Comments on Community Use of the Performing Arts Center.

**Response to Comment W-11:**

Please see Master Response to Comments on Noise, specifically those sections on Sensitive Receptors and Construction Noise Thresholds and Construction Noise Mitigation.

**Response to Comment W-12:**

Please see Master Response to Comments on Conflicts with an Adopted Evacuation Plan, specifically the sections on Exacerbation of Evacuation Congestion, Evacuation Planning as Reasonable and Feasible Mitigation, Adequate Expert Analysis, and Advancement of Greater Detail and Other Recommended Mitigation Measures.

Please also see Master Response to Comments on Adequate Expert Analysis (which highlights the qualifications and background of Dr. Wong (who was retained by the City through the EIR contract, not “the School’s own expert), and Response to Comment B3-12 regarding the inaccurate citations of statements of Dr. Wong.

**Response to Comment W-13:**

This is a summary comment suggesting that the Draft EIR is vague, incorrect in many of its assertions, missing information, and fails to address many of the topics it is supposed to address. These assertions are specifically responded to above in Responses to Comments W-2 through W-12.

**Letter X - Godfrey, Lauren, December 20, 2021**

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**From:** Lauren Godfrey <laurengodfrey@me.com>  
**Sent:** Monday, December 20, 2021 2:59 PM  
**To:** Brown, Courtney  
**Subject:** Head Royce School Planned Unit Development Permit Project DEIR Comments

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Courtney Brown  
City of Oakland, PBD Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
Attn. Head Royce School Planned Unit Development Project DEIR Comments

RE: Head-Royce School Planned Unit Development Project PLN 18532-ER01 DEIR Comments:

Dear Courtney Brown, Acting Planner III,

I'm a resident of Burlington Street, located roughly 0.2 miles West of Head-Royce School- 4315 Lincoln Avenue Oakland, CA 94602.

One of my concerns, regarding the HRS Planned Unit Development, is the lack of a point by point action plan to accommodate the additional 344 attendees and the vehicles associated with drop off and pick up times. The current enrollment is 906 students and I have noticed when departing Burlington Street, during morning drop off and due to continuous standstill traffic, I have great difficulty turning onto Lincoln Avenue. Subsequently, when driving home during afternoon pick-up, horrific traffic jams exceed the off ramp capacity extending quite some distance down Highway 13, as well as block Lincoln Avenue. During an emergency, an ambulance or fire engine will be greatly prohibited due to the HRS traffic.

X-1

In addition, I have witnessed HRS parents utilizing Burlington Street, which is not a through street, as a temporary parking lot or as a thoroughfare, while waiting for their children. Burlington Street is home to numerous young children and due to reckless driving, their safety is in jeopardy.

X-2

The aforementioned is troubling not simply for personal reasons but rather for our community at large. This is a dire point of contention which requires immediate attention prior to moving forward with expansive projects while disregarding the impact on the surrounding community. What are the contingency plans for this proposed expansion?

Thank you for your time.  
Wishing you a healthy holiday season!

With concern,  
Lauren Godfrey

Lauren Godfrey  
Producer

#StandWithProduction  
Remain engaged!

**Response to Comment Letter X - Godfrey, Lauren, December 20, 2021**

**Response to Comment X-1:**

Please see Master Response to Comments on the Loop Road Design, Potential Impacts and Intended Operations, specifically the section on Changes in the Drop-off and Pick-up Procedures. That section describes how drop-off and pick-up would no longer occur on Lincoln Avenue, but instead would be accommodated within the proposed South Campus property.

**Response to Comment X-2:**

This comment does not address the Draft EIR or its analysis, but is rather a comment on the merits of the Project, the driving behaviors of parents of Head-Royce School students, and the School's perceived inability to manage those driving behaviors.

**Letter Y - Haiman, Eric, J.D., Ph.D, December 20, 2021**

From the desk of...  
**Eric S. Haiman, J.D., Ph.D**  
**(510) 928-8865**  
**erichaiman@gmail.com**  
**2600 Charleston St.**  
**Oakland, California 94602**

December 20, 2021

Via Email Only: [cbrown@oaklandca.gov](mailto:cbrown@oaklandca.gov)

Courtney Brown, Acting Planner III

Re: Head Royce School Planned Unit Development Permit Project DEIR Comments

Preliminary, I request that the City extend its efforts to solicit feedback from neighborhood residents. The Draft EIR ("DEIR") and its important appendices are 1,967 pages long. The draft was made available shortly before the Thanksgiving holiday, with comments due a few days before Christmas.

As a professional with significant experience with CEQA, I would have needed at least forty (40) hours to carefully review and comment on all the problems with the draft EIR. As it is, I have only been able to devote a few hours, and so my comments are only a small percentage of all the comments I would have if I had sufficient time. Accordingly, I request that the City invite additional comments, and give me, and others, sufficient time. An additional sixty (60) days would seem appropriate, and so that is what I request.

As a further preliminary, one has to question what interpretation of "significant effect on the environment" underlies the wholly DEIR. The DEIR essentially adopts the view of its funder, Head Royce ("HR"). This is the only rational inference one can make from the incredible fact that out of 70 "potentially significant impacts" identified by the DEIR it concludes that only 3 require mitigation, all three of which relate to noise due to (1) the loading dock at the Performing Arts Center; (2) large gatherings, and (3) some construction-related noise (see DEIR Table 2). In short, the DEIR concludes that there no potentially significant effects on the environment. This would be astounding if one assumed that the approach of the DEIR was to be as objective as possible, which is its only valid purpose. The overall conclusion of the report was pre-determined by the desires of Head Royce to get what it wants.

The strategy of the report is to slice and dice the project into dozens of technical issues and argue that technical thresholds for such things as noise and pollutants are not exceeded. There is no examining of the cumulative impact on the surrounding neighborhood of the project as a whole as required by Public Resources Code ("PRC") § 21083(b)(2) or of the direct and indirect adverse effects on human beings as required by PRC § 21083(b)(3).

Taking into consideration and addressing these general remarks, the following specific comments regarding the "loop road," the Green Space as described in my letter dated March 11, 2019, and the problem of evacuation in the event of wildfire, also discussed in my letter dated March 11, 2019.

General Comments:

1. What are the cumulative impacts on the surrounding neighborhood?
2. What cumulative impacts have a potentially significant effect on the environment?
3. What are the direct or indirect potentially significant effects on human beings.
4. For each effect or impact that is responsive to Comments 1through 3, what factors were considered in determining that no mitigation measures are needed to reduce these impacts to less than significant status.
5. For each effect or impact that is responsive to Comments 1through 3, explain in logical detail the analysis that led to the conclusion that no mitigation measures are needed to reduce these impacts to less than significant status.
6. What input from neighbors, if any, was considered.
7. If any input from neighbors was considered please identify by page numbers where in the report these were considered and addressed.

Y-3

Y-4

Y-5

Y-6

Loop Road

1. What contribution would the proposed Loop Road make to the cumulative impact of the project on neighbors residing on Charleston Street?
2. What contribution would the proposed Loop Road make to the cumulative impact of the project on neighbors residing on Camelia Place?
3. What contribution would the proposed Loop Road make to the cumulative impact of the project on neighbors residing Laguna Avenue?
4. What contribution would the proposed Loop Road make to the cumulative impact of the project on neighbors residing on Alida Street?
5. What contribution would the proposed Loop Road make to the cumulative impact of the project on neighbors residing on Linnet Ave?
6. Identify all direct adverse effects on humans of the Loop Road and for each explain what factors were considered in determining whether it was significant.
7. Identify all indirect adverse effects on humans of the Loop Road and for each explain what factors were considered in determining whether it was significant.
8. For each effect identified in response to Comment 6 above, explain what alternatives to the proposed Loop Road and other mitigation measures were considered.
9. For each effect identified in response to Comment 7 above, explain what alternatives to the proposed Loop Road and other mitigation measures were considered.
10. For each effect identified in response to Comment 6 above, explain in logical detail the analysis leading to the conclusion that without any mitigation, the effect will be less than significant.
11. For each effect identified in response to Comment 7 above, explain in logical detail the analysis leading to the conclusion that without any mitigation, the effect will be less than significant.
12. Explain why, in addition to Alternatives 1, 2, 3 set forth in draft EIR, no alternative was considered that involved a reduction in the length of the Loop Road.

Y-1

Y-2

13. Explain why, in addition to Alternatives 1, 2, 3 set forth in draft EIR, no alternative was considered that involved a reduction in the distance from homes on Camelia Place to the Loop Road was considered.
14. Explain why, in addition to Alternatives 1, 2, 3 set forth in draft EIR, no alternative was considered that involved a reduction in the distance from homes on Charleston Street was considered.
15. Explain why, in addition to Alternatives 1, 2, 3 set forth in draft EIR, no alternative was considered that involved a reduction in the distance from homes on Laguna Avenue was considered.
16. Explain why, in addition to Alternatives 1, 2, 3 set forth in draft EIR, no alternative was considered that involved a reduction in the distance from homes on Alida Street was considered.
17. Explain why, in addition to Alternatives 1, 2, 3 set forth in draft EIR, no alternative was considered that involved a reduction in the distance from homes on Linnet Avenue to the Loop Road was considered.
18. What reductions in the length of the Loop Road and its distance from the residences on the adjacent street could be made, without other mitigations, that would meet the objective of reducing traffic on Lincoln Ave.
19. What reductions in the length of the Loop Road and its distance from the residences on the adjacent street could be made, without other mitigations, that would meet the objective of reducing traffic on Lincoln Ave.
20. What reductions in the length of the Loop Road and its distance from the residences on the adjacent street could be made, with other mitigations, that would meet the objective of reducing traffic on Lincoln Ave.
21. With regard to comment 20 above address, *inter alia*, mitigating the adverse effects of the Loop Road with further additional parking.
22. With regard to comment 20 above address, *inter alia*, mitigating the adverse effects of the Loop Road by reducing in variable quantities the planned increase in student enrollment.
23. With regard to comment 20 above address, *inter alia*, mitigating the adverse effects of the Loop Road by providing for queuing in planned or expanded parking areas reducing in variable quantities the planned increase in student enrollment.
24. Explain why an alternative that limited construction of the Loop Road to, or close to, the area comprised of the outside of the footprint of existing structures was not considered.
25. Address mitigating the adverse effects of the Loop Road by limiting construction of the Loop Road to, or close to, the area comprised of the outside of the footprint of existing structures.
26. How many square feet of building space is planned to be demolished specifically to accommodate the Loop Road.
27. How many lineal feet of the Loop Road will cover areas beyond the
28. At 3-31 of the DEIR, it states that “[t]he new Loop Road would be approximately 1,450 linear feet in length, providing on-Campus, off-street queuing space for vehicles.” How was the figure of 1,450 linear feet calculated?
29. How many of the linear feet as estimated in the quote in Comment 28 are less than 100 feet from the center line of Charleston Street?

Y-7

30. How many of the linear feet as estimated in the quote in Comment 28 are less than 75 feet from the property lines between the subject property and each adjoining residential property.
31. How many residential properties fall within the criteria set forth in Comment 30 above.
32. What is the precise definition of “peak hours” for drop-off and pick-up as used in the DEIR.
33. What is the maximum number of cars that can be queued along the Loop Road?
34. What is the estimated maximum time for a car to complete circulation of the Loop Road during peak hours.
35. What is the estimated average time for a car to complete circulation of the Loop Road during peak hours.
36. How many proposed linear feet will the “mini-loop” described at 3-34 of the DEIR be?
37. What is the estimated maximum time for a car to complete circulation of the “mini-loop”?
38. What is the estimated maximum number of cars that can be queued along the “mini-loop”?
39. At 3-34, the DEIR states as follows:  
 [Restricting] vehicular access to a smaller internal loop—the “mini-loop”—during off-peak pick up and drop off hours . . . will . . . minimize the number of vehicles circulating the Loop Road at off hours. To prevent any parents from short-circuiting the perimeter Loop Road during peak hours, retractable barriers will be erected to limit vehicles to using only the perimeter Loop Road or the mini-loop as appropriate

40. What is the estimated maximum number of cars that can be queued along the “mini-loop”?

41. During what hours will retractable barriers prevent use of the Loop Road?
42. During what hours will retractable barriers prevent use of the Loop Road?

43. At 3-36 the DEIR states that as a result of cutting and filling “an estimated net export approximately 5700 yd.<sup>3</sup> of soil for surface grading” is “to be removed or hauled.” . . . How many of these cubic yards will be removed along the path of the Loop Road?
44. How many cubic yards of soil will be removed from the hillside to the south of buildings eight and nine in order to accommodate the Loop Road?

45. At 5-22 the DEIR states that “the project related traffic on the Loop Road is estimated to be 1184 daily trips using the upper school drop off/pick up area (including on-site parking and other trips, and 1066 daily trips using the lower/middle school drop off/pick up area all circulated on the Loop Road.” How are these numbers calculated? What source materials were used to make this estimate?

46. At 8-34, the report describes the location of substantial cut grading activities. The hillside behind buildings 8 and 9 to the South is not identified. Why not?
47. At 8-34, after describing locations of substantial cut grading activities the report states “the majority of other grading activity across the site would consist of minor cuts and fills to create more level and moderately sloped parking areas, road base and building sites.” Does it not follow from this that there will be no substantial cut grading activities to the hillside behind buildings eight and nine?

Y-8

Y-9

Y-10

Y-11

Y-12

Y-13

48. If the response to the question in comment 47 is NO, describe in detail the cut grading activities planned for the referenced hillside behind buildings eight and nine to the south.
49. The South East quadrant of the subject property is currently, mostly a green space providing an essential buffer between any institutional use of the subject property and the surrounding neighborhood. Why does the DEIR not consider this green space such?
50. How exactly will this green space be impacted by the project?
51. Isn't there a feasible alternative that would allow this green space to remain such?
52. Does the Mormon Temple have any contractual obligation to allow Head Royce to use its property for purposes of queuing?
53. At 13-40 the DEIR states that "a total of 385 student drop-offs and 385 pickups are anticipated to utilize the Loop Road each school day. Of these trips approximately 343 would occur during the morning peak hour and 135 would occur during the afternoon peak hour." The project related traffic on the Loop Road is estimated to be 1184 daily trips using the upper school drop off/pick up area (including on-site parking and other trips, and 1066 daily trips using the lower/middle school drop off/pick up area all circulated on the Loop Road." How are these numbers calculated? What source materials were used to make this estimate?
54. Why does the DEIR fail to address the significance of Lincoln Avenue as an evacuation route as documented in the maps attached to my letter dated March 11, 2019?
55. Why doesn't the DEIR provide a survey of the green space as described in my letter dated March 11, 2019?
56. Why doesn't the DEIR address the issues regarding the green space as identified in my letter dated March 11, 2019

Y-14

Y-15

Y-16

Y-17

Y-18

Sincerely

Eric S. Haiman, J.D., Ph.D.

## **Response to Comment Letter Y - Haiman, Eric, J.D., Ph.D., December 20, 2021**

### **Response to Comment Y-1:**

This comment suggests that the overall conclusions of the Draft EIR were predetermined by the desires of Head Royce to get what it wants. The Draft EIR was prepared pursuant to the City of Oakland's *Guidelines for Environmental Consultant Contracts Concerning Private Development Projects* (Guidelines, 2/1/19). These Guidelines were followed throughout preparation of the document, which included the following procedures and practices:

- After the EIR consultant was selected by applicant and subject to City approval, City staff reviewed and commented on the draft Scope of Work before it was sent to applicant, and City affirmatively approved (in writing) the Scope of Work (including that of sub-consultants) before the Scope of Work was finalized.
- In accordance with CEQA Section 21082.1(c) (3), the Draft EIR reflected the independent judgment of the City of Oakland as the lead agency. The final responsibility for the content and adequacy of the Draft EIR was at the sole discretion of the City of Oakland and its designated representatives. Therefore, the EIR consultant and sub-consultants worked under the sole direction and control of the City of Oakland.
- City staff reviewed and approved all administrative drafts of the environmental documents and technical reports. City's review of administrative drafts for transportation-related impacts and historic resource evaluations involved special procedures and fees, and involved use of a peer reviewer for historic resource evaluation.
- All administrative drafts, final documents, and correspondence concerning environmental review were submitted directly to the designated City case planner unless otherwise directed by City. These documents were not be distributed to any third party, including the project applicant.
- Administrative drafts and City comments on administrative drafts were considered confidential, and were not shared by the consultant with any third party, including the applicant.
- Consistent with standard City of Oakland procedures, the final administrative draft document was shared with the applicant prior to publication for the sole purpose of ensuring an accurate Project Description and fact checking of the document's description of existing conditions at the School.

This comment also suggests that the strategy of the Draft EIR was to slice and dice the project into dozens of technical issues, and argue that technical thresholds for such things as noise and pollutants are not exceeded. Rather, the Draft EIR followed the EIR structure recommended pursuant to CEQA Guidelines Appendix G, whereby each applicable environmental topics was addressed in separate chapters of the Draft EIR. The Draft EIR does not argue that technical thresholds were not exceeded, but rather compares the impacts of the Project against the City-established CEQA Thresholds of significance Guidelines. These Guidelines were specifically developed to help clarify and standardize analysis and decision-making in the environmental review process in the City of Oakland, and the City has established and used these CEQA Thresholds of Significance Guidelines (as updated over the years) since at least 2002. These Thresholds are used to guide preparation of all environmental review documents, and are intended to implement and supplement provisions in the CEQA Guidelines for determining the significance of environmental effects, including sections 15064, 15064.4, 15064.5, 15064.7, 15065, 15382, and Appendix G. The Thresholds were used to evaluate the potential primary effects of the Project and were considered when evaluating the potential secondary effects of the Project.

This comment also suggests that, based on the commenters analysis that only 3 of the 70 potentially significant environmental impacts require mitigation measures, the only rational inference one can make is

that the Draft EIR, “adopts the view of the funder – Head-Royce School”. As fully explained above, the final responsibility for the content and adequacy of the Draft EIR was at the sole discretion of the City of Oakland and its designated representatives, and the EIR consultant and sub-consultants worked under the sole direction and control of the City of Oakland. Furthermore, this comment ignores the numerous Standard Conditions of Approval (SCAs) that are required of the Project, including the project-specific recommendations pursuant to and in furtherance of these SCAs. The City of Oakland’s SCAs include Uniformly Applied Development Standards that substantially mitigate environmental effects. The SCAs are incorporated into a project regardless of the project’s environmental determination, pursuant, in part, to California Environmental Quality Act (CEQA) Guidelines sections 15183 and 15183.3. As applicable, the SCAs are adopted as requirements of an individual project when the project is approved by the City and are designed to, and will, substantially mitigate environmental effects. In reviewing project applications, the City determines which of the Conditions are applied, based upon the project’s characteristics and location, zoning district, applicable plans, and type(s) of permit(s)/approvals(s) required for the project. The SCAs were adopted by the Oakland City Council in 2008, and updated numerous times. They incorporate development policies and standards from various adopted plans, policies, and ordinances that have been found to mitigate environmental effects. Where there are peculiar circumstances associated with a project or project site that will result in significant environmental impacts despite implementation of the SCAs, the City will determine whether there are additional feasible mitigation measures to reduce the impact to less than significant levels in the course of appropriate CEQA review.

**Response to Comment Y-2:**

This comment suggests that the Draft EIR does not examine the cumulative impact of the Project as a whole on the surrounding neighborhood, as required by Public Resources Code, and does not examine the direct and indirect adverse effects on human beings as also required by the PRC.

Each analytic Chapter of the Draft EIR (Chapters 4 through 17) does provide an analysis of potential cumulative environmental effects, consistent with the requirements under CEQA Guidelines Section 15130. These Guidelines provide that the EIR must consider cumulative impacts that are created from the combination of the Project, together with other projects causing related impacts. The proposed Project is surrounded by the existing Head-Royce School Campus to the north, other institutional uses to the west (Ability Now, the Ascension Greek Orthodox Cathedral and the Oakland California Temple of the Church of Jesus Christ of Latter-day Saints), and established residential neighborhoods to the south and east (each of which are fully developed). There are no other known current projects or probable future projects expected in the vicinity. As such, the potential for the individually limited environmental effects of the Project to contribute to broader cumulatively considerable impacts in the surrounding area is unlikely and substantially limited.

In the CEQA context, a number of less than significant impacts of a Project under different environmental topics are not somehow aggregated to create a cumulatively significant “neighborhood impact” for which there is no identified threshold.

**Response to Comment Y-3:**

As indicated in Chapter 19 of the Draft EIR (page 19-2), the Project’s potentially significant adverse effects on human beings was addressed in the EIR under the topics of construction-period air quality emissions, operational air quality emissions, exposure to toxic air contaminants, increased noise, exposure to hazardous or toxic chemicals, and other potential effects on nearby sensitive receivers. These impacts were found (based on the analysis presented in the Draft EIR) to be less than significant, or reduced to levels of less than significant with required implementation of the City of Oakland Standard Conditions of Approval and/or mitigation measures identified in this EIR.

**Response to Comment Y-4:**

As noted in the Draft EIR (beginning at page 1-3), the City of Oakland received comments from two public agencies (EBMUD and the Native American Heritage Commission), and numerous letters and e-mail correspondence from the general public in response to the Notice of Preparation for this Draft EIR (NOP, as included in Appendix 1B). These comments addressed several issues related to the scope of environmental review for this EIR, including the following:

- Disaster Preparedness and Fire Safety
- Traffic, traffic congestion and circulation design hazards
- Comments related specifically to the Project's proposed new on-site Loop Road
- Comments related specifically to the Project's proposed new underground tunnel
- Comments related to the Project's proposed grading and resulting drainage issues
- Comments related to an adjacent (off-site) drainage channel and its associated potential wildlife habitat
- Comments related to the Project's potential effects on public infrastructure
- Comments related to the potential for increased noise
- Comments related to increased light and glare, and
- Comments suggesting several alternatives to the Project as proposed

These comments generated revisions and additions to the scope of work, and were considered during the preparation of this EIR.

**Response to Comment Y-5:**

Please see Master Response to Comments on the Loop Road Design, Potential Impacts and Intended Operations. The section of this Master Response titled Potential Impacts Attributable to the Loop Road provides a summary of the analyses that are included in the Draft EIR specifically pertaining to the Loop Road. This master Response was prepared in response to numerous comments (such as this comment) that suggest the Draft EIR did not analyze or fully disclose environmental impacts attributed to the proposed Loop Road.

**Response to Comment Y-6:**

CEQA provides guidelines for discussing project alternatives, providing that the discussion of alternatives shall focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project (§15126.6(b)). The Draft EIR's analysis of the potential impacts related to construction and use of the Loop Road on the South Campus related to air quality emissions during construction and operation, and noise impacts during construction and operation does not identify any significant impacts attributable to the Loop Road. Geotechnical and hydrology impacts related to construction of the Loop Road would be mitigated by SCA's and detailed recommendations pursuant to those SCAs. A study of alternative Loop Road designs or locations is therefore not required under CEQA.

CEQA Guidelines also provide that, "an EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation (§15126.6(a)), and that, "the EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project (§15126.6(d))." The Draft EIR does include a Minor Development Alternative (Alternative #2), which does not include the proposed Loop Road. Rather than construction of a shorter loop road in an alternative location, this alternative assumed no loop road, with all student drop-off and pick-up activity continuing to occur along Lincoln Avenue.

**Response to Comment Y-7:**

The premise of these comments is that the Loop Road is a source of significant environmental effects, and that there may be alternative designs or other parking and circulation strategies that could effectively reduce these significant impacts. As indicated in Response to Comment Y-6, the Draft EIR's analysis of the potential impacts related to construction and use of the Loop Road related to air quality emissions during construction and operation, and noise impacts during construction and operation does not identify any significant impacts attributable to the Loop Road. Geotechnical and hydrology impacts related to construction of the Loop Road would be mitigated by SCA's and detailed recommendations pursuant to those SCAs. A study of alternative Loop Road designs or other strategies is therefore not required under CEQA.

**Response to Comment Y-8:**

A more accurate measurement of the Loop Road is approximately 1,580 linear feet, or about 100 feet (or approximately 6%) longer than as described in the Project Description of the Draft EIR. The relatively minor difference in measurements of the length of the Loop Road does not affect any of the analyses which were conducted in the Draft EIR to assess potential environmental effects attributable to the Loop Road.

Of the eight buildings proposed to be demolished, two of these buildings (Buildings 8 and 10) are located within the alignment of the proposed Loop Road. Of the 1,580-foot length of the Loop Road, approximately 240 feet are within 100 feet of the centerline of Charleston Street, and approximately 1,000 feet are within 75 feet of the adjoining property lines. There are 14 adjoining properties within 100 feet of the Loop Road.

**Response to Comment Y-9:**

Per Appendix 14 of the Draft EIR, the morning peak hour is from 8:00 to 9:00 AM, and the afternoon peak hour is from 3:15 to 4:15 PM. Within each peak hour, most of the trips are concentrated around the School bell times, which are at 8:25 AM and 3:25 PM, respectively, for most students. Note that the afternoon peak hour trips are less than the morning peak hour trips because although most of the students arrive during the morning peak hour, some, such kindergarten students, leave before the afternoon bell time and many stay after the afternoon bell time because they participate in after-school activities.

The remainder of these questions pertains to traffic operations, which are not a topic addressed under CEQA. Please see Master Response to Comments on Traffic Congestion.

**Response to Comment Y-10:**

The questions included in Comment Y-10 pertain to traffic operations, which are not a topic addressed under CEQA. Please see Master Response to Comments on Traffic Congestion. Specific to the originally proposed "mini-loop", the purpose of that mini-loop was to provide a shorter off-peak loop through the proposed South Campus that would only operate as a loop road in the off-hours. The "mini-loop" was intended to use the same Loop Road, but just a portion of the Loop Road that would extend only to the first parking lot. The Project sponsor has decided not to pursue the mini-loop idea (see Proposed Changes to the Project).

**Response to Comment Y-11:**

As identified in the Geology chapter of the Draft EIR (page 8-34), "of the approximately 8-acre proposed South Campus property, the Project would entail grading activities that would occur on approximately 5.1 acres, or 221,100 square feet (approximately 64% of the site), as shown on Figure 8-10.

- As indicated in Figure 8-10, the most substantial cut grading activities would be conducted for excavation of the proposed pedestrian tunnel entrance near Lincoln Avenue, with excavation to depths of 20 to 27 feet.
- Other substantial cut grading would occur near the upper entrance to the Loop Road to create additional level parking surfaces, and cuts into the slope uphill from the proposed Performing Arts

building to accommodate a terraced Commons area and staircase that connects the upper parking lot with the lower academic buildings. Excavations of 6 to 10 feet would occur in these areas.

- The upper parking lot cut would be retained with an 8-foot retaining wall, and the cut grading at the Commons area would be “feathered” to match existing grade to the north and south.
- As also indicated in Figure 8-10, fill would occur along the lower westerly boundary of the site to create a level base for the Loop Road. Fills of 6 to 10 feet would occur in this area, retained by a sloping retaining wall of 3 to 8 feet in height.
- The majority of other grading activity across the site would consist of minor cuts and fills to create more level and moderately sloped parking areas, road base and building sites.

Overall, the Earthwork Plan shown in Figure 8-11 would result in total cuts of approximately 13,800 cubic yards (CY) of soil, fills of approximately 8,100 CYs, and a net export of approximately 5,700 CY of soil. These cut and fill numbers do not include excavation for the tunnel, addressed separately below.

Individual calculations of cut and fill for each component of the Project (i.e., just for the Loop Road) are not available. The information presented in the Draft EIR is adequate to describe the full potential environmental effects of the Project as to soil erosion and grading as required under CEQA.

**Response to Comment Y-12:**

As indicated in Appendix 5 of the Draft EIR (Air Quality and GHG Emissions Assessment, Illingworth & Rodkin) in the section titled Traffic Emissions Modeling (page 23 of that Appendix), this analysis is based on the daily traffic volumes contained in the traffic report. These traffic volumes were based on the predicted buildout trip generation as included in the project’s traffic analysis, which estimated a total 2,250 daily trips at buildout [See Appendix 14 of the Draft EIR, Table 4, Fehr & Peers]. The daily traffic using the Upper School drop-off (closest to the Loop Road entrance) was estimated to be 1,184 daily trips based on the percentage of upper school drop-offs, plus on-site parking, buses and other (deliveries/visitors) trips. The daily traffic to use the Lower/Middle School Drop-off (nearest the Loop Road exit) was estimated to be 1,066 daily trips based on the percentage of lower/middle school drop-offs and accounting for parking trips only using the lower portion of the Loop Road when they leave in the afternoon.

**Response to Comment Y-13:**

As described in detail in the Geology chapter of the Draft EIR (beginning at page 8-20), an on-site fill slope on the southern side of Building 9 has displayed indications of minor instability since its construction (see DEIR Figure 8-6). The fill was placed in the mid to late 1940’s and was likely placed without engineering control such as ground preparation, adequate compaction, subdrainage and a proper keyway. Based on the geotechnical investigation of this slope, Rockridge Geotechnical has concluded that the fill prism on this slope may be prone to earthquake-induced deformation during a strong earthquake. Further, there is potential for additional localized shallow slope instability near the top of the slope due to discharge of roof water onto the top of the slope and the presence of locally over-steepened slope areas.

Recommendations Geo-3A: Stability of Slope below Building 9, from the August 2020 Rockridge Geotechnical and Geological Evaluation, Stability of Slope Below Building 9 Report recommends that surface drainage at the rear of Building 9 be improved, and that the slope below Building 9 be partially reconstructed to mitigate the potential for future slope instability under static and seismic conditions. As part of that slope reconstruction, the fill slope below the eastern-most 80 feet of Building 9, as well as the 80-foot long section of fill slope east of Building 9, should be reconstructed as an engineered fill slope during construction of the proposed future site improvements, as specifically shown on Figure 8-11 of the Draft EIR.

**Response to Comment Y-14:**

The “Green space” referenced in this comment is a currently undeveloped portion of the proposed South Campus property, in the southeast quadrant of the site near Charleston Street, downslope from existing Buildings 8 and 9.

As indicated in the Biology chapter of the Draft EIR (beginning at age 6-1), a reconnaissance-level field survey of the area was conducted to provide an impact assessment specific to the proposed redevelopment of the site. Specifically, surveys were conducted to assess existing biotic habitats and plant and animal communities on the site, to assess the site for its potential to support special-status species and their habitats, and to identify potential jurisdictional habitats such as waters of the U.S./state and riparian habitat.

Specific to this comment’s suggested Green space, the Biology chapter describes this area as, “adjacent to the sports fields and bordering the fence line of the property, there are sections of landscaping which have not been maintained. These patches of landscaping include planted trees and ornamental vegetation such as coast redwood, sweetgum (*Liquidambar styraciflua*), and coast live oak, as well as English ivy (*Hedera helix*) and Italian thistle in the understory. Unlike the hardscaped areas in the northern portion of the Biology Study Area, these fields and landscaped areas are moderately sloped to the southeast, towards the adjacent neighborhoods and the stormwater channel. . . The stormwater channel provides habitat that is of extremely limited value to wildlife species due to the heavily urbanized surrounding context, long history of human disturbance, vertical channel banks that make access difficult for terrestrial wildlife, lack of riparian vegetation to provide cover and foraging opportunities, and because it supports only seasonal flows.”

Other conclusions of the Biology report find the following:

- Due to the current and historic land use of the Biology Study Area as well as the surrounding developed land use, no suitable habitat is present on the Biology Study Area, and the potential for any special-status plant species to occur on the Biology Study Area has been ruled-out.
- None of the special-status species listed in the Biological Resources Report is expected to occur on the Biology Study Area because it lacks suitable habitat, is outside the known range of the species, and/or is isolated from the nearest known extant populations by development, or otherwise unsuitable habitat.
- No aquatic habitats to support special-status fish species are present on the Biology Study Area. The site is located immediately adjacent to a stormwater channel that connects downstream to Peralta Creek, but the quality of habitat in this channel is extremely low, and native fish species (including special-status fish) have not been detected during previous surveys along Peralta Creek.
- No sensitive vegetation alliances exist on the Biology Study Area.
- There are no aquatic habitats on the Biology Study Area that would be considered waters of the U.S./state. No riparian habitat occurs on the Biology Study Area, and there is no riparian habitat associated with the adjacent stormwater channel. The channel would not be considered jurisdictional by the CDFW and the RWQCB.

Based on these existing characteristics of the proposed South Campus site, including the identified Green space, the Project (including construction of the Loop Road) will not result in a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species. The Project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community; will not have a substantial adverse effect on state or federally protected wetlands; and will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors.

**Response to Comment Y-15:**

This question is not a comment on the Draft EIR, and to the extent applicable, pertains specifically to traffic operations. Please see Master Response to Comments on Traffic Congestion.

**Response to Comment Y-16:**

As indicated in Response to Comment Y-12, the student drop-off and pick-up rates during the morning and afternoon peak hours (8:00 to 9:00 am and 3:15 to 4:15 PM) are, “based on the information from the traffic study used for this EIR (Fehr & Peers, 2020), as presented in Appendix 14 of the Draft EIR, Table 4. This information was then used to distribute peak hour drop-off and pick-up trips as follows:

- As shown on Table 4 of Appendix 14, the Project would generate 1,540 total daily drop-off/pick up trips. Each “trip” accounts for 1 trip to School and 1 trip leaving school, but only 1 trip at School along the Loop Road, so a total of 770 daily trips on the Loop Road.
- Half of these daily trips on the Loop Road (or 385 drop-offs) would occur in the morning and 385 pick-ups each afternoon.
- Of the 385 daily drop-offs, 343 drop-offs would occur during the AM peak hour between 8:00 to 9:00 (as shown on Table 4 of DEIR Appendix 14), and 42 drop-offs are assumed to be early arrivals (7:00 to 8:00).
- Of the 385 daily pick-ups, 135 pick-ups would occur during the PM peak hour (3:15 to 4:15), with 250 non-peak hour pick-ups. This assumes 43 K pick-ups (2:15 to 3:15), 104 after-school pick-ups (4:15 to 5:15) and 104 sports/clubs pick-ups (5:15 to 6:15).

**Response to Comment Y-17:**

Please see Master Response to Comments on Conflicts with an Adopted Evacuation Plan, specifically the section on Exacerbation of Evacuation Congestion.

**Response to Comment Y-18:**

Please see Response to Comment Y-14 above.

**Letter Z - Karvonen, Teresa, December 19, 2021**

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**From:** Teresa Karvonen <terykarvonen@gmail.com>  
**Sent:** Sunday, December 19, 2021 10:42 AM  
**To:** Brown, Courtney  
**Subject:** Head Royce expansion

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Unfortunately I must state my opposition to Head Royce's proposed expansion. It will impact not just the local neighborhood, but also many folks in the surrounding neighborhoods who rely on the Lincoln Ave access to Hwy 13. The congestion that will result from the expansion will likely cause backups along several streets and worse backups on the Lincoln Ave freeway exit. This would also be a real hazard in case of an emergency requiring first responder vehicles or local evacuation of the school or neighborhood.

Z-1

Teresa Karvonen

**Response to Comment Letter Z - Karvonen, Teresa, December 19, 2021**

**Response to Comment Z-1:**

Comments noted. Please see Please see Master Response to Comments on Traffic Congestion.

**Letter AA - Korin, Joan, December 19, 2021**

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**From:** Joan Korin <jrkorin@gmail.com>  
**Sent:** Sunday, December 19, 2021 10:22 AM  
**To:** Brown, Courtney  
**Subject:** Head Royce School Planned Unit Development Permit Project DEIR Comments

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

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Hi Courtney Brown,  
I am very concerned about the current plan regarding Head Royce expansion and the corresponding impact to traffic on Lincoln Ave. When I drive by Head Royce when school is in session, even at times other than the usual drop off and pick up times, drivers are frequently stopped in the red zones even with security personnel who are trying to direct traffic. They make it difficult to see and navigate this very tight area. This will only worsen as Head Royce increases enrollment. In addition, there are likely to be many bottlenecks in the area with the increased number of cars. I fear that if a fire or other emergency develops and we need to escape quickly, we will not be able to do so (I live on the hills side of Head Royce and Lincoln Ave. is my primary escape route.) I have heard that there is a plan for another traffic signal which will lead to more idling, more climate impact, and the inability to escape a wildfire for many Oaklanders.  
If Head Royce is allowed to expand, students should be required to use shuttle buses or city buses to mitigate the traffic on Lincoln Ave.

AA-1

Thank you,  
Joan Korin  
5017 Kearney Ave  
Oakland, CA 94602

**Response to Comment Letter AA - Korin, Joan, December 19, 2021**

**Response to Comment AA-1:**

Comments noted. Please see Please see Master Response to Comments on Traffic Congestion and master Response to Comments on Emergency Evacuation.

**Letter BB - Wake, Victoria, December 08, 2021**

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**From:** Victoria Wake <[victoriaw@dimondnews.org](mailto:victoriaw@dimondnews.org)>  
**Sent:** Wednesday, December 08, 2021 1:53 PM  
**To:** Brown, Courtney  
**Subject:** Question on current Head-Royce PUD process

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hello, Ms. Brown. I have been reviewing the DEIR for this project, and I'll likely be submitting comments.

Meanwhile, I have a question:

The EIR process is limited to addressing environmental impacts. What other aspects of the project will City staff, and ultimately the Planning Commission, be looking at before a permit is issued? And in this regard, what other reports will be generated and presented? I'd like to know what these are formally called and when they would be available to the public.

I'm thinking, at the moment, about two things (but there are no doubt others):  
—traffic and congestion impacts that are not the purview of an EIR. For example, level of service (LOS) at locations around the project area is not an allowable element in an EIR, yet this clearly is a factor with regard to neighborhood quality of life and the operations of city streets.  
—the appropriateness of siting a large performing arts center in a residential community. Again, an EIR wouldn't address this question.

Thanks for your help with this. Hope to hear back from you soon.

Regards,

Victoria Wake  
Boardmember  
Dimond Improvement Association  
[victoriaw@dimondnews.org](mailto:victoriaw@dimondnews.org)  
(510) 482-2876 (h)  
(510) 919-4983 (c)

BB-1

**Response to Comment Letter BB - Wake, Victoria, December 08, 2021**

**Response to Comment BB-1:**

This comment letter correctly recognized that issues related to traffic congestion are no longer matters to be addressed in CEQA. Please see Master Response to Comments on Traffic Congestion. Please also see Master Response to Comments on Community Use of the Performing Arts Center.

**Letter CC - Lerner, Jodi, December 2021**

To: Courtney Brown, Acting Planner III  
[cbrown@oaklandca.gov](mailto:cbrown@oaklandca.gov)

From: Jodi L. from Camellia Place

**Subject: Head Royce School Planned Unit Development Permit Project DEIR Comments**

I live on Camellia Place in Oakland. I have reviewed the DEIR and have a number of concerns about Head Royce School (“HRS”) Planned Unit Development Permit Project.

**Permitting HRS’s Planned Unit Development Permit Project to Occur in Phases will be too impactful on the neighborhood.**

HRS plans “a phased project”. Page 2-1 and Page 3-41. HRS estimates that the first phase of the project will take approximately nine months to a year. The second phase will take a year, and the third phase will take approximately 12 to 18 months of construction. Page 3-41. HRS should be required to build the development in one single phase. Starting and stopping construction will be more impactful on the neighborhood as equipment has to be taken out and moved in repeatedly. A phased approach will result in than doing the work all at one time. It will create additional loud noise which will be disruptive to neighbors and existing wildlife for many years.

If it is determined that HRS is permitted to do the construction and three phases, there should be a provision requiring that HRS fix any sidewalk and/or road damage that results from each phase of the construction project within 20 days after that phase is completed.

**Vibrations**

HRS acknowledges that the project’s construction activity could potentially “cause a substantial adverse change in the significance of historical resource as a result of ground born vibration associated with the proposed pedestrian tunnel excavation.” Page 2-12. HRS states that it will submit a “Vibration Analysis” prepared by an appropriate professional prior to starting the project. Page 2-12

Why isn’t this Vibration Analysis required to be obtained prior to Oakland determining that HRS’s EIR is acceptable? How can Oakland be sure that the project will not damage historical resources without that report? The issue of the impact of vibration on historical buildings should be studied and understood prior to Oakland’s permitting this project to move forward.

Additionally, there is the question of how will vibration affect the houses of neighbors living next to and close to HRS. What are HRS and the city of Oakland going to do to make sure that vibration does not cause cracks and other problems to occur in neighbors’ homes?

**Excavation of a Tunnel**

HRS plans to excavate a tunnel under Lincoln so that students can use it to go from the North campus to the South campus. HRS acknowledges that surface settlement is common as a result of tunnel excavation. Page 2-16.

HRS states “Actual monitoring locations will need to be determined after utility locations have been verified.” Page 2-18. Shouldn’t HRS have verified where the utility locations are located

before submitting its DEIR? What will happen if the utility locations are located in the same place that HRS intends to tunnel? Will HRS be responsible for moving the utility locations? Or, will the City of Oakland require that HRS move the location of the tunnel?

If the tunnel results in surface settlement on Lincoln or on properties surrounding the site, HRS should be required to mitigate damage. HRS should have to bear the cost of fixing the road and sidewalks if they are adversely affected. Members of the public driving on Lincoln should not have their vehicles damaged as a result of settlement caused by the tunnel. The City of Oakland and taxpayers should not have to bear the cost of repairing streets and sidewalks that have become damaged as a result of settlement due to the tunnel.

CC-1

CC-6

HRS states that monitoring of “ground/utility movements and surface settlement” will occur and should continue for a while. What exactly will the monitoring entail? Monitoring locations should not just be near utilities. What about requiring that public space near adjacent properties be monitored to ensure that the project is not causing subsidence on neighbors’ property? Will HRS monitor the public spaces around neighbors’ houses? Who will be responsible for monitoring? Will the results of monitoring be provided to the City of Oakland? What will happen if the monitoring shows that the project is adversely affecting Lincoln, the sidewalks that abut Lincoln, and/or neighbors’ properties? Will HRS and/or the City of Oakland be required to inform neighbors of the adverse effects that the monitoring shows are occurring to their properties?

CC-2

CC-7

At page 8-31, HRS states that no mitigation is necessary. However, HRS has no basis for stating this. Studies need to be done before HRS can proclaim that no mitigation is necessary. Monitoring will be needed. HRS’s current plans regarding building the tunnel are too speculative, and therefore should not be relied upon in determining whether concerns about building a tunnel are alleviated. HRS has not done the soil studies required to determine whether this project is even feasible. Further, if HRS is going to blast under Lincoln, the neighbors should be given at least a month of advance notice because of the noise will be extremely impactful.

CC-3

CC-8

What happens if once all the studies are completed, it turns out that building a tunnel does not feasible after all? HRS should consider building and maintaining a pedestrian overpass over Lincoln as an alternate to building a tunnel. Having students go back and forth and back and forth from the North campus to the South campus over the course of the school day will adversely affect traffic flow.

CC-4

CC-9

**Noise Concerns**

HRS states that the City of Oakland will review and approve a set of procedures for responding to and tracking complaints regarding noise during construction. Page 2-32. How often will these complaints be submitted? What requirements will the City of Oakland impose on HRS to ensure that HRS addresses these complaints?

CC-5

CC-10

**Noise from Outdoor Events**

HRS acknowledges: "Noise levels during graduation and other large outdoor events held at the "Commons" and during nighttime informal outdoor gatherings after Performing Arts Center events could exceed City noise level standards." Page 2-31.  
HRS should provide a definition of the term "Commons". Clearly, it includes an amphitheater. However, it is unclear what other kind of facilities it will include.

HRS plans to have an outdoor amphitheater in the Commons area. Amphitheaters amplify sound. Noise from large events held in the amphitheater and the "informal events" that occur before and after performances at the performing arts building will adversely affect neighbors. HRS has not stated that use of the amphitheater will be limited to day time use only. The HRS South campus is in a canyon. Noise will travel up the canyon. The amphitheater will create noise that will adversely affect neighbors living nearby. Additionally, it will cause noise to go up the canyon, adversely affecting residences on Camellia Place. Why does HRS need to have an amphitheater in addition to a Performing Arts Center? The Woodminster Amphitheater is located in Joaquin Miller Park just 1.6 miles away. HRS could look into using that setting to host events. Housing is located further from the Woodminster Amphitheater than housing is from HRS's South campus.

I am concerned about events causing traffic, noise and crime. The Woodminster Amphitheater is located in Joaquin Miller Park only 1.6 miles away. HRS could look into using that setting to host events. Being located in Joaquin Miller Park it is certainly less impactful to surrounding residents. Further, there are plenty of venues in Oakland and Berkeley that are not located in residential areas where events could be held. Given this and the noise impact from the amphitheater, it is difficult to understand why an amphitheater in which amplified noise will occur should be permitted.

From the acoustics studies, it does not appear that HRS has sufficiently considered what the sound level will be for neighbors living up the canyon on Camellia Place.

**p. 13-31.** Table 13-11 and accompanying text report projected noise parameters during a 1000 spectator graduation event. **The figures reported in Table 13-11 again differ completely from those reported in Appendix 13, p. 16,** the study conducted by Illingworth & Rodkin, Inc. The noise projected in the consulting study is much higher, and in many instances exceeds ordinance standards.

The text in 13-32 nonetheless acknowledges (as does the Appendix) that projected noise levels are "expected to exceed the adjusted maximum allowable noise level standard for at least 20 cumulative minutes in a 1-hour period at residences along Charleston Street to the east (receptors R9 and R10), and along Carmelita Place [sic] to the northeast (receptor R13)."

It is also concerning that they note projected noise will exceed standards on Camellia Place, given that neither HRS nor consulting study provides **any** projections or analyses of **any** noise levels along Camellia Place. Given that the DEIR acknowledges that graduation noise will exceed standards on Camellia Place, all of their noise measurements for all types of events should include projections for this street.

CC-11

JSL Noise analysis fails to consider impact on other streets, like Camellia Place. The sound will travel up the canyon.

Page 13-25 states, "Based on noise monitoring conducted by the EIR noise consultant at other schools in the Bay Area". This is an insufficient analysis. The property is located on a hillside. The sound will travel up the canyon. What was the terrain like where the sound studies at other schools were conducted? Were they in residential neighborhoods or on busy streets? Were the streets two lane or four lane? Why hasn't the impact on homes up the hill been looked at?

CC-12

HRS states that it will hire an acoustic engineer who will design and install a speaker system to "lower noise 'spillover' to no greater than between 52 and 53 dBA at the southerly and easterly property lines. Page 2-32. HRS states that the impact will be less than significant with mitigation. But, it does not appear that HRS has conducted sufficient analyses to support its claim that the noise impact will be less than significant with mitigation. Moreover, changing speaker placement as suggested may raise sound levels at other sites, thus defeating the overall purpose. This vague and potentially unrealistic mitigation is not adequate for what is an acknowledged ordinance violation. It is particularly suspect since it was not recommended by consultants who carried out analyses. (The RGD supplemental analysis does mention the possibility of "property line noise level limits for the PA system," but like the DEIR, it gives no specifics as to whether or how this could be done.)

CC-15

CC-16

CC-13

Is there current capability for a speaker system to be built and arranged that will limit the noise level that neighbors will experience from the activities in the amphitheater? What will happen if HRS does not fulfill its goal of coming up with a speaker system that limits the noise level to no greater than between 52 and 53 dBA? Why doesn't HRS have to maintain a lower dBA level? Shouldn't HRS have to ascertain that it is likely to be able to meet this noise level goal that it proposes by submitting studies to the City of Oakland prior to being able to go forward with building the amphitheater and the performing arts theater? Also, in determining whether to grant a permit to build the amphitheater and performing arts theater, each of these theaters should be considered separately in terms of the noise, traffic and other adverse impacts on the neighborhood.

CC-14

Regarding the Performing Arts Center, HRS states that it will ensure that evening events end by 9 PM and "post-event gatherings, event traffic, and exterior cleanup activities completed by 10 PM". HRS anticipates that up to 400 people will attend those events. These people will be hanging out close to neighbors' backyards. The sound from all these people attending informal outdoor events or simply milling around after attending a performance will be extremely impactful, especially given that this will occur between 9 PM and 10 PM at night, with no exceptions for work or school nights when parents have to get up and go to work and children have to get up in the morning and go to school.

CC-17

Why should HRS do HRS need to hold outdoor informal gatherings by the Performing Arts Center between 9 PM and 10 PM? People leaving campus after attending an event qualitatively different from setting up a situation where people are encouraged to stay on campus until 10 PM to attend informal gatherings.

## Noise from the Loop Road

**13-39 and 13-40.** The discussion of noise caused by Loop Road and additional traffic is confusing. The DEIR first (p. 13-39) assesses how additional new trips to the campus will affect noise along Lincoln Ave. It concludes that the new traffic will not increase Lincoln Ave. noise by more than 5 db and is therefore acceptable. But Lincoln Avenue is only one concern.

The DEIR next considers the noise effect of the Loop Road. But here, the 5 db standard is not used. Instead, the DEIR first tells us that, “Based on the traffic noise modeling results, hourly average traffic noise levels of 52 dBA Leq and 48 dBA Leq would be anticipated during the morning (8:00 to 9:00 am) and afternoon (3:15 to 4:15 pm) peak hours, respectively, at a distance of 50 feet, not taking into account any noise shielding.” It then concludes that “Noise levels generated by vehicle circulation along the Loop Road at all times during the day would be similar or lower in level than existing noise levels, would be below the daytime threshold, and would be less than significant.” There are two questions here. First is why is the “increase of 5 db or more” standard not used when assessing impact of the Loop Road on neighboring residences and roads (Alida, Linnet, etc.)? Second, what does it mean to say that noise from the Loop Road would be “similar or lower in level than existing noise levels”? This seems unlikely, given that the Loop Road will experience hundreds of trips daily. This will surely raise sound levels in adjoining residential streets above current levels. Moreover, there is no analysis provided to support this statement. The Fehr and Peers report (Appendix 14) provides NO noise analysis, simply stating it will be done in the future. It does project (via model) the total noise that trips will produce, but it has no data on existing ambient or traffic noise levels at adjacent residential properties. Therefore, it is impossible to discern whether the projected 52 db levels will be a substantial increase. The noise assessment done by Illingworth & Rodkin, Inc. (Appendix 13) provides no analysis of traffic noise. Therefore, the assertions about the effects Loop Road noise will have on surrounding residential areas seem to be unsupported by either evidence or modeling.

HRS states that the Loop Road will be at the closest about 50 feet from residences. Given the number of vehicles that will use the Loop Road, there will be a substantial amount of noise that residents will be subjected to. HRS Page 13-40.

#### **Loading Dock Noise**

HRS states that there is “a curb cut at mid block for access to a shallow loading dock and service yard.” Page 3-11 The Loop Road is approximately 1,450 linear feet long. Page 3-31.HRS references a mini loop that will be used during off-peak pick up and drop off hours. What does that mini road look like?

**pp. 13-28; 13-29. The discussion of loading dock noise levels (for the Performing Arts Center building) on pp. 13-28 and 13-29 is completely at odds with the analysis provided in Appendix 13, pp. 29-31.** In the Appendix, analysis concludes that, “Noise levels generated during loading dock activities at the PAC would be anticipated to exceed the daytime thresholds established by the City of Oakland at some nearby residences to the south.... This is a potentially significant impact.”

The DEIR itself, on the other hand, concludes that, “As indicated in **Table 13-10** and shown on **Figure 13-5**, noise generated by loading dock activities is not expected to exceed the applicable thresholds at any of the closest residences to the south (R3, R4, and R5), and this impact would not be significant.” **Table 13-10 and Figure 13-5 present different estimates than are found in Appendix 13, pp. 29-31.**

In addition, both the DEIR and Appendix 13 note that for purposes of estimating sound, “It is assumed there may be one delivery per day on average, occurring between the hours of 9:00 a.m. and 5:00 p.m. on Monday through Saturday. It is also assumed that noise from back-up alarms will occur for fewer than 5 cumulative minutes in any hour.” One delivery a day seems unrealistically low. Can HRS be limited to this figure?

#### **Appendix 13**

**CC-18 p. 31,** The report acknowledges that, “Noise levels generated during loading dock activities at the PAC would be anticipated to exceed the daytime thresholds established by the City of Oakland at some nearby residences to the south.... **This is a potentially significant impact.**”

**The proposed mitigation measures (“prohibit unnecessary idling”; “avoid noise generating events...”) do nothing to mitigate the fact that normal operation of the loading dock is estimated to exceed permitted standards. Mitigation measures are clearly insufficient.**

#### **Concerns about Appendix 13, Noise**

##### **Appendix 13, Noise – comments**

**p. 7,** The documents states, “Table NOI-3 (below) categorizes a noise level of up to 60 dBA Ldn/CNEL as ‘acceptable’, from 60 to 70 dBA Ldn/CNEL as ‘conditionally acceptable’, from 70 to 80 dBA Ldn/CNEL as ‘normally unacceptable’, and a noise level of 80 dBA Ldn/CNEL or higher as ‘clearly unacceptable’.

These categorizations are based on land-use categorization of “Schools, libraries, churches, hospitals, nursing homes”. Note that land-use categorization residential has stricter noise standards. At what distance from HRS structures does the land-use categorization become “residential”? Presumably some areas in the vicinity would experience audible noise from HRS but be subject to stricter “residential” standards. This is particularly true in light of the acknowledgement (p. 18) that HRS proposes no fewer than 85 “special events” occurring after 5 pm. 48 of those events will last until 9:30 pm and an additional 37 special events lasting until 6. In all cases, HRS report acknowledges that substantial after-event “informal gatherings” of at least 400 people could extend at least an hour after event ending – i.e., until 10:30 pm in the case of the later events. Again, this suggests that special attention should be paid to the 7-10 pm period, with strictest measurement standards applied during this time.

**p. 10 and throughout,** The Salter noise study uses the Ldn measurement standard for assessing neighborhood noise rather than the CNEL standard. As the definitions on p. 3 explain, the CNEL standard imposes an additional “penalty” on noise occurring in evening hours from 7-10 pm. The 7-10 pm period is a crucial window for residents around the area of HRS in terms of

quality of living. Why isn't the study predicated on the stricter CNEL standard, effectively applying stricter standards for noise occurring during the 7-10 pm period?

HRS gives no binding estimate of the number of outdoor/amphitheater/commons events that will occur in the 7-10 pm window. HRS should be contractually limited in the number of events that can occur during this period in the course of a year.

**P 16ff.**, Note that the east perimeter for all noise estimates terminates at the base of Camellia Place. The amphitheater faces east, and sound will clearly travel beyond that perimeter.

Moreover, surrounding terrain and the amphitheater itself may amplify sounds in a directional manner, leading to louder sound levels toward the east. Sound studies should be done at a further perimeter, perhaps applying residential classification standards.

Note, too, that some of the noise projections (e.g., Table 4, p. 16; Tables in Appendix 13d on PA system/crowd with proper measurement weights rather than weights used by Salter) show that houses to the east (R12 and R13) will experience some of the loudest noise levels projected. Why, then, do estimates of noise terminate at these houses? Presumably adjacent houses further up Camellia will experience comparable noise levels as sound travels up.

**p. 16.** The Oakland code reads that in school-zoned areas, levels above 70db are “normally unacceptable” unless “highly effective noise insulation, mitigation, or abatement features are included in the design.” HRS’s “abatement” is to simply not have events going beyond 10 pm. But the noise standards designate anything above 70 db as unacceptable *during the daytime*. **The abatement does not address the fact that noise levels will be above daytime acceptable maximum.**

In addition, the city of Oakland’s “Noise-Land Use Compatibility Matrix” (p. 7) indicates that levels above 70 db are “clearly unacceptable” for “Auditoriums, concert halls, and amphitheaters.” Computed Lmax for daytime graduation is considerably in excess of this standard at multiple surrounding residential locations (Table 4, p. 16).

**p. 17.** The study explicitly acknowledges that “**Noise levels generated during large events held in the commons would be anticipated to exceed the adjusted daytime thresholds established by the City of Oakland at some nearby residences.**” Given that only three of these events are proposed per year and all events are proposed during daytime hours, scheduling and advance notice to residences in the surrounding areas should substantially reduce the potential for residential annoyance attributable to these events (see Mitigation Measure 1a). ”

If only three of these events are “proposed” per year, HRS should sign a contractually binding obligation to that effect – that the # of events will not exceed 3. Otherwise the “proposal” is meaningless. Such events should not extend to past 8 pm.

**p. 18,** The study notes that SOUNDPLAN software was used to model noise; the software assumed “a noise source calibrated to a moderate sized outdoor event.” The phrase “moderate sized outdoor event” is exceedingly vague. Since the software can model based on precise estimates, and since HRS acknowledges up to 400 people per event, the **projections should**

**model on the more precise standard of 400 people**, not the more ambiguous “moderate sized” event.

In addition, no information is given on whether SOUNDPLAN modeling takes terrain, amphitheater design, or other geographical considerations into effect. Since much of the residential terrain adjacent to HRS is at a higher elevation, and since sound travels up via line of sight, **noise modeling should take account of geography and amphitheater design to the extent possible.** SOUNDPLAN is capable of such modeling.

**p. 26,** The report claims that, “Traffic noise levels would not substantially increase as a result of the project and on-site parking and circulation would not exceed City standards.” There does not appear to be any analysis to support this assertion.

**p. 26 ff.**, The report acknowledges that school expansion will create “an additionally [sic] 600 daily trips” to the campus and surrounding neighborhood. Vehicular traffic would include “385 student drop-offs and 385 pick-ups” on the Loop Road (p. 27), and “use of the Loop Road would eliminate vehicle trips along Alida Street and Maiden Lane, resulting in lower traffic noise levels along these residential streets.” (p. 27). There is no analysis showing that the Loop Road will be able to handle 385 drop-offs and pick-ups within given time period. Moreover, just because HRS builds a loop road doesn’t mean parents will use it. If the loop road becomes congested (as it surely will), parents will simply divert to Alida, Maiden Lane and other streets.

**p. 28,** notes that parking lot noise levels will be below noise standard. HRS needs to ensure that parking lots are closed to all vehicles during non-operational hours, so as not to add noise from people gathering in the lots.

Appendix 13d, RGD Acoustics examined Salter’s analysis. In commenting on the projections for noise created by graduation events, RGD’s report clearly states that, “The Salter measurements [for assessing graduation noise levels] were of very short duration (less than two minutes) and **not necessarily appropriate for assessing a highly time-varying noise source against the Oakland Noise Ordinance standard that uses an hour-long measurement.**” This potentially invalidates much of the Salter analysis of outdoor events. Assessments should be made using a more appropriate measurement standard.

## Traffic

**CC-24** HRS states that 41% of the students are dropped off and picked up and about 13% drive and park on site. About 93% of the faculty and staff drive and park and either single occupant carpool vehicles.

HRS has not provided a distribution showing how many vehicles will drive on Lincoln at any given time. HRS has not provided any documentation on how many vehicles will cluster at key times, like 15 minutes before school starts.

CC-25

CC-26

CC-27

CC-28

CC-29

CC-30

## Traffic Concerns

### Comments, Appendix 14, Transportation Analysis

The expansion proposal estimates a 173% increase in traffic on an average weekday, or 2250 automobile trips (p. 6).

1. There is no analysis indicating that the proposed Loop Road would be capable of bearing the projected traffic without congestion and roadblock, especially given that traffic would be stopping to load/unload students.
2. How will HRS ensure that parents use the Loop Road rather than surrounding streets? If the Loop road congests and backs up due to high volume (as it surely will), parents will almost certainly divert to surrounding roads. HRS must have methods in place to prevent this from happening.

The study repeatedly states (pp. 9-10 and elsewhere) that “the City of Oakland’s screening process is not applicable to the [HRS] project.” This assertion is neither explained nor justified. Given that the study relies on a different metric than that used by the City of Oakland, a more detailed justification of this position is needed.

In fact, one of the reasons given for the inadequacy of Oakland screening procedure is the fact that HRS draws “students from a large geographic area” (pp. 9-10). Yet the report also states that, “About 50 percent of students and faculty/staff live within 10 miles of the Head-Royce School, while over 80 percent live within 20 miles” (p. 8).

3. The study’s self-invented VMT metric and projections “assumes the students and faculty at project buildout would have a similar geographic distribution as current students and would have similar trip distribution as shown on Figure 2” (p. 8). This assumption is unjustified. There is every reason to believe that expansion will draw disproportionately from students/families currently living farther away from HRS. To the extent this is true, it will entirely shift the VMT projections and increase pollution and noise. The use of current distributions to project future travel distances is unrealistic and unjustified.

4. Beyond the invented VMT metric, no analysis seems to have been yet carried out. The document states that analyses will be done (e.g., p. 13). It would seem incumbent on HRS and the city of Oakland to determine what the actual traffic impact will be **before** HRS embarks on the project. Actual studies (as opposed to proposed studies) should be completed with adequate time for review and commentary by affected populations before any project is approved, much less begun.

5. Note that the proposed Loop Road has a major unacknowledged traffic implication. As Appendix 14 (Figure 2) shows, some 68% of HRS traffic comes south on Lincoln to arrive at the school. This means that the majority of traffic will now be turning left across Lincoln to access the Loop Road and drop off students. This will cause excessive backup southbound on Lincoln. (Currently cars pull to the right of the road and drop off students, thereby avoiding the left turn issue.) Moreover, it is likely that parents wishing to avoid the southbound backup on Lincoln

will turn into neighboring residential streets like Maiden Lane and Alida to avoid any congestion on Lincoln and/or the Loop Road. Overall, this will have a major impact on traffic flow on Lincoln and surrounding streets.

CC-31

### Increased Enrollment and Evacuation in the Event of a Disaster

CC-32

HRS notes that one concern is that “the project would exacerbate current exposure of people and structures to a significant risk of loss, injury or death involving wildfires by adding School buildings and increasing school enrollment at a school located within the City of Oakland’s VHFHSZ.” HRS states that the risk will be substantially mitigated through a Vegetation Management Plan. Page 2-39. HRS indicates that this concern is “Less than Significant with SACs/Vegetation Management Plan”.

CC-33

In Appendix 16 – B, While praising HRS for having an evacuation plan, HRS’s expert regarding fire evacuation found it inadequate and “a strong first draft”. It was noted that “[w]ith a high Diablo wind event and favorable fire conditions..., a wild fire that begins in the Oakland Hills could reach HRS within 15 to 30 minutes.” The expert recommends that in the event of a wild fire, if there is time, HRS should obtain six long buses to evacuate students. The expert expressed concerns about the stairs on the campus and evacuating students with disabilities. The expert recommended that in the event of a fast-moving fire, students walk downhill to the parking lot near Farmer Joe’s and CVS Pharmacy to be picked up by their parents.

CC-34

HRS ‘s is requesting to increase enrollment by 356 students and 31 faculty and staff for a total increase in people working or studying at HRS totaling 387. (Transportation Assessment Report Table 1) According to this study, in November 2018, HRS had 894 students and 158 faculty and staff for a total population of 1,052. HRS wants to increase the population to 1,250 students and 189 faculty and staff for a total population of 1,439. In the event of a need to evacuate Lincoln Highlands, that will mean that 387 students additional to those who didn’t drive themselves to school will be walking down the hill to Farmer Joe’s. The situation in the neighborhood will be chaotic. Permitting this increase in the number of students will add to the problem. What is HRS’s amended plan to address this issue? How is HRS going to arrange to have six long buses come to campus on extremely short notice? What is HRS going to do to make sure that the campus it is building is accessible to people with disabilities? HRS’s request to increase enrollment to that degree should be denied given that HRS is in the VHFHSZ and it will be difficult for everyone in the area to exit safely as it is.

CC-35

Increased volume of HRS students and personnel will also substantially impede residents’ ability to evacuate in a timely fashion in event of fire or other disaster.

CC-36

### Views and Vistas

At Page 4-8 of the DEIR, HRS states “The Project would not have a substantial adverse effect on a public scenic vista or scenic view that is enjoyed by members of the public generally. (Less than Significant).

HRS provides a photo of the view on Camellia Place, which is Figure 4-2 at page 4-9. This photo was taken about halfway up Camellia Place. The top of the cul-de-sac has a flat area with lovely Bay View. Neighbors who live on the street sometimes meet there for pot lucks. People take walks and sit at the top of the cul-de-sac and enjoy the view. Here is a photo of the view at the top of the cul-de-sac.



CC-37

In various locations in the DEIR, HRS states that it is going to plant redwood trees. It also states it will plant's Coast Life Oak, Madrone, California Buckeye, California Bay Laurel or other trees acceptable to the Tree Division. Pages 2-11 and 4-13. Redwood trees grow over 250 feet tall and can have a huge circumference. Bay trees can grow 40 to 50 feet high.

If HRS is permitted to plant redwood trees and other trees that grow to high heights on the property, it will impair both views enjoyed by members of the public and impair the views that neighbors enjoy from their homes. This will have a substantial adverse effect on a both "a public scenic vista or scenic view" and views enjoyed from inside residents' homes.

Why does HRS need to plant redwood trees as opposed to other trees that will not grow so tall that they will impair neighbors' views of the Bay and downtown Oakland?  
How tall will the trees be that HRS initially plants? Where will those trees be located on the property?

Are there other trees that HRS could plant that would not grow so tall yet would satisfy the City? The City should require HRS to top trees once they reach a certain height so that neighbors' and the public's views are not adversely affected.

Light and glare from lights also affect evening views. HRS states "the Project will add new sources of light which will be visible from off – site locations, and may admit glare that may substantially and adversely affect nighttime views in the area. Page 4-16. HRS states that existing light is limited to light fixtures mounted on existing buildings. HRS plans on putting 16 new 18 foot tall wooden light poles around the proposed Loop Road and 13 in the redesigned upper parking lot. Downcast lighting fixtures will be attached to these polls. These lights will adversely affect neighbors' night views of downtown Oakland. HRS also plans on having trees have light fixtures added in the Commons area for evening Special Events. Page 4-17. However, the Performing Art Center building will only have two external building light fixtures at the loading dock which will be used only during loading and unloading operations. Page 4-17. Why is it necessary to have 29 light poles that are 18 feet tall when it does not require any lighting at the Performing Art Center building? Why isn't HRS required to consider using less impactful lighting? Isn't there less impactful lighting that can be used to illuminate the parking lot? Why is lighting from 18 foot tall light polls necessary to illuminate the Loop Road? Wouldn't it be sufficient to use lighting that is significantly shorter and therefore less impactful on neighbors' night views of downtown Oakland? HRS should be required to respond to these questions and search out other lighting possibilities.

CC-38

**Response to Comment Letter CC - Lerner, Jodi, December 2021**

Throughout this comment letter, there are numerous references to “HRS states...”, or “HRS acknowledges...”. The Draft EIR is not a Head-Royce School document, and Head-Royce School did not prepare this document. Rather, the Draft EIR was prepared pursuant to the City of Oakland’s Guidelines for Environmental Consultant Contracts Concerning Private Development Projects (Guidelines, 2/1/19). The responsibility for the content and adequacy of the Draft EIR is at the sole discretion of the City of Oakland, and the EIR consultant and sub-consultants worked under the sole direction and control of the City of Oakland.

**Response to Comment CC-1:**

The analysis as prepared in the Draft EIR presumed a phased development plan, consistent with that originally proposed by the School. The preference for a phased or no-phased project is a comment on the merits of the project and not a comment on the adequacy or accuracy of the Draft EIR. Please also note that the School has proposed several changes to their original Project (see Chapter 2), including combining Phases II and I into a single development phase. Construction of the Performing Arts Center and the tunnel are dependent on later funding availability, and remain part of a future phase(s).

**Response to Comment CC-2:**

The City of Oakland requires implementation of Standard Conditions of Approval for all construction project that affect City streets. These SCAs require project applicants to repair any damage to the public right-of way including streets and sidewalks, caused by project construction, at his/her expense. Repairs must be completed within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately

**Response to Comment CC-3:**

A vibration analysis was conducted as part of the Draft EIR, included in the Noise and Vibration chapter beginning at page 13-40. This analysis concludes that on-site historic structures (historic Buildings 0, 1, and 2) could be exposed to vibration levels exceeding the 0.25 in/sec PPV vibration threshold if new heavy construction is located within 25 feet of the buildings. The Draft EIR recommends Mitigation Measure Noise-5, Vibration Reduction near Historic Structures (although impacts to on-site properties would not normally be considered an impact under CEQA), which recommends the following practices to minimize damage to on-site historic structures:

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

**Response to Comment CC-4:**

The Draft EIR (page 13-41) concludes that heavy construction located within 18 feet of any structure would have the potential to exceed the normal/conventional construction threshold of 0.3 in/sec PPV. There are no off-site structures located within this threshold distance. Vibration levels are lower with further distance away from nearby structures, and are lower when equipment and methods that cause lower vibrations are used. At times, vibration generated by construction activities would be perceptible inside nearby structures, but is not be expected to result in any architectural damage to surrounding buildings. The effects of construction-related groundborne vibrations to off-site buildings would be less than significant.

#### **Response to Comment CC-5:**

The Draft EIR includes a lengthy and detailed analysis of surface settlement and ground movement related to the proposed tunnel under Lincoln Avenue. This analysis is based on several technical studies and peer-reviews, including:

- Rockridge Geotechnical, Geotechnical Data Report, Proposed Pedestrian Tunnel, May 31, 2017 (Appendix 8B)
- McMillen Jacobs Associates, Head-Royce School Pedestrian Undercrossing Conceptual Design and Constructability Evaluation, April 23, 2019 (Appendix 8D), and
- McMillen Jacobs Associates, Responses to Geotechnical and Tunnel Peer Review Comments on Conceptual Design Evaluation, December 6, 2019 (Appendix 8E)

The location of utility lines is generally well known. As noted in the McMillen Jacobs Associates' Conceptual Design and Constructability Evaluation (DEIR Appendix 8D), there are several utilities underlying Lincoln Avenue. Based on the available information, there is an East Bay Municipal Utility District (EBMUD) water main and a City of Oakland storm drain located east of the tunnel alignment. These two lines connect into the HRS campus just north of the proposed tunnel alignment. As shown on Drawing HRS-02 in Appendix A, these lines turn north, perpendicular to Lincoln Avenue, and thus do not conflict with the proposed tunnel location. Utilities that do cross the proposed alignment consist of gas, water, electric (overhead and underground), and telecommunications. Based on the latest survey provided by Sandis (2017), the elevations of gas, water and telecommunications lines correspond to approximately 414 feet, 413 feet, and 412 feet respectively. Assuming a 12-foot tall, jacked box with 24-inch thick invert and crown, this leaves a minimum of 8 feet of clearance between the top of the tunnel and the nearest utility. Any pre-support installed prior to tunneling would reduce this clearance. Note these elevations are estimated at the center of the tunnel alignment. The elevation of the underground electric line was not provided at the time of this report and is assumed to be at about the same elevation as the telecommunications line. The exact locations of these utilities and other below-grade structures should be confirmed as part of design development process.

#### **Response to Comment CC-6:**

As noted in the Draft EIR (page 8-31), "a certain amount of ground settlement is common in shallow tunnels such as that proposed. The 2019 McMillen Jacobs Conceptual Design and Constructability Evaluation anticipates that total settlement above the tunnel should be limited to 1 to 2 inches, provided that all design and construction considerations and specific protection measures (as itemized in their report), are implemented. At 1 to 2 inches of total settlement, the overlying roadway can be repaired (by Head-Royce) with an equivalent level of complexity as routine pavement repair.

#### **Response to Comment CC-7:**

As detailed in the draft EIR's Recommendations Geo-4A: Concept Design and Constructability Recommendations for Pedestrian Tunnel, the following monitoring provisions would be required:

- To protect existing facilities from the effects of tunnel and portal construction, installation of monitoring instruments along Lincoln Avenue will be required to monitor ground/utility movements and surface settlement. Prior to commencing excavation, utility monitoring points and surface settlement arrays should be installed within the influence zone of the tunnel and portal excavations. Monitoring of these points should be performed on a regular basis during construction (daily or more frequently). Baseline readings will need to be taken to establish elevations prior to construction.
- Following completion of tunneling, monitoring should continue until readings stabilize or until such time that construction activities no longer warrant active monitoring.

- Because the monitors will be measuring very small increments (percentages of an inch, monitoring locations will need to be determined after precise utility locations have been verified).
- Settlement thresholds and corrective actions will need to be established as part of the final design and prior to starting construction.

**Response to Comment CC-7:**

Preliminary soils studies at the proposed tunnel location have been conducted. As part of conceptual design study for the tunnel, two borings were performed (Rockridge Geotechnical, 2017). Based on these borings and other available geotechnical information, the tunnel site is generally underlain by variable artificial fill consisting of fine- to coarse-grained material, gravel pieces and organic matters; stiff to very stiff clay fills with varying amounts of sand and native rock fragments; and bedrock consisting of sandstone, siltstone, and shale mélange and shale of the Franciscan Complex. The bedrock is noted to be extremely weak to medium strong, moderately to deeply weathered, and highly fractured. Areas of colluvium deposits of varying thicknesses and consisting of dark brown clayey soils with high expansive potential were also noted, although none appeared to be present in the borings closest to the tunnel alignment. Groundwater was encountered in the borings along the tunnel alignment and in borings performed at nearby locations, and is anticipated to be above the proposed tunnel invert elevation. Based on the borings, it is anticipated that bedrock could be encountered between 5 feet and 15 feet below existing grade in the areas around the proposed tunnel alignment.

Tunnel construction will require subsequent permit approvals issued by the City of Oakland. Tunnel construction will be required to comply with all standards, requirements and conditions contained in the City's construction-related codes, including but not limited to the CBC, the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction, including industry standards for seismic structural design as included in the most recent version of the CBC. Construction of the tunnel will occur in accordance with the CBC and local City requirements, and would reasonably reduce potential damage from surface settlement and ground movement to less than significant levels. A design-level geotechnical investigation will also need to be performed prior to construction of the tunnel. The soils report must be prepared by a registered geotechnical engineer, and reviewed and approved by the City prior to approval of construction-related permits. The soils report is required to include field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading and tunneling practices and project design. The investigations conducted pursuant to these soils reports will determine final design parameters for the tunnel and its construction methods.

**Response to Comment CC-8:**

Blasting is not proposed as part of the tunnel excavation process. It is anticipated that tunnel construction will be accomplished using a "jacked box" method, which involves advancing a precast/cast-on-site concrete box along the tunnel alignment by pushing it into the ground with hydraulic jacks. The box structure is typically open faced with a beveled steel cutting shield at the front end. As the box is advanced into the ground, excavated material is removed from inside the box. If large blocks or boulders are encountered, overcutting ahead of the box can be implemented to remove potential obstructions and aid in reducing jacking loads. Construction of a jacked box is not anticipated to produce vibration levels that would adversely affect nearby residential or Head-Royce School structures. The jacking processes would involve slow advancement of the tunnel using hydraulic equipment. Excavation of the ground in front of the advancing box will be by hydraulic excavator-type equipment. Vibrations from this equipment would be similar to those generated from typical roadway construction.

**Response to Comment CC-9:**

The possibility of constructing a pedestrian overpass has not been explored or evaluated in this EIR as no such overpass has been proposed. If construction of the tunnel does prove to be infeasible, or until the

School proposes to actually construction the tunnel, the two pedestrian crosswalks (one at each of the traffic signals on Lincoln) will be used. The traffic implications of signalized crosswalks at these locations are addressed in the non-CEQA traffic report.

**Response to Comment CC-10:**

As described on page 13-16 of the Draft EIR, and pursuant to SCA Noise-5, Construction Noise Complaints, the Project applicant is required to prepare a set of procedures for responding to and tracking complaints received about construction noise for review and approval by the City, and shall implement the procedures during construction. These complaint procedures are required prior to approval of construction-related permits and subject to initial approval by the City of Oakland Bureau of Building.

**Response to Comment CC-11:**

The Project does not include an amphitheater. It does include an outdoor common area called the Commons, where student can congregate, small outdoor classroom activities can occur, and at the end of the School year, outdoor graduation ceremonies are proposed to occur. Please see Master Response to Comments on Noise, specifically the section on Noise Sources, which indicates that the only new noise source attributed to the Project that would involve amplified sound via a PA system would be outdoor graduation events at the Commons.

**Response to Comment CC-12**

Please see Master Response to Comments on Noise, specifically the section titled Operational Noise Modeling Methodology and Conclusions.

**Response to Comment CC-13**

Based on noise measurements conducted at various other events and ceremonies at Bay Area high schools, the variation in spectator noise at a graduation event depends primarily on the number of attendees, and level of excitement generated by the event. For example, crowd noise generated by 1,000 spectators at a high school football game have been found to generate noise levels of about 67 dBA Leq at a distance of 225 feet from the center of the stands. The Illingworth & Rodkin Noise Study (Appendix 13) was originally conducted using very conservative crowd noise measurements based on sound levels measured at a high school football. Alternatively, actual crowd noise was measured at a prior 2019 Head-Royce high school graduation event, which was held indoors and with only 500 people in attendance. This event resulted in crowd noise measurements that were as much as 7 dBA lower than the football game crowd (per Salter Associate, 2019 DEIR Appendix 13B). To obtain the most realistic estimate of the noise levels generated by an outdoor high school graduation event held at the Commons area of the proposed South Campus, the following parameters were used:

- Crowd noise from the 2019 Head-Royce high school graduation event was used, but adjusted upward by 3 dBA to account for the increased number of attendees (generally following a relationship of a 3-dBA increase in sound level for each doubling in attendance). This approach was confirmed by an additional third-party peer review consultant, RGD Acoustics (see Appendix 13C). RGD Acoustics agreed that the crowd noise from the 2019 Salter measurements, as adjusted for a larger crowd, is a more accurate representation of crowd noise for a graduation event, rather than crowd noise from a football game.
- This crowd noise was then combined with sound levels calculated to be generated by the Project sponsor's proposed PA system (i.e., directional-array speakers at the front of the audience, calibrated to reach a level of 75 dBA at the last row of the audience, as individually calculated for PA sound levels only (per Illingworth and Rodkin, October 2019)

This methodology, which resulted in a different conclusion than reached in the original Illingworth & Rodkin Noise Study (Appendix 13) was fully documented in the Draft EIR.

#### **Response to Comment CC-14**

The calculated L<sub>33</sub> noise values (20 cumulative minutes in a 1-hour period) for a graduation event are summarized in Table 13-11 of the Draft EIR, and compared to applicable Oakland Noise Ordinance standards. One of the receptors included in this analysis is the property at the corner of Charleston Street and Camellia Place (receptor R-13). This noise receptor provides a ‘worst case’ analysis for other properties along Camellia Place, which are farther away from the graduation event than is receptor R-13.

#### **Response to Comment CC-15**

The noise source information was calculated based on the process outlined in Response to Comment C-13, above. The noise consultants then used SoundPLAN Version V8.2 to calculate noise contours for this noise source event, utilizing the topography of the site and surrounding area. SoundPLAN is a sophisticated three-dimensional noise mapping software that takes the characteristics of the noise source and the geometry of the receivers, surrounding terrain, and any intervening structures into account.

#### **Response to Comment CC-16**

The mitigation measure for reducing noise from the PA system during a graduation event is a realistic and feasible mitigation strategy, with identified performance standards. The mitigation measure requires an acoustic engineer to design and install a speaker array system designed to lower the noise “spillover” from the system to no greater than between 52 and 53 dBA Leq at the southerly and easterly property lines (i.e., toward Camellia Place). Examples of how such a speaker array could be designed to meet these performance standards are included in the mitigation measure. This mitigation strategy was developed by the team of noise consultants and peer review consultants as identified in Response to Comment C-13, above.

#### **Response to Comment CC-17**

Please see Master Response to Comments on Noise, specifically the section titled Operational Noise Modeling Methodology and Conclusions.

#### **Response to Comment CC-18**

Please see Master Response to Comments on Noise, specifically the sections titled CEQA Noise Thresholds, Operational Noise Thresholds, and Traffic Noise on the Loop Road, Operational Noise Impacts and Cumulative Noise Impacts.

#### **Response to Comment CC-19**

The purpose of the mini-loop was to provide a shorter off-peak loop through the proposed South Campus that would only operate as a loop road in the off-hours. The “mini-loop” was intended to use the same Loop Road, but just a portion of the Loop Road that would extend only to the first parking lot. The Project sponsor has decided not to pursue the mini-loop idea (see Proposed Changes to the Project).

#### **Response to Comment CC-20**

Please see Master Response to Comments on Noise, specifically the sections titled Operational Noise Impacts, Loading Dock Noise.

#### **Response to Comment CC-21**

The table referenced in this comment is a copy of the City of Oakland General Plan Noise Element, derived from the Governor’s Office of Planning and Research, used to determine whether new development projects would be susceptible to unacceptable existing ambient noise levels. This table does not apply to new noise sources and their effects on surrounding land use. Please see Master Response to Comments on Noise, specifically the sections titled CEQA Noise Thresholds and Operational Noise Thresholds,

**Response to Comment CC-22**

One of the receptors included in this analysis is the property at the corner of Charleston Street and Camellia Place (receptor R-13). This noise receptor provides a ‘worst case’ analysis for other properties along Camellia Place, which are farther away from the graduation event than is receptor R-13.

**Response to Comment CC-23**

This comment is again referencing to the table from the General Plan Noise Element that is used to determine whether new development projects would be susceptible to unacceptable existing ambient noise levels. This table does not apply to new noise sources and their effects on surrounding land use.

**Response to Comment CC-24**

Please see Response to Comment CC-13 above, and Master Response to Comments on Noise, specifically the section titled Operational Noise Sources – Graduation events at the Commons

**Response to Comment CC-25**

Please see Response to Comment CC-15 above regarding the capabilities of the SoundPLAN Version V8.2 noise contour model.

**Response to Comment CC-26**

The analysis supporting the conclusion of no noise impact from traffic operations immediately follows this statement in Appendix 13.

**Response to Comment CC-27**

The total length of the Loop Road (recalculated at 1,580 linear feet) is substantially longer and supports a longer traffic queue capacity during drop-off and pick-up activities than does the existing drop-off and pick-up space along Lincoln Avenue, and simultaneously diverts Head-Royce drivers off Lincoln Avenue for the pick-up and drop-off activities.

**Response to Comment CC-28**

The perimeter of the proposed South Campus will be fenced and the Loop Road gated for security during non-operational hours.

**Response to Comment CC-29**

Please see Response to Comment CC-13.

**Response to Comment CC-30**

This statement is about the percentages of vehicles based on student and faculty trips, and is consistent with information presented in Table 14-1 of the Draft EIR. The remainder of this comment pertains to traffic operations, which is not a CEQA topic. Please see Master Response to Comments on Traffic Congestion.

**Response to Comment CC-31**

The Traffic Study shows that the Project would increase daily traffic by approximately 36% (not 173%), with an increase of 600 daily trips over the current 1,650 daily trips, to 2,250 total daily trips.

**Response to Comment CC-32**

This comment pertains to traffic operations, which is not a CEQA topic. Please see Master Response to Comments on Traffic Congestion.

**Response to Comment CC-33**

As indicated on page 9 of Appendix 14 and based on City of Oakland's Transportation Impact Review Guidelines, a VMT assessment is typically completed using a screening analysis based on project location, type, transit access, and other factors to determine if a project can be presumed to have a less than significant impact on VMT. The Project does not meet these screening criteria, is therefore not presumed to have a less than significant impact on VMT, and a more detailed, Project-specific VMT analysis was conducted. That more detailed VMT analysis is presented in the Draft EIR.

**Response to Comment CC-34**

It is not possible to predict with any certainty where students those students representing Head-Royce School's student population in future years will live, and the existing travel demand models used to predict travel behavior are not calibrated to make this type of precise estimate. The best reasonable estimate for where the School's future student population will likely live is an extrapolation based on the current student population. Therefore, the existing VMT for the Head-Royce School is estimated based on the current mode share and home ZIP code data, and the assumptions for future conditions was based on similar mode shares, operating conditions at the School, and similar geographic distribution of the student and faculty/staff home locations. There is no basis for assuming that future student populations will live closer or farther away from the School. This methodology was carefully reviewed and accepted by the City planning Department and Transportation Department staff prior to using the methodology in the analysis of VMT, as is presented in the Draft EIR.

**Response to Comment CC-35**

This comment pertains to traffic operations, which is not a CEQA topic. Please see Master Response to Comments on Traffic Congestion. However, as per the Draft EIR's project description, the Project propose to add a new traffic light at the Loop Road entrance so that left turn movements off of Lincoln will be regulated by the signal timing at this intersection, and will not need to wait for a break in the uphill Lincoln Avenue traffic to make this turn.

**Response to Comment CC-36**

Please see Master Response to Comments on Wildfire hazards and Evacuation Plans.

**Response to Comment CC-37**

As applies to all projects that require a tree permit per the City's Tree Protection Ordinance (OMC Chap. 12.36), the Project will be required to provide replacement plantings for removal of native trees for the purposes of erosion control, groundwater replenishment, visual screening, wildlife habitat and preventing excessive loss of shade. These City requirements also provide, as stated in the Draft EIR, that replacement tree species shall consist of Coast Redwood, Coast Live Oak, Madrone, California Buckeye, California Bay Laurel, or other tree species acceptable to the Tree Division. No specific landscape plan for the Project has yet been prepared, and no tree species selection has been determined. Head-Royce School does not have to plant redwood trees.

**Response to Comment CC-38**

The CEQA threshold pertaining to lighting is not whether new lights can be seen or if there would be more lights than currently exist, but whether the Project would create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area. With shielding of light standards, the light source would only cast lightning downward toward the surface where lights are needed, and not in all directions "spilling" onto adjacent properties or lighting the night sky.

**Letter DD - Leung, Maria, December 17, 2021**

**From:** Maria Leung <marialeung97@yahoo.com>  
**Sent:** Friday, December 17, 2021 2:23 PM  
**To:** Brown, Courtney  
**Subject:** RE: Head Royce School Planned Unit Development Project DEIR Comments

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

*Via Email*

December 20, 2021

Courtney Brown  
City of Oakland, PBD, Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
Attn: Head Royce School Planned Unit Development Project DEIR Comments  
Email: cbrown@oaklandca.gov

*RE: Head-Royce School Planned Unit Development Project DEIR Comments*

Dear Ms. Brown:

I am an Oakland homeowner whose property directly adjoins the Head-Royce School (HRS) South Campus on Laguna Avenue. The comments below follow my review of the HRS Planned Unit Development Project DEIR:

- An additional traffic light on Lincoln Avenue so close to both of the already pre-existing lights will cause more congestion on Lincoln, especially if the proposed 37% student enrollment increase is approved. It will be 3 traffic lights within approximately 100 yards of each other. The additional traffic light is intended to direct parents dropping off and picking up students to access the proposed "Loop Road" as a solution to the long-standing traffic congestion created by Head-Royce parents who drive their children to and from the school. The additional traffic light will not solve this problem. Where in the DEIR is any study or analysis confirming that parents will comply with this directive and where in the DEIR is a plan described for how HRS will enforce such a directive?
- As stated in the DEIR "*Based on the analysis presented in this EIR, the Project would not result in any environmental impacts that would be considered significant and unavoidable.*" How is this possible? This is highly subjective per the people that came up with the DEIR. The Definition of Environment = the surroundings or conditions in which a person, animal, or plant lives or operates. Which includes noise impact. The additional noise generated alone by more students in a larger outdoor/indoor setting would already create new environmental impacts to the site and surrounding residential communities. The construction and operation of a Performing Arts Center for numerous events throughout the year would absolutely create more noise. Where in the DEIR is a study of the types of events that would create noise, and a sound reduction calculation from the inside of the Center to the outside, with an analysis of the mitigation that should be achieved in planning the construction materials and features such as windows and the loading area?
- In aesthetics 3 and possible mitigations: How is proposing that light fixtures be shielded to a point below the light bulb prevent "unnecessary glare" since the exterior lighting fixtures will still produce light where there

now is none, or more than there is now, especially with the proposed Performing Arts Center and lights for the Loop Road and parking lot? (DEIR 4-16)

- In Land Use: *Land Use-2: "The Project would not result in a fundamental conflict between adjacent or nearby land uses."* Where does the DEIR include validated studies that describe how loud noises from more students, construction, traffic, a Commons/amphitheater and a Performing Arts Center which may be used off school hours and on nights and weekends **not** conflict with a currently noiseless, quiet, and tranquil residential neighborhood? The DEIR fails to accurately describe and validate how the Project would not result in something with an ongoing SIGNIFICANT IMPACT to surrounding residents.

DD-5

- In Noise: "Less than significant" impact during temporary construction remains subjective and not supported by the acoustic studies, which lack current, appropriate data.

DD-6

- In Noise -1 and SCA noise 1:3. When there is need for construction outside of working hours, the proposal is to ask the City for permission and only inform residents, but not allow residents to object.

DD-7

- The times of operations/construction are stated in the DEIR but they say there also may be emergency use or emergency construction that would need to be approved by the city but then they also state they would give neighboring residents 14 day notice. How would this logically be possible?

DD-8

- The perimeter fence would only be 6 ft tall which is still not enough for residential privacy concerns. The DEIR does not mention anything else about the fence other than a possible type of material used but nothing about the sound absorbing properties for wood "or similar materials". This is a very vague area that needs to be specific, as well as realistic if privacy and noise concerns are going to be addressed.

DD-9

- A lot of the car regulations are during "off hours" but the most traffic will still be present during "on hours". Why does the DEIR not analyze restricting vehicular access all day since the loop should not be a general public use road in any case?

DD-10

- When the DEIR states increase in student numbers by 20 per year, do they mean per school year/grade or increase in 20 students per fiscal year total for the school? As reported in project objective 4 page 3-21. Phase II states the student population would increase by 144 students (page 3-40). It also states phase II will last approximately 1 year, so how is it possible then to increase students by 144?

DD-11

- DD-1
- Page 4-3 states current light/glare but what about future light/glare after proposed project completion?
- DD-12
- When speaking about aesthetics on page 4-7, footnote 3 says "Only impacts to scenic views enjoyed by members of the public generally, but not private views, are considered to be potentially significant.", Why are private views with "potentially significant" impacts only in a footnote and not in the main outline/report?

DD-11

DD-12

- DD-2
- On page 4-17 when speaking about lighting, they do not specify what type of lights will be used. Halogen vs LED vs halogen vs incandescent, etc. The differences can have great effect on surrounding glare. Why does the DEIR not contain studies analyzing these differences and their potential impacts? The DEIR also does not state when the lights would be used in terms of hours of operations? Will the lights be on 24 hours a day? The DEIR lacks analysis of the disturbing impact of all the new proposed lighting on adjacent residents. Why is that?

DD-13

- DD-3
- How is EVERY impact on this DEIR "Less than significant"? The construction of a new campus with roadways, buildings, pedestrian tunnel, etc. all cause "less than significant" shift in landscaping, biological assets, waste, and noise? This seems like a very biased and self serving DEIR.

DD-14

DD-4

Thank you for taking your time to read my comments and concerns.

Sincerely,

Maria Leung

## **Response to Comment Letter DD - Leung, Maria, December 17, 2021**

### **Response to Comment DD-1:**

Please see Master Response to Comments on Traffic Congestion.

### **Response to Comment DD-2:**

To help clarify and standardize analysis and decision-making in the environmental review process in the City of Oakland, the City has established CEQA Thresholds of Significance Guidelines. These Thresholds are offered as guidance in preparing all environmental review documents for the City. Thresholds are intended to implement and supplement provisions in the CEQA Guidelines for determining the significance of environmental effects, and form the basis of the City's Environmental Review. These Thresholds are used as objective, measurable criteria to evaluate the potential effects of a project. Within each analytical chapter of the Draft EIR, the applicable significance criteria (based on these City Thresholds of Significance) are presented, and potential impacts of the Project are then compared against these thresholds.

### **Response to Comment DD-3:**

Please see Master Response to Comments on Noise, specifically the section titled CEQA Noise Thresholds.

### **Response to Comment DD-4:**

The CEQA threshold pertaining to lighting is not whether new lights can be seen or if there would be more lights than currently exist, but whether the Project would create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area. With shielding of light standards, the light source would only cast lightning downward toward the surface where lights are needed, and not in all directions "spilling" onto adjacent properties or lighting the night sky.

### **Response to Comment DD-5:**

As described in the Draft EIR (page 12-6), the General Plan classifies the proposed South Campus, as well as the adjacent Ability Now Bay Area property, the Ascension Greek Orthodox Cathedral property and the Oakland California Temple of the Church of Jesus Christ of Latter-day Saints property as Institutional. All of the Project's proposed uses on the former Lincoln site are institutional in character. Additionally, pursuant to Section 17.10.180 of the Oakland Municipal Code, activities typically performed by public and private elementary, junior high and high schools (such as the Project) are defined as Community Education Civic Activities, which are conditionally permitted within both the Project site's applicable zoning districts. The Project includes an application for a Conditional Use Permit (CUP) and pending approval of that CUP, the Project would be consistent with the uses and activities of the City's zoning.

Further, the Draft EIR (page 12-27) describes that the Project proposes to use the former Lincoln site, which is adjacent to existing residential neighborhoods, for school purposes. A school use adjacent to residential neighborhoods does not represent an inherent conflict between adjacent land uses. There are public and private schools adjacent to residential neighborhoods throughout the City of Oakland that are not in conflict with each other. Adherence to General Plan policies and zoning regulations is intended to ensure that institutional uses are sensitively designed and compatible with the area's character.

### **Response to Comment DD-6:**

As indicated on page 13-23 of the Draft EIR, the Oakland Municipal Code standards that pertain to construction noise allow for an exemption to the otherwise applicable threshold of 65 dBA as the maximum allowable construction noise over more than 10 days, if an acoustical analysis is performed and that acoustic analysis recommends measures to reduce construction noise impacts.

An acoustic analysis was performed, finding that construction noise would be well above ambient daytime noise levels in the adjoining neighborhoods, especially at those residences that are immediately adjacent to the Project site. The acoustic analysis presented in the Draft EIR also recommends measures (SCA Noise-1 through Noise-5) that would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance. With implementation of these noise controls, and recognizing that noise generated by construction activities would occur over a temporary period, the temporary increase in ambient noise levels during construction are considered under CEQA thresholds to be less than significant.

**Response to Comment DD-7:**

The exceptions provided under SCA Noise -1 pertain to special activities, not emergencies. SCA Noise-1 does provide that any construction activity proposed outside of the proscribed days and hours for special activities (such as concrete pouring which may require continuous amounts of time) shall be evaluated on a case-by-case basis by the City. The criteria for evaluation may include the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of the preferences of nearby residents/occupants. One of the reason for these provisions is to provide an opportunity for special construction activities to be completed all at once, rather than spanning across multiple days and causing even greater disruption.

**Response to Comment DD-8:**

The School does propose to construct a perimeter fence around the proposed South Campus to promote security and privacy. On the southern and western property boundaries, the School proposes a solid wood (or similar material) fence of six feet tall, built without gaps between planks. Assuming the 6-foot height of the wall is relative to the ground elevation of the Loop Road, the wall would be anticipated to provide 5 to 6 dBA of noise reduction (relative to the noise levels presented in the Draft EIR) to the adjacent shielded residences.

**Response to Comment DD-9:**

The Loop Road would provide the only access to the proposed South Campus and its parking lots. Without the ability to use this road, people would not be able to enter or leave the Campus other than during the peak periods. The perimeter of the proposed South Campus will be fenced and the Loop Road gated for security during non-operational hours.

**Response to Comment DD-10:**

The intent of the Project is to increase permitted Schoolwide enrollment gradually, by 344 students over the currently allowed enrollment, to a maximum student population of 1,250 students. It is proposed that this enrollment increase occur at a rate of approximately 1 percent to 2 percent per year for a 20-year period. The operational cap of 1,050 students would apply to the School until the school completes construction of Phase III, at which time the enrolment cap would be increased to the maximum student population of 1,250 students.

**Response to Comment DD-11:**

The text on page 4-3 of the Draft EIR describes the Existing Setting (current lighting), and the analysis of the Project (proposed future lights) is addressed beginning at page 4-16.

**Response to Comment DD-12**

To clarify, only those impacts to scenic views enjoyed by members of the public generally, but not private views, are addressed under CEQA. Impacts to private views are part of the City's Design Review considerations, but are not considered an impact to the environment.

**Response to Comment DD-13**

Many of the details of each phase of development (such as individual light standard specifications) will only be developed if, and when the overall Planned Unit Development permit is approved. These details will still be subject to City review and approval pursuant to Final Development Plans and/or Site Design review.

**Response to Comment DD-14**

Please see response to Comment CC-1 above pertaining to the City's CEQA thresholds. In most cases throughout this Draft EIR, the Project only meets these thresholds with required implementation of mitigation (including City Standard Conditions of Approval and detailed recommendations pursuant to those SCAs).

**Letter EE - Marshall, Amelia, December 14, 2021**

Public Comment to the Oakland CA Planning Commission  
regarding the proposed expansion of Head-Royce School

via email only

Amelia S. Marshall  
3327 Wisconsin Street  
Oakland CA 94602  
December 14, 2021

To the members of the Oakland Planning Commission and city officials:

There are many merits to the proposed Head-Royce School expansion. However, some issues still need to be addressed.

As a resident of the nearby Laurel Terrace district, I am frequently near the Head-Royce campus and have observed how the school impacts the neighborhood.

As a member of the Friends of Joaquin Miller Park, speaking as an individual rather than a representative of that organization, I can attest that fire prevention is a major concern in our area. In collaboration with the local Fire Safe Council and other emergency preparedness organizations, we have studied fire risk simulations. If - perish the thought! – a wildland fire were to erupt in Joaquin Miller Park, Lincoln Avenue would be a major evacuation thoroughfare for residents of the Woodminster neighborhood, and to a lesser extent those in Crestmont.

Adding 250 students to the existing 900 would - in a worst-case scenario - mean that one thousand parents would drive their cars up Lincoln to rescue their children, potentially obstructing people fleeing the fire.

Therefore, I urge the school to work with the Oakland Fire Department and responsible city officials to develop a comprehensive fire evacuation plan. The older students at Head-Royce who are physically fit should plan on exiting the campus on foot via Laguna/Coolidge Avenues on the south and Whittle Avenue on the north. Suitable places in the flatlands should be designated for students to meet parents, in this emergency scenario.

We appreciate the willingness of Head-Royce administrators to collaborate with the neighborhood around many aspects of this expansion plan.

EE-1

Amelia S. Marshall

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**Response to Comment Letter EE - Marshall, Amelia, December 14, 2021**

**Response to Comment EE-1:**

Thank you for your comments. Please see Master Response to Comments on Emergency Evacuation, specifically that section titled Advancement of Greater Detail and Other Recommended Mitigation Measures.

## Questions/Comments on Head Royce Draft EIR

### GENERAL QUESTIONS

- 1) Oakland is in dire need of Housing so why is an 8 acre site that is zoned Residential being proposed or considered for an existing private school expansion, especially since the school already occupies 12 acres of Residential zoned property?
- 2) With 8 acres of property available, why are the activities that create the most noise and are the most air polluting proposed to be situated nearest to resident homes? (ie performance center, loop road, dust collection, playing field, traffic signal, et al). How does this align with Head Royce's "Good Neighbor Policy"?
- 3) The DEIR states that almost 50% of the students/faculty/staff live within 10 miles of the existing school. Ten (10) miles from the existing school site includes most of the surrounding Bay Area cities. The question is how many Oakland residing students actually attend the existing private school and where in Oakland do these students currently live? How does a proposed private school expansion in a zoned residential area benefit the Oakland student age residents, the surrounding Oakland residents that live in the area, and/or Oakland as a whole?
- 4) The DEIR states that the multiple significant identified issues can be lessened by the implementation of many mitigating measures. When will the public be able to review and comment on the mitigating measures that the proposed expansion would be implementing? How will any implemented mitigating measures be independently monitored on an ongoing (and unannounced) basis to ensure they are effective? Will there be "monitoring stations" at all sensitive receptors' locations identified in the DEIR? Will monitoring devices need to be installed on personal property? Who will pay for independent monitoring? How will any corrective action be quickly implemented?
- 5) The DEIR states that many regulatory Plans are required for the proposed private school expansion. When will the public be able to review and comment on these plans? How will regulatory Plans be independently monitored on an ongoing (and unannounced) basis to ensure they are effective? Who will pay for independent monitoring? How will any corrective action be quickly implemented?
- 6) Why is Head Royce, a private school requesting approval for an additional 38% increased enrollment allotment when the current allowed enrollment allotment of 906 students is still not achieved?
- 7) The DEIR mentions "school events" and "special events" are these the same thing? Where are the current "events" being held? Will there be the same type of "events" in the future as held today? Where are graduations currently being held? Why are some of the larger "events" proposed to be transferred outdoors to the 8 acre site impacting the surrounding residents vs remaining at their current location? Has Head Royce explored renting space from the Mormon Temple or Greek Orthodox church for their proposed events, especially those that have been identified as having an impact to the surrounding neighborhood?
- 8) Where are current Head Royce performances held? Why is there a need for a new large Performance Art Center when multiple performance spaces already exist on the existing campus. In addition, the proposed expansion shows a buildout in an existing building on the 8 acre property for a Community Performance Space? What does "Community Performance Space" mean? Is this a public space? The DEIR states that the proposed Performance Art Center is a "civic" facility. What does "civic" mean? Is this a public space?
- 9) In that Head Royce already contributes significantly to the traffic and air quality issues in the surrounding residential neighborhood with their existing operations, has the DEIR modeled the total traffic and pollution contribution (existing and proposed) generated by Head Royce? What is the total, existing and proposed, traffic and pollution impact from Head Royce to the surrounding Oakland residential neighborhood?
- 10) Oakland's approved 2019 Bike Plan includes the much desired four (4) approved bicycle paths in the surrounding neighboring. Why does the DEIR explicitly exclude the impact

## Questions/Comments on Head Royce Draft EIR

that the Head Royce's proposed private school expansion will have to Oakland's approved 2019 Bike Plan?

- 11) The DEIR states that the neighborhood suggested alternatives, were considered during preparation of the DEIR. It appears that the proposed private school expansion design and the mitigating measures do not reflect any of these suggestions, why were these suggested alternatives not incorporated?
- 12) As stated in the DEIR, many Oakland Policies are not considered as part of the DEIR review. How will the the proposed expansion of the private school be reviewed against Oakland Policies?
- 13) Will any exemptions from state, city or local agencies regulations/ordinances/policies be requested for the proposed private school expansion? If so what are they? What are the impacts of these potential exemptions to the surrounding neighborhood and Oakland in general?

### CONSTRUCTION QUESTIONS

- 14) Since the DEIR states that the proposed expansion will be a multi-phase, multi-year construction buildout, dependent on funding, why would the DEIR state that the proposed construction should be considered temporary and therefore have less stringent requirements regarding the impact to the environment and the surrounding neighborhood? Will there be unique start and stop points for each proposed phase? How will the public be able to provide feedback at the end of each phase regarding the impact to the neighborhood before the start of any proposed subsequent phases so that corrective action can be taken to rectify issues?
- 15) Will there be a final EIR before each proposed phase is approved?
- 16) Will there be any diesel fueled vehicles during construction?
- 17) How close to the creek bed will proposed construction need to occur and for how long before native soil and vegetation will be replaced?
- 18) In reference to the building soil instability around Building 9 that the DEIR discusses, how will it be stabilized before construction occurs to control erosion during proposed construction. Will the building be used before the soil is stabilized?
- 19) What erosion control measures will be put in place when the proposed, approximately 50% of the trees are removed, and before other erosion control vegetation matures?
- 20) In that the study of bat nesting was done in November 2019, and that the DEIR states bat nesting season is between Feb 1-Aug 31, will additional studies be done before demolition of buildings to determined if bats are nesting in buildings?
- 21) The DEIR states that vibration will be perceived in neighboring residents' homes. Since construction is a multi-year activity, how will this be mitigated?
- 22) How quickly will any road or sidewalk damage be corrected during the phase it occurred? Will damage be repaired soon after it occurs or only at the completion of the phase? Or will damage be repaired only when all proposed phases of construction are complete?
- 23) During the proposed construction when water is used to control construction dust, what steps will be taken to ensure that contaminated water does not enter the groundwater?
- 24) Besides the actual construction activity, has the additional traffic, noise and air quality issues from the arriving/leaving construction personnel/equipment/materials been included in the modeling? Will the arrival/leaving time of personnel/equipment/materials to/from the site be constrained to within the "allowable" day/times for construction?
- 25) Do the estimated timelines for construction represent "best case" scenarios or do timelines take into account contingency planning in case unknown circumstances arise?
- 26) Will both the proposed, temporary and permanent, south side portal exist at the same time? If so, what is the impact to the public right-of way in the area?
- 27) During "Red Flag Warning" or "Spare the Air" days will all air polluting construction activities be halted?

## Questions/Comments on Head Royce Draft EIR

- 28) Where will the demolition debris safely be staged and how often will it be transferred off site? How much debris is anticipated to be on site at any one time? As stated in the DEIR, there is hazardous material present on the 8 acre site. What percentage of the waste debris is estimated to be hazardous waste? Where will this hazardous material/waste be safely stored until disposal? How often will the hazardous waste be taken offsite for disposal? Will there be monitoring of the hazardous waste 24hrs/day to ensure that a emergency incident does not occur while the hazardous waste is on site?
- 29) The DEIR advises that off-site work would be needed. Besides the proposed tunnel work impact on the public right-of-ways, (street and sidewalks) is there any other proposed offsite work needed? If so, where? Will construction require any offsite work on residents' private property? What would be the duration of impact on the Oakland neighborhood's public right-of-way during construction at any one time? Would the impact be on any of the 7 days of week, 24 hours/day?

### TRAFFIC QUESTIONS

- 30) If each proposed phase of construction is dependent on funding, and the proposed internal loop road will not be built until a later Phase, what is the guarantee that Head Royce's traffic impact will ever be removed from the neighborhood? It appears from the DEIR that almost 50% of the proposed increase in student enrollment requested, would occur before the buildup of the internal private school loop road. Why isn't traffic congestion removed from the neighborhood as part of the first phase?
- 31) The DEIR states that the internal private loop road and offsite queue area will be approximately 1000 linear feet and that there is estimated an additional 600 daily vehicle trips. Since an average car is about 14-15 feet in length, it is estimated that about 70 cars bumper to bumper would fit on the internal private loop road at any one time. Would bumper to bumper vehicles even be possible during drop-off/pickup times? Note that many luxury vehicles are longer than 14-15 feet in length and the many of the current drivers are driving luxury vehicles. The DEIR states that the north side of Lincoln and the Mormon Temple parking lot queueing would be removed once the proposed internal loop road is built out and that there would no longer be school traffic monitors. Where would the 100's of additional vehicles queue before they could enter the offsite queue and internal loop road? How would this traffic be managed if there are no more private school traffic monitors?
- 32) What is the discharge rate of vehicles from the proposed internal loop road? What are the assumptions regarding the discharge rate of vehicles? Has the modeling of this discharge rate taken into account, accidents, vehicle stalls, slow moving exits/entrances from/to vehicles?
- 33) Does the proposed internal loop road accommodate the size of Head Royce's private buses? If not, why not? If yes, what is the impact to the discharge rate, and the reduced amount of vehicles that could be accommodated on the approximate 1000 linear feet of proposed internal loop road?
- 34) The DEIR states that the neighborhood loop road will not be used once the internal loop road is built. How is this guaranteed if the private school traffic monitors are removed?
- 35) How will the blocking of the Lincoln/Alida St intersection be controlled? Currently when residents of the area try to turn left or right onto Lincoln from Alida during current morning/afternoon hours that correspond to Head Royce's drop off/pick up times the intersection is blocked by traffic congestion. Will a stop sign be placed going uphill at the corner of Lincoln/Alida to ensure that queued Head Royce traffic is not blocking the intersection so that neighbors' vehicles can safely enter/exit Alida and neighbors can use the crosswalk and the wheelchair ramp at the corner?
- 36) Will construction workers be prohibited from parking in the neighborhood? Will there be enough existing parking spaces for all construction personnel plus Head Royce operational

## Questions/Comments on Head Royce Draft EIR

- generated parking needs? If not, how will additional parking needs be addressed to not impact the surrounding neighborhood?
- 37) The DEIR states that the private school community will be advised not park in the neighborhood and follow traffic safety rules. How will this be enforced if there are no traffic monitors? Currently many traffic regulations are not followed, there are illegal U-turns at Alida Court and Linnet, no stopping of vehicles on Alida at crosswalks, as well as, speeding on Alida Street. How will this be controlled in the future if its not controlled now? The DEIR states that street parking is not an option for "most" students/faculty/support staff. Why is it an option for "any" students/faculty/support staff when the DEIR states there is enough parking spaces on the existing private school site to accommodate parking needs?
- 38) The DEIR states that the mode of transportation for the proposed increase in students/faculty/support staff is anticipated to be the same as existing mode of travel. Is there a cap on the approved number of faculty or staff support now or in the future? If so, what is it? If not, what is the traffic and associated air quality impact to the neighborhood with an uncapped demographic that constitute a large portion of the SOV daily trips?
- 39) The DEIR appears to only include traffic impacts from drop-off/arrival and pickup/leave of students/faculty/support staff. Has the traffic and air quality impact been modeled for visitors? deliveries? vendors? Events? What is the total number of anticipated daily vehicle trips to the site from visitors, vendors, deliveries? What is the total number of anticipated vehicle trips for the over 1x/week Events? What days/times would these trips occur?
- 40) Laguna is a designated Oakland Slow Street to help promote a safe neighborhood. There are barricades and "No Through Traffic" signs. Many neighborhood children and adults walk and ride bikes on Laguna. Why does Head Royce designate this as a street to transverse in a neighborhood loop for Head Royce through traffic that wants to turn around to go back up Lincoln once a student is dropped off or picked up?
- 41) The DEIR states that the existing Head Royce students that ride the bus do not typically use AC Transit, but instead use Head Royce's private bus service. What is the fuel source of the private buses? If they are not electric buses, what is the impact to traffic and air quality in the neighborhood? Why don't students ride the public buses to and from school to reduce the amount of traffic congestion in the neighborhood by eliminating the need for some or all of the private buses?
- 42) Regarding the potential temporary housing allocated for faculty/support staff would they be using the private school parking spaces? If so, will additional parking spaces be built above the required number needed for school operations, so that additional private school generated vehicles are not parking on neighborhood streets?
- 43) How will deliveries be made to the 8 acre site before the proposed internal loop road or proposed tunnel are constructed?
- 44) The DEIR says that the proposed new traffic signal and existing traffic signal will be timed to accommodate drop off/pickup volume of traffic. How will this impact local Oakland residents that are trying to leave or get to their homes?
- 45) With the proposed Phase 2 increase in enrollment what is the proposed increase in faculty, support staff, deliveries, visitors? Has the increased generated noise and traffic to accommodate the proposed additional 144 students been modeled?
- 46) Is Event scheduling coordinated with the Mormon Temple, Greek Orthodox Temple, Ability Now and the public elementary school Sequoia Elementary to ensure an inordinate amount of traffic/traffic congestion and associated air quality impact in the neighborhood does not occur at any the same time?
- 47) The DEIR states that "regularly scheduled" student crossings on surface crosswalks will occur before the proposed tunnel buildout. What does a "regular schedule" mean? After the proposed tunnel construction is complete would there be any "regularly scheduled" surface crosswalk crossings? How will this impact signal lights and neighborhood traffic on Lincoln? The DEIR states that the crossings from the 12 acre private school site to the proposed 8 acre private school expansion site on a regular basis would constitute a division of the neighborhood, but it would be temporary. How are the regular crossings

## Questions/Comments on Head Royce Draft EIR

- considered temporary if they would go on for years, since the proposed tunnel is targeted for the last phase of construction?
- 48) In 2020 when was the 2020 Traffic study conducted? How was the data used in traffic modeling in the DEIR? Would the data, and in turn the modeling, be valid if the study was done during the COVID pandemic shelter-in-place order, when most work and schools were virtual?
- 49) The DEIR states that for any degradation of public roads and sidewalks would be covered by "ongoing routine maintenance". Will Head Royce be contributing financially to this expense to or will this be a expense paid by Oakland taxpayers and Oakland residents?

### **OPERATIONAL QUESTIONS**

- 50) The DEIR states that Head Royce would notify in advance of Events that would cause an impact to the surrounding neighborhood. Why is it assumed in the DEIR that advanced notification of Events would lessen the annoyance factor of these activities?
- 51) With the removal of almost 50% trees on the 8 acres, especially in the area of the proposed internal loop road, has the loss of carbon capture and increase in TACs been modeled? Is a tree required to be replaced if it dies after one year? How long before replaced trees meet levels of maturity as the ones that are targeted to be removed?
- 52) Are there elevators in Building 1 or 2? If so, do they have emergency backup power and if so what will be the energy source used?
- 53) Will the proposed 18' high pole lights be visible from neighbors backyards or from the neighborhood in general? It appears from the DEIR that the fence will not be 18' so how will the poles and glare be mitigated such that they are not visible from the neighborhood? Will lights be turned off when the school is closed?
- 54) If the proposed Performance Art Center is targeted to have an exterior of glass, how will the sun's ray reflections and associated glare be mitigated to not impact and shine into surrounding private residences?
- 55) When would graffiti removal occur, within the required 72 hours required, to ensure it does not impact the surrounding neighborhood?
- 56) The DEIR implies that the electrical, gas, communications lines will be placed underground but that it is the discretion of PGE on where they want to place their lines. Will PGE be placing electrical lines and poles as part of the proposed buildout? If PGE poles are to be used, where will they be placed? Will the communications vendor be installing communication equipment cabinets on site? If so where will they be placed? If proposed to be placed close to the property line of neighboring residents, how will the visual, vibration, and noise of this equipment be mitigated to not impact neighbors?
- 57) The DEIR states that there will be "intermittent" outdoor gatherings -what does "intermittent" mean? Where will these occur? What are their duration?
- 58) When the more than 1x/week M-Saturday events are concluded how will noise (from vehicles, clean up, loading dock, talking, et al) be mitigated to ensure it doesn't impact the surrounding neighborhood and does not occur outside of the Oakland noise ordinance allowed timeframes or decibel levels?
- 59) What does "informal recreational activity" mean? How often will it occur? How many participants would partake in activity? What activities would occur? How will noise be mitigated to not impact residents in their homes?
- 60) How will Head Royce ensure that all of their visitors and vendors comply with Oakland's, BAAQMD's, and California's noise and air quality ordinances?
- 61) Does the DEIR noise modeling take into account the operation on the 8 acre site inclusive at the same time the next proposed construction phase that is in progress?
- 62) Building 0 is proposed to have a "Community Performance Space" with a proposed new terrace. A performance space implies an audience and performers. How will noise be mitigated, especially on the proposed new terrace that appears to be on the side of the building facing resident homes? How will the Community Performance Space be used?

## Questions/Comments on Head Royce Draft EIR

- When will it be used? How will set up and take down of props et al occur? How will the proposed new terrace be used? When will the proposed new terrace be open for congregating? How is the proposed new terrace in alignment with the historical context of the building?
- 63) How far from surrounding neighborhood residence property lines will trash/recycle/compost containers be located?
- 64) Will trash/recycle/compost pickup occur more than 1x/week (similarly to the surrounding neighborhood)? If not, how will the additional noise from pickup vehicles be mitigated?
- 65) Will additional trash/recycle/compost containers be needed for Events? Will they be provided? Will this require additional pickups beyond the regularly scheduled pickups? If yes, how will the additional noise from pickup vehicles be mitigated?
- 66) Will the proposed expansion area be designated non-smoking throughout the 8 acres or will there be designated smoking areas? If there will be designated smoking areas, where will these be located? When will smoking be allowed?
- 67) The DEIR identifies that settlement will occur with the proposed construction of the tunnel? If dewatering occurs for the proposed tunnel, what will be the impact to the water table?
- 68) How close and how often to the creek bed will school operations, maintenance, etc occur?
- 69) What procedures will be put in place so that windows and doors will stay closed when dust collectors are operational in Building 2 to mitigate the noise level? What is the noise level at nearby residents' property when the dust collectors are running and windows and doors are closed? when windows and doors are open? When will the dust collectors run and for how long?
- 70) If an emergency backup diesel generator activates in an emergency situation will the time it is running count towards the anticipated 50 hrs/year of operation for maintenance?
- 71) Outside of an emergency when will the diesel generators be run, day/time, for maintenance? Would the two (2) diesel generators be operational at the same time for maintenance? Would there be other noise generating activities occurring at the same time as the diesel generators are being run for maintenance? If so what is the cumulative noise and air quality impact that has been modeled? During an emergency if the 8 acre site has been evacuated will the diesel generators be turned off? In the case of a fire emergency and the power is out will the diesel generators be activated? How will the potentially combustible diesel fuel be controlled to not contribute too an active fire situation on the 8 acre Very High Fire Hazard Severity Zone (VHFHSZ) site or the surrounding neighborhood?
- 72) Will there be additional diesel fuel tanks besides what is contained in the two diesel fuel generators? If so where will storage tanks be located? How and when will the diesel generators be refueled? Why are the two (2) diesel generators and the potential diesel fuel storage tanks not required to be permitted? How many gallons of diesel fuel will be stored on site at any one time? Besides the two (2) diesel fuel backup generators is there any other equipment that will require diesel fuel once the proposed phased construction is complete? If so what is the equipment, where will it be sited and when will it be installed?
- 73) Why are pollution causing diesel back up generators proposed to be used verses a renewal energy sourced backup?
- 74) The DEIR states that there are no approved permitted backup generators that need to be taken into account as a cumulative pollution source for the neighborhood. Why was the Mormon Temple's approved permitted backup generator not included?

### **EMERGENCY/EVACUATION PROCEDURES QUESTIONS**

- 75) With the proposed additional Head Royce 350+ people in the neighborhood, this could mean potentially 1500+ people at VHFHSZ Head Royce site at any one time. How will this not impact public services, as indicated in the DEIR, police and fire in particular?
- 76) How will the emergency personnel respond to on-site emergencies if the proposed internal loop road is blocked with drop-off/pickup vehicles?

## **Response to Comment Letter FF - Matanky, Jami, November 17, 2021**

This letter numbers each of its questions, so the responses below correspond to the original numbered questions.

### **Response to Question 1**

The Draft EIR (beginning at page 18-6) explores the possible results of not approving the Project, in light of CEQA's requirement to not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment. There is no open space acquisition plan or publicly defined park plan that would preserve the former Lincoln site in its current condition. Non-approval of the Project could potentially lead to other predictable actions. A potential outcome under a No Project Alternative is that Head-Royce School might sell the former Lincoln site to a residential developer. The former Lincoln site's Institutional General Plan land use designation would preclude a stand-alone residential development, and a General Plan amendment would be required. To calculate the potential residential development that might occur on the site, the Draft EIR made the following assumptions:

- Approximately 2 acres (or 25%) of the former Lincoln site would be needed to accommodate roadways and infrastructure
- A 1- to 2-acre portion of the site would be used to retain the existing three historic buildings on the site
- The remaining 4 to 5 acres of net developable land could accommodate between 35 and 43 new single-family residential lots at 5,000 square feet each

The environmental effects associated with such a residential subdivision are too speculative to estimate, but would be at least as great as those of the Project. Such a Residential Scenario would be unlikely to avoid or reduce any environmental effects as compared to the Project.

### **Response to Question 2-3**

These comments pertain to the merits of the Project and do not pertain to the Draft EIR or CEQA. As such, no response is required.

### **Response to Question 4**

The Draft EIR includes numerous citations to City of Oakland Standard Conditions of Approval (or SCAs). These SCAs incorporate development policies and standards from various adopted plans, policies and ordinances, which have been found to mitigate environmental effects. As applicable, these SCAs are adopted as requirements of an individual project when the project is approved by the City, and are designed to, and will, substantially mitigate environmental effects. In reviewing the Head-Royce School Project, the City has determined which of the City's SCAs are applicable to the Project based upon the Project's characteristics and location, zoning district, applicable plans and types of permits and approvals required for the Project. These SCAs apply to all projects in the City (as applicable), and would be adopted as requirements of the Project if the Project is approved. As such, they are binding mitigation that the City will enforce.

### **Response to Question 5**

The draft EIR (at page 3-42) lists a number of other agency approvals (other than approvals from the City of Oakland) that would be required to implement the Project. The extent to which public review of these subsequent approvals is available depends on the processes and standards of those other agencies. Those other agencies are expected to rely on this EIR in their decision-making process.

### **Response to Question 6**

This comment pertains to the merits of the Project, and does not pertain to the Draft EIR or CEQA. As such, no response is required.

### **Response to Question 7**

According to the School's current (2016) Conditions of Approval, 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. These activities include Back to School night, a performance (play or musical), athletic event, dance, walk-a-thon, guest speaker, fair, Admissions Open House, and promotion or graduation ceremonies. These special events are associated and carried out by the School (not hosted by an outside group or organization) may have 50 or more visitor vehicles. See Draft EIR page 12-17 for additional details.

### **Response to Question 8**

Most large-scale events at the school are currently held in the gymnasium. Please see Master Response to Comments on No Community Use of the Performing Arts Center.

### **Response to Question 9**

No. As indicated on page 1-1 of the Draft EIR, the purpose of this document is to describe the potential environmental consequences of Head-Royce School's proposed PUD Project, including development of a new South Campus. This Draft EIR is intended to serve as an informational document for use by public agency decision makers and the public in their consideration of that Project.

### **Response to Question 10**

The Draft EIR (At page 14-27) concludes that the Project is consistent with both the City's 2017 Pedestrian Master Plan and the 2019 Bike Plan, as neither of these Plans identify any planned improvements adjacent to the Head-Royce School site. The Project would not make any major modifications to existing pedestrian or bicycle facilities in the surrounding areas, and would not adversely affect installation of future facilities.

### **Response to Question 11**

As noted in the Introduction to the Draft EIR, public comments received during the Scoping period suggested a number of alternatives that should be considered in the EIR. The following provides the rationale for why these alternatives were not addressed:

- The purpose of the proposed Loop Road is to provide an off-street location where school drop-off and pick-up activity can occur with less disruption to traffic flow along Lincoln Avenue. In order to accommodate the amount of drop-off and pick-up traffic, the Loop Road needs to be as long as possible to accommodate the extent of traffic queuing that would occur. Locating the drop-off and pick-up road in the center of the proposed South Campus would limit the length of the road to accommodate this fundamental purpose (or objective) of the Project. While the proposed Loop Road is on the perimeter of the proposed south Campus site and close to adjacent neighbors, the analysis included in the Draft EIR did not find this Loop Road to generate significant impacts (based on City-established thresholds) related to noise, air quality or potential health risks.
- The Project's frontage along Lincoln Avenue is about 470 feet long. Accounting for merge lanes into and out from an additional lane on Lincoln Avenue may leave approximately 400 feet of length for a new drop-off lane on Lincoln. As compared to the proposed Loop Road, such an additional lane would provide less than one-third of the queuing distance, and would not substantially alleviate traffic disruption along Lincoln.
- For a ramp that provides handicap access, the maximum slope under ADA requirements is a 1-foot rise in 12 feet of horizontal run. Assuming a clearance requirement of 17 feet, the length of

pedestrian ramps necessary to achieve that elevation would be approximately 200 feet, on both sides of the road. While such a structure would be possible to construct, City of Oakland transportation planners (during preliminary pre-application meetings) agreed with the School that a pedestrian tunnel would be substantially preferable to an elevated bridge. There is little to no environmental benefit to a bridge as compared to a tunnel.

- The option of making the Performing Art Center building available for non-school related community events (as was suggested by the City Planning Commission during the EIR Scoping hearing) was not accepted by the School, and without the School's support, this alternative would not be feasible. This concept was never part of the applicant's proposed Project.

#### **Response to Question 12**

The Project's consistency with the Land Use and Transportation Element of the General Plan is comprehensively addressed beginning at page 12-6 of the draft EIR.

#### **Response to Question 13**

No exemptions for state, city or local regulations or ordinance are proposed or expected of the Project.

#### **Response to Question 14**

See discussion of Project phasing beginning at page 3-39. Please see Master Response to Comments on Noise, specifically the section titled CEQA Noise Thresholds, as to construction-period noise.

#### **Response to Question 15**

As noted on page 1-8 of the DEIR, this EIR is intended to provide sufficient detail to enable the City to make informed decisions on individual components and/or phases of development proposed within the Project. It also provides the City with the ability to consider mitigation measures and cumulative impacts resulting from eventual buildout of the Project. It is intended to enable the City and Head-Royce School to carry out all or portions of the Project without having to prepare additional site-specific environmental documents. If or when individual elements or phases of the Project are proposed for implementation, the City will consider whether that element or phase of the Project was fully disclosed and analyzed, and whether any mitigation is needed. Depending on circumstances, the City will need to decide whether preparation of a subsequent or supplemental environmental document or an addendum may be warranted.

#### **Response to Question 16**

Yes.

#### **Response to Question 17**

As noted on page 11-23 of the Draft EIR, portions of the Project's improvements are within 100 feet of the Laguna Branch of Peralta Creek, including portions of the Loop Road, retaining walls, fill, and stormwater treatment measures (see also Figure 11-5). Pursuant to the City's Creek Protection Plan requirements, all applicable erosion, sedimentation, debris and pollution control BMPs to protect the creek during construction must be included in the Creek Protection Plan. These MPs must be implemented during and post-construction. All graded areas shall be temporarily protected from erosion by seeding with fast-growing, non-invasive annual species, preferably locally sourced from native plants, potentially including hydro-mulch mixes of native plant species. The Project applicant is also required to include final landscaping details for the site, including a planting schedule, detailing plant types and locations, and a system to ensure adequate irrigation of plantings for at least one growing season.

#### **Response to Question 18**

Details of recommended slope reconstruction for the hillslope behind Building 9 are as described beginning at page 8-22 of the Draft EIR.

**Response to Question 19**

Please see page 8-16 of the Draft EIR for details related to SCA Geo-3: Erosion and Sedimentation Control Plan for Construction.

**Response to Question 20**

Bat surveys

**Response to Question 21**

Perception of vibration levels is not identified as a CEQA threshold, and no mitigation is required.

**Response to Question 22**

Like all construction projects in the City, the Project will be required to prepare and submit a construction management plan (CMP). The CMP is subject to approval by the Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department, Department of Transportation, and the Public Works Department. The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

**Response to Question 23**

Contaminated water would not be used for dust suppression. Water trucks would be filled from potable water sources.

**Response to Question 24**

Yes. See Draft EIR page 5-12: "Traffic generated by construction (i.e. off-site construction activities), which includes worker trips, vendor deliveries and material hauling trips, were computed separately using the CARB Emission Factors 2017 model (EMFAC2017)" and Draft EIR page

**Response to Question 25**

See Draft EIR page 5-13: The CalEEMod default schedule estimates that the Project would be built-out over a period of approximately 14 months (or 300 construction workdays) for the proposed South Campus, and a concurrent 5 months (or 110 workday) schedule for the pedestrian tunnel. Emissions from construction equipment throughout the construction period were then calculated. Actual construction times and schedules may vary.

**Response to Question 26**

There is only one south portal to the pedestrian tunnel. Impacts to the public right-of-way resulting from construction of the tunnel are not anticipated.

**Response to Question 27**

That would depend on the regulations and requirements of these warning day notices.

**Response to Question 28**

See Draft EIR page 10-15, which provides that, prior to approval of demolition, grading or building permits, SCA Hazards-2: Hazardous Building Materials and Site Contamination requires the Project applicant to prepare and submit a comprehensive assessment documenting the presence or lack thereof of ACMs, lead-based paint, PCBs and any other building materials or stored materials classified as hazardous. If any of these hazardous materials are present, the Project applicant is required to submit specifications for the stabilization and/or removal of these hazardous materials in accordance with all applicable laws and regulations. SCA Air-6, Asbestos in Structures requires compliance with all applicable laws and regulations regarding demolition and renovation of ACM, including California Code of Regulations Title 8, California

Business and Professions Code Division 3, California Health and Safety Code Sections 25915-25919.7, and BAAQMD Regulation 11 Rule 2. The details of these later specifications are not available at this time, and are required prior to issuance of any building or demolition permit.

**Response to Question 29**

No off-site construction other than within the public right-of-way is contemplated or expected to be necessary.

**Response to Question 30**

See Draft EIR page 3-40 which indicates that Phase II includes an incremental increase in student enrollment from the current cap at a maximum of 906 students, with an increase of 144 students, to an increased student enrollment cap of 1,050 students. Physical improvements at the proposed South Campus pursuant to Phase II would include construction of the proposed new Loop Road.

**Response to Question 31-37**

See Master Response to Comments on the Loop Road Design, Potential Impacts and Intended Operations

See also Master Response to Comments on Traffic Congestion.

Please also see Response to Question 22 above.

**Response to Question 38**

There is no cap on the employment number for the School, nor is one proposed. Per page 3-39, to support increased enrollment, the School projects an increase of 17 additional faculty and staff (approximately 12 additional faculty and staff at the new South Campus and 5 at the existing Campus), to 189 total employees.

**Response to Question 39**

Yes. Please see Tables 3, 4 and 5 of Appendix 14 of the Draft EIR.

**Response to Question 40**

Please see master Response to Comment on Loop Road Design, Potential Impacts and Intended Operations, and specifically the section on eliminating the “Alida Loop”.

**Response to Question 41**

Please see Table 14-2 of the Draft EIR, which shows the existing students and faculty take 600 person trips (300 round trips) on private buses, and 158 person trips on the public bus system.

Project-specific trip generation rates were used for the air quality analysis, based on data provided in the Transportation Impact Study prepared for this EIR. Based on this Study, the Project is projected to generate approximately 600 new daily trips, which is inclusive of new private bus trips.

**Response to Question 42**

No additional parking is proposed. In addition, please see Changes in the Project Description, which indicates that the School no longer wishes to consider use of Building 9 for temporary faculty housing.

**Response to Question 43**

Deliveries made during the construction process will use the existing driveways and parking lots on the property.

**Response to Question 44**

See Master Response to Comments on Traffic Congestion.

### **Response to Question 45**

The Draft EIR analysis considers the ‘worst-case’ of full buildout of the Project. See Alternative 2 in the Alternatives chapter for analysis of only Phase II of the Project.

### **Response to Question 46**

See Master Response to Comments on Traffic Congestion.

### **Response to Question 47**

Please re-read page 12-26 of the Draft EIR, which states, “However, if the pedestrian tunnel is not constructed (or until it is constructed in Phase III of the Project), these student crossings between the divided campuses would interrupt traffic flow on Lincoln at the two signalized crossings, which could be perceived as a temporary division of the community. All student crossings would occur at either of the two signalized intersections, with specific crossing-sequenced signal timing, and monitored by School crossing guards. These student crossings would be temporary occasions each day, and would not represent a permanent division of the established community (emphasis added).

### **Response to Question 48**

Per Appendix 14 of the Draft EIR, “The current travel mode shares for Head-Royce School students and faculty/staff were estimated based on:

- data provided by Head-Royce School
- recorded observations by the School traffic monitor in November 2018
- data collected by Fehr & Peers along the School frontage in November 2019, and
- Alameda-Contra Costa Transit (AC Transit) stop-level ridership in Spring 2019

All of these data point were collected before the pandemic began in March of 2020.

### **Response to Question 49**

Please see SCA Transportatio-1: Repair of City Streets on page 14-15 of the Draft EIR. This SCA requires that the project applicant shall repair any damage to the public right-of way, including streets and sidewalks, caused by project construction at his/her expense. Repair must be made within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue. In such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.

### **Response to Question 50**

The Special Event Notifications are intended as a courtesy, but are not assumed to reduce or mitigate any noise impacts.

### **Response to Question 51**

No, the loss of carbon capture has not been analyzed. Please see the details of SCA Biology-2, Tree Permit, as related to tree replacement requirements.

### **Response to Question 52**

Yes, as indicated on Figures 3-9 and 3-10 of the Draft EIR, Buildings 1 and 2 would include elevators to provide maximum ADA access.<sup>2</sup> Since diesel generators will be used exclusively for emergency use during involuntary loss of power, the BACT 2 levels listed for IC compression engines in the BAAQMD BACT

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<sup>2</sup> ADA requirements allow private buildings with less than 3 floors or less than 3,000 square feet per floor (such as all Project buildings), not to be required to have an elevator.

Guidelines would apply. The BACT 2 NOx emission factor limit is 6.9 grams per horsepower hour (g/hp-hr). The engines would be required to meet CARB and EPA emission standards and consume commercially available California low-sulfur diesel fuel. Sources of air pollutant emissions complying with all applicable BAAQMD regulations generally will not be considered to have a significant air quality or community risk impact.

#### **Response to Question 53**

The CEQA threshold pertaining to lighting is not whether new lights can be seen or if there would be more lights than currently exist, but whether the Project would create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area. With shielding of light standards, the light source would only cast lightning downward toward the surface where lights are needed, and not in all directions “spilling” onto adjacent properties or lighting the night sky.

#### **Response to Question 54**

The simulated view of the proposed Performing Art Center (figure 4-5 of the Draft EIR) is a preliminary, conceptual view of a building that has yet to be fully designed, and its details likely not be known until Final Development plans for Phase III are completed. These details will be fully reviewed by the City pursuant to subsequent Design Review of that building.

#### **Response to Question 55**

As indicated in SCA Aesthetics-4, the project applicant shall remove graffiti by appropriate means within seventy-two (72) hours.

#### **Response to Question 56**

As shown in Figures 4-1, 4-2, 4-4 and 4-6, all of the electrical and communication wires in the neighborhood are above ground. Pursuant to SCA Utilities-4: Underground Utilities, the project applicant will be required to underground all new utilities serving the Project (including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities), and utilities under the control of other agencies (such as PG&E) shall be placed underground if feasible.

#### **Response to Question 57**

The School proposes to use the outdoor deck on the west side of Building 0 for indoor and outdoor social gatherings (e.g., School open house events) of 50 to 100 people. One gathering per month is anticipated, with a duration of approximately 2 hours during the school day (8:30 am to 3:30 pm).

#### **Response to Question 58**

If ultimately accepted by the City as a Condition of Approval, Mitigation Measure Noise-3B, Special Event Notifications and Restrictions pertaining to School-sponsored Special Events requires that all evening events at the Performing Arts Center be completed by 9:00 pm, with all post event gatherings, event traffic and exterior clean-up activities completed by 10:00 pm. All conditions of approval would include monitoring and/or reporting provisions.

#### **Response to Question 59**

Please see Master Response to Comments on Noise, specifically Operational Noise Sources and Thresholds.

#### **Response to Question 60**

There are no ordinances cited in the Draft EIR that require compliance by any vendors or visitors to the site.

#### **Response to Question 61**

No, it does not.

**Response to Question 62**

See page 3-22 of the Draft EIR, which states, "Building 0 is to be used for collaborative meeting space for small groups, as well as larger assembly space for between 55 to 125 people. Office space for administrative use will also be provided. A small kitchen may be included for catering and food service. See also master Response to Comments on Noise, specifically Operational Noise Sources and Impacts.

**Response to Question 63-66**

The location of trash and recycling containers has not yet been identified, nor has the trash/recycling collection schedule been identified. The Camus is designated as a no smoking area.

**Response to Question 67**

Please see page 11-22 of the Draft EIR pertaining to groundwater dewatering and the regulations that would apply to such activities, as may be needed.

**Response to Question 68**

Please see Figure 6-9 of the Draft EIR, which shows proposed grading and development near the off-site creek.

**Response to Question 69**

The dust collectors will not work if doors or windows are open. Indoor operation of the duct collector with windows and doors closed is not anticipated to be audible off-site.

**Response to Question 70**

No. Emergencies and maintenance are different conditions.

**Response to Question 71**

As noted in the Air Quality chapter of the Draft EIR (page 5-5), the Air District's New Source Review Regulation 9-8-110 establishes limitations on the hours of operation for reliability-related operation (maintenance and testing) of emergency generators. The Project's emergency generator engines will not operate more than 50 hours per year, which will satisfy the requirements of Regulation 9-8-111. During testing periods, the engine would typically be run for less than one hour.

**Response to Question 72**

No, there are no other diesel-powered equipment currently proposed or anticipated for the Project other than the four diesel generators (one at Building 1 - which may be shared with Building 2, the Performing Arts building and the elevator at the tunnel).

**Response to Question 73**

Diesel-powered emergency generators are the most common sources of emergency power for elevators, but alternatives could potentially include battery, solar, gasoline, natural gas, and propane fired generators, provided they can meet the horsepower requirements of the elevator system.

**Response to Question 74**

The BAAQMD's Permitted Stationary Sources GIS website does not show a generator permit at the Mormon Temple. See the following link:

<https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=2387ae674013413f987b1071715daa65>

**Response to Question 75**

Please see Master Response to Comments on Emergency Evacuation. Other than during a wildfire or other catastrophic event, the addition of new students at the School would not be expected to have a substantial effect on police or fire services.

**Response to Question 76**

They would likely drive over landscaped or grassed areas, depending on the severity of the emergency they were responding to.

**Response to Question 77**

That would be determined by the Fire Department or the Police Department.

**Response to Question 78**

The first portion of this question is not in regards to the Draft EIR. Neither the Project Description nor the Transportation chapter of the Draft EIR refers to the School no longer using traffic monitors to assist in traffic flow along the Loop Road.

**Response to Question 79**

Please see Master Response to Comments on Emergency Evacuation, specifically the section on Advancement of Greater Detail and Other Recommended Mitigation Measures

**Response to Question 80**

The Draft EIR is clear that, pursuant to California Fire Code, Oakland Fire Code and local Standard Conditions of Approval, implementation of a Vegetation Management Plan is mandatory for new development within the Wildland-Urban Interface Areas and the City's VHFHSZ. The Draft EIR Chapter 16: Wildfire and Emergency Evacuation does not refer to a bond or other alternative means for compliance.

**Response to Question 81**

This comment is not in reference to the Draft EIR or the Project, but about immediate action for the North Campus. No CEQA response is required.

**Letter GG - Matson, Hollis and Deborah, December 19, 2021**

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**From:** Hollis and Deborah <hollisanddeborah@att.net>  
**Sent:** Sunday, December 19, 2021 9:19 AM  
**To:** Brown, Courtney  
**Subject:** Head Royce School Planned Unit Development Project DEIR Comments

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

**Via Email**

December 19, 2021

Courtney Brown

City of Oakland, PBD Development Planning Committee

250 Frank Ogawa Plaza, Suite 2114

Oakland, CA 94612

ATTN: Head Royce School Planned Unit Development Project DEIR Comments

[cbrown@oaklandca.gov](mailto:cbrown@oaklandca.gov)

**RE: Head Royce School Planned Unit Development Project DEIR Comments**

Dear Ms. Brown:

I have lived on the corner of Alida Street and Laguna Avenue (4191 Laguna Ave) for 28 years and have watched closely as Head Royce School became larger and larger, buying up property,

including homes, as they further institutionalized the neighborhood without regard to the welfare of the neighbors and the neighborhood except as it benefitted the school. Now they want to expand even further into the neighborhood, adding students, faculty, staff, traffic snarls and potential unsafe conditions.

I have read the Draft Environmental Report, some areas more closely than others, and have a great many concerns about its being insufficient in many of those areas. As a general example, the individual providing the safety issues and evacuation plan lives in Canada and has no real idea what living in the Oakland hills, with earthquake and wildfire possibilities, is about and then provides a plan that is not even a complete plan nor does it include the hundreds of neighbors who would be attempting to evacuate the area at the same time that over a thousand students would be running down Lincoln Avenue to a parking lot almost a mile away. Many other issues in the DEIR are incomplete, including no evacuation plan at all for the South Campus, no conclusive neighborhood-wide third-party traffic studies, no genuine studies of the traffic, pollution and noise to be caused by an internal two lane road, nothing but guesses related to the sound that will be carried from the proposed Performing Arts Center or the amphitheater or outdoor classrooms or play areas to the neighborhood.

GG-1

In my opinion, this is a reckless project with overwhelming adverse effects on the entire neighborhood. The proposal shows no concern for HRS's responsibility to neighbors and explicitly ignores our right to live quietly and peacefully in our homes and yards.

GG-2

Following are some of my concerns and questions about the potential project.

**General**

GG-3

What is the guaranteed date for the end of construction? How long will neighbors be exposed to noise, congestion, pollution, traffic, traffic diversion? This prolonged three-phased project will bring chaos to the neighborhood for far too long.

How will large pieces of equipment be moved on and off campus from a very busy two lane city street? How much time can drivers expect to wait in long lines of cars while equipment takes up the roadway? What procedures will be used to move equipment and materials so that people are not unnecessarily inconvenienced?

GG-4

Is HRS required to return the condition of all public property (streets, sidewalks, etc) to their original conditions and in what specific amount of time? What are the consequences of their not doing it? After HRS' most recent construction projects on the north campus, they were to return the streets behind the school to their original condition. This never happened. Laguna Avenue has just been repaved and we once again have hundreds of vehicles to and from HRS, including huge buses with low ridership beginning to ruin our streets once more.

What guarantee is given related to increasing enrollment over an extended period of years rather than almost immediately after receiving approval? What disincentives are there for HRS' asking for a change to the CUP related to student increase prior to the time described in the EIR? With each expansion of enrollment, HRS has sought to lessen the amount of time getting to their projected student numbers and enrollment has gone to the cap number in very little time.

For several years, neighbors have observed and monitored Head-Royce traffic through the neighborhood, counting cars, measuring speeds, seeing students being picked up in all manner of places in the neighborhood rather than at the campus itself. Have the EIR preparers looked at the hundreds of emails sent by neighbors to HRS related to traffic, pick-up and drop-off, illegal U turns, turns in driveways, noise, event problems, school monitoring problems and issues over past years? How does HRS propose to do better related to responses to neighbors who have concerns about these, and other, things? If voicemail records have been saved, have they been listened to by the DEIR preparers?

#### Traffic, Parking, Pick-up and Drop-Off

The information provided in the EIR is insufficient related to traffic and transportation. Our streets can barely support existing traffic; a 37% increase in enrollment will mean more congestion, more waiting, more violations of traffic laws and rules, more toxic fumes, fewer neighborhood residents able to get onto Lincoln Ave to get to work or get home. Neighbors now must wait for long minutes to turn left from Alida onto Lincoln because of uphill drop-off and pick-up traffic and the rudeness of drivers on Lincoln. An increase in vehicles on Lincoln and in the neighborhood will cause even longer waits and less patience to follow the rules.

Where are the specific studies of how traffic now affects the neighborhood and what effects will there be if there are an additional 350 students enrolled?

How many vehicles drop off and pick up students on a regular school day? How will this number be affected by an increased enrollment?

How many vehicles currently drop off and pick up students on the south side of Lincoln Ave? How will this area be affected with an increase of students and vehicles?

How, specifically, will monitors ensure that vehicles do not drop off and pick up students in areas where they should not be doing so? Currently, we have observed high school students being picked up as far away as four blocks from campus. I took the two following photos from my front yard at the corner of Alida and Laguna in early December, 2021.

GG-5

GG-6

GG-7



Where are the documents that indicate what specific measures have actually been taken to ensure that people obey the traffic rules? How many letters were sent, related to violations; how many parents had mandatory visits with heads of specific schools or with the Head of HRS? Have any students been expelled because of numerous violations? There have many repeat violators and nothing seems to happen, even though there are supposed consequences for these violations.

How many vehicles use the "loop" (left on Alida, right on Laguna, right on Potomac) on a daily basis in the morning and in the afternoon? We have not seen any counts for vehicular traffic and only for a short time was there a monitor at the corner of Alida and Laguna. He often waved at the illegally u-turning parents. Why are there no monitors beyond Lincoln Ave when HRS vehicles use many more streets than this main artery?

What is the count of students on buses? Neighbors observe nearly empty buses leaving HRS on a daily basis. Why are so many buses with the same route necessary for so few students? I

GG-8

personally took the following three photographs from my front yard at the corner of Alida and Laguna in mid-December, 2021. Note that students are seen only at the back one-third of the buses. Head Royce's claim that a large percentage of students ride the buses is clearly an exaggeration. It may be that few students are on buses because of the pandemic but that means that many more Single Occupancy Vehicles are coming to the campus twice a day, further exacerbating the traffic chaos. Why hasn't there been an updated traffic analysis since the campus reopened in late August of 2021?



5



6



How does the traffic plan ensure that Vehicle Miles Traveled, already an excessive number, will not increase dramatically? Why does the DEIR discuss VMT in terms of total miles and people instead of dealing with the truth of 300+ more students and potentially that many more vehicles equal to up to 600+ more trips per day? There is a significant impact to the neighborhood of VMT miles now and it will be even more significant with increased enrollment. Experts do not agree, in the EIR, about calculations related to VMT. The VMT numbers are insufficient and unsubstantiated.

Have there been recent studies of travel modes used by those who drop off and pick up students? Data seems to come from several different years and are based on HRS monitor observation rather than independent, third party observers. There are far too many assumptions about who is arriving and leaving in what kind of vehicle to a school which has not provided a cogent Traffic Management Plan for this DEIR. There is no data to show that HRS is meeting a 30 percent non-SOV mode of travel.

What specific incentives have been suggested for increasing carpooling, walking, biking, etc.?

What disincentives are there for SOVs, for faculty and staff as well as those dropping off and picking up students? Up to now, we have seen exactly none.

What studies conclude that an additional traffic light and new turn lanes will decrease traffic and congestion on Lincoln Avenue and neighborhood streets?

What studies have been done related to more congestion and stand-still-traffic with the addition of a left turn lane into the south campus along with an increased enrollment?

What are the effects of a third traffic light on increased pollution from stopping, starting and idling vehicles?

What studies have been done related to increased enrollment and the effect of increased (and often stopped) traffic on Highway 13 and the Lincoln Avenue off-ramp?

Did anyone consider creating a drop-off-pick-up site on the north campus as part of the existing parking lot?

Is it possible to create ingress and egress lanes in the existing parking lot (F) to accommodate drop-off and pick-up?

Is it possible to relocate the tennis courts and use that site for parking and turnaround?

How will HRS make certain that HRS drivers adhere to parking rules? Over the years, we have not seen monitors stopping traffic rule violators; we don't see monitors taking photos; occasionally we observe a monitor writing down a license plate numbers. It is the neighbors

who write emails, giving details of vehicles (brand and models, color, plate numbers, even photos of violations as they are occurring) and we are never given the results of these reports.

GG-9      What is the plan for alleviating long lines of vehicles in suggested turn lanes?      GG-15  
What studies have been done of potential numbers of vehicles waiting on Highway 13 at the Lincoln off-ramp? At the overflow lot? On a new left turn lane into an inner perimeter road?

GG-10     What studies have been done of the amount of time that will be taken to enter the internal road, drive to the drop-off spot, get children out of a car and exit that road onto Lincoln Ave?  
GG-10     How will neighbors, some within very short distances of an internal road, be protected against vehicle pollution, engine and other vehicle noise, as well as human noise?      GG-16

GG-11     What studies were done to determine the amounts of vehicle pollutants that Alida Ct residents would have to endure as a result of constructing an inner campus road? What alternative types of sound walls were considered for the inner perimeter road? Why was a wood sound wall considered the best of the possibilities?

GG-12     What studies have been done of the time it will take 100 or more cars to turn into the south campus, sit in slow lines to drop off or pick up students and what other effects (noise, pollution) will be caused by this specific traffic? Without an existing inner perimeter road on which to study vehicular traffic, noise, congestion, etc., how can any of the DEIR reports of noise generated almost on top of homes in the area possibly be of any value?      GG-17

GG-12     When, specifically, will third party traffic monitoring be done? Why is monitoring and reporting now done during times when the majority of students are not on campus (i.e., during summer school)? Will the monitoring schedule include regular school days when all students are on campus?      GG-18

At what point will there be a reliable TDM?

**Safety**  
GG-13     Evacuation of over 1400 humans including students, faculty and staff, along with hundreds of residents, seems hazardous at best. The EIR evacuation plan is seriously lacking. Why is this portion of the report written by someone who lives in Canada and doesn't know the geography of this area?      GG-19

GG-14     Is there an evacuation plan on file in the appropriate City offices?

GG-14     Why is there no evacuation plan for the south campus?

If students are to be sheltered on the athletic field or in the gymnasium, what are the specific plans for being in touch with city officials related to keeping them there, when to leave and where to go?

How will parents/guardians be notified about picking up students?

How will HRS keep hundreds and hundreds of drivers from attempting to get to the school at the same time that neighbors near the school and from the hills are attempting to use already congested Lincoln Ave to reach safety?

If students are to relocate to the Dimond District, and specifically to Farmer Joe's and CVS parking lots, who in that business district was consulted and approved this location for this use? How will students, some as young as 5 and 6 years of age, be protected on that trek down a very congested Lincoln Avenue? How long will this walk take groups of very young children? How many adults will be walking with these children? What studies have been done that indicate the length of time it will take to usher over 1000 people, on foot, from the campus to the Dimond District?

Have there been any studies of this specific process for evacuation? Has anyone attempted to walk 10-15 first graders from the campus to the Dimond District?

How will Lincoln Avenue be kept open for the hundreds of residents attempting to evacuate by vehicle when there are over a thousand individuals on foot spilling onto the roadway from the sidewalks? How many car spaces are available in the Dimond District parking lots at any time of day? How will students be protected in the parking lots? How will shoppers be protected and how will they be able to leave the lots?

If parents are told to go to the Dimond District, where will those many hundreds of vehicles safely park?

Did EIR preparers consult and work with the Dimond Improvement Association prior to making their recommendations about using the business district as Head Royce School's emergency staging area?

Neighbors will be hampered greatly by an evacuation of the HRS campus. Why doesn't the EIR include the safety of neighbors who will also be attempting to evacuate the area? This exclusion is symbolic of the uncaring approach of Head-Royce to the neighbors.

What role does the City have in developing a workable evacuation plan with HRS?

Does the City have any liability for a badly planned evacuation policy?

What guarantee is there that teachers and staff, anxious to get to their own homes, will actually remain on campus and help with evacuation?

### **Performing Arts Center, Amphitheater and Outdoor "Classrooms"**

A 450 seat performance venue has no place in a densely populated residential area. Venues of this size are money drains for the owners and disastrous for neighbors in terms of noise, traffic, parking, disruption of peaceful home life.

Why, explicitly, is construction of an amphitheater and a Performing Arts Center necessary? What studies have indicated that Oakland needs another performance center? Another amphitheater

GG-20

Have planners sought the advice of local event specialists in order to determine the real needs of the community for a building of this size in this location?

What kinds of in-depth studies have been conducted to determine the potential for noise, congestion, automotive fumes in this residential area?

GG-21

What specific protections against noise, vehicle pollution and congestion have been proposed?

Should an emergency evacuation of the entire neighborhood be necessary, there is no way that cars could come out of parking areas on both the north and south campuses at the same time that neighbors in the immediate vicinity, as well as those living further up in the hills, are also using Lincoln Ave as an escape route. What is the evacuation plan for the south campus?

GG-22

Doing a sound test at fifteen or twenty home does not propose any protection for the hundreds of homes that will be affected by this proposed building. What studies, specific to this location, have been done that show inconclusively that decibel levels will be low? Past experience with HRS classes and events have proven over time that sound carries very well up and down this canyon.

GG-23

What other specific locations were considered for a performance center? If there are other campus locations, why were they not suggested in the EIR?

GG-24

What specific effects of new lights and glare have on nighttime views in the neighbors' areas?

GG-25

What amount of consistent night lighting will neighbors have to endure?

Amphitheaters are designed specifically to bounce sound for considerable distances. With Woodside Amphitheater so close to HRS, why can't the school use it for graduations and other events?

GG-26

Outdoor classes are reasonable in situations in which a campus is large enough to protect surrounding homes from excessive noise. What guarantee is there that excessive noise will not be created by one of more classes meeting outdoors?

### **Tunnel**

The EIR states that the school is not in an earthquake zone! I find this difficult to digest since the entire Bay Area has severe earthquake potential. How will planners and contractors guarantee the safety of a tunnel beneath a heavily traffic street?

What is the guarantee that Lincoln Ave will be safe during and after boring a tunnel?

What is the timeline for this construction ? Will Lincoln Avenue be closed? For what length of time will Lincoln Avenue be closed? How will traffic be diverted?

What studies have shown the potential problems of boring a tunnel so near fault lines?

Were there studies of building an overhead bridge across Lincoln Ave?

### **Hydrology and Trees**

How will existing drainage problems be mitigated and how will new drainage fields affect neighbors' properties below the south campus?

What provisions are there for protecting homes downhill from the site from landslides and water intrusion that result from grading of the hillsides?

What liability will HRS have for the destruction of private residential property caused by grading, construction, new water flow, removal of trees and plant material?

How will the creek and creekside vegetation be changed and protected? Several neighbors already have water in their homes as a result of runoff from these hills during and after major storms. What studies indicate that loss of topsoil, movement of the hillside, erosion and sedimentation will not be of significant impact?

How will HRS ensure that this project will not significantly impact wildlife and native plant material? Too many trees are allocated for removal in order to provide space for an inner road. That is not, in my opinion, a worthy reason for the loss of protected plant material nor home sites for birds and animals who live in this area.

Building an amphitheater and a Performing Arts Center in this location will cause the loss of far too many protected trees and the loss of habitat for animals and birds living in these groves.

### **Noise**

What specific studies have been done to determine sound levels from the inner campus to neighbors within a two or three block radius? Six blocks?

What studies have been done to compare noise levels from events taking place on the north campus and those that will take place on the south campus?

GG-27  
What studies indicate that simple wood fencing is a better sound barrier than cement?

How will amplified sound speakers be placed so that neighbors are not affected by events on the south campus?

What studies have been done that result in the noise generated by five hours of outdoor classes on a daily basis?

What studies have been done to determine that elementary students, in five hours of outdoor play, will not generate noise at high levels?

How will excessive noise of setting up (pre-performance) and clearing out (post-performance) be controlled? They occur for hours before and hours after an event, often late at night and into early morning, hampering sleep of nearby neighbors.

GG-28  
I appreciate the opportunity to make these comments. Thank you for your consideration.

Hollis N. Matson  
4191 Laguna Avenue  
Oakland, CA 94602

GG-29

GG-30

## **Response to Comment Letter GG - Matson, Hollis and Deborah, December 19, 2021**

### **Response to Comment GG-1**

Please see Master Response to Comments on Emergency Evacuation, specifically the section on Adequate Expert Analysis.

### **Response to Comment GG-2**

Please see responses to these specific topics, below.

### **Response to Question GG-3**

This comment pertains to the merits of the Project. It is not responded to as a comment on the Draft EIR.

### **Response to Question GG-4**

As indicated on page 3-41 of the Draft EIR, construction of Project will occur in separate phases, separated by fundraising campaigns. There is no guaranteed date for the beginning or end of any of the phases. The expectations of the Draft EIR are as follows:

- Phase I of the Project may take approximately 9 months to a year. Demolition, tree removal and surface re-grading will require approximately two months, restoration and rehabilitation of Buildings 0, 1, 2 will require perhaps 6 to 8 months, and outdoor landscaping may take an additional 1 or 2 months.
- The separate Phase II improvements would likely take less than 1 year to implement, including additional site preparation, tree removal and grading, as well as paving of the new Loop Road and associated parking improvements.
- The Phase III improvements are expected to take perhaps 12 to 18 months of construction, inclusive of tunneling below Lincoln Avenue for the pedestrian tunnel, and anticipated simultaneous construction of the Link Pavilion and Performing Arts Center, as well as site preparation and paving for additional parking improvements.

### **Response to Question GG-5**

As indicated on page 3-39 of the Draft EIR, enrollment increases are proposed to occur in increments of no more than 20 additional students each year, up to the maximum permitted enrollment over an approximate 17 to 20-year period. If accepted by the City, this enrollment plan would become a condition of Project approval. Any change to such a condition of approval would require reconsideration by the Planning Commission.

### **Response to Question GG-6**

The EIR preparers have seen numerous correspondence between neighbors and the City pertaining to traffic complaints. However, this comment pertains to the merits of the Project. It is not responded to as a comment on the Draft EIR. Please also see Master Response to Comments on Traffic Congestion.

### **Response to Question GG-7**

The majority of this comment addresses topics of traffic congestion. Please see Master Response to Comments on Traffic Congestion. As to the questions of current and future drop-off and pick-up numbers, please see Draft EIR Table 14-1: Existing Student and Faculty/Staff Travel Mode Shares, and Table 14-5: Project Buildout (Maximum Enrollment) VMT Estimation for person trips.

### **Response to Question GG-8**

This comment pertains to the merits of the Project and the commenter's objections to how the School enforces its own traffic rules. These are not comments on the Draft EIR. As to numbers of bus riders, please see Draft EIR Table 14-1: Existing Student and Faculty/Staff Travel Mode Shares, and Table 14-5: Project Buildout (Maximum Enrollment) VMT Estimation by person trips, by mode. Please also see Response to Comment B-11 regarding bus ridership.

### **Response to Question GG-9**

Please see page 14-22 of the Draft EIR, which states the following, "based on City Transportation Impact Review Guidelines, if a project is in a high-VMT area, transportation consultants performing CEQA analysis should take into account the VMT reductions of TDM measures required through the Standard Conditions of Approval and incorporated as project design features or program commitments". The City's SCAs (SCA Transportation-4, as identified in the Regulatory Setting) require a TDM program be designed to achieve at least a 20 percent reduction in the vehicle trip rate. However, per the City's requirements for the 2016 Head-Royce School PUD Conditions of Approval, the School is required to achieve a 30 percent non-SOV mode share for students, once the School exceeds 900 students. Thus, this EIR uses the following threshold to determine if the proposed Project would cause a significant VMT impact:

- The Project would cause substantial additional VMT if it exceeds the existing VMT per school population, assuming a 30 percent non-single occupant vehicle mode share (i.e., the current TDM Plan requirement), minus 15 percent

Although the PUD Conditions of Approval requires the students to achieve a 30 percent non-SOV mode share, the VMT threshold conservatively applies the mode share requirement to the entire School population (students and faculty/staff).

Per the City's CEQA thresholds, VMT is calculated on a per-person or per-employee basis. The VMT numbers presented in the Draft EIR are consistent and substantiated, based on the City Transportation Impact Review Guidelines and methodology as described in the Draft EIR.

### **Response to Question GG-10**

Per Appendix 14 of the Draft EIR, "the current travel mode shares for Head-Royce School students and faculty/staff were estimated based on data provided by Head-Royce School, recorded observations by the School traffic monitor in November 2018, data collected by Fehr & Peers along the School frontage in November 2019, and Alameda-Contra Costa Transit (AC Transit) stop-level ridership data from Spring 2019".

### **Response to Question GG-11**

Per the School's 2019 TDM Plan, the School provides, and will continue to provide the following incentives for non-peak driving and non-single vehicle occupancies:

*Encourage Off-Peak Drop-Off and Pick-Up:* To limit auto trips generated at the peak drop-off and pick-up periods, Head-Royce maintains the following policies:

- Supervise before-school care for lower school students for the regular school year and the Summer Enrichment program to allow guardians to drop off students safely before school hours.
- The school opens its cafeteria at least 50 minutes before the start of middle and upper school classes to encourage students to arrive before the peak period to eat breakfast and socialize.
- The school releases students who are taking the bus before other students to allow buses to depart the queue before car pick-ups begin and incentivize use of the school buses.

*Promotion of Non-Drive Alone Modes:* Head-Royce has established and will continue to use several TDM programs to encourage use of transit, school buses, carpooling/vanpooling, biking, and walking. The intent of

these strategies is to decrease the number of single occupancy vehicle trips made to campus by private automobile, and discourages single-student driving:

- AC Transit operates three dedicated school bus routes (604, 605, and 606), as well as a non-dedicated bus route (39) that runs all day to connect Head-Royce to the Fruitvale BART station and Skyline High School. Students are eligible for the AC Transit 31-Day Clipper Youth bus pass, which costs \$30/month for unlimited local rides. Students can also ride AC Transit without a pass by paying \$1.10 per ride.
- Private School Bus Service: Head-Royce currently contracts with Michael's Transportation to provide five heavily subsidized dedicated school buses, Monday through Friday, to supplement AC Transit bus service. There is an annual fee of \$500 per family, regardless of the number of children, to use the service. Daily ride tickets are also available in booklets of 10 at a cost of \$5 per ride.
- Carpooling - To support formation of carpools, the school provides a ride-matching service for parents. Head-Royce families who are interested in connecting with other families to create carpools can access a detailed map of the home locations of all school families on the access-restricted Parent Portal. To encourage carpooling, Head-Royce makes preferential parking spaces available to staff or students who drive a carpool of 3 or more students/staff.
- Walking and Bicycling - To promote walking and biking, Head-Royce offers physical education credits for students who walk or bike to school. Head-Royce also provides on-campus bicycle-parking racks and allows for pedestrian and bicyclist access through the Whittle Avenue gate by request to shorten the commute to school.

#### **Response to Question GG-12**

Please see Master Response to Comments on Traffic Congestion.

#### **Response to Question GG-13**

It is likely feasible to construct a different loop road configuration. Simply using the existing parking lot F on the North Campus would not accommodate the extent of traffic queuing that is expected for drop-off and pick-up activity, and would do little to alleviate the traffic congestion on Lincoln Avenue. It is likely feasible to construct a different loop road on the existing North Campus, using the uphill driveway entrance at Lincoln, through that existing parking lot F, around the soccer field, and back to the same intersection at Lincoln. Drop-off locations could probably be provided by relocating the existing tennis courts. Such an alternative loop road configuration would likely require substantial grading and slope restoration along the slope where the existing solar panels are placed.

Pursuant to CEQA, this alternative would not reduce or eliminate any significant (based on established City thresholds) environmental effects of the proposed Project, but would relocate the drop-off and pick-up traffic and its associated noise to a different location, not near existing residences on Alida, Laguna and Charleston.

#### **Response to Question GG-14**

This comment pertains to the merits of the Project and Head-Royce School's ability to enforce its own driving requirements. It is not responded to as comments on the Draft EIR.

The purpose of the proposed Loop Road is to provide an off-street location where school drop-off and pick-up activity can occur with less disruption to traffic flow along Lincoln Avenue. In order to accommodate the amount of drop-off and pick-up traffic, the Loop Road needs to be as long as possible to accommodate the extent of traffic queuing that would occur. Locating the drop-off and pick-up activity at the existing parking lot would limit the length of the road to accommodate this fundamental purpose (or objective) of the Project. While the proposed Loop Road is on the perimeter of the proposed south Campus site and close to adjacent

neighbors, the analysis included in the Draft EIR did not find this Loop Road to generate significant impacts (based on City-established thresholds) related to noise, air quality or potential health risks.

**Response to Question GG-15**

Please see Master Response to Comments on Traffic Congestion.

**Response to Question GG-16**

Based on the analysis provided in the Draft EIR, the neighbors near the proposed Loop Road will not be subjected to significant noise or air pollution resulting from vehicles on the Loop Road, according to established citywide CEQA thresholds.

**Response to Question GG-17**

Please see Master Response to Comments on Noise, and specifically Operational Noise impacts from the Loop Road.

**Response to Question GG-18**

Please see Master Response to Comments on Traffic Congestion. The need for on-going monitoring of traffic operations will be considered relative to City decision-making on the Project.

**Response to Question GG-19**

Please see Master Responses to Comments on Emergency Evacuation.

**Response to Question GG-20**

Please see Master Response to Comment on Community Use of the Performing Arts Center

**Response to Question GG-21**

Please see Master Response to Comments on Noise, and specifically that section titled Traffic Noise on the Operational Noise Impacts. Please also see the Air Quality chapter of the Draft EIR (beginning at page 5-16) which provides the analysis of community health risks from toxic air contaminants, including TAC emissions from traffic on the Project's proposed Loop Road.

**Response to Question GG-22**

Please see Master Responses to Comments on Emergency Evacuation.

**Response to Question GG-23**

The noise consultants used a computer software known as SoundPLAN Version V8.2 to calculate noise contours for all operational noise attributed to the Project, which utilizes the topography of the site and surrounding area. SoundPLAN is a sophisticated three-dimensional noise mapping software that takes the characteristics of the noise source and the geometry of the receivers, surrounding terrain, and any intervening structures into account. The results of the SoundPLAN modeling, shown as noise contours for each of the Project's operational noise sources, as well as all noise sources combined, are shown in the Draft EIR.

**Response to Question GG-24**

It is likely feasible to construct a Performing Arts Center building in a different location than the location proposed pursuant to the Project. However, the proposed location for the Performing Arts Center building is not found to generate any noise or aesthetic impacts that would exceed established City thresholds, so analysis of such an alternative are not required as part of the EIR.

### **Response to Question GG-25**

The CEQA threshold pertaining to lighting is not whether new lights can be seen or if there would be more lights than currently exist, but whether the Project would create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area. With shielding of light standards as required per the Draft EIR, the light source would only cast lighting downward toward the surface where lights are needed, and not in all directions “spilling” onto adjacent properties or lighting the night sky.

### **Response to Question GG-26**

The Project does not include an amphitheater. It does include an outdoor common area called the Commons, where student can congregate, small outdoor classroom activities can occur, and at the end of the School year, outdoor graduation ceremonies are proposed to occur.

### **Response to Question GG-27**

Please see Master Response to Comments on Noise, and specifically Operational Noise impacts from the Outdoor Classroom.

### **Response to Question GG-28**

Please see the Geology chapter of the Draft EIR, which (at page 8-1) provides a list of technical geologic and geotechnical studies that have been conducted and relied on in this EIR. These studies include:

- Rockridge Geotechnical, Geotechnical Investigation to Support Due Diligence Evaluation, Lincoln Child Center at 4368 Lincoln Avenue, Oakland, California, May 2012 (Appendix 8A)
- Rockridge Geotechnical, Geotechnical Data Report, Proposed Pedestrian Tunnel, May 31, 2017 (Appendix 8B)
- Rockridge Geotechnical, Response to Geotechnical Peer Review Comments, January 6, 2020 (Appendix 8C)
- McMillen Jacobs Associates, Head-Royce School Pedestrian Undercrossing Conceptual Design and Constructability Evaluation, April 23, 2019 (Appendix 8D), and
- McMillen Jacobs Associates, Responses to Geotechnical and Tunnel Peer Review Comments on Conceptual Design Evaluation, December 6, 2019 (Appendix 8E)

According to these reports, “The proposed tunnel will be designed in accordance with the requirements of California Building Code (CBC) Section 1613 and ASCE 7-16... The proposed tunnel will therefore need to be designed to withstand seismic shaking and temporary increases in lateral earth pressure (earthquake load). Development of seismic loading will be determined as part of the project final design evaluations.” These reports also provide that, “Lowering the tunnel invert and providing face support and continuous pre-support measures (as proposed) will help reduce the impact of ground losses and potential settlements to a degree that repairs will be similar to routine pavement repair. Additional consideration may be needed for addressing settlement impacts to the existing utilities beneath the road, but this work is anticipated to be similar to routine utility construction.” These reports conclude that, “the above considerations are considered typical for a tunnel constructed in an urban area.” No closure of Lincoln Avenue during tunneling operations is anticipated.

### **Response to Question GG-29**

Conclusions of the Biology report prepared for this EIR find the following:

- Due to the current and historic land use of the Biology Study Area as well as the surrounding developed land use, no suitable habitat is present on the Biology Study Area, and the potential for any special-status plant species to occur on the Biology Study Area has been ruled-out.
- None of the special-status species listed in the Biological Resources Report is expected to occur on the Biology Study Area because it lacks suitable habitat, is outside the known range of the species, and/or is isolated from the nearest known extant populations by development, or otherwise unsuitable habitat.
- No aquatic habitats to support special-status fish species are present on the Biology Study Area. The site is located immediately adjacent to a stormwater channel that connects downstream to Peralta Creek, but the quality of habitat in this channel is extremely low, and native fish species (including special-status fish) have not been detected during previous surveys along Peralta Creek.
- No sensitive vegetation alliances exist on the Biology Study Area.
- There are no aquatic habitats on the Biology Study Area that would be considered waters of the U.S./state. No riparian habitat occurs on the Biology Study Area. There is no riparian habitat associated with the adjacent stormwater channel that would be considered jurisdictional by the CDFW and the RWQCB.

The Project (including construction of the Loop Road) will not result in a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species. It will not have a substantial adverse effect on any riparian habitat or other sensitive natural community. It will not have a substantial adverse effect on state or federally protected wetlands, and will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors.

The removal and replacement of individual trees throughout the Project site is specifically addressed in the Draft EIR beginning at page 6-23, under the topic of Conflict with the City of Oakland's Tree Protection Ordinance.

#### **Response to Question GG-30**

Please see Master Response to Comments on Noise, specifically those sections on Operational Noise Thresholds, Operational Noise Sources and Operational Noise Impacts.

**Letter HH - McHugh,Alice, December 18, 2021**

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**From:** Alice McHugh <alicemchugh125@gmail.com>  
**Sent:** Saturday, December 18, 2021 12:30 PM  
**To:** Brown, Courtney  
**Subject:** Head Royce School's Planned Unit Development Permit Project DEIR Comments

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Courtney,

I have lived on the corner of Rampart St. and Laguna Ave. for over 25 years. When I first moved in, Head Royce School was hardly a whisper in the neighborhood. In recent years, Head Royce School has become more like a self-serving business with its own specific interests in mind and more insistent on having its way, no matter the impact on the surrounding neighborhood.

This letter is specifically focused on the traffic issue caused by Head Royce School's disrespect for our streets. In recent years as Head Royce School has grown, neighbors driving up or down both Lincoln and Laguna, before school begins or at the end of the school day, are confronted with congestion and very slow traffic. From the cross-streets Alida, Potomac, Rampart and Carmel, it is a time-consuming job to turn onto Lincoln in either direction.

Specifically, over these years, I have witnessed incidents where traffic on Rampart has been backed up due to Head Royce cars using our street as a turnaround onto Lincoln. Our street is not wide enough for through traffic in both directions when residents park their cars on the street which is their prerogative. In addition, neighbors are hindered from pulling out of their driveways and entering the street, also their prerogative, in order to leave for work, school or their own agenda.

When it's trash day, the neighborhood streets are particularly restricted as there is no room for two-way traffic at all. A driver must wait for the Waste Management trucks to complete their job on each street before the normal traffic flow is restored.

One morning just over a year ago, an AC Transit bus carrying Head Royce students attempted to turn on Rampart but got stuck because a neighbor's car was legally parked on the street close to the end of the block. This hindered the bus from making a complete and safe turn. The bus had to backup, a risky maneuver even without children in the bus, at a time when cars were traveling faster than the speed limit on Laguna, the cross street. Driving faster than the speed limit is, by the way, a common occurrence, particularly when Head Royce parents are taking their students to or from school. The only monitor is the traffic itself.

Another morning some months ago, when Head Royce drivers were regularly turning on Rampart, the drivers were fast and vocally irritated they had to wait when cars were driving in the opposite direction and slowing them down.

Here are just a few incidents. There are several others. These are meant to give examples of the traffic congestion Head Royce drivers cause on our neighborhood streets. It might seem an easy solution to put restrictions on the neighborhood. Does Head Royce not have a responsibility to respect our streets and find constructive ways to limit traffic in our neighborhood?

Please consider carefully the impact any City decisions regarding Head Royce's expansion will have on the accessibility and quality of our neighborhood.

*Alice McHugh  
2556 Rampart Street  
Oakland, CA 94602*

HH-1

**Response to Comment Letter HH - McHugh, Alice, December 18, 2021**

**Response to Comment HH-1**

Please see Master Response to Comments on Traffic Congestion.



**Letter II - Nelson Nygaard, December 20, 2021**

December 20, 2021

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

Attn. Head Royce School Planned Unit Development Project DEIR Comments

Dear Ms. Brown:

On behalf of Head-Royce School, Nelson\Nygaard is submitting a comment on the Transportation analysis for the Draft EIR for the Head Royce School PUD Project.

We are pleased to say that we find the transportation analysis to be well supported. We agree with the City's conclusions about the project's less than significant transportation impacts.

With respect to the Draft EIR's analysis of Vehicles Mile Travelled (VMT), we likewise agree that the project would not result in substantial additional VMT and therefore would have a less than significant impact. In anticipation of the Draft EIR and associated VMT analysis, Nelson\Nygaard worked with the Head-Royce School to complete a parallel VMT analysis exercise focused on quantifying the VMT reductions achieved by the school's extensive transportation demand management (TDM) program, which is attached for reference. As a starting point for our analysis we referred to City of Oakland's conventional approach to VMT impacts analysis described in the City's Transportation Impact Review Guidelines (TIRG), which identifies VMT per employee as a reasonable transportation threshold of significance for school land uses. We looked to the regional VMT data from Metropolitan Transportation Commission's (MTC) Plan Bay Area Year 2020 and Alameda County Transportation Commission's (Alameda CTC) Plan Bay Area 2013 regional travel models, both accessed in August 2020, to identify a baseline and CEQA VMT threshold (15% below regional average). While the City of Oakland guidelines do not require a specific data source, they refer to MTC data so we also referred to the MTC data to identify threshold assumptions. We quantified the VMT reduction achieved by Head-Royce School's existing TDM program, and estimated that Head-Royce School's existing TDM program supports a total reduction in school-trip VMT that brings the campus VMT per student below the conventional VMT per employee threshold based on the MTC data. We believe this focus on VMT reductions

for VMT per student is appropriate because students are the primary trip generator for the Head-Royce school and far outnumber employees.

We recognize that the EIR analysis completed by Fehr & Peers employs a detailed VMT analysis and customized threshold, and we support this approach given that the Head-Royce School development plans are a unique land use compared to the standard residential and office categories that are specifically defined in the state's Office of Planning and Research (OPR) technical guidance. The Fehr & Peers analysis also identifies the substantial VMT reduction achieved through the Head-Royce School's TDM program and also supports a finding of no significant impact. Nelson\Nygaard reached similar conclusions with a different method and we are pleased to support the findings of this EIR.

Very truly yours,

A handwritten signature in black ink that appears to read "Meghan Weir".

Meghan Weir  
Principal, Nelson\ Nygaard



**Vehicle Miles Traveled Assessment of South Campus Project**  
Head-Royce School

## MEMORANDUM

To: Head-Royce School  
From: Nelson\Nygaard  
Date: December 20, 2021  
Subject: Summary – Vehicle Miles Traveled Assessment of South Campus Project

## SUMMARY

This memo uses the City of Oakland's Transportation Impact Review Guidelines (TIRG) to estimate potential CEQA transportation impacts and mitigations of the Head-Royce School South Campus project. The TIRG calls for school land uses to be analyzed based on the vehicle miles traveled (VMT) per employee, and applies geography-specific model outputs to determine the baseline VMT per employee for a project according to its location.

Before factoring in adjustments to VMT from the school's transportation demand management (TDM), the relevant travel demand model outputs indicate that this project location has an estimated VMT per employee that is approximately 30% higher than the threshold of significance, and therefore the Head-Royce School will need to reduce the VMT per student/employee by at least that amount.

Head-Royce's existing transportation demand management (TDM) program reduces student vehicle trips to campus, and therefore contributes to an overall reduction in VMT per student and employee. Based on existing research and best practices, the estimated cumulative impact of existing TDM measures reduces VMT for students and employees by approximately 40%, which brings the Head-Royce School's VMT per person below the threshold of significance.

## OAKLAND ANALYSIS CONTEXT – VMT ANALYSIS OVERVIEW

The City of Oakland requires VMT impact analysis if a land use development project does not pass a CEQA screen. Because the Head-Royce School is larger than the size screen and is not located in a low VMT area or near a major transit stop, none of the screening criteria apply and VMT impact analysis is required.

According to the Oakland TIRG, a project would have a significant effect on the environment if it would "cause substantial additional VMT per capita, per service populations, or other appropriate efficiency measure."<sup>1</sup> The TIRG calls for K-12 schools to use the same screening and impact analysis as office land use: VMT per Employee.<sup>2</sup> The threshold of significance for such a project is the existing regional VMT per employee minus 15 percent. A student's travel to school is

comparable to a commute to work, and Nelson\Nygaard applies this logic that VMT per employee data and threshold analysis also applies to students.

## VMT Estimate

The City of Oakland's TIRG does not require a specific data source for VMT analysis, and the data source is to be confirmed in the scoping process<sup>3</sup>. However, the City makes VMT data from the Metropolitan Transportation Commission (MTC) available in their TIRG as a link to download GIS layers<sup>4</sup>. MTC maintains a travel demand model that covers Alameda County and produces sufficiently sophisticated VMT calculations for CEQA transportation analysis; the MTC model is a tour-based model, which calculates trips that are chained together.

VMT is calculated for each travel analysis zone (TAZ) in travel demand models, and TAZs are typically structured using major streets as borders. Since Head-Royce school includes facilities on both sides of Lincoln Avenue, the school is located in two travel analysis zones (TAZs). The majority of the existing Head-Royce School campus is located on the north side of Lincoln Avenue in MTC TAZ number 920, and the average VMT per employee is 24.4 for the year 2020. The planned south campus is located in MTC TAZ 910, and the average VMT per employee is 26.9 for the year 2020. The baseline VMT for this project is the existing VMT per employee. Therefore, the future campus VMT used in this analysis is a weighted average of the two TAZs' VMT per employee. This is shown in Figure 1 and is 26.2 VMT per employee using the MTC data.

Figure 1 VMT per TAZ

VMT Data Source	North of Lincoln		South of Lincoln		Weighted Average VMT per Employee of Both TAZs
	TAZ	VMT per Employee	TAZ	VMT per Employee	
MTC	920	24.4	910	26.9	26.2

The CEQA VMT threshold set by Oakland is 15% below the regional average VMT per employee. The base VMT per employee is listed in Figure 2 along with the percent above the threshold. The percent above the threshold is the amount of VMT per employee/student that will need to be mitigated.

Figure 2 South Campus VMT per Employee

VMT Data Source	CEQA VMT Threshold (15% below regional average)	South Campus VMT based on Location (weighted average of both TAZs)	Percent Above Threshold
MTC <sup>5</sup>	18.53 VMT per employee	26.2 VMT per employee	29.4%

<sup>1</sup> City of Oakland, Transportation Impact Review Guidelines for Land Use Development Projects, 2017, Section 5.1, accessed from: <https://www.oaklandca.gov/documents/transportation-impact-review-guidelines-for-land-use-development-projects>

<sup>2</sup> Ibid. Section 5.4.4.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid. Footnote of page 22: Data can be obtained via the Bureau of Planning – Strategic Planning Division's Dropbox using this link: [https://www.dropbox.com/s/tev0hbvez05dukl/VMT\\_Layers.gdb.zip?dl=0](https://www.dropbox.com/s/tev0hbvez05dukl/VMT_Layers.gdb.zip?dl=0)

<sup>5</sup> Accessed from: <https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=98463b4f73ca43c5944a5c30648fd689>

The MTC-based threshold and baseline indicate that the Head-Royce School should reduce the VMT per person by 29.4% to meet the threshold.

## REVIEW OF HEAD-ROYCE SCHOOL'S TRANSPORTATION DEMAND MANAGEMENT PLAN

Head-Royce School's current TDM plan addresses school access, circulation, and parking management, and includes measures designed to reduce drive-alone trips to campus by at least 30%. For this analysis, we translated the existing TDM program into standard VMT reduction mitigations that are expected to generate notable levels of VMT reduction, summarized in Figure 3. Other strategies can be considered supportive of these measures. Most measures are targeted to students; however, they are also generally available to employees. Since the primary source of VMT generated by a school land use project is student travel to school, it may be possible to only analyze VMT per student and not include employees. To provide a comprehensive picture of VMT analysis for all users, this analysis does include an assessment of VMT per employee in addition to VMT per student, and presents the weighted VMT reductions for the total campus population.

Figure 3 Head-Royce School's Existing TDM Measures

TDM Measure	VMT Reduction Measure	Rationale
Private School Bus	School-Sponsored Buses	The school contracts to provide direct shuttle service from areas with high concentrations of students directly to campus as a transit option for students living outside of direct AC Transit Routes. Additionally, the school is served by four dedicated AC transit school bus routes and one non-dedicated bus route.
School Trip Buses		
Encourage non drive alone commuting	Commute Trip Reduction Marketing	The school provides a Transportation Guide to reduce drive-alone school trips and through other transportation-related school communications and incentives, including PE credits for students who walk or bike to school, and students/staff access to the Whittle Avenue gate to shorten the commute by biking or walking.
PE credits for biking and walking		
Whittle Avenue Access		
School Pool	School Pool	The school provides a ride matching service for parents as well as preferential parking for carpoolers. Carpooling students as well as multi-student drop offs are counted in the calculation of this VMT reduction. Increasing the vehicle occupancy by ride sharing will result in fewer cars driving the same trip, and thus a decrease in VMT.
Preferential carpool parking (3+)		

## VMT REDUCTIONS

### Estimation Methodology

The VMT reduction measures identified from Head-Royce School's existing TDM program, identified in Figure 3, have been quantified to estimate the resulting VMT reduction. Estimates

are based on data from the Head-Royce School's mode to school counts, a widely used estimation approach published by the California Air Pollution Control Officers Association (CAPCOA), and additional research and VMT mitigations developed by the City of San José for their CEQA analysis policies. The CAPCOA approach is rooted in an extensive literature review on the effectiveness of TDM and other greenhouse gas-reduction strategies, and an accompanying manual provides clear guidance on the assumptions and limitations of each measure.<sup>6</sup> These resources are consistent with the existing spreadsheet-based Alameda County VMT Reduction Calculator Tool developed by Alameda County Transportation Commission (Alameda CTC)<sup>7</sup>, which was not yet available at the time of analysis.

### Calculating a Site-Wide VMT Reduction Estimate

TDM measures and the VMT-reduction effects associated with them are not additive, but rather complementary and synergistic. Moreover, when additional measures are implemented, the marginal benefit of each new program diminishes; this means that if a site implements 11 measures, with each estimated to reduce VMT by 10%, one would not expect a 110% overall reduction in VMT. To prevent this kind of result, the CAPCOA methodology includes maximum reduction levels associated with each category of strategies and a maximum for all strategies, based on existing research. The maximum for school VMT commute trip reduction strategies is 65% (well beyond the necessary reductions identified in Figure 2: 29.4%).

Figure 4, below, summarizes the estimated impact of key TDM measures in the context of the broader potential ranges of impact included in the CAPCOA report. The table indicates the potential range of each strategy's expected impact on VMT per student/employee, the specific estimated VMT reduction applied for the Head-Royce School context, and the formula and source notes describing our assumptions about the specific reduction calculations.

The calculation for Head-Royce's TDM program is as follows<sup>8</sup>:

$$\begin{aligned} \text{VMT Reduction Estimate} \\ = 1 - (1 - \text{School Pool}) * (1 - \text{CTR Marketing}) * (1 - \text{School Sponsored Buses}) \end{aligned}$$

While most VMT reduction measures are available to both students and employees, the TDM program is designed primarily with student trips to school in mind. Therefore, the VMT reduction calculations are applied to the student population, and a weighted total reduction is calculated with the total student and employee population as denominator.

<sup>6</sup> California Air Pollution Control Officers Association (CAPCOA). *Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emissions Reductions from Greenhouse Gas Mitigation Measures*. August 2010. Retrieved October 2017 from <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.

<sup>7</sup> <https://www.alamedactc.org/planning/sb743-vmt/>

<sup>8</sup> For further explanation of the other variables involved in VMT reduction calculations, please refer to Chart 6-2 of the CAPCOA Quantifying Greenhouse Gas Mitigation Measures Handbook, August 2010.

**Vehicle Miles Traveled Assessment of South Campus Project**  
Head-Royce School

Figure 4 Estimated VMT Reductions from Head-Royce School's Existing TDM Program

VMT Reduction Measure	Low VMT Reduction	High VMT Reduction	Estimated HRS VMT Reduction	Formula	Source	
School-Sponsored Buses	1%	63%	38.87%	<p><b>CAPCOA Formula for School Buses:</b>  <math>\% \text{ Commute VMT Reduction} = 38.87\% \text{ families using school bus program}</math></p> <p>Note: did not apply a 0.75 adjustment factor to convert participation in the bus program from daily VMT to annual school VMT.</p> <p><b>Alternative San Jose Formula for Employee Shuttles:</b>  <math>\% \text{ Commute VMT Reduction} = 47\% * \text{ percent of participating employees or students}</math></p>	<p>CAPCOA: JD Franz Research, Inc.: Lamorinda School Bus Program, 2003 Parent Survey, Final Report; January 2004</p> <p>San José: 2015 SFMTA study finding on mode replacement: 47% of employees who ride shuttles would have driven alone to work if shuttles were not available.</p>	The GHG facto total. mea conv form remc
Commute Trip Reduction Marketing	0.8%	4%	3.19%	<p><b>Not Applied</b></p> <p><math>\% \text{ Commute VMT Reduction} = \% \text{ reduction in commute vehicle trips (4\%)} * \% \text{ eligible employees} * 1</math>  <math>(\text{Adjustment from commute VT to commute VMT})</math>  <math>4\% * 100\% * 1 = 4\%</math></p>	CAPCOA: Pratt, Dick. Personal communication regarding the Draft of TCRP 95 Traveler Response to Transportation System Changes – Chapter 19 Employer and Institutional TDM Strategies. Transit Cooperative Research Program.	Use the E woul over prov
School Pool	7.2%	15.8%	13.36%	<p><b>CAPCOA Formula for School Pool:</b>  <math>\% \text{ VMT Commute Reduction} = 22.3\% \text{ of people who arrive by carpool} * 0.60</math></p> <p>Note: 0.60 is an adjustment based on the average number of families per carpool based on research (2.5)</p>	<p>CAPCOA: Transportation Demand Management Institute of the Association for Commuter Transportation. TDM Case Studies and Commuter Testimonials. Prepared for the US EPA. 1997. (p. 10, 36-38)  <a href="http://www.epa.gov/OMS/stateresources/rellinks/ocstdmcases.pdf">http://www.epa.gov/OMS/stateresources/rellinks/ocstdmcases.pdf</a></p> <p>CAPCOA: Denver Regional Council of Governments (DRCOG). Survey of Schoolpool Participants, April 2008.  <a href="http://www.drcog.org/index.cfm?page=SchoolPool">http://www.drcog.org/index.cfm?page=SchoolPool</a>. Obtained from Schoolpool Coordinator, Mia Bemelen.</p>	Sch who carp Mod remc from impa
Total Student Reduction	8.86%	57.16%	48.73%	$\text{Total VMT Reduction Estimate} = 1 - (1 - \text{School Pool}) * (1 - \text{CTR Marketing}) * (1 - \text{School Sponsored Buses})$	CAPCOA: Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emissions Reductions from Greenhouse Gas Mitigation Measures. August 2010.	See
Total Population Reduction	7.33%	47.25%	40.28%	VMT reductions only applied to student population, this reduction is weighted reduction based on employees and students.		Total the s emp the t den

## CONCLUSION

The total estimated reduction from the Head-Royce School's VMT-mitigating TDM programs is 40.28%. The established VMT threshold based on VMT per employee data from the MTC travel model calls for a 29.4% reduction in VMT per person to meet the threshold of 18.53 VMT per person. Therefore, the established TDM program brings the Head-Royce School's VMT per person for the total campus population well below the threshold, and supports a presumption of no significant transportation impacts for the South Campus Project.

**Response to Comment Letter II – Nelson Nygaard, December 20, 2021**

This letter states that it agrees with the Draft EIR's conclusions about the Project's less than significant transportation impacts related to VMT. It also provides an alternative methodology for conducting the VMT analysis, which concurs with the analysis resented in the Draft EIR. The VMT analyses presented in the Draft EIR was conducted in accordance with City of Oakland Transportation Impact Review Guidelines, and under the direction of City of Oakland Planning and Transportation Department staff. This analysis represents the City's conclusions as to VMT.

**Letter JJ - Oakland Heritage Alliance, December 12, 2021**



December 12, 2021

(By electronic transmission)

City of Oakland Planning Commission  
Planner Rebecca Lind  
Bureau of Planning/Zoning Division  
250 Frank H. Ogawa Plaza, 2nd Floor  
Oakland, California 94612

**Subject: PLN-18532, PLN18532-ER01—Head-Royce expansion**

Dear Chair Limon, Planning Commissioners and Ms. Lind,

We have reviewed the staff report and the DEIR for the Lincoln Ave. properties. We understand that the school wants to expand its campus and at the same time use a sensitive design to mitigate potential conflicts with the neighborhood. In general we support the neighborhood steering committee's approach with regard to the historic structures:

This project should be designed with attention to the historic and architectural virtues of the site and facilities. Some design improvements would be helpful in achieving this.

For all the existing buildings, please incorporate review and discussion of the applicability of the California Historical Building Code to evaluate options that might improve the designs and their retention of historic features, may help with economic feasibility, and may permit retention of more of the historic fabric.

1. Historic buildings 1 and 2: Please request additional design alternatives for the ADA ramps to make them more visually and historically compatible, and better integrated with the existing structures.

JJ-1

2. For Building 0:

a) Retain the original windows rather than replacing them. In general, window replacement does not contribute a large percentage of energy efficiency, especially in places with temperate climates and no great winter chill. As an example: when Oakland Technical High School was being updated, there was a proposal to replace all the historic windows (550 double-hung wood frames) with new aluminum windows. The City of Oakland, Oakland Heritage Alliance, the PTSA, and the State Historic Preservation Office were able to show that retention and repair was far cheaper, much less damaging to the historic structure, required no alterations to the original openings, and that replacement would not affect energy efficiency enough to compensate for the replacement cost.

JJ-2

b) Provide additional analysis of the proposed large deck addition, and whether it could be reconfigured to have less impact on the existing building.

JJ-3

For the demolitions of buildings 4, 6, 7, and 8, please provide additional study and rationale for demolition, as the neighborhood organization requests.

JJ-4

We'd add that Ethel Moore was a pioneer of the Alameda County public health department, and a founder of Oakland's parks and recreation programs.

JJ-5

We look forward to hearing your comments on this project.

Sincerely,

A handwritten signature in blue ink that reads "Mary Harper".

Mary Harper, President

By electronic transmission:  
cc: William Gilchrist, Ed Manasse, Robert Merkamp, Catherine Payne, Maurice Brenyah-Addow, Neil Gray, Heather Klein,  
Pete Vollmann, Karen August, Betty Marvin, Bureau of Planning/Zoning

## **Response to Comment Letter JJ – Oakland Heritage Alliance, December 12, 2021**

### **Response to Comment JJ-1**

As reviewed by Page & Turnbull in the April 16, 2020 Proposed Project Analysis (appendix 7B to the Draft EIR), the ADA-compliant ramps planned for the west façades of Building 1 and Building 2 would be simple, stucco-clad structures finished to match the existing buildings' surface color and texture. Each ramp would be set to the side of each building's central entry staircase, thus preserving the original entry sequence. The ramp designs reviewed for the Proposed Project Analysis were found "not to have a negative effect on the buildings' ability to convey their historic significance, and are appropriately sited and designed to be compatible with the continuing educational uses of the buildings". Page & Turnbull understands that the project architect, SOM, is considering redesigns of the accessibility ramps. Any new designs will be reviewed by Page & Turnbull for compatibility with the historic character of the buildings.

### **Response to Comment JJ-2**

Page & Turnbull's analysis of the proposed project found that the replacement of some steel sash windows on secondary façades of Building 0 with double-glazed steel sash windows would not affect the ability of Building 0 to convey its historic character. The majority of the building's character-defining features, including the large, original steel sash windows facing Lincoln Avenue, would be retained, and the proposed replacement windows would match the existing windows in lite configuration and profile. Page & Turnbull agrees, however, that it is preferable and consistent with best practices in historic preservation to retain and repair existing historic windows wherever possible. It is our understanding that the project architect, SOM, is evaluating the feasibility of retaining and repairing existing historic windows whose condition allows such rehabilitation.

### **Response to Comment JJ-3**

A terrace at Building 0 is proposed to replace an existing parking area at the southwest corner of Building 0, and would extend most of the length of the west side of the east wing, with two stairways with stucco-clad handrails matching the finish of the existing building in color and texture. Associated with this addition, an existing doorway and awning and three small window openings would be removed and infilled. A non-original stairway would be removed from the south façade of the north wing, and new glazed wood doors would be installed at a new opening. In the analysis of the proposed project, Page & Turnbull found that the proposed terrace and associated alterations "will not significantly alter any of the historic character, materials, features, or spatial relationships of the building." Removal of the existing secondary openings and installation of new doors accessing the terrace would not diminish the overall integrity of design and materials of Building 0. Further, Page & Turnbull found that the proposed terrace and entry ramps, "all have low stucco-clad walls which are compatible with the material and design of Buildings 0, 1, and 2. The features themselves have clearly contemporary functions and uses, and appropriate in scale and location relative to the buildings." Addition of the terrace would bring new, active outdoor use compatible with the site's historic use and character to an area currently occupied by vehicle parking.

### **Response to Comment JJ-4**

Page & Turnbull's findings regarding Buildings 4, 6, 7 and 8 are addressed in Responses to Comments in Letter C as provided by Grassroots Community Advocates/Neighborhood Steering Committee.

### **Response to Comment JJ-5**

Ethel Moore (1871-1920) was an influential figure in Oakland's history, and it is appropriate to commemorate her legacy at the city's educational, recreational, and social service institutions. However, the cottage at the Head-Royce School south campus which was named for Ethel Moore (also referred to as Building 4) was constructed more than a decade after Moore's death, was not originally named for Moore, and was not

connected, beyond this name, to her life's work. To be considered significant based on an association with an important individual, a historic building must be demonstrably associated with that person's productive life; commemoration through posthumous naming does not confer such significance.

**Letter KK - Piper, Sue, December 13, 2021**

Susan Piper  
33 Hiller Drive  
Oakland, CA 94618  
(510) 499-8933

December 13, 2021

Courtney Brown  
Acting Planner III  
City of Oakland, PBD, Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
By email: [cbrown@oaklandca.gov](mailto:cbrown@oaklandca.gov)

RE: Head Royce School Planned Unit Development Permit Project DEIR Comments  
PLN-18532, PLN18532-ER01

Dear Ms. Brown,

I am writing to express my disappointment in the quality and thoroughness of the Draft Environmental Impact Report concerning Head Royce School's Planned Unit Development, in particular, pages 16-1 to 16-26 and the discussion concerning wildfires, fire safety and evacuation.

Please see my attached biography. Having lost my home in the 1991 Firestorm, I have dedicated my life for the last 30 years to wildfire prevention and emergency preparedness, and I have been following very carefully conversations about increased development in the very high fire severity zone at the local, regional, and state level, particularly as it relates to impacting the safe evacuation of residents. During that time, I have worked with fire departments on the state and local level to learn about the changing fire science. As chair of the Oakland Firesafe Council, I regularly attend seminars all over California where fire experts, fire chiefs, and community members exchange ideas and information about wildfire prevention and preparedness. Another of my interests has been participating in discussions on a local and state level about the impacts of densifying construction in areas deemed by CalFire to be High Fire Risk Zones (HFRZ). As former Chair and current Secretary of United Policyholders, a consumer advocacy nonprofit helping disaster survivors work through their insurance claims, I also am very aware and have studied the impact of the recent years' wildfires on the cost of homeowner insurance and have advocated for steps to keep insurance available at a reasonable price throughout the United States. And so increased density –both in terms of actual construction and inhabitants—is a serious risk to Oakland's high and very fire hazard severity zone and the adjacent neighborhoods.

It is important for the Planning Commission to think holistically and not one project at a time. Thus, they should think about all that testimony-- including that from several high-ranking members of the City's own fire department--about the risk of adding new development to the very high fire severity zone in Oakland. Oakland Fire Chief Reginald Freeman, along with the Oakland Firesafe Council, North Hills Community Association, Piedmont Pines Neighborhood Association and others have all raised concerns about increased density on the ability of current residents to evacuate safely from the city's wildland urban interface, which has a history of destructive wildfires. As has been noted before, the city cannot

guarantee the safety of its current residents in an evacuation scenario because today's fires move so quickly and our roads' carrying capacity is already limited.

I concur with those who believe that traffic studies are necessary along the entire evacuation route before any new development-- including the addition of 344 students at Head Royce-- is considered. As a 1991 Oakland Hills Firestorm survivor, my experience shows that you cannot count on Highway 13 being available as an evacuation route-- it was closed in 1991. That means that Lincoln Avenue not only must accommodate students from Head Royce (and their nervous parents) and residents from the feeder streets, but all that traffic from above highway 13 madly fleeing an approaching fire.

As Bay Area fires increase in frequency, intensity and destruction, the Planning Commission must seriously consider the impact of increased density and property use on the entire evacuation route. We already see Lincoln Avenue become congested during regular commuter and school traffic. It will be much worse during an evacuation crisis when people are uncertain about their safety.

I don't believe the EIR has investigated these factors sufficiently for it to be accurate. I ask the Planning Commission to require the applicant to go back to the drawing board and reassess the hazards section to accurately reflect current wildfire conditions. A start might be to review the presentation that former Deputy Fire Chief Nick Luby made at your June 2, 2021, Planning Commission hearing on the changes to Oakland's Single Family Zoning regulations as it pertains to the addition of accessory dwelling units. If I recall correctly, he applied Zonehaven data to all the major evacuation routes from the hills, including Lincoln Avenue, showing the choke points.

The substantial increase in enrollment at Head Royce has serious and life-threatening implications, not only for the students and immediate neighbors, but for the surrounding community that relies on Lincoln Avenue as a key evacuation route.

Sincerely,



Susan Piper

Attachment: Susan Piper Bio

## Sue Piper Bio

Sue Piper retired in 2012 after an almost 50-year career in public relations and marketing—the last 8 years she served as a policy analyst to Council Member Jean Quan in the City of Oakland, and then as Mayor Quan's Communications Manager. A survivor of the 1991 Oakland/Berkeley Hills Firestorm, she and her husband have dedicated the last 30 years to wildfire prevention and emergency preparedness. They created the Oakland Firestorm Memorial Garden and the Gateway Emergency Preparedness Exhibit Center under the Oakland Landscape Committee, and both served on the now sunset Oakland Wildfire Prevention Assessment District. Sue currently serves as the chair of the nonprofit Oakland Firesafe Council. She is the former Chair and current Secretary of United Policyholders, a national nonprofit consumer advocacy organization for disaster survivors dealing with their insurance before, during and after fires, earthquakes, hurricanes, tornadoes and other disasters. She is Secretary of the North Hills Community Association and President of her local homeowner's association. She received the Jefferson Award in 2021 for her wildfire prevention advocacy. Established in 1972 by Jacqueline Kennedy Onassis, the Jefferson Award is considered the Nobel Prize for public service. It recognizes people who make a difference on a daily basis in their local communities—unsung heroes who do extraordinary things without expectation of recognition or award.

5-19--21

**Response to Comment Letter KK - Piper, Sue, December 13, 2021**

Please see Master Response to Comments on Wildfire Hazards and Emergency Evacuation. The City respects the work that Ms. Piper has done and continues to do in advocating for wildfire prevention, and appreciates her perspective on this topic.

**Letter LL - Prestianni, John, December 20, 2021**

December 20, 2021

Courtney Brown  
City of Oakland, PBD Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
Attn. Head Royce School Planned Unit Development Project DEIR Comments  
Email: cbrown@oaklandca.gov

RE: Head-Royce School Planned Unit Development Project DEIR Comments:

1. 37% enrollment increase
2. Traffic impacts
3. Internal Loop Road
4. Performing Arts Center
5. Amphitheater/Commons
6. Noise impacts
7. Sound wall
8. Alternatives (and Comment conclusion)

Dear Ms. Brown:

I am a homeowner on Charleston Street at the southeast portion of the Head-Royce School (HRS) South Campus. My property adjoins the South Campus, and is within 50 feet of the proposed internal Loop Road.

Here are my comments on various proposals outlined in the Head Royce School Planned Unit Development Project DEIR (the DEIR):

**1. 37% enrollment increase**

According to the DEIR, the project wishes to add 356 students and 31 faculty to its existing 2018 student-faculty population of 1,052 for a total of 1,439. (DEIR p. 14-24, Table 14-4). The current school population is already too high and should not be increased because of the negative impact of HRS operations in the area, which was never intended for such use.

Having purchased the South Campus property, HRS now claims it needs to expand its enrollment by 37%, presumably to generate the revenue needed to support the purchase and redevelopment of, and operations on the South Campus. Yet, the purchase presents numerous issues, for example, how to unify the North Campus with the South campus, both of which are situated in a long-established, rather densely populated residential neighborhood with aging infrastructure that allows little opportunity for new development.

HRS proposes creation of a pedestrian tunnel underneath Lincoln Avenue, the only major transportation artery between Highway 13 and Interstate 580. How will the pedestrian tunnel construction not present a significant impact to neighborhood residents and motorists, buses and emergency vehicles that use

Lincoln Avenue? Even when one considers the 2018 student-faculty population of 1,052, enrollment is already too high. For many years, and during the Covid pandemic, daily back-ups on Lincoln Avenue occur twice daily as hundreds of cars drop off and pick up students, and parents opt for convenience and speed in using neighboring residential streets to exit the neighborhood, in spite of HRS-retained traffic monitors, and despite several city mandated "Slow Streets" that prohibit their use for "through traffic". The solution proposed by HRS, to construct an internal Loop Road on which parents, workers, deliveries and others will be required to use, is guaranteed to not solve the congestion problem, which will only be exacerbated by the addition of 356 students and 31 faculty. Parents will not want to be stuck in a back-up of cars on the South Campus Loop Road twice a day, and HRS has not outlined any mechanism other than voluntary cooperation to enforce use of the Loop Road by parents.

- **Evacuation of the school population and surrounding residents** in the probable event of a wildfire or earthquake is already compromised by the school's lack of a workable evacuation plan, and will only become more problematic if enrollment and faculty are increased.

**2. Traffic impacts**

As mentioned, traffic and back-ups resulting from hundreds of parents dropping off and picking up their children have been chronic issues with HRS. Dramatically increasing enrollment by 37% and adding 31 new faculty positions will not alleviate that problem, but will make it far worse. The proposed solution, to add an internal Loop Road and an additional traffic light on Lincoln, will not solve the problem. The DEIR does not present studies that show how the Loop Road will alleviate traffic. There is no study and analysis of details such as queue length, discharge rate, turn rate, or impacts to Lincoln Ave or adjacent and neighboring streets and homes from the addition of a third traffic light and construction of a Loop Road. By measuring the Lincoln Avenue drop off and pick up queue, residents have determined the loop isn't and can't be long enough to accommodate existing drivers, let alone several hundred more drivers.

- Why does the DEIR not present alternate solutions to the proposed Loop Road, such as, at minimum, **widening Lincoln Avenue** closer to and at the school's location, to accommodate drop off, pick up, buses and shuttles?
- Given the proposed construction of a pedestrian tunnel, and the potential for more space on the South Campus, why does the DEIR fail to consider that widening Lincoln Avenue on the portion adjacent to the South Campus would not alleviate the twice-daily congestion from parental drivers?
- Why does the DEIR fail to address the lack of a **workable emergency evacuation plan** in light of the opportunity to widen Lincoln Avenue so that cars and emergency vehicles will be able to adequately use Lincoln Avenue for emergency evacuation? The proposal for a Loop Road does not address that issue.

**LL-1 3. Internal Loop Road**

The DEIR's treatment of the proposed Loop Road, as previously discussed, does not present analysis that convincingly demonstrates it is a solution to either the current or eventual traffic impact of increased enrollment. On its face, it is an inadequate idea. Instead, it reveals that HRS intends to put (or does not care whether it places) the burden of impact from excessive parental traffic on the surrounding neighborhood, with noise, lighting where none has previously existed, emissions exhaust, and inadequate sound walls. The Loop Road will be far too close to neighbors on the south end of the campus, on Alida Street, Laguna Street, Charleston Avenue and Camellia Place.

- HRS could place **new access roads in the center of the campus** instead of around the perimeter, and does not present analysis that shows it ever considered this. Where in the DEIR was this considered and analyzed? Instead, it proposes creation of (1) a “Commons” (an amphitheater), (2) unnecessary and noise producing “outdoor classrooms”, and (3) no widening of Lincoln Avenue to alleviate the impact of the traffic the school creates.

According to the DEIR, Project Objective #5 says HRS wants to remove street drop off and pick up from Lincoln Ave and eliminate use by parent drivers of the “Alida-Laguna-Potomac Loop.” Yet, the DEIR does not discuss how use of the Loop Road will be **enforced** by HRS.

- How will HRS **require** parents to use the Loop Road? It will be neither convenient nor speedy to use it.
- How will HRS prevent parents and others from using residential streets to exit the environs of the school and how will they incentivize parents to use the Loop Road instead?
- Does the school intend to issue fines and penalties to such parents?

Instead the master plan and DEIR contemplate construction of a new roadway quite close to neighboring residences where none existed before, and where Loop Road traffic will be generated, according to the DEIR:

- on school days from drop-offs and pick-ups during the morning (8:00 to 9:00 am) and afternoon (3:15 to 4:15 pm), after-school pick-ups (4:15 to 5:15 pm) and sport/clubs pick-ups (5:15 to 6:15 pm), early arrivals (7:00 am to 8:00 am) and Kindergarten pick-up (2:15 to 3:15 pm) (DEIR Page 13-40)(**all cumulatively from at least 8 am to 6:15 pm each school day**)
- days when the Performing Arts Center will be used for Special Events. Up to 43 evening events are proposed, to be held between 7:00 pm to 9:30 pm, and 5 Saturday evening Special Events (held between 6:00 pm to 9:30 pm). A maximum 450 persons are anticipated to attend these events, based on the seating capacity of the Performing Arts Center.
- In addition, the Loop Road will no doubt be used for other vehicular traffic on the South Campus, such as deliveries, construction, maintenance and employee/staff traffic.

The DEIR proposes construction of a dividing wall: “The project proposes to construct a 6-foot high wall along the property line separating the Loop Road from the adjacent residences. The wall would be anticipated to provide 5 to 6 dBA of additional noise reduction to the adjacent shielded residences.” (DEIR Page 13-34). There is no detail beyond that statement, and no analysis of alternatives.

- Why a 6-foot wall? Why not a 12-foot cinder block sound wall, to mitigate the impact of the noise and emissions impact from the Loop Road traffic?

The DEIR discusses **Lighting** and states that the DEIR/EIR “should determine exactly where and how much night lighting will be needed for the Project, and whether this lighting will impact the neighbors’ nighttime views.” (DEIR 1-8). There is no mention in the DEIR of how night lighting will impact the environment of adjoining neighbors who have never had to see the South Campus and the proposed Loop Road illuminated at any time, let alone late into the evening, as will certainly be the case during the short days of the winter months and throughout the year from use of the Performing Arts Center. The DEIR concedes that “[t]he Project will could [sic] potentially create new sources of substantial light or glare that may substantially and adversely affect day or nighttime views in the area.” (DEIR 2-5 Aesthetics-3) Instead of providing alternatives to all the proposed lighting, the DEIR claims mitigation will be effected by “[p]roposed new exterior lighting fixtures shall be adequately shielded to a point

below the light bulb and reflector to prevent unnecessary glare onto adjacent properties. (DEIR SCA Aesthetics-2: Lighting). Incredibly, the DEIR states the effect of all this new lighting (and presumably late into the evening) will be “Less than Significant with SCAs.” As it happens, all my second story windows (including bedrooms) overlook an area that is currently not lighted, but there is no doubt that once the South Campus and the Loop Road are lit, that the light will be very visible, will shine through my windows, and will be Significant.

- Why does the DEIR not realistically account for this, beyond the rather unconvincing token statement about “shielding” light fixtures “below the lightbulb and reflector”?
- And why does the DEIR not present an “on-off” daily time schedule for the lighting?
- Is it the school’s intention to keep the new Loop Road lighting turned on all night? Why is this plan not discussed?

#### **4. Performing Arts Center**

The master plan and DEIR propose construction of a 450-seat Performing Arts Center (PAC) adjacent to Alida Street and Linnet Court. The DEIR does not discuss the need for such a project, especially in light of the fact that HRS already has at least one large performing arts facility located on its North Campus.

- Where in the DEIR is the **need** for such a project and facility discussed and analyzed?
- The PAC is also intended to be rented out for non-school events, such as for other schools, non-profits (which could include almost any conceivable entity) and others. Where is the need for such a new venue analyzed and validated in the DEIR? Oakland already has a number of such centers, that are well established and not located in a residential neighborhood.

The DEIR states a past HRS graduation ceremony in 2019 drew 500 attendees, and that such high-attendance gatherings will be held on the South Campus. The DEIR does not discuss how **parking** on both the North and South campus will accommodate such events. DEIR page 3-12, in Table 3-2 states that off-street parking will be limited to **283** spaces. Neither campus has parking spaces anywhere near the PAC, which will surely lead to attendees using street parking closer to the PAC. Nor does the DEIR address the **evacuation of the PAC** in case of emergency, and how, e.g., a fire or collapse due to earthquake will be handled. The South Campus has 154 spaces existing, but most appear to be at the east end of the property, far from the new PAC.

Other PAC questions include:

- Where does HRS propose attendees park? Assuming the parking issue needs to be addressed for approval, how will such requirements be enforced by HRS?
- **Why is the school not building a multi-level parking structure** (similar to what the Greek Orthodox Cathedral constructed) on the HRS South Campus, to provide sufficient parking for their operations, including the 48 Special Events contemplated to be held annually at the new PAC? Why does the DEIR not address this alternative?
- Will Linnet court be used for access during construction of the PAC?
- Will the City restrict HRS from using Linnet for this purpose?
- The impact of such use would be very significant for residents on top of having to endure the noise, hours of construction and additional traffic on their street and its road.

- The Loop Road will be adjacent to the PAC, and both will adjoin neighboring residences on Alida Court and Linnet Court. How will a 6-foot wall mitigate the inevitable from the PAC and the Loop Road which will serve it from traffic noise and the noise from attendees occurring well into evenings? Wouldn't a 12-foot cinder block Sound Wall be indicated instead?

LL-11

The statement in the DEIR that “[t]he Project would not generate noise at levels that would contribute to a cumulatively significant increase in ambient noise levels without the Project” seems less than credible when considered against the following:

- The school plans to increase enrollment by 37% (356 additional students) and add 32 faculty members.
- Traffic and associated noise will increase with enrollment expansion.
- The school plans to construct an internal Loop Road and install a third traffic light on Lincoln Avenue to divert parent drivers off Lincoln Avenue and onto the South Campus adjacent to many residential properties.
- The school plans to install an amphitheater in the approximate center of the South Campus, where students will congregate daily for lunch and other “interactions”, and where Special Events will be held.
- The school proposes the use of “outdoor classrooms” where groups of students will be instructed by teachers, all of whose voices will carry across the South Campus.
- The school plans to use the playing field on the southern edge of the South Campus and adjacent to residences, for 5 recess periods per school day.
- The school plans to construct a Performing Arts Building (PAC) near adjacent properties that will seat 450 and hold events 48 times per year, including in evenings when the PAC will be rented out to the public.
- The school proposes a 6-foot fence to surround the South Campus, but does not specify how this will mitigate sound, other than a small reduction of 5 to 6 dBA.

LL-15

LL-12

The master plan and the DEIR set forth that an amphitheater (euphemistically called a “Commons”) will be constructed in the approximate center of the South Campus. **An amphitheater in a quiet residential neighborhood is definitely not recommended.** It is contemplated that the amphitheater will be used for gatherings (“student interactions” and a central gathering place for students to eat lunch, as well as events such as graduation ceremonies, per page 3-21).

- The plan contemplates use of sound amplifiers such as loudspeakers and public address systems. How can this not produce Significant Noise that will be disturbing to residents who cannot escape it? The South Campus is located in hilly terrain that produces sound pockets in which any noise produced outside travels considerable distances and penetrates walls and windows.
- The amphitheater will be constructed on a downhill grade facing the south end of the campus, and residences along Laguna Street and Charleston Avenue, and sound will be projected towards those residences. Buildings between the amphitheater and the residences will not muffle or eliminate travelling soundwaves.

The DEIR suggests Special Events that could include the public may be held in the “Commons” amphitheater. There is no need for an amphitheater for public use in this area of Oakland.

**Woodminster amphitheater** (owned by the City of Oakland) is available for rent. It is well away from housing in a park, but very close to HRS, has parking, and would be the appropriate place for outdoor entertainment.

## 6. Noise impacts

The DEIR states: “The Project would not generate noise at levels that would contribute to a cumulatively significant increase in ambient noise levels without the Project”. (DEIR 13-44). This conclusion is intended to undercut claims that the surrounding neighborhood, and in particular residents whose homes adjoin the South Campus, will not experience significant levels of noise resulting from 3+ years of proposed construction and ongoing operations of the school on the South Campus.

The Chapters on Noise in the DEIR, both the Illingworth & Rodkin study in Appendix 13 on which the conclusions in the DEIR are founded (Appendix 13 et seq.) study, and the Lamphier-Gregory report itself, were analyzed by the neighbors’ own acoustics expert who presented us with a peer review which stated:

“The noise study and ensuing DEIR noise chapter are seriously flawed and should be redone 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.” (*Peer Reviews of the Noise Assessment Study and the Noise Chapter of the Draft Environmental Impact Report, Head-Royce School Expansion, Lincoln Avenue, Oakland* by Edward L. Pack Associates, Inc., Acoustical Consultants, December 8, 2021, attached as Exhibit 1).

LL-13

The DEIR makes reference to a 6-foot fence proposed to be installed on portions of the property which is stated to only reduce decibel levels by a small amount (5 to 6 dBA).

- Why does the DEIR fail to analyze various types of Sound Walls, their materials, height and construction to present a realistic range of options to be considered?
- Instead of a 6-foot fence that the DEIR concedes can only absorb a small number of decibels, and presumably made of wood or other organic, non-sound absorbing material, why wasn’t a state of the art Sound Wall, perhaps 12 feet tall and constructed from concrete cinder blocks, proposed? Surely a Sound Wall of that type of construction would produce better mitigation from the negative acoustic effects arising from HRS operations and would also presumably result in fewer complaints and City restriction that would be imposed on the school over time.

LL-16

## 8. Alternatives (and Comment conclusion)

The DEIR presents Alternative scenarios about the master plan and the requests for approval, various features and projects that expansion and redevelopment of the South Campus would entail.

LL-14

The following **two** Alternatives (Alternative 1, preferably, but failing that, Alternative 2) from Chapter 18 of the DEIR are what I recommend, based on my review of the DEIR and the proximity of my home to the South Campus:

LL-17

### Alternative 1: No Project. The project should not proceed.

- There is no objective, demonstrated reason that HRS should expand, increase its enrollment and embark on a wide-ranging, impactful redevelopment project of this nature that will take at

minimum three and possibly as many as ten years to finance and complete, especially when the negative impacts on traffic, and the neighborhood are significant.

- The North Campus is already roomy, very well developed and more than adequate for HRS operations. For example, there is already a large performing arts center on the North Campus. What is the point of adding another one?
- The school should lease the South Campus to a third-party institution that will agree to not redevelop the property (excluding interior building refurbishment and build out) or it should sell the property to a third party and recoup its investment. The neighborhood and the City would benefit from more residential housing and commercial use instead of expansion of an elite private school that attracts enrollees from outside Oakland.

***Alternative 2: Minor Development***

"Under Alternative 2, there would be no increase over the currently permitted maximum enrollment of 906 students, and no additional faculty or staff positions would necessarily be needed for this alternative... Alternative 2 would enable only limited development and activity at the former Lincoln site [including] limited new construction and retention of existing structures and facilities."

Alternative 2 would mean:

- No internal Loop Road.
- No Alida-Laguna-Potomac Loop.
- Realistic measures to improve traffic on Lincoln Avenue, such as widening the drop-off and pick-up space in the area of the South Campus adjacent to Lincoln, or an alternate path that keeps traffic well away from the perimeter of the property, and use of Lot F for drop off and pick up.
- No new Performing Arts Center, no amphitheater, no pedestrian tunnel

Thank you for your attention to and consideration of the above comments.

Sincerely yours,

John Prestianni

## **Response to Comment Letter LL, Prestianni, John, December 20, 2021**

### **Response to Comment LL-1**

These comments pertain to the merits of the Project, so are not responded to as comments on the Draft EIR.

### **Response to Comment LL-2**

Please see Master Response to Comments on Traffic Congestion. The Proposed South Campus' frontage along Lincoln Avenue is about 470 feet long. Accounting for merge lanes into and out from an additional lane on Lincoln Avenue may leave approximately 400 feet of length for a new drop-off lane on Lincoln. As compared to the proposed Loop Road, such an additional lane would provide less than one-third of the queuing distance, would not substantially alleviate traffic disruption along Lincoln, and would only increase roadway capacity for a short segment of Lincoln Avenue, simply creating additional bottlenecks in traffic where this second lane would merge back into one lane below Alida Street.

### **Response to Comment LL-3**

This comment pertains to the merits of the Project, so is not responded to as comments on the Draft EIR. Please see Master Response to Comments on Traffic Congestion.

### **Response to Comment LL-4**

This comment pertains to the merits of the Project's proposed Loop Road and the School's ability to ensure and enforce its use, so is not responded to as comments on the Draft EIR.

### **Response to Comment LL-5**

This comment accurately describes the different types of activities pursuant to the Project that will rely on the Loop Road. The period when peak traffic volumes would be using the Loop Road was used to calculate noise and vehicle emissions, as presented in the Draft EIR.

### **Response to Comment LL-6**

Please see Master Response to Comments on Noise, and specifically the section on Operational Noise Sources and Impacts. Since traffic on the Loop Road is not projected to exceed applicable City of Oakland CEQA thresholds for operational noise, mitigation measures are not warranted. The proposed sound wall/fence would provide an additional level of noise attenuation, privacy and shielding of vehicle headlights. A 12-foot wall or noise barrier is not warranted to reduce CEQA impacts.

### **Response to Comment LL-7**

The CEQA threshold pertaining to lighting is not whether new lights can be seen or if there would be more lights than currently exist, but whether the Project would create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area. With shielding of light standards, the light source would only cast lighting downward toward the surface where lights are needed, and not in all directions "spilling" onto adjacent properties or lighting the night sky.

On regular school days, once the School day is over and all faculty have left the parking lot, the gates to the School will be closed and the Loop Road lighting, to the extent it may have been needed, will be turned off. Loop Road lighting would remain on until 10:00 during those evenings when Special Events are held, with lights off at 10:00.

### **Response to Comment LL-8**

This comment pertains to the merits of the Project's proposed Performing Arts Center building, so is not responded to as comments on the Draft EIR. Please see Master Response to Comments on No Proposed Community Use of the Performing Art Center.

**Response to Comment LL-9**

Parking is not a CEQA topic, and so is not addressed in the Draft EIR (other than to describe the proposal for new parking to be provided as part of the Project Description. Per the Draft EIR Project Description (page 3-33), the Project proposes to add 25 new on-site parking spaces, and to retain and redesign the 129 paved parking spaces that currently exist, for a net of 154 total parking spaces on the proposed South Campus. In addition, the existing Campus also has 154 parking spaces that are not proposed to change pursuant to the Project. School-wide, with the Project, there would be 308 total off-street parking spaces on the overall Campus.

The following is provided for information relative to the direct comment. With a peak period event of 450 attendees at the Performing Arts Center, these 308 parking spaces would be more than adequate to park all of these attendees' vehicles. For the one high school graduation event per year that would exceed available on-School parking capacity, the School would need to rely on surplus parking at the Greek Orthodox Church, Cerebral Palsy Center, Mormon Temple or other off-site locations, with shuttles to this event.

**Response to Comment LL-10**

Pursuant to the City of Oakland's Standard Conditions of Approval that apply to all major development projects and prior to the issuance of the first construction-related permit, the School and their general contractor will be required to submit a Construction Management Plan (CMP). The CMP is subject to review and approval by the Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department, Department of Transportation, and the Public Works Department. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management. The CMP shall provide project-specific information, including descriptive procedures, approval documentation, and drawings that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the Project. This Construction Management Plan has not yet been prepared, nor is it required until application of construction-related permits.

As stated in the Draft EIR, use of Linnet is only anticipated for emergency use. The definition of an emergency would be based on the emergency needs of emergency service providers (OFD, OPD and first-response EMT).

**Response to Comment LL-11**

Please see Response to Comment L-6, above.

**Response to Comment LL-12**

The Project does not include an amphitheater. It does include an outdoor common area called the Commons, where student can congregate, small outdoor classroom activities can occur, and at the end of the School year, outdoor graduation ceremonies are proposed to occur.

Please see Master Response to Comment on Noise, specifically the sections on Operational Noise Thresholds and Operational Noise Sources and Impacts of outdoor graduation events.

**Response to Comment LL-13**

The Draft EIR was not prepared in an attempt to "undercut" any comments from the public, but to provide an independent and objective analysis of the Project environmental effects relative to City of Oakland CEQA thresholds. Please see Master Response to Comment on Noise, specifically the section on Construction Noise thresholds and Construction Noise Impacts.

**Response to Comment LL-14**

Individual responses to comments provided by the neighbor's own acoustic expert are provided in Response to Letter B2 – Pack Associates.

**Response to Comment LL-15**

Please see Master Response to Comment on Noise, specifically the section on Cumulative Noise Impacts that addresses daily cumulative operational noise and cumulative traffic noise during the peak hour. Please also see Master Response to Comments on No Community Use of the Performing Arts Center.

**Response to Comment LL-16**

Please see Master Response to Comment on Noise, specifically the section on Traffic Noise on the Loop Road. This Master Response explains that, although no noise impacts that exceed City established thresholds have been identified and therefore no noise mitigation is required under CEQA, the Project does include a 6-foot fence. That fence would provide an additional 5 to 6 dBA reduction in noise for those residences that have a line of sight to the noise sources.

**Response to Comment LL-17**

This comment expresses the commenter's preferences for a No Project Alternative or for a modified version of the Draft EIR's Alternative #2: Minor Development Alternative. No response to this comment is necessary.

## Letter MM - Purcell, Anne, December 20, 2021 (2 letters)

**From:** Anne Purcell <apurcell@sbcglobal.net>  
**Sent:** Monday, December 20, 2021 3:55 PM  
**To:** Brown, Courtney  
**Subject:** Re: Head Royce School Planned Unit Development Permit Project DEIR Comments

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Ms. Brown-

I just read the report from Clearwater Hydrology and would like to add additional comments on the DEIR. According to Mr. Vandevere, there is a lack of design detailing in the DEIR with regard to some important hydrologic management components. My concern is from paragraph 2 on page 2 of his letter:

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.

From this I gather that the standard curb and gutter system must be specified in order for the design to meet requirements for managing hydrologic impacts on adjacent residential properties. The other implication is that the site currently has deficiencies that are at least contributing to the groundwater seepage in my basement now, and those will be mitigated and perhaps resolved by the installation of the correct system.

Thank you,  
Anne Purcell

**From:** Anne Purcell <apurcell@sbcglobal.net>  
**Date:** Monday, December 20, 2021 at 9:40 AM  
**To:** <cbrown@oaklandca.gov>  
**Subject:** Head Royce School Planned Unit Development Permit Project DEIR Comments

Ms. Brown-

Below are my comments on the DEIR. I am the resident owner of 21 Alida Court, immediately adjacent to the southwest side of the proposed project site.

### Hazards and Emergency Preparedness

The school doesn't have an evacuation plan for the current student population. If there were a wildfire on the parkland (wild land / open land) above Highway 13 or a large earthquake on Highway 13 (the Hayward fault), this poses a risk to everyone at the school at the time as well as the residents of the surrounding neighborhood.

1

- Why hasn't the school created an evacuation plan and practiced it?
- Why hasn't the city of Oakland required that?
- Given that the school has not demonstrated its ability to perform a timely and safe evacuation without impeding the same for the residents and the experts say it can't be done, how could they possibly be allowed to increase their enrollment?

This neighborhood has significant wildfire and earthquake risk, and the school is located on a road with an 11% grade. It's just common sense that the school should not be allowed to have more students than they can safely and timely evacuate in the event of an emergency that requires evacuation. The expert assessment indicates we don't even know what that number is, just that it isn't currently possible. This requires urgent attention before the school is allowed any further operations in the neighborhood and before the next wildfire season. Frankly, given wildfire events of the past 5 years, one wonders how the school leadership could possibly not have addressed this issue with urgency long before now out of concern for their students and employees.

MM-3

MM-1

### Traffic and Emergency Services Access

The assertion that the project does not have a significant impact on emergency services is incorrect. Current traffic already poses a significant threat to residents' access to emergency services. Lincoln is the main access route for emergency vehicles to Lincoln Heights and the South side of the Oakmore neighborhood, and the drop off and pickup traffic already blocks Lincoln from Potomac to Highway 13.

- How is the school going to reduce their current traffic backups so that emergency vehicles can get into the neighborhood whenever someone has an emergency?
- How is the school going to reduce traffic impacts to prevent traffic from backing up onto Highway 13 on the Southbound Joaquin Miller exit? Currently it backs up during pickup and drop-off on most days the school is in session or has a special event.
- How could the school possibly add students while reducing the traffic impact from current levels to address the issues above?

(A new traffic study is needed with special focus on these areas.)

MM-4

### Sound Impacts on the Residential Neighborhood

It's clear to residents that the DEIR's sound study is deficient. These deficiencies are detailed by the neighborhood's expert. Here are my concerns as an Alida Court resident.

- Why are only 2 homes listed in the study for Alida Court? There are 4 adjacent to the property line with the HRS South Campus.
- How will all of the sound impacts below be mitigated to keep the sound levels within ordinances for adjacent homes?
  - Loop road along Southwest border along residential property line of Alida Court and Linnet homes. Only a 6-foot wood fence planned for border - no sound wall. This road is less than 25 feet of 7 homes and within *a few feet* of private backyards.
  - Theater behind Alida Court / Linnet. This theater appears to be within 50 feet of nearby homes and is a two-story building *uphill* from the homes.
  - Loading docks planned on Southwest side behind Alida Court and Linnet homes. (Deliveries occur as early as 4 am on the South Campus, trucks have the backup beep alerts. Repeated complaints over years have not resolved this nuisance).
  - Proposed deck on southwest side of Building 0 for entertaining purposes (very close to Lincoln and Alida Court homes and on the second floor of the building, so guests will look into backyards and sound will carry down).
  - Proposed outdoor auditorium in the middle of the campus.

MM-5

MM-2

2

- Why are the loading docks planned for the residential home side of the building? Why can't they be on the other side of the building?
- Why does the school need a large outdoor deck for entertainment? Is this new facility an entertainment venue?
- Why is the deck proposed so close to the residential homes? Whatever the purpose of this large entertainment space, given the location on the site it should be an inside space, not an outside space.
- Finally, given the number of entertainment spaces proposed in this plan, what are the school's true plans for the site? Are they planning to generate revenue by holding fund raising events and renting out the spaces to other schools? In addition to the inadequacies the expert has documented, this plan needs to include specific frequency and size of events to address the full potential for sound impacts.

#### **Duration of Construction Period**

Request is for a three-and-a-half-year improvement/construction period. This will likely cause disruption in the neighborhood for an excessively long time. It's difficult to govern construction process compliance over this time, and the site is a very steep and challenging one. My neighbors tell me they have reported many HRS construction safety issues to the city in the past.

- Why is this duration needed?
- How could the city ensure compliance with safety regulations and sound ordinances over such a long construction period?
- Please see my attached email to Rebecca Lind about a recent experience I had with a truck working on a project on the HRS North Campus.

MM-6

Thank you,  
Anne Purcell  
21 Alida Court  
Oakland CA 94602  
apurcell@sbcglobal.net

## **Response to Comment Letter MM – Purcell, Anne, December 20, 2021**

### **Response to Comment MM-1**

As indicated in the response to Clearwater (Letter B5), 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 up-gradient bioretention area, should alleviate surface flooding issues for the Alida Court properties. It should also reduce the volume of water infiltrating into the terrain up gradient of the Alida Court backyards, and will likely reduce groundwater seepage problems historically experienced at the 21 and 26 Alida Court properties. Balance Hydrology's concurrence is predicated on the final design of the Loop Road as incorporating a standard curb and gutter system.

The Project's proposed Loop Road will be designed and constructed to City of Oakland design standards. Whether these design standards will require a standard 6" curb face with 18" gutter, an 8" curb, or rolled curb will be determined by the Design and Construction Services Department of the City of Oakland Public Works Agency, but in all cases must accommodate the designed drainage flow.

### **Response to Comment MM-2**

Please see Master Response to Comments on Emergency Evacuation

### **Response to Comment MM-3**

Please see Master Response to Comments on Emergency Evacuation and staff's recommendations pertaining to preparation of an updated Emergency Evacuation Plan for the School.

### **Response to Comment MM-4**

Please see Master Response to Comments on Traffic Congestion, and the design and intended use of the proposed Loop Road.

### **Response to Comment MM-5**

Please see master Response to Comments on Noise, as well as responses to Comments to Letter B2, Pack Associates regarding substantiation of the noise analysis resented in the Draft EIR.

### **Response to Comment MM-6**

No detailed construction schedule has been prepared for the Project, as subsequent phases are dependent upon fundraising efforts, preparation and approvals of subsequent Final Development Plans and permits for each phase, and the School's readiness to proceed. However, the CalEEMod emissions calculator used to calculate construction-period emissions generated an assumed construction schedule of approximately 13 months for all Project construction activities, presuming that all construction would occur within one continuous period. This assumed schedule is based on the construction periods for other projects of a similar scale and nature, as built-in defaults in the CalEEMod model. Given that the total construction effort for the Project is expected to be slightly longer than a one-year period, and that schedule will be split between two or more construction sequences, it is reasonable to assume that any one of the construction sequences for the Project will not be more than one year in duration.

**Letter NN - Romaneski, Ryan - Chair, Diamond Improvement District, December 20, 2021**



December 20, 2021

Courtney Brown  
City of Oakland, Planning and Building Dept.  
Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
Email: [cbrown@oaklandca.gov](mailto:cbrown@oaklandca.gov)

Subject: Head-Royce School Planned Unit Development Project DEIR Comments

Dear Ms. Brown:

I am writing on behalf of the Dimond Improvement Association (DIA), a non-profit community organization that has been working for nearly 70 years to make Oakland's Dimond District a vibrant, safe, and beautiful place for everyone to live, work, shop, and play.

The health and safety of the Dimond community is of paramount importance to our organization's mission. That is why we are writing this letter conveying our concerns about the Head-Royce School Planned Unit Development Project DEIR.

Our concerns focus on one area in particular – *Section 16-Wildfire and Emergency Evacuations* – which reveals what we believe could be adverse impacts of the project on the Dimond community. We detail our concerns below, quoting the DEIR in italics, followed by our comments.

**DIA Concern:** With no city-designated evacuation routes in the vicinity of Head-Royce School (HRS), it is crucial that HRS develop a realistic, comprehensive evacuation plan in partnership with the Dimond community before approval of their proposed expansion.

Pg 16-5: Emergency Evacuation

*There are no officially designated emergency evacuation routes identified in the vicinity of the Head-Royce School. However, for any emergency evacuations that may occur as a result of a wildfire spreading into the Wildland Urban Interface, or an earthquake-induced fire that is generated along the Highway 13/Hayward fault, there are only a few clear and practical emergency evacuation routes available:*

- Park Boulevard, downhill or to Highway 13 from near the Montclair commercial center
- Joaquin Miller Road, downhill to Highway 13, or continuing downhill via Lincoln Avenue
- Redwood Road, downhill to Highway 13, or continuing downhill via 35th Avenue, or

- Mountain Boulevard to Highway 13, or continuing downhill via Carson Road/High Street

*The Project Site fronts immediately on Lincoln Avenue, one of these practical emergency evacuation routes.*

**DIA Comment:** Given that the most likely emergencies facing the site are either a wildfire starting in the hills above or an earthquake along the Hayward fault, it appears that Lincoln Ave. is the only logical evacuation route for those leaving the area by vehicle, and that the likely evacuation direction is downhill into the Dimond District neighborhoods and retail area. It's reasonable to expect that, in such an emergency, surrounding areas of the Dimond could also be evacuating down Lincoln Ave. as well. Given the potential for significant congestion on Lincoln Avenue, we request the City of Oakland require a comprehensive evacuation plan for the HRS site, to be developed in coordination with members of the Dimond community and approved by the City, before issuing a permit for HRS's expansion.

**DIA Concern:** The DEIR does not currently address the specific impacts on the Dimond District community associated with an evacuation of HRS.

*Pg 16-1: The CAL FIRE Hazard Severity Map for the City of Oakland (see Figure 16-1) identifies the Project site as being within a Very High Fire Hazard Severity Zone (VHFHSZ).*

*Pg 16-23: In response to concerns and in response to comments received as part of the EIR Notice of Preparation and EIR scoping process, a list of evacuation planning recommendations has been prepared for the Head-Royce School:*

- Stephen Wong, Memo: Evacuation Planning Recommendations for Head-Royce School, November 2, 2020, (Appendix 16B).

*These recommendation recognize that Head-Royce School has invested substantial thought in developing an evacuation plan to safeguard its students, but that several additional items should be further addressed, including the infeasibility of shelter-in-place in most wildfire situations, the route and destination of an evacuation from Campus, the loss of power and communication with officials and parents, and identification of egress points.*

**DIA Comment:** The DEIR notes that the HRS campus is in an area at high risk for wildfire. Mr. Wong explicitly states in Appendix 16B that a shelter-in-place strategy is not feasible during a wildfire. Given the risk of wildfire – and the likelihood of the campus evacuating down Lincoln Avenue – a large number of HRS students and staff will likely be evacuating directly into the Dimond community, seriously impeding the evacuation of other Dimond residents and business owners, and putting the community as a whole at risk. As only about 3 percent of the current and projected population walks or bikes to school, we believe strongly that the DEIR must analyze and mitigate the impacts on the neighborhood associated with the potential emergency evacuation of an increased student and staff population exiting campus by vehicle.

NN-1

NN-2

**DIA Concern:** The DEIR does not address the lack of an evacuation plan for the entire school.

**DIA Comment:** The DEIR does not address the evacuation of the whole school, both north and south campuses. There will be unique challenges to reunite the two campuses in an emergency and there may be additional complications if, for some reason, the tunnel connecting north and south is blocked and each campus has to evacuate separately. Improving the plan by addressing this issue will help protect HRS students and reduce the risk of gridlock in the adjoining neighborhoods.

**DIA Concern:** HRS's current evacuation plan is problematic in that it assumes parents and families will follow procedures that we find unrealistic.

Pg 16-16: [from the school's Security and Emergency Preparedness Manual] Parents must be instructed to NOT attempt to pick up their students 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.

Pg 16-22: As indicated in the Head-Royce School Emergency Preparedness Manual, parents are to be instructed to not attempt to pick up their students during an emergency situation, until receiving instructions about when it is safe for students to be picked-up.

**DIA Comment:** Given that 97 percent of students, faculty, and staff commute by motor vehicle, the particulars of HRS's plan for evacuation by vehicle seem problematic and likely to lead to dangerous gridlock in the community. We believe it is unrealistic to expect parents to patiently wait for instructions before driving to campus, and then organize themselves by grade level during what will undoubtedly be a high-tension situation. As Mr. Wong states, a pedestrian evacuation plan would be the more realistic option in certain emergencies. We believe the DEIR must address this lack of a pedestrian evacuation plan by detailing the elements of such a plan and requiring that HRS draft a plan that includes those elements.

**DIA Concern:** The DEIR's recommendation that the Farmer Joe's/CVS parking lot in the Dimond retail area be designated the HRS evacuation reunification site requires further clarification and alignment with other neighborhood evacuation plans.

Pg 16-23: Moreover, concerned parents may not know where to reunify with their children, causing additional panic and probable congestion.

- The evacuation plan is recommended to include a primary destination for an evacuation of Campus. It is recommended that Head-Royce strongly consider the parking lot near Farmer Joe's and CVS Pharmacy
- Routing and destination information is recommended to be added directly to the plan, and communicated with parents beforehand. As noted in the current evacuation plan, reunification on Lincoln Avenue would cause considerable congestion for both evacuees and emergency vehicles.

**DIA Comment:** If HRS considers using the parking lots of the Dimond retail district to reunite students with parents, more work needs to be done to understand the capacity of

NN-3

those sites relative to the student population and the possibility that those sites will also be used by other entities in the neighborhood, such as Sequoia Elementary, for a reunification site of their own. The DEIR preparer should investigate and determine the best available reunification site in the Dimond business area, contact the property owners for their approval, and engage the community, including DIA and the Dimond Business & Professional Association, to align plans across entities. The chosen evacuation site(s) should then be identified clearly in the DEIR a mitigation measure. Since the commercial parking lots, such as those belonging to Farmer Joe's and CVS, are generally full with customers during the school day, the Caltrans parking lots under I-580, which may have more free space, might be a better choice.

**DIA Concern:** The DEIR's suggestion that other schools can accommodate HRS's population in an evacuation is inadequately explored.

Pg 16-23: Evacuation Route and Mode

The current evacuation plan does not explicitly call out specific pedestrian routes to reach possible evacuation destinations. While fire behavior and direction are highly variable, it is generally advised that people evacuate downhill, especially since fire generally moves slower downhill compared to uphill.

- Head-Royce is recommended to provide secondary options and routes for an evacuation in the event that the Farmer Joe's destination is inaccessible or blocked by a wildfire. Destination options include, but are not limited to Sequoia Elementary School on Lincoln Avenue, Bret Harte Middle School on Coolidge Avenue, and Corpus Christi School on Park Boulevard. ..."

NN-4

**DIA Comment:** If one of HRS's evacuation scenarios involves bringing its students to other neighboring schools, HRS's plan needs to coordinate with those schools and be explicitly compatible with their plans, given that the other schools may be implementing their own evacuation plans that would not account for an influx of HRS students.

DIA is dedicated to the improvement and safety of the Dimond District. Given the historical implications of the 1991 Oakland Hills Firestorm, and the increasing regularity with which wildfires impact our region, it is imperative that Head-Royce School address the impacts wildfire could have on its campus – and the resulting implications for the surrounding neighborhoods – as it proposes to expand its student, faculty, and staff population by 34 percent. Doing so will help ensure everyone's safety in the event of a major emergency.

NN-5

Respectfully submitted,

Ryan Romaneski  
Chair, Board of Directors  
Dimond Improvement Association  
[ryanr@dimondnews.org](mailto:ryanr@dimondnews.org)

NN-6

**Response to Comment Letter NN - Romaneski, Ryan - Chair, Diamond Improvement District, December 20, 2021**

**Response to Comment NN-1**

Please see Master Response to Comments on Emergency Evacuation. The Draft EIR analyzed the potential effects related to the proposed Project under an evacuation scenario and provided numerous recommendations for how such an evacuation should be accomplished, as well as identifying several current obstacles that needed to be corrected on the Campus in order for a pedestrian evacuation to be effective. However, it is the School's responsibility to consider these recommendations and to re-draft an acceptable, City-approved Evacuation Plan. As indicated in the Master Response, the School is required to prepare a comprehensive Evacuation Plan, and that Plan is to be reviewed and approved by the City (including the Oakland Fire Department, with input from Emergency Services, OPD Traffic Division, and the Public Works' Transportation Planning staff). Input and coordination with the Dimond Improvement District is welcomed.

**Response to Comment NN-2**

Please see Master Response to Comments on Emergency Evacuation. As indicated in the section titled Evacuation Planning as Reasonable and Feasible Mitigation, although very few students or faculty currently walk or bicycle to school, a pedestrian evacuation is considered more efficient, safer and less impactful on the neighborhood by not adding more traffic to a congested vehicle evacuation down Lincoln Avenue. The Evacuation Planning Recommendations Appendix to the Draft EIR does not recommend a vehicular evacuation because it would likely cause additional congestion on surrounding roadways.

**Response to Comment NN-3**

Please see Master Response to Comments on Emergency Evacuation. The recommended pedestrian evacuation strategy is intended to apply to the entire School, not just the new campus site. The Evacuation Planning Recommendations report provides a number of practical, reasonable and effective strategies for improving the School's ability to plan for and implement an effective pedestrian evacuation, and these recommendations shall be incorporated into a stand-alone Emergency Evacuation Plan for the School, prepared for Head-Royce School by a professional emergency evacuation expert. This Emergency Evacuation Plan is to provide the most appropriate and effective details for conducting a pedestrian evacuation, including unifying the students from both north and south campuses.

**Response to Comment NN-4**

Please see Response to Comment NN-2 above. Parent may not wait patiently for instructions before driving to Campus, but all parents and guardians will be informed at the time of enrollment that they will not be permitted to pick-up students at the School, and will have to reunite with their students at the designated evacuation site(s).

**Response to Comment NN-5**

The Evacuation Planning Recommendations report provides a number of practical, reasonable and effective strategies for improving the School's ability to plan for and implement an effective pedestrian evacuation. The Report identifies some potential primary and secondary destinations and routes for an evacuation, but use of the Caltrans parking lots under I-580, which may have more free space, is potentially a better evacuation site location. City will look to the School's Emergency Evacuation Plan to better define the most effective evacuation site for the School, and to provide for a coordinated effort for working with property owners that own the potential evacuation sites. However, given the extreme emergency that would prompt such an evacuation, permission form the property owners would likely not be a requirement of the Plan.

**Response to Comment NN-6**

Please see Response to Comment NN-5 above, which also applies to any consideration of school sites that may be identified as an effective evacuation location.

**Letter OO - Rothschild, Marian, December 22, 2021**

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**From:** MARIAN ROTHSCHILD <marian.rothschild@mac.com>  
**Sent:** Wednesday, December 22, 2021 9:39 AM  
**To:** Brown, Courtney  
**Subject:** Expansion Head Royce

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

First I am not against Head Royce or the expansion. I am **not** in favor of there traffic plan. They have done a good job of having cars wait in the parking lot of the Mormon Temple. On Friday before they went on winter break it took me 25 minutes to travel 2 blocks as school was getting out. This is really the only exit route. A third signal will just increase the problem. Please do not add the third signal. Having the lights not timed and on even when school is not in session is also a hazard. Please consider shuttles or even having the children walk to the lot on Monterey.

Thank you for your consideration.

OO-1

**Response to Comment Letter OO - Rothschild, Marian, December 22, 2021**

**Response to Comment OO-1**

Please see Master Response to Comments on Traffic Congestion, and Master Response to Comments on the Loop Road Design, Impacts and Intended Operations.

**Letter PP - Royal, Deborah, RN, MSN, December 19, 2021**

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**From:** Hollis and Deborah <hollisanddeborah@att.net>  
**Sent:** Sunday, December 19, 2021 8:12 PM  
**To:** Brown, Courtney  
**Subject:** Head Royce School Planned Unit Development Project DEIR Comments

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

**Via email**

December 19, 2021

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

**Attn: Head Royce School Planned Unit Development Project DEIR Comments**

[cbrown@oaklandca.gov](mailto:cbrown@oaklandca.gov)

Dear Ms. Brown:

I own a home at 4191 Laguna Ave at the Alida Street corner; It is the equivalent of 3 blocks from Head Royce School. When I purchased the home 28 years ago this was a quiet and peaceful residential neighborhood. In 2006 I learned of HRS's plan to expand both its footprint and student enrollment. I joined the Neighborhood Steering Committee (NSC), a group of neighbors who had concerns about the impact of such a significant expansion . As neighbors of the school , we were experiencing increased traffic and dangerous driving behaviors of HRS parents including speeding , sudden U turns on Lincoln, Alida and Laguna, cars crossing the midline to pass others on Lincoln Ave and cars that parked along our streets for the entire

1

school day. We learned that about 50% of HRS students did not even live in Oakland. It was clear that the majority of HRS students arrived at the school by private car . I've never seen a HRS student on a bicycle . I've seen only a very few students walking to or from the school in my neighborhood that is three blocks from the school. The exception is the many students who, in violation of the school traffic rules (Traffic Demand Management or TDM) walk a couple of blocks into the neighborhood to be picked up by HRS parents who park on adjacent streets to discharge or collect their children twice daily. I observe school and AC transit buses that pass my home twice a day that are almost empty or sparsely populated with students.

## TRAFFIC CONCERNS

The DEIR's conclusion that an expansion of the school would cause less than significant impact on my neighborhood is unbelievable.

I've noted that HRS traffic persists for several hours in the AM and even longer into the evening after school ends- it's not just in bursts at drop off and pick up times. As neighbors we've regularly registered our concerns about unsafe driving behaviors and the excessive speed of these vehicles to Mary Fahey (HRS Director of Community Relations) in emails and at twice yearly NLC meetings. Our Neighborhood Liaison Representatives who staff these meetings have told us that the school's response was that a small minority of parents failed to follow their traffic rules. That is not what I've observed or recorded when monitoring their traffic. In an effort to support our concerns about traffic, CUP and TDM violations I am one of the neighbors who began to monitor the HRS traffic, both the numbers of cars passing through our streets and their speeds. We also monitored the appearance and behaviors of CUP required traffic safety monitors and found that frequently these monitors were not in place as per the TDM plan or

were fewer in number than required. For about two weeks in the fall of 2021, there were monitors at the corner of Alida and Laguna at the time that Laguna Avenue was being repaved and there were many construction trucks on the street and at the intersection. One monitor consistently sat on the sidewalk on Alida and leaned against our fence, distracted by her cell phone during drop off and pick up hours. During the pandemic when barricades were placed to identify the Slow Streets in our neighborhood. When school reopened HRS parents ignored them to drive through at high speeds. I observed cars knocking over the barricades at Alida and Laguna and at Laguna and Potomac.

PP-1

2

One morning a HRS parent actually drove over our sidewalk (inside the barricade rather than on the street side) at the corner to avoid going around the barricade. Photo was taken by my spouse, Hollis Matson.



HRS refused to share their periodic traffic monitoring reports when we requested them. Over time NSC members documented and photographed many CUP violations. In frustration neighbors staged a demonstration with signs at Laguna and Alida urging HRS to honor our Slow Streets. This resulted in NO changes in driving behaviors or numbers of cars that ignored the Slow Street signage. Navigating Lincoln Avenue during drop off and extended late afternoon pick up school hours is chaotic with parents throwing car doors open into traffic, walking out into the roadway between cars, cars in the queue accelerating out of the queue into traffic, and long queue back ups causing back ups on the Joaquin Miller Lincoln freeway offramp. We are no longer a quiet and peaceful neighborhood. Our streets are swamped with impatient and erratic HRS parent drivers for many hours during the school day. They are a threat to

recreating walkers, bikers and children who live here. The impact of a HRS expansion with an increase of traffic on our winding narrow neighborhood streets is unimaginable.

Below is a photo, taken by my spouse Hollis Matson, of a car that, in an effort to make a left turn from Lincoln Avenue to Alida Street during an afternoon pickup time, evidently lost patience and swung out, was hit by a vehicle from the rear, and crossed the intersection into the corner of the house on the southwest corner of Lincoln and Alida.



#### HYDROLOGY/SOIL CONCERNS

Many of our homes are located downhill from HRS and the Laguna Sausal Creek watershed. I photographed a full creek including a small waterfall just across the street from my house at the Alida/Laguna corner after the recent heavy rain. Three houses adjacent to mine experienced lower level flooding due to the uphill water runoff. A total of four houses around my home are

now having extensive repairs and drainage work done around their homes. This is not a new problem in this area where neighbors talk about “hidden springs” that well up during winter rains. Disturbances of soil conditions uphill from our homes could cause runoff problems to worsen.

**Is this project's stormwater control adequate or will runoff destabilize our hillside homes, yards, sidewalks and roads?**

The DEIR reports that groundwater was encountered at only one bore site likely due to the relatively shallow depth of the bore holes. It states that “there are likely seasonal springs on the project property”.

**How will construction, grading and paving required by this project impact our property and homes and contribute to obviously already insufficient water drainage capacity?**

The DEIR reports “the fill slope near building 9 was constructed on native soils and was not engineered and may not meet current safety standards. There is evidence of past erosion and slope failure on this slope associated with inadequate drainage.” Further the report states that mitigation efforts are suggested ie retaining walls, engineered fill placement and stabilizing vegetation. It is stated that these measures could reduce but not eliminate risk of slope failure.

A 1950s photo is cited that shows 2 broad landslide scars near building 9 that may have been “reworked” but not engineered.

**What alternatives have been considered that would eliminate risks related to extensive earthmoving that would be required to build a ring road on the south campus and to develop a new building?**

**What alternatives have been considered to accommodate HRS's addition of traffic to Lincoln Ave and parking in the adjacent neighborhood rather than construction of a ring road on the south campus that encroaches on neighbors homes?**

**How would any slope failure impact nearby homes and their foundations?**

**Who would be accountable for foundation damage related to soil slippage?**

**How would related damages be established and resolved?**

**Will the Lincoln tunnel construction and vibration forces adversely impact nearby residential structures and quality of life of local residents?**

PP-4

**What specific monitoring will be done, by who and at what intervals to identify any violations of construction codes? Will these reports be available to the public?**

The length of the construction is estimated at 13 months.

**Does this include construction of a new Performing Arts Building?**

PP-5

**PP-3 What recourse does the city and neighborhood have if construction extends beyond 13 months?**

PP-6

**What specifically is the plan for emergency response vehicle access to the neighborhood during the construction period ?**

**Will tunnel construction require closure of Lincoln Avenue , for how long a period and how would traffic be diverted?**

**What coordination has the school done with local fire department and emergency response systems related to evacuation routes and planning?**

The overall possibility of a magnitude 6.7 or greater earthquake occurring in this region in the next 30 years is 72% The Rockridge Geotechnical Report judges that strong to very strong to violent shaking could occur on this proposed site.

**What alternative to building a Performing Arts Building near a vulnerable earthquake fault has been considered? What analysis does the DEIR provide of how a mass evacuation of a 400 seat performing arts center along with a proposed increased student population and the surrounding neighborhood could be implemented simultaneously?**

**EVACUATION CONCERNS**

**Is there currently an adequate evacuation plan for this neighborhood and its schools? If yes, where is this plan? If yes, does it take into account the feasibility of evacuating additional HRS students, faculty, and staff including young children and the mobility challenged? Who would manage communications and coordination during such a time?**

**If this project is approved as proposed and there is a catastrophic event requiring evacuation of the neighborhood , who would be liable?**

Fire season is at least 6 months long in the Very High Hazard Severity Zone where HRS is located. Local high Diablo winds present additional risks in this neighborhood. At present it is barely possible for 2 cars going in opposite directions to transit Lincoln Ave during HRS drop off and pick up hours with student loading and unloading from city buses and school buses on Lincoln and cars parked and queued along the sides of Lincoln. Also parents currently park along the narrow residential streets to drop off and pick up students .

**How would emergency vehicles navigate this neighborhood if there was a fire?**

7

**If HRS has an adequate evacuation plan has it been informed by and coordinated with the Oakland Fire Department?**

PP-7 NSC monitors have recorded more than 100 cars turning from Laguna onto Potomac during school drop off periods. Despite clearly marked Slow Streets signage along Laguna & Potomac cars continued to speed along these streets at high speeds. HRS's Big Ten Driving Rules and its TDM could not control the school /parent traffic through this neighborhood and these Slow Streets. Potomac and Laguna residents picketed on the sidewalks every day for a week, in the morning and the afternoon to request that drivers respect the Slow Streets. The NSC wrote to city administrators, including the Department of Transportation, and the mayor, about our safety concerns for local pedestrians and bikers but received no responses. HRS agreed to ask their parents to drive through these Slow Streets *if they must* but to drive slowly and cautiously. Sometime later Oakland's DoT declared that these particularly Slow Streets would be "undesignated" and the signage was removed. DoT never replied to my questions about why our Slow Streets were eliminated from Oakland's program

PP-9

**How does this EIR adequately address HRS traffic and parking issues in this neighborhood?**

**What traffic studies have been done?**

**What alternatives have been considered to a loop road on the south campus?**

PP-8 **How will signals, particularly a third one, along Lincoln impact local traffic?**

**Has there been an analysis of the factors that contributed to the car crashing into a home at Lincoln and Alida this year?**

In closing, I'm remembering the Oakland Ghost fire and the Oakland Hills fire. Who in Oakland government will be accountable for approving this project as planned if there is a catastrophic event and citizens cannot be evacuated? After the preventable and predictable

PP-10

Ghost fire Mayor Libby Schaaf was interviewed by The Times as to how this could have happened. She was quoted in the paper “the city had an as-yet-unimplemented new computer system that she hoped would improve intradepartmental communication.”

**What city departments , administrators, and city officials will be accountable if the neighborhood safety concerns about this project are not adequately addressed and there is a significant fire, earthquake , landslide or other tragic event that results in loss of life?**

Thank you for considering my responses and questions.

Deborah Royal RN, MSN, Adult Nurse Practitioner

Neighborhood Steering Committee Member

## **Response to Comment Letter PP - Royal, Deborah, RN, MSN, December 19, 2021**

### **Response to Comment PP-1**

The Draft EIR was prepared pursuant to statutes and guidelines of the California Environmental Quality Act (CEQA). It relies on thresholds as included in these state guidelines, and as supplemented by City of Oakland established Thresholds of Significance. The basic purpose of CEQA is to inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities. As indicated in Master Response to Comments on Traffic Congestion, CEQA Guidelines no longer consider traffic impacts as measured by levels of service metrics to be a significant effect on the environment, and bad driving behavior or lack of enforcement of driving and parking regulations have never been CEQA threshold criteria. These types of issue may be considered by City decision-makers in their decisions on the relative merits of the proposed Project, but are not part of the CEQA review and thus not addressed in the Draft EIR.

### **Response to Comment PP-2**

As indicated in the Draft EIR (beginning at page 11-21), the Project would result in a decrease in the total impervious surface of the site over pre-Project conditions. The Project's Preliminary Stormwater Plan (see Table 11-1) indicates that 10-year peak flows from the site will be the same or less than existing pre-Project levels at points of discharge, thereby not contributing to increased risk of flooding in downstream receiving waters. As indicated in the Draft EIR, the Project will result in an overall reduction in stormwater flows from the site, and will reduce flows that contribute to the off-site Laguna Branch of Peralta Creek drainage channel, as well as to the City storm drain systems within both the Linnet Road and Lincoln Avenue rights-of-way. As such, the Project will not create or contribute substantial runoff that would exceed the capacity of existing or planned stormwater drainage systems, and would not substantially alter the existing drainage pattern of the site by increasing the rate or amount of flow of a creek. This conclusion was reviewed by the NSC's retained experts at Clearwater Hydrology (see Responses to Letter B-5: Clearwater Hydrology), who supports the conclusion presented in the DEIR, with the caveat that no design details were provided for most of the hydraulic detention and runoff treatment or conveyance measures. The design details of the hydraulic detention and runoff treatment and conveyance system as described in the Draft EIR will be provided pursuant to subsequent construction-related permits.

### **Response to Comment PP-3**

As indicated in the Draft EIR (beginning at page 8-20), the investigation of the slope behind Building 9 by Rockridge Geotechnical concludes that the fill prism on this slope may be prone to earthquake-induced deformation during a strong earthquake. To address this condition, Rockridge recommends that the slope below Building 9 be partially reconstructed to mitigate the potential for future slope instability. Slope reconstruction should include a re-engineered fill slope with permanent retaining walls designed to resist lateral earth pressure imposed by the retained soil and surcharge pressure. Construction of the Loop Road includes a portion of this slope reconstruction, as well as placement of retaining walls as recommended (see Figures 8-10 and 8-11). With implementation of these recommendations, Rockridge concludes the potential for future slope instability at the Project site would be low.

The Rockridge Geotechnical study indicates that it is possible that, without the re-engineered slope design as recommended above, future shallow sliding will gradually reduce the relatively level area between the Building 9 and the top of the slope, and that slope instability may affect future on-site improvements constructed on and at the base of the slope. It does not identify any likely off-site hazards at nearby homes.

Please see Master Response to Comments on the Loop Road Design, Impacts and Intended Operations, specifically the section on Alternatives to the Loop Road.

**Response to Comment PP-4**

As indicated in the Draft EIR (page 13-42), based on the construction feasibility evaluation conducted for the pedestrian undercrossing (McMillen Jacobs, 2019), construction using a jacked box method is not anticipated to produce vibration levels that would adversely affect nearby residences or on-Campus structures. The jacking processes would involve slow advancement of the tunnel using hydraulic equipment. Excavation of the ground in front of the advancing box will be by hydraulic excavator-type equipment. Vibrations from this equipment would be similar to those generated from typical roadway construction. Closure of Lincoln Avenue is not expected to be necessary for this type of excavation.

**Response to Comment PP-5**

As indicated in the Draft EIR (page 3-41), it is anticipated that construction of Project will occur in separate phases separated by fundraising campaigns.

- Phase I of the Project may take approximately 9 months to a year. Demolition, tree removal and surface re-grading will require approximately two months, restoration and rehabilitation of Buildings 0, 1, 2 will require perhaps 6 to 8 months, and outdoor landscaping may take an additional 1 or 2 months.
- The separate Phase II improvements would likely take less than 1 year to implement, including additional site preparation, tree removal and grading, as well as paving of the new Loop Road and associated parking improvements.
- The Phase III improvements are expected to take perhaps 12 to 18 months of construction, inclusive of tunneling below Lincoln Avenue for the pedestrian tunnel, and anticipated simultaneous construction of the Link Pavilion and Performing Arts Center, as well as site preparation and paving for additional parking improvements.

These phasing estimates were used for purposes of analysis. Unless the City establishes conditions of approval for the Project on performance at these construction intervals, there is no obligation or requirement for construction activities to remain on these schedules.

**Response to Comment PP-6**

All construction activities necessary for the Project are expected to occur and to be staged from on-site. No off-site construction is expected and no obstruction of public streets used by emergency vehicles is expected. Closure of Lincoln Avenue is not expected to be necessary for the type of is type of hydraulic excavator-type equipment used to excavate the pedestrian tunnel.

**Response to Comment PP-7**

The Project site is not located within an Earthquake Fault Zone as designated by the Alquist-Priolo Earthquake Fault Zoning Act, and no known active faults exist on the Project site. Like large portions of the Bay Area, the 2012 Rockridge Geotechnical Report judges that very-strong to violent shaking could occur at the site during a large earthquake on the Hayward Fault or one of the other active regional faults, potentially causing significant damage in structures that are not adequately engineered. Pursuant to SCA Geo-2: Soils Report, a design-level geotechnical investigation is required to be performed for each new building and site improvement of the Project, including the Performing Arts Center building. The soils report must be prepared by a registered geotechnical engineer, and be reviewed and approved by the City prior to approval of construction-related permits. The soils report is required to include field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The investigations conducted pursuant to these soil reports will determine final design parameters for earthwork, foundations, foundation slabs and any surrounding related improvements (including utilities, parking lots, roadways and sidewalks). These regulatory requirements, which require structural designs that can accommodate ground accelerations expected from known active

faults consistent with the CBC and local building code requirements, will would reduce the potential impacts associated with groundshaking during a major seismic event to less than significant.

**Response to Comment PP-8**

Please see Master Response to Comments on Emergency Evacuation.

**Response to Comment PP-9**

Please see Master Response to Comments on Traffic Congestion and Traffic Operations.

**Response to Comment PP-10**

This is not a comment about the Draft EIR, and no response is required under CEQA.

Letter QQ - Shiba, Diana, December 19, 2021

**From:** Diana Shiba <dianashiba121@yahoo.com>  
**Sent:** Sunday, December 19, 2021 10:40 AM  
**To:** Brown, Courtney  
**Subject:** HEAD ROYCE SCHOOL PLANNED UNIT DEVELOPMENT PERMIT PROJECT DEIR COMMENTS

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Ms. Brown,

Thank you for taking the time to review my attached concerns regarding the DEIR submitted by Head Royce School.

Please allow me to share a bit of my family history at 1 Camellia Place also referred as receptor R13 on Charleston Street in the DEIR. My parents purchased the land and had their dream home built in 1966.

My mother is the current property owner and is 99-years old.

My mother has been diagnosed with alzheimers and requires much needed rest each day. With this disease changes to an everyday routine cause issues for her. With reduced sleep/rest due to loud disturbances, unfamiliar people, changes in her day, she is unable to process occurrences and the results may be overwhelming for her. I am her main caregiver and much consideration is given to ensure she feels comfortable in her home and is well cared for.

With my mother's condition and with the hopes of preserving the peace and quiet we have enjoyed since living here, my family is greatly concerned with the proposed Head Royce School project in the DEIR and the overwhelming noise that will be associated with any land preparation, construction and future activities for their South Campus.

Please see below for my questions/concerns regarding the submitted DEIR from Head Royce School (note text in bold is from the DEIR):

**DEIR Page 13-18**

**Construction of the Project is anticipated to last approximately 13 months\***

**\*For purposes of this analysis, construction is expected to occur from April 2021 through May 2022**

**Due to the availability of funding, it is likely that the construction of the Performing Arts Center building will be constructed after the other elements of the Project.**

With the extension of the Project timing as indicated above, what is the revised anticipated construction start date? Is the anticipated construction time still approximately 13 months? Without the full availability of funding to complete the Project, what is the realistic final completion date?

QQ-1

**DEIR Page 13-24**

**Outdoor Classroom**

**Activities at the Outdoor Classroom would involve one teacher and up to 15 students speaking at normal voice levels...**

**Daily Use of the Commons**

**Daily use of the Commons would be similar to that of the Outdoor Classroom, with up to two school classes occurring simultaneously within this outdoor space. With two classes, activities would involve two teachers and up to 30 total students speaking at normal voice levels...**

How is it possible to believe that 45 students and 3 teachers speaking outdoors from 8:30 am to 3:30 pm would not be bothersome to the residents within 50 feet, who may have their windows open while working remote, resting or simply being in the sanctity of their home? It is unreasonable to assume that with unanticipated overhead or street noise that the students and teachers will not need to raise their voices to be heard among each other. In addition, when trucks are at the loading dock, wouldn't these same people need to raise their voices over the noise of the trucks? What consideration does the DEIR note for any neighborhood daily noises, i.e. garbage trucks, street sweepers, etc. when it would certainly be necessary for students and teachers to raise their voices?

QQ-2

**DEIR Page 13-28 Loading Dock Activity**

For residents whose homes are within 50 feet of the proposed loading dock, to have to experience noise levels from 75 -89 dBA is unacceptable and would certainly be significant 6 days a week. Per DEIR Page 13-1 Noise can be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying.

QQ-3

**DEIR Page 13-34 Special Events at the Performing Arts Center**

**These Special Events may include up to 43 evening Special Events (held between 7:00 pm to 9:30 pm),...5 Saturday evening Special Events (held between 6:00 pm to 9:30 pm)...**

Next paragraph:

**A maximum attendance of 450 persons is anticipated at these events, based on the seating capacity of the Performing Arts Center.**

Next paragraph:

**However, it is anticipated that informal gatherings of up to 400 people may occur outside the Performing Arts Center entrance for up to 1 hour following each event,...**

**Notify residences in the surrounding area of scheduled large outdoor events, including upper school graduation and lower and middle school promotion.**

What types of "scheduled large outdoor events" would be planned? Would these be limited to school events or community sponsored events? Also, in the Performing Arts Center, would events be limited to school events or would these include community sponsored events?

QQ-4

If the maximum attendance is 450 persons at the events, then the DEIR is implying 50 people will not gather for up to 1 hour following each event. Is this realistic or purely an assumption? If it is anticipated that the attendees may congregate for 1 hour following each event, making the time then 10:30 pm, then how is it possible that outdoor activity end no later than 10:00 pm? **DEIR Page 13-38 Resulting Level of Significance Limiting outdoor activity on the South Campus to no later than 10:00 pm.**

QQ-5

**DEIR Page 13-40 On-Site Circulation (Loop Road)**

Residences adjoin the proposed location of the Loop Road to the southwest and are located as close as 50 feet to the south and 70 feet to the northeast.

Drop-offs and pick-ups **DEIR Page 13-40:**

...during the morning (8:00 to 9:00 am) and afternoon (3:15 to 4:15 pm)

...after-school pick-ups (4:15 to 5:15 pm) and sport/clubs pick-ups (5:15 to 6:15 pm)

...early arrivals (7:00 am to 8:00 am) and Kindergarten pick-up (2:15 to 3:15 pm)

Residences as close as 50 feet would be impacted by drop-offs between the hours of 7:00 am to 9:00 am and pick-ups from 2:15 pm to 6:15 pm, so 6 hours per day Monday-Friday. Consider the idling of vehicles, honking of horns, children's voices, etc. for 6 hours per day and how this combined noise would impact the residences contiguous to the Loop. In addition, residences beyond 50 feet would be impacted.

QQ-6

**DEIR Page 13-40**

**The project proposes to construct a 6-foot high wall along the property line separating the Loop Road from the adjacent residences. The wall would be anticipated to provide 5 to 6 dBA of additional noise reduction to the adjacent shielded residences.**

What material will the wall consist of and why limit the height of the wall to just 6-feet? How wide would the wall be? Is it reasonable to think that 5 to 6 dBA only of additional noise reduction for the residents adjacent to the Loop during 6 hours of their subjection to drop-off and pick-up? Further, shouldn't the DEIR include plans for a SOUND wall for consideration of the neighbors that will be so greatly impacted?

QQ-7

Thank you kindly for again taking the time to review my email.

Kind Regards,

Diana Shiba

## **Response to Comment Letter QQ - Shiba, Diana, December 19, 2021**

### **Response to Comment QQ-1**

As indicated in the Draft EIR (page 3-41), it is anticipated that construction of Project will occur in separate phases separated by fundraising campaigns.

- Phase I of the Project may take approximately 9 months to a year. Demolition, tree removal and surface re-grading will require approximately two months, restoration and rehabilitation of Buildings 0, 1, 2 will require perhaps 6 to 8 months, and outdoor landscaping may take an additional 1 or 2 months.
- The separate Phase II improvements would likely take less than 1 year to implement, including additional site preparation, tree removal and grading, as well as paving of the new Loop Road and associated parking improvements.
- The Phase III improvements are expected to take perhaps 12 to 18 months of construction, inclusive of tunneling below Lincoln Avenue for the pedestrian tunnel, and anticipated simultaneous construction of the Link Pavilion and Performing Arts Center, as well as site preparation and paving for additional parking improvements.

These phasing estimates were used for purposes of analysis. Unless the City establishes conditions of approval for the Project on performance at these construction intervals, there is no obligation or requirement for construction activities to remain on these schedules.

### **Response to Comment QQ-2**

Please see Master Response to Comments on Noise, specifically the section on Operational Noise Sources and Impacts and the subheading Outdoor Classrooms.

### **Response to Comment QQ-3**

Please see Master Response to Comments on Noise, specifically the section on Operational Noise Sources and Impacts and the subheading Loading Dock. At Receptor R13, noise from a loading would not have been perceptible.

### **Response to Comment QQ-4**

As quoted in the comment, the large outdoor events planned for the Commons are upper school graduation, and lower and middle school promotion events. These would be school events. Please see Master Response to Comments on No Community Use of the Performing Art Center Building.

### **Response to Comment QQ-5**

The assumption that 400 of the 450 attendees may congregate after a performance at the Performing Art Center Building is a conservative assumption that somewhere near 90% of the attendees will stay to socialize, and that 10% will not. The Draft EIR includes a Mitigation Measure (Noise-3B, Special Event Notifications and Restrictions), which recommends that all evening events at the Performing Arts Center be completed by 9:00 pm, with all post event gatherings, event traffic and exterior clean-up activities completed by 10:00 pm.

### **Response to Comment QQ-6**

Please see Master Response to Comments on Noise, specifically the section on Operational Noise Sources and Impacts and the subheadings of Traffic Noise on the Loop Road and Cumulative Peak Hour Noise Impacts.

**Response to Comment QQ-7**

As indicated in the Master Response to Comments on Noise, specifically the section on Operational Noise Sources and Impacts and the subheadings of Traffic Noise on the Loop Road, no mitigation is required to reduce traffic noise on the Loop Road to levels considered less than significant under the City of Oakland's established thresholds are required. Although not required to address a significant noise impact, the Project proposes to construct a 6-foot high wall along the property line separating the Loop Road from adjacent residences. Assuming the 6-foot height of the wall is relative to the ground elevation of the Loop Road, the wall would be anticipated to provide 5 to 6 dBA of additional noise reduction to the adjacent shielded residences, further reducing this traffic noise.

**Letter RR - Sigars, J., December 18, 2021**

**From:** AT&T Yahoo Mail <jrsigars@sbcglobal.net>  
**Sent:** Saturday, December 18, 2021 8:10 AM  
**To:** Brown, Courtney  
**Subject:** HRS PLANNED UNIT DEVELOPMENT PERMIT PROJECT DEIR COMMENTS

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

**To:** Courtney Brown, Acting Planner III  
**Subject:** Head Royce School Planned Unit Development Permit Project- DEIR Comments  
**From:** Judy Sigars, 26 Alida Court. Resident since 1998.

My areas of greatest concern: **Sound, Wildfire and Emergency Evacuation, Transportation, Hydrology**

**Sound**

HRS plans to build a two lane loop road for student pick-up and drop-off and loading docks for delivery trucks along the Southwest border of the South campus. The drop-off area would be located directly behind my house and very near the exit onto Lincoln Ave. Currently, despite a high, part wood, ivy covered fence (20' from my house) even normal conversation is audible.

The school plans to build a 6' wooden fence instead of a sound wall. **How will HRS be able to reduce/control noise that will be generated from truck back up beep alerts, idling cars, honking horns, and talking/shouting when my current fence does not even block out conversation?**

The proposed addition of new buildings/structures for use after school hours, including for public use, will produce a significant impact on noise level and hours. **How will HRS monitor and control sound levels generated during after school hours and by agencies renting the space?**

Proposed 3.5 year construction period is an excessively long time to endure disruptions and noise. **How will HRS ensure contractor compliance with noise and safety regulations over this period of time?**

**Wildfire and Emergency Evacuation**

HRS doesn't have an evacuation plan for its current student population and the experts are unable to determine just how many people can safely evacuate the neighborhood in an emergency. This neighborhood is significantly at risk in event of wildfires or earthquakes. **Why doesn't the city of**

**Oakland require the school to create an evacuation plan? Why hasn't the city enforced prior enrollment number limits? Given the danger of a likely bottleneck on Lincoln Ave during an emergency evacuation, how can the city grant the school's request for increased enrollment?**

**Transportation**

Lincoln Ave is the main route between freeways 580 and 13. Back-up on Lincoln and 13 in both directions is significantly impacted by HRS during drop-off and pick-up times. The school wants to add another traffic signal for either the entrance to or exit from the loop road further slowing down traffic flow on Lincoln Ave.

RR-5

**How will HRS reduce current back-ups and other impacts of school related traffic on Lincoln Ave and Hwy 13? If allowed to increase student enrollment, how will the school reduce the impact of increased traffic not only from through traffic but also from cars exiting the loop road? How will emergency vehicles bypass a bottleneck to reach someone with an emergency?**

**Hydrology**

I have experienced two significant incidences of property damage due to excessive water run- off from what is now the South campus. Prior to July, 2013 a broken water pipe on the Lincoln Child Care property caused damage to my landscaping. 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 back yard fence and deposited in my yard causing destruction to plants and requiring heavy clean up. Eventually, under HRS ownership and management, a "channel" and fence were built on the HRS property to divert the water with no further incidence. **What methods will HRS use to prevent water and soil run-off during the extensive construction process which includes demolition of existing buildings, excavation, tree removal, grading and any other activity that affects the movement of water, soil and debris?**

RR-6

RR-1

RR-2

RR-3

RR-4

2

## **Response to Comment Letter RR - Sigars, J., December 18, 2021**

### **Response to Comment RR-1**

As indicated in the Master Response to Comments on Noise, specifically the section on Operational Noise Sources and Impacts and the subheadings of Traffic Noise on the Loop Road, no mitigation is required to reduce traffic noise on the Loop Road to levels considered less than significant under the City of Oakland's established thresholds. Although not required to address a significant noise impact, the Project proposes to construct a 6-foot high wall along the property line separating the Loop Road from adjacent residences. Assuming the 6-foot height of the wall is relative to the ground elevation of the Loop Road, the wall would be anticipated to provide 5 to 6 dBA of additional noise reduction to the adjacent shielded residences, further reducing this traffic noise.

### **Response to Comment RR-2**

Please see Master Response to Comments on No Community Use of the Performing Art Center Building.

### **Response to Comment RR-3**

The following Condition of Approval will apply to the Project, as it does to all major development projects in the City.

#### *Construction Management Plan*

Prior to the issuance of the first construction-related permit, the project applicant and his/her general contractor shall submit a Construction Management Plan (CMP) for review and approval by the Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department, Department of Transportation, and the Public Works Department as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management. The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

This Condition of Approval and all other SCAs related to construction required the School to demonstrate compliance prior to approval of construction-related permit, with monitoring and inspection by the Bureau of Building.

### **Response to Comment RR-4**

Please see Master Response to Comments on Emergency Evacuation.

### **Response to Comment RR-5**

Please see Master Response to Comments on Traffic Congestion.

### **Response to Comment RR-6**

As noted in the Draft EIR (page 8-34), pursuant to SCA Geo-3: Erosion and Sedimentation Control Plan for Construction, the project applicant is required to prepare and submit an Erosion and Sedimentation Control Plan to the City for review and approval. The Erosion and Sedimentation Control Plan must include all necessary measures that will be taken to prevent excessive stormwater runoff or eroded soils onto adjacent properties, public streets or creeks as a result of conditions created by grading and/or construction operations. The Erosion and Sedimentation Control Plan must include measures such as short-term erosion

control planting, waterproofing of slopes with covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap and filter sediment, and stormwater retention basins to be implemented during construction. If off-site work is necessary, the project applicant must obtain permission or easements as necessary for that off-site work. Pursuant to the Erosion and Sedimentation Control Plan, no grading may occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.

The requirements of SCA Geo-3, which require all reasonable and feasible erosion control measures, will reduce the potential impacts associated with substantial soil erosion or the loss of topsoil to less than significant.

**Letter SS - Gililand, Kathryn, December 20, 2021**

**From:** kathryn singer <kathrynsinger@hotmail.com>  
**Sent:** Monday, December 20, 2021 8:15 AM  
**To:** Brown, Courtney  
**Subject:** Head Royce School Planned Unit Development Permit Project DEIR comments

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hi Courtney,

I am a resident of Alida Court. I have reviewed the Draft Environmental Impact Report for the Head Royce project. I have the comments and questions below. Thank you for your time.

1. Project Objective #5 states that Head-Royce aims to remove on-street drop off and pick up from Lincoln Ave and remove parent use of the "Alida Loop." How will this be enforced? If the proposed South Campus loop takes longer or is less efficient for parents they will simply continue to drop off at Lincoln. And although many parents appropriately use the Alida Loop now, a large number of them use our cul-de-sac (Alida Ct) to turn around with little regard to speed limits and pedestrians. With a potential increase in number of students, I am concerned with more congestion in my neighborhood and cul-de-sac. I want to know if the school can realistically ensure parents use this new South Campus loop, and how they will enforce it.
2. The new Performing Arts Center can seat 450 people, and the DEIR notes a previous Head-Royce graduation ceremony in 2019 (which will be hosted at the south campus going forward) had 500 people. Where are all these people going to park? Page 97 notes that the new campus will have only 154 spaces. Yes, there are 154 spaces on the existing campus as well, but most appear to be at the east end which is quite a trek from the new performing arts building and involves some steep terrain. Attendees' obvious first choice for overflow parking will be our neighborhood, not the existing campus parking. Where else does Head-Royce propose people to park and how will they enforce it? It has been said that Head-Royce plans to lease out the performing arts building for non-school related performances. Will there be a limit on this? If not, we can count on our neighborhood being parked up most weekends. Why is the school not building a garage that has sufficient parking for their facilities?
3. The DEIR says Linnet will not be used for vehicular access, except for emergency use. What about during construction? Can the neighborhood get assurances that construction vehicles will not be allowed to use the Linnet access point? This would obviously cause a significant nuisance in the form of traffic congestion, loud trucks waking up residents (construction can commence at 7 am), and damage to streets.
4. Noise Issues: The DEIR downplays the noise issues that certain aspects of this project will pose. The three issues below will plague the homes on the west side of the property on Alida Ct and Linnet, yet the school is simply proposing a 6 foot high wooden fence. This is absurd.
  - a. The loading dock for the Performing Arts Center will be just 50 feet from homes on Linnet. This is not an appropriate location for a loading dock. It should be moved further from the residential area AND have significant sound barriers put in place.
  - b. Building O will have a deck for large gatherings on the west side of the building, even closer to the property line than the loading dock, and right next to backyards of residents on Alida Ct. The footnote on page 98 says they will regularly have gatherings between 50 and 100 people. This is not an appropriate location for a deck hosting large groups. All outdoor gathering spaces should be in a more centralized area further away from the residential perimeter. We all know that when your neighbor has 5 people over for dinner in their back yard it creates a lot of noise. For those residents on Alida Ct who share a fence line with the school, they could have 50 to 100 people mingling at a distance of approximately one to two houses away from them with only a 6 foot wood fence between. It's unreasonable to think this will not be a nuisance for those residents and others on Alida Ct. Compounding the issue is that building O sits on land that is higher than the homes on Alida Ct, so sound will carry over very easily.

c. The new perimeter loop road runs right along the west property line. There will be times of day when there is a constant parade of cars along this road and, due to the lower/middle school drop off near building O, car doors slamming and people talking. Again, a 6 foot high wooden fence will not appropriately block this noise, not to mention car fumes. A more substantial wall is needed that offers good soundproofing.

5. Page 97 notes that there will be a downhill left turn pocket on Lincoln for cars turning into the new loop road. How long will this left hand turn lane be? If it is a short lane it will not ease congestion because often times cars going straight won't have enough room to go around those waiting to turn left due to parked cars on the right side of Lincoln.
6. Page 98 indicates the commons will be used for lunch and outdoor classrooms on a daily basis. How can the neighborhood get assurances this will never be used for recess? When I walk my dog down Lincoln Ave I can hear children at recess screaming and yelling. It is extremely loud. Many of us work from home, and will continue to do so even after COVID subsides and there is no way someone could productively work with that noise in the background.
7. Page 104 provides the length of time for each phase of construction, but no timing on the lag between phases. The DEIR says the phases will be separated by fundraising campaigns. What does this mean? How quickly can they raise money? Could we be waiting a year or more between each phase, causing this project to draw out for 10 years? Active construction is going to be a major inconvenience for residents; therefore, it's better for the project to be completed quickly.
8. Page 102 notes that impervious land cover will decrease by 15,463 square feet. This does not seem realistic based on side by side reviews of the existing and proposed site plans. The loop road alone should add quite a bit of paved space, but this table shows paved space decreasing. I think a more detailed table needs to be supplied that breaks down the paved area between parking and road way, and breaks down rooftop area building-by-building. It's important to understand this to get a sense of comfort that storm water runoff is not going to be an issue, as the DEIR claims.
9. Section 16 of the DEIR minimizes serious concerns over the school's sub-par evacuation plans. The report from Stephen Wong sites serious holes in the program, including lack of decision making protocol to initiate an evacuation and lack of specific pedestrian routes. But then the DEIR goes on to say that the new project would not create hazardous conditions related to evacuation. Adding 300 additional students to a school that already has a sub-par evacuation plan is an obvious issue that this report seems to be downplaying.

SS-1

SS-2

SS-3 Thank you,

Kathryn Gilliland

SS-4

## **Response to Comment Letter SS - Gililand, Kathryn, December 20, 2021**

### **Response to Comment SS-1**

Please see Master Response to Comments on the Loop Road Design, Impacts and Intended Uses. If the Project is approved, the City of Oakland will apply new Conditions of Approval to their approvals, similar to those conditions that currently apply to the School's operations. These new conditions may include replacement conditions related to Transportation Demand Management, Traffic Circulation and Management, Parking Management, Auto Trip Reduction Program, Communication, Enforcement of Traffic Safety Rules and Compliance Reporting (per the currently effective Final Head Royce Conditions of Approval, Case File: Rev13-003, June 7, 2016)

### **Response to Comment SS-2**

Parking is not a CEQA topic, and so is not addressed in the Draft EIR (other than to describe the proposal for new parking to be provided as part of the Project Description). The following is provided for information relative to the direct comment. With a peak period event of 450 attendees at the Performing Arts Center, the Project's 308 parking spaces would be more than adequate to park all of these attendees' vehicles. For the one high school graduation event per year that would exceed available on-School parking capacity, the School would need to rely on surplus parking at the Greek Orthodox Church, Cerebral Palsy Center, Mormon Temple or other off-site locations, with shuttles to this event.

Please see Master Response to Comments on No Community Use of the Performing Art Center Building.

### **Response to Comment SS-3**

The Project does not propose to use Linnet for any purpose other than for emergency access, including not using Linnet for construction management purposes. The following Condition of Approval will apply to the Project, as it does to all major development projects in the City.

#### *Construction Management Plan*

Prior to the issuance of the first construction-related permit, the project applicant and his/her general contractor shall submit a Construction Management Plan (CMP) for review and approval by the Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department, Department of Transportation, and the Public Works Department as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management. The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

This Condition of Approval and all other SCAs related to construction require the School to demonstrate compliance prior to approval of a construction-related permit, with monitoring and inspection by the Bureau of Building.

### **Response to Comment SS-4**

Please see Master Response to Comments on Noise, specifically those sections on Operational Noise Sources and Impacts of the Loading Dock, Building O Deck and the Loop Road.

#### **Response to Comment SS-5**

Please see Master Response to Comments on Traffic Congestion. The following is provided for information relative to the direct comment. The downhill left turn lane pocket is designed at 280 feet in length, which is unlikely to be able to accommodate peak vehicle queues at the peak period in the mornings.

#### **Response to Comment SS-6**

The School does not propose to use the Commons for recess. According to the EIR Project Description, the Commons is intended as a place where student can congregate, small outdoor classroom activities can occur, and at the end of the School year, outdoor graduation ceremonies are proposed to occur. Recess activities would occur on the small playfield located behind (below the hill from) Building 9.

#### **Response to Comment SS-7**

Yes, it is possible that there will be a significant lag time between construction phases. However, as indicated in Changes to the Project, the School now expects to have only two phases of construction, combining the Phase I and Phase II construction assumed in the Draft EIR into one initial phase. The timing for the final phase (which would include the Performing Arts Center and the pedestrian tunnel) will be dependent on the School's ability to raise funds for these larger construction efforts, with timing uncertain.

#### **Response to Comment SS-8**

With removal of existing buildings and surface parking areas, and construction of new roads and buildings, the Project will result in a net decrease in impervious surface, as specifically shown in Table 3-4 of the Draft EIR. The calculation of building rooftops in Table 3-4 is based on the square footage of all buildings to be removed, building to remain, and new building space to be added – with a net decrease of about 4,000 square feet. The calculation of pavement as shown in Table 3-4 is based on the square footage of all existing parking and driveways on the site, less pavement to be removed, plus those new portions of pavement attributed to the Loop Road – with a net decrease of about 11,500 square feet.

#### **Response to Comment SS-9**

Please see Master Response to Comments on Emergency Evacuation.

**Letter TT - Thompson, Rod, December 20, 2021**

Via Email

December 20, 2021

Courtney Brown  
City of Oakland, PBD Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
Attn. Head Royce School Planned Unit Development Project DEIR Comments  
cbrown@oaklandca.gov

RE: Head-Royce School Planned Unit Development Project DEIR Comments

Dear Ms. Brown,

My name is Rod Thompson and for the past 20 years my spouse and I have lived at our home on Lincoln Ave., directly adjacent to the proposed Head-Royce School South Campus. Below are my comments and questions regarding the Head-Royce School Planned Unit Development DEIR.

The traffic studies are from 2019 and therefore pre-pandemic. As a resident of Lincoln Avenue I have observed that there are now many more vehicles and less bus usage. If parents don't want their children using the bus during the pandemic, will they want to put them on a bus in an endemic? The EIR should provide information, based on expert studies and input, of potentially significant traffic impacts of the Head-Royce expansion plans related to projected long term post pandemic changes in driving behaviors. It is not adequate to simply provide information in the EIR as though pre-pandemic traffic effects are the best indicator of what can reasonably be expected in our post pandemic community.

What would the City require and enforce to get the VMT (vehicle miles travelled) down?

The VMT calculations used to support that there is a "less than significant impact" does not agree with the results of the Fehr & Peers' traffic study and conclusion that there is in fact a "significant impact". For example, the VMT Threshold appears to have been manipulated by factoring in SOV assumptions that are not sourced from expert sources referenced in the DEIR or supported by any actual data provided in the DEIR.

Why are the lengths of the internal loop road inconsistently referenced in the DEIR? For example, in DEIR 13-40 and DEIR 12-18 the Loop Road is referenced as 1,000 linear feet whereas in DEIR 3-31 the length is referenced as 1,450 linear feet. 1,000 feet is not a reasonable approximation of 1,450 feet, especially if the length of the road is factored into studies used by the EIR.

Conflicting Information has been provided in the DEIR regarding how the proposed "internal circulation loop" would impact usage of the existing "Alida loop". For example, in the Project Description (DIER 3-21), the DEIR provides the following conflicting statements: "remove parent use of Alida loop by developing an internal one way use loop driveway" and "create a new vehicle circulation pattern that reduces turnaround in adjacent neighborhoods". Since the "Alida loop" is (by far) the primary existing turnaround loop used in adjacent neighborhoods, the DEIR provides both misleading and contradictory information by indicating the internal loop road will "removeparent use of Alida loop". And information / data from studies is missing from the DEIR to support that the proposed internal loop road would either eliminate or even significantly reduce use of the Alida loop or other turnaround options within adjacent neighborhoods. Instead, the statements in the DEIR regarding impacts of the internal Loop Road on future use of the Alida loop and on adjacent neighbors amount to little more than theoretical assumptions that are inadequate for an EIR.

TT-4

An example of specific data about the proposed internal Loop Road that is missing from the DEIR is the Discharge Rate. To determine the Discharge Rate for the EIR, expert studies should be performed that specifically take into account that the road would be used for drop offs and pick ups of both elementary and high school age children. Children are generally much less efficient than adults at gathering up their belongings and saying their goodbyes. For example, it would only take a couple of tantrums by young children or emotional breakdowns by teenagers to dramatically increase the Discharge Rate on any given day. And with at least 760 or possibly over 2,000 daily proposed drop offs + pick ups on the internal loop road (there is conflicting data provided in DEIR 13-40 vs. DEIR 5-22), it is reasonable to project there would incidents along the loop road capable of causing significant delays on a daily basis.

TT-5

TT-1  
The addition of left turn lanes / signals at both the ingress and egress points of the internal loop road will also impact the discharge rate and could create back ups on Lincoln Ave. that extend uphill onto Hwy. 13 and downhill beyond the intersection of cross streets such as Alida that could impact evacuation and access to emergency vehicles. Additional expert studies are needed so that the EIR can adequately provide all of the environmental impacts related to adding the proposed internal loop road, including the impact of creating two left turn lanes on Lincoln Ave..

TT-2  
The EIR should provide detailed analysis of vehicle emissions, noise, off-gas, lights, maintenance requirements and aesthetics associated with operation of the proposed internal loop road. The loop road is in close proximity to homes, and the impacts should consider thresholds applicable for people in sensitive categories (e.g. residents with chronic respiratory conditions, residents who are disabled or elderly and therefore are mostly home bound in bedrooms facing the loop road). For example, I have asthma and my spouse is confined to his bed at least 70% of each day (on average) due to his disability.

TT-6

TT-3  
DEIR 3-33 provides only a vague description of a proposed "mini-loop" at the north eastern most corner of the S. Campus for use during "off-peak hours". The EIR should provide the

TT-7

Discharge Rate for the “mini-loop” along with data from expert studies to support the Discharge Rate calculation and other impacts related to proposed usage of the “mini-loop”. The EIR should also provide schematic diagrams showing the exact location of the “mini-loop” (including ingress and egress points) relative to other physical features of the expansion plan.

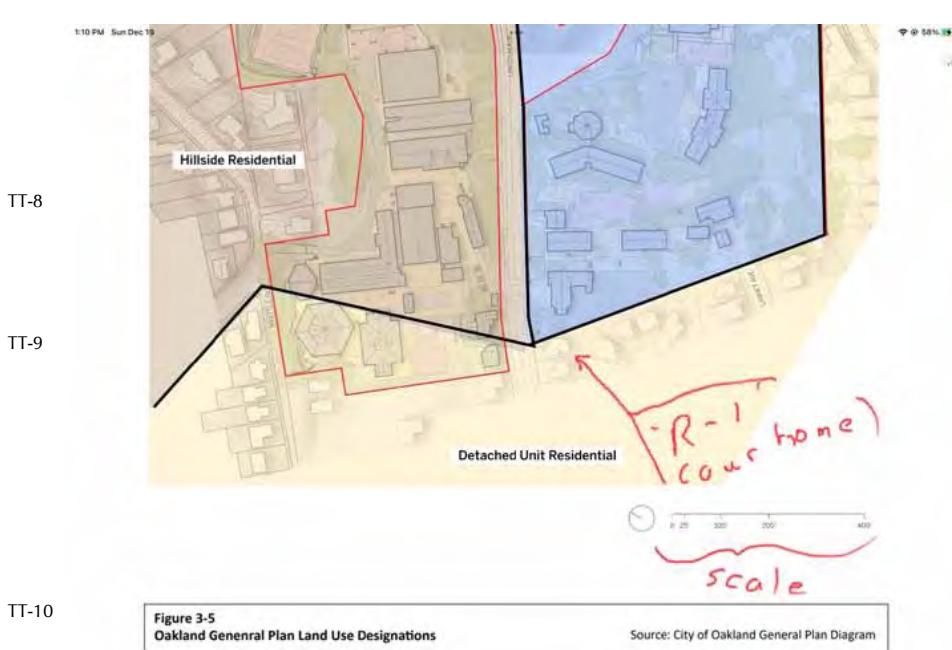
Plans for reconfiguration of Lincoln Ave. between the N. Campus and proposed S. Campus properties includes removal of existing public parking spaces along Lincoln Ave.. The EIR should provide information from analysis of impacts that would result from the loss of those public parking spaces.

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. For example, the noise study should include a quantified and objective analysis of the drop-offs and pick-ups along the loop road.

The residence referenced in the DEIR (13-40) as located “about 50 feet” from the proposed Loop Road is my home on Lincoln Avenue. The existing driveway to the parking lot, which is the approximate location of the proposed loop road, is actually just 21 feet from our two master bedroom windows and only 19 feet from our 2nd bedroom window.

(Note: Approximations of my exact measurements can also be obtained by using the scaled drawing provided DEIR Fig. 3-5. For example, using the scale provided in Fig. 3-5 it is easy to ascertain that the distance from our home to Blg 0 is close to 50 feet, which is more than twice the distance from our home to the proposed perimeter Loop Road). The sound levels referenced in the EIR for a ~50 feet distance are significantly less than my own sound meter measurements. My measurements are over 60 dB. Whereas the studies used for the DEIR appear to have used no noise measurements made at any of the existing residential property boundaries around the South Campus where most noise impacts will occur. The data in the EIR needs to be based accurate distances, from noise emitter to receiver, and based on actual on-site testing and measurement results. Instead, the traffic study for the DEIR has relied only on overly generalized “Federal Highway Administration’s Traffic Noise Model (TNM)” data for cars traveling 20 mph, and apparently without even factoring in project site specific topography (the TNM input parameters were not provided).

From DEIR Figure 3-5:



From DEIR Figure 3-11 (showing location of proposed internal Loop Road):

**The Oakland General Plan - “Noise Element - Land Use Compatibility” (pg.**

20: <https://cao-94612.s3.amazonaws.com/documents/oak070995.pdf>) indicates residential land use is considered “normally acceptable” when exposed to 60 dBA or less, “normally unacceptable” between 70 and 75 dBA, clearly unacceptable” above 75 dBA, “conventional **contemporary construction methods** and materials decrease outdoor noise by 12-18 dB (with partially open windows)” and “at the same time, according to common practice, the following are the maximum interior noise levels generally considered acceptable for various common land uses: **45 dB: residential**, hotels, motels.....”. In the location specific sound level data provided in various sections of chapter 13 of the DEIR, our home is referred to as “R1 - Residence on Lincoln Avenue” (DEIR figure 13-6). While it may be possible that “contemporary construction methods and materials” can decrease noise from a level of 60dB considered “acceptable” for outdoors to the 45dB considered “acceptable” for indoors, we live in an 80 year old home (built in 1941), not a “contemporary” home. Our entire subdivision was built in 1941. Compared to a “contemporary” home, our home’s construction provides very little decrease in the exterior noise levels (less than half of the “12 - 18 dB”). For preparation of the DEIR, that fact was not adequately considered in determination of noise impacts on our home that would result from the proposed development, including the internal Loop Road and gatherings on the proposed “terrace” outside of Building 0.

The DEIR has not correctly administered the CEQA guidelines through enforcement of the City of Oakland General Plan that 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.

I spend a lot of time outdoors on our property (typically at least 10-15 hours / week) tending to our extensive garden and collections of rare plants in two greenhouses (one cool, one warm) and a lathe house. The greenhouses, lathe house and garden shed structures (which include electrical and plumbing) were part of the original construction in 1941. The existence of those structures and the surrounding gardening space were the single most important factors in me and my spouse’s decision to purchase our property 20 years ago. Therefore, the potential for increased noise levels within the outdoor spaces of our property as a result of the proposed Head-Royce expansion is of great importance to us. And 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. My own sound meter measurements indicate that the noise from cars traveling on the existing South Campus small driveway / parking lot area next to our home (the approx. location of the proposed “loop road” on the South Campus), as well as noise related to the parking of those cars in Lot D, currently exceeds 45dB inside both of our bedrooms, and 60dB in our outdoor spaces. However, those already exceeded noise level thresholds **are for a much lower daily number of vehicles since HRS claims parking lot D capacity is 62 cars (DEIR figure 3-2)**. Whereas, according the DEIR (pg. 13-40), the proposed loop road will have 385 cars traveling next to our home twice a day just for the drop-offs/pick-ups (**so ~770 cars!**). When compared to the current maximum of 62 cars, that’s a **1,142% increase in cars traveling next to the bedroom windows side of our home, and for much longer time periods than the existing use of parking Lot D**. Additionally,



TT-14

Figure 3-11  
Proposed South Campus Master Plan

Source: Head-Royce School Draft Preliminary Development Plan, prepared by SOM - March 2019

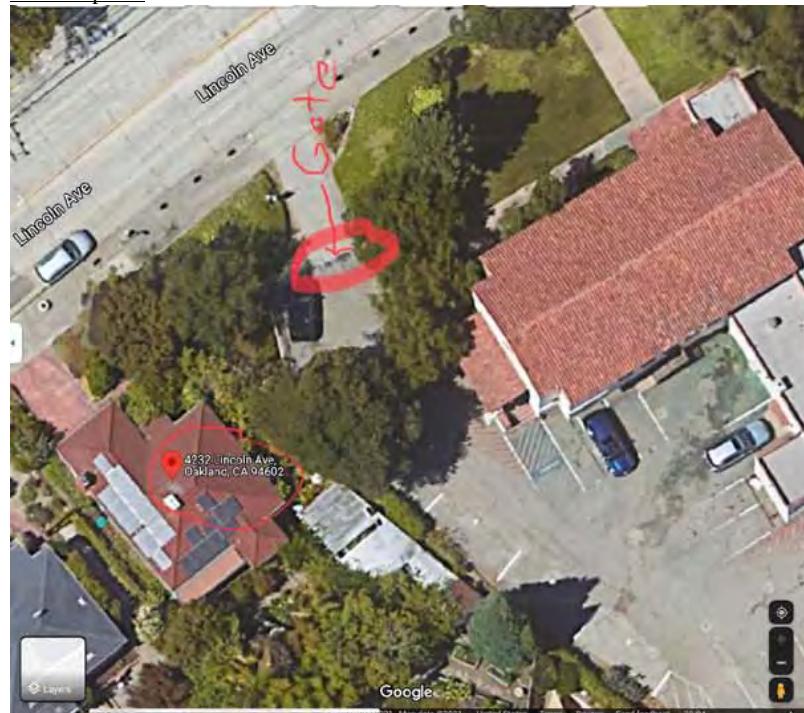
The EIR lacks sufficient data to support the rate at which cars can actually be expected to travel through the Loop Road (the discharge rate) given the expected higher traffic volumes on Lincoln Ave., as well as the planned reconfiguration of Lincoln Ave., which includes a new traffic signal that will allow left turns from Lincoln Ave. onto the Loop Road and when exiting the Loop Road to travel downhill on Lincoln Ave. The actual discharge rate would have a significant impact on traffic noise levels both on the proposed internal Loop Road and on Lincoln Ave. (including honking, brakes squealing, engine idling, etc.).

TT-1

the proposed development would have large gatherings of 100 people outside Blg 0 (DEIR pg. 13-37) within less than 100 feet of our bedroom windows (distance based on my own measurements and supported by DEIR Fig. 3-5 that provides scale drawings, in conjunction with Fig. 4-7, that shows exact location of terrace outside Blg 0). The information provided in the EIR should be based on comparisons of the actual current noise impacts on our home (location R1, DEIR figure 13-6) from a max. 62 car parking lot (Lot D) to the future noise impact of 770 cars traveling on the loop road within 50 feet of our home concurrent with future noise impact of large gatherings outside Blg. 0 (“50 feet” distance is referenced on DEIR pg. 13-40, although my own measurements show the internal loop road would be less than 30 feet from our home, also supported by scaled drawing in DEIR Fig. 3-5).

Plans for the internal Loop Road include a Vehicular Gate (DEIR figure 3-11) that is much closer to our home / bedrooms than the existing non-mechanical vehicular gate (refer to the attached satellite photo indicating location of existing non-mechanical “gate”). The Noise chapter of the EIR does not address the significant potential noise impacts on our property & home from the planned usage of a mechanical gate and also from placing that gate much closer to our home than the existing manual gate.

Satellite photo:



Plans for the Loop Road include increasing the width so that it is “sized to accommodate emergency vehicles” (DEIR pg. 3-31). Emergency vehicle usage of the Loop Road would GREATLY increase noise impacts to neighbors (fire trucks are heavy and very loud), however the draft EIR provides little information to explain why this is needed. To my knowledge, the North Campus does not have a road sized to accommodate emergency vehicles, so why would it be necessary to impose that added burden on neighbors of the South Campus? For example, is it required due to the proposed size and /or location of the Performing Arts Center on the South Campus property? Much more transparency is needed. The EIR should include the results of sound studies specific to this impact with site-specific measurements / data.

The “existing” noise level data referenced in the DEIR (e.g. pages 13-24, 13-40 & 13-44) does not align with my own measurements, which indicate higher noise levels (dB and dB DNL). And the estimated noise impacts of the project that are referenced throughout Chapter 13 of the DEIR appear to be based on data from the Illingworth & Rodkin study that took place down in the canyon of the North Campus and from which no meaningful, accurate data pertaining to my residence on Lincoln Ave. (directly adjacent to the South Campus property) could possibly be derived. Using data from the Illingworth & Rodkin study to derive data to support any assessments for the EIR of the project noise impacts is inadequate.

The EIR should 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.

Our home of over 20 years is located on Lincoln Ave, so my spouse and I are directly impacted when there is increased noise from increased traffic on Lincoln Ave. All vehicles do not emit the same level of noise as they travel down Lincoln Ave. which has a steep grade and is in chronic need of repairs. Since there would be a large, absolute (nearly fixed) daily increase of several hundred cars (DEIR 13-40) related to the enrollment increase alone, the information provided in the DEIR indicating an almost zero (1 Db) increase in noise from traffic (13-43 and 13-44) is not credible. And whatever variability in traffic volume that currently exists is irrelevant since the daily traffic increase from student pick-ups / drop-offs associated with the proposed HRS enrollment increase would NOT be significantly variable. The additional increased traffic and therefore associated noise that would occur during special events, including the use of the proposed performing arts center (DEIR pg. 13-34), would only add to an increase in unacceptable traffic noise (e.g. 70-75 dB). Again, all cars do not emit the same level of noise. No matter what end of the range of existing vehicle traffic is applied to calculate the % traffic increase, the % is quite large (+700 to +1000 vehicles = +30% to 60%) and would therefore logically result in a very significant increase in individual vehicles that emit unacceptable noise levels both outside and inside our home and other homes on Lincoln Ave.

#### From DEIR 13-40:

“The Project proposes to construct a 6-foot high wall along the property line separating the

TT-16

TT-17

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TT-19

Loop Road from the adjacent residences. Assuming the 6-foot height of the wall is relative to the ground elevation of the Loop Road, the wall would be anticipated to provide 5 to 6 dBA of additional noise reduction to the adjacent shielded residences.”

Comments (A - D), below, pertain to information provided in the DEIR about the proposed sound barrier walls:

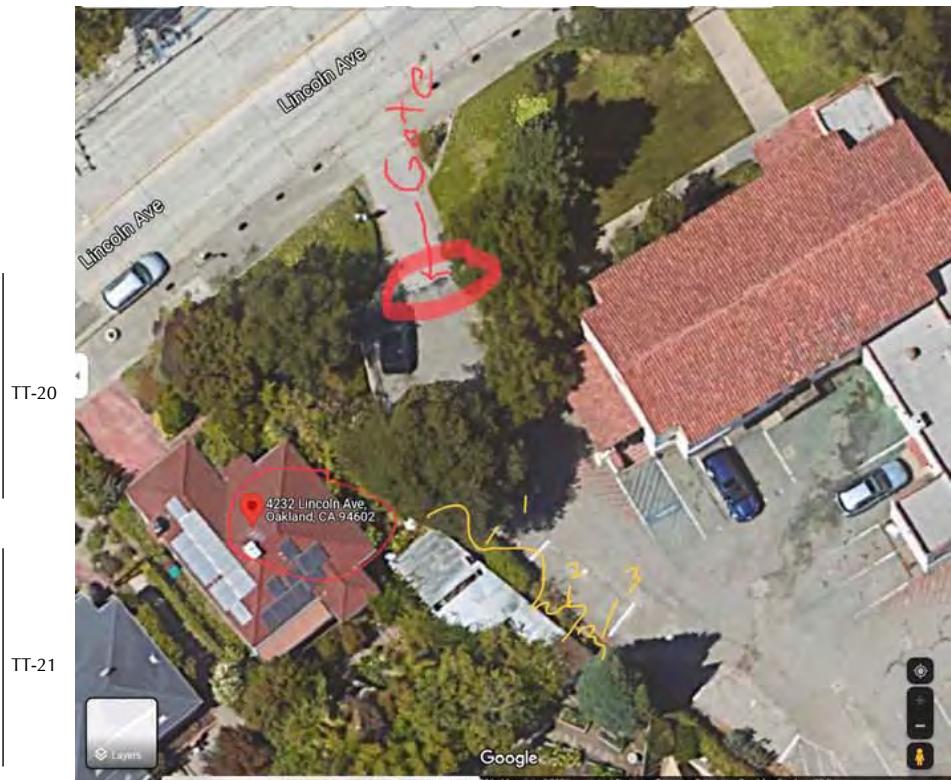
(A) In reference to the statement “assuming the 6-foot height of the wall is relative to the ground elevation of the Loop Road”, the level of the proposed Loop Road is several feet higher than the ground level of our home, and that level varies along the property line.

(B) The property line is only 8 feet from a bedroom window. A wall that is “6-foot height ... relative to the elevation of the Loop Road” would need to be well over 6 feet in height. However, placing the wall along the property line would block much needed light and air circulation within a narrow section of our property that only receives direct morning light and that would also be most susceptible to any increased moisture flowing downhill from the Loop Road to our home. The existing fence along the property line is a metal chain-link fence, which helps to maximize airflow and light. The EIR should include information about the potential impacts on our property (such as those described above) of a sound barrier wall placed along the property line.

(C) There are many other details missing from the DEIR regarding the proposed sound barrier wall. For example, 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. And it is not credible that a single standard (e.g. 6 foot) height along the property line could provide a similar degree of sound reduction to each residential properties along the internal Loop Road given the significant variability of both distance and grading between the Loop Road and the residential properties. Therefore, proposed sound wall barrier impacts should be assessed separately for each of the adjacent residential properties.

(D) The following pre-existing (from original 1941 construction) structures are located along the property line between my property and the proposed Head-Royce South Campus property: back wall of greenhouse structure with a fireplace, side wall of shed, and back side of lathe house. The EIR should provide information about the impacts of a sound wall along our property line to the pre-existing structures that are along the property line, including how it would impact our ability to access, maintain, repair and preserve those structures. The EIR should also assess how the sound barrier wall would impact the ability for the lathe house structure to continue to fulfill the purposes for which it was designed, which includes providing specific levels of light and air circulation for the types of plants kept inside the lathe house.

Satellite photo showing location of the greenhouse (labeled as 1), lathe house (labeled as 2) and shed (labeled as 3):



TT-20

TT-21

TT-22

TT-23

Plans include adding a large deck (33'x32') on the side of Blg 0 that faces our property, large enough to accommodate gatherings of 50 - 100 people lasting “approximately 2 hours”. The assertion by the project applicant, Head-Royce School, that gatherings on the deck are “meant” to be “informational” (not social) and therefore individuals would be “less likely to raise their voices” is not credible, especially since the school also plans to add a kitchen inside Blg 0 that can provide “catering” for up to ~125 people. People on a deck at the proposed location, when provided with food and drink, would create a party atmosphere and lots of noise. Clearly the school wishes to have the outdoor noise from these events located next to the neighbors rather than using a location that might interfere with their classes. And if the deck were of sufficient height to provide for a view, those views would include views over the proposed “wall” into private spaces within our backyard. The school also wishes to have events on the deck anywhere from as early as 8AM all the way to 3:30PM, overlapping with AM & PM use of the Loop Road. Specific, on-site studies must be performed in order to reveal the **true, realistic** noise and privacy impacts to our property on Lincoln Ave. and to nearby neighbors on Alida Ct.. And for the reason mentioned above, those studies could not

be adequately performed until after details of any “wall” (sound barrier) are reviewed and approved.

The noise impacts of the drop off & pick up point from the Loop Road along a section of Blg 0 (see DEIR figure 3-11, below) are not adequately addressed in the draft EIR. Noise from this activity will also be impacted by the discharge rate for the Loop Road. Also topography relative to any “wall” (sound barrier) will be a factor and could not be accurately studied until specifics of the “wall” have been determined. DEIR Figure 3-11 showing location of drop-off/ pick-up point:



Figure 3-11  
Proposed South Campus Master Plan

Source: Head-Royce School Draft Preliminary Development Plan, prepared by SOM - March 2019

TT-24

TT-25

TT-26

Despite the fact that the draft EIR indicates the proposed audible crosswalk at the egress (exit onto Lincoln Ave) would be only 30 feet from our residence on Lincoln Ave. and despite the fact that any efforts to reduce the sound below levels that are annoying to me and my spouse would be severely limited by the numerous minimum sound level requirements for those devices, the impact assessment provided is “less than significant” (DEIR pages 13-27 to 13-28). Also, given that the street facing room of our home that is closest to the audible crosswalk is a bedroom, the gravity of noise levels will likely be more impactful than has been considered by the EIR preparer, given the potential for those sounds to interfere with a resident’s ability to sleep. Even on the quietest of Sunday evenings, Lincoln Ave. consistently has traffic noise capable of significantly increasing the audible crosswalk volume (and at all hours of the night, not just during commute and heavier school use hours). This noise impact warrants additional, specific study / measurement for the EIR.

The H.T. Harvey report provided in Appendix 6A indicates the project would be constructed in a single “Phase 1” (see screenshot, below) and on DEIR pg. 13-18 (screenshot also shown below) the estimated time for the “construction” phase is indicated to be 13 months. However, on DEIR pg. 3-41 (screenshot also shown below) we are told the project will have 4 phases, with phases 1 - 3 occurring over 3.3 years and with no estimated time provided for phase 4. The EIR should not provide conflicting information, especially regarding something as critical as the project timeline. Additionally, multi-phased approach described on DEIR pages 3-39 - 3-41 does not indicate the span of years over which the phases would occur (likely due to funding uncertainties). Neighbors and City officials deserve unambiguous information about the project timeline. For example, whether the impacts of a project will occur over a period of 3 years or within 10 years, 20 years etc.. is highly relevant to the overall EIR analysis and approval decisions that may stem from the EIR. Therefore the EIR should provide the number of years following project approval that the project phases would occur along with evidence to support that the school would be able to adhere to those plans.

From H.T. Harvey & Associates report (Jan. 2020) provided in Appendix 6A:

## 1.6 Project Phasing and Construction Schedule

### 1.6.1 Phasing

Subject to meeting fundraising goals, the majority of the physical improvements contemplated pursuant to the project would be constructed in a single Phase I. These improvements are anticipated to include:

- Demolition of South Campus Buildings 3, 4, 5, 6, 7, 8, 10, and 11
- Site grading and tree removal
- Renovation and rehabilitation of South Campus Buildings 0, 1, 2 and 9
- Construction of the internal Loop Road, the underground pedestrian tunnel
- Construction of three new South Campus buildings (the Link Pavilion, Performing Arts Center and maintenance building)
- Landscape improvements including outdoor classroom areas and the Commons green space

From DEIR 13-41:

Chapter 3: Project Description

#### Phase IV

There is also a Phase IV of the Project, which would include further remodeling of Building 9 to provide up to five units of temporary housing for new faculty, and adding "stacked" or structured parking on either the existing Campus or proposed South Campus for additional parking, if needed.

#### Construction Period

It is anticipated that construction of Project will occur in separate phases separated by fundraising campaigns:

- Phase I of the Project may take approximately 9 months to a year. Demolition, tree removal and surface re-grading will require approximately two months, restoration and rehabilitation of Buildings 0, 1, 2 will require perhaps 6 to 8 months, and outdoor landscaping may take an additional 1 or 2 months.
- The separate Phase II improvements would likely take less than 1 year to implement, including additional site preparation, tree removal and grading, as well as paving of the new Loop Road and associated parking improvements.
- The Phase III improvements are expected to take perhaps 12 to 18 months of construction, inclusive of tunneling below Lincoln Avenue for the pedestrian tunnel, and anticipated simultaneous construction of the Link Pavilion and Performing Arts Center, as well as site preparation and paving for additional parking improvements.

With the exception of the tunnel opening, any re-programming efforts of existing Campus facilities would occur after construction of improvements in the proposed South Campus.

To the extent that existing buildings to be demolished are constructed of concrete, the Project proposes to crush the existing building materials and re-use the recycled materials as part of needed fill for building pads and open space areas. An earthwork analysis will be conducted pursuant to the Final Development Plan for Phase II (when substantive earthwork for the Loop Road would be conducted), and efforts will be made to better balance cut and fill across the Project site.

## Approvals and Agency Coordination

### City of Oakland

The Project is expected to require the following discretionary approvals from the City of Oakland, following certification of this EIR:

- Preliminary Development Plan (Master Plan) pursuant to a Conditional Use Permit, or a revision to the currently applicable Planned Unit Development permit
- Design Review approval of Final Development Plans (as subsequently proposed by the applicant, presumably including at least 1 FDP for each of the 3 or 4 Project phases)
- Tentative Tract or Parcel Map, if required
- Tree Removal Permit
- Creek Protection Permit (if required)
- Grant of easement and P-Job Permit for construction and maintenance of the underground pedestrian tunnel

## From DEIR pg. 13-18:

### Construction Noise

**Noise-1:** With implementation of Oakland's standard noise controls, and recognizing that noise generated by construction activities would occur over a temporary period, the temporary increase in ambient noise levels during construction would be less than significant. (Less than Significant)

Construction of the Project is anticipated to last approximately 13 months,<sup>1</sup> and would include demolition of existing development, site preparation, grading and excavation, trenching and foundations, building construction, paving, and construction of the pedestrian tunnel undercrossing. Pile driving is not anticipated for Project construction. Tunnel excavation will be conducted using a jacked box (jack and bore) methodology and will not include the use of explosives. The North Campus will continue to operate during construction at the South Campus (the Project site). Due to the availability of funding, it is likely that construction of the Performing Arts Center building will be constructed after the other elements of the Project.

Noise impacts resulting from this construction will depend on the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, the distance between construction noise sources and noise-sensitive receptors, any shielding provided by intervening structures or terrain, and ambient noise levels. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (early, morning, evening, or nighttime hours), when construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction durations last over extended periods of time.

Each of the Project's construction phases would include a different mix of operating equipment. The highest noise levels from this equipment are typically generated during demolition of existing structures, when impact tools are used (e.g., jackhammers, concrete saws, hoe rams). Site grading and excavation activities

<sup>1</sup> For purposes of this analysis, construction is expected to occur from April 2021 through May 2022.

The DEIR lacks sufficient information regarding the likely damages to the pavement on Lincoln Ave. outside of the project area and next to residences. Damage to pavement from all of the heavy vehicles and other equipment has the potential to greatly increase the noise emitted by vehicles traversing over that damage. Additional studies are needed, with all additional data and assessments to be shared in the EIR, along with detailed plans for how those impacts will be addressed in a timely manner and at the expense of the school, not the City.

The draft EIR indicates that evening noise impacts from crowds exiting events at the Performing Arts Center (PAC) can be addressed simply by ending events no later than 9 or 9:30PM. It is unrealistic to suggest that crowds as large as 450 (plus the performers) could all be off the S. Campus and gates locked, with everyone in their vehicles (and ride-shares such as Uber) and on their way home, in only 30 mins - 1 hour. The actual noise impacts of evening performances would be much greater and later than has been revealed by the draft EIR. This is not surprising given the overall generalized traffic noise modeling (TNM) that was used without any noise measurements made at the existing residential property boundaries around the South Campus where most noise impacts will occur. Clearly additional studies are needed so that more realistic and accurate information can be provided in the EIR regarding the noise impacts that could be expected from pre or post event crowd gatherings outside the PAC.

The school should not be allowed to move deliveries onto the S Campus. The draft EIR acknowledges some significant noise level impacts on residents from deliveries on the S. Campus and then proposes mitigation measures that are unfeasible (e.g. "instruct delivery truck drivers to avoid slamming gates and loading doors"). There is no way the school would be able to enforce good behaviors by delivery truck drivers, as is evidenced by the ongoing problems with deliveries on Whittle as well with deliveries that continue to take place on Lincoln Ave. during most every week of the school year, in violation of the current CUP. Examples of deliveries to Head-Royce occurring on Lincoln Ave.:

TT-27

Photo from 11/8/21

TT-28

TT-29

Mary, Walter & Sarah



Paper shredding company, non permissible on Lincoln

Miss, Hwy Q, n. 23 (H)

Thanks for the photo. We let this company know again that they cannot park there

Photo from 9/18/21



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.

Regarding noise from outdoor classrooms, the DEIR indicates that data modeling “assumed a noise source calibrated to a normal conversation level of 60 dBA at 3 feet” (DEIR 13-24). 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. For example, to maintain a 60 dBA sound level at the listener (clear speech intelligibility) at 25 ft., the speaker must speak at a level of 78 dBA @ 3 feet. That is a raised voice level. And it is unrealistic to assume children in an outdoor classroom setting or in the Commons would maintain “normal conversation levels”; therefore the assessments of the noise impacts are flawed. The noise assessment is also unrealistic to assume that sound levels would be “below daytime existing roadway and residential activities”. Noise is additive, and sounds from normal speech are perceived much differently than the common squeals, screeches and occasional yelling that occurs with gatherings of children. Those types of sounds occur even in indoor classroom settings but would be much more prevalent in outdoor classrooms and the Commons. The draft EIR also indicates that “surrounding residents are shielded from the Commons by existing and proposed buildings”, but without providing any specific studies or evidence to support that assertion. Neighbors only have to look back to the loud music and crowd noise that many of us experienced during the recent Alumni event (Nov. 13) held outdoors on the South Campus near the proposed location of the Commons to know that the assumptions in the draft EIR about noise levels from the Commons is flawed. The planned use of “directional line speakers” in the commons would only exacerbate that impact and should not be permitted on a daily basis. The fact is, daily gatherings in the Commons and 5 hour long outdoor classes / day would have a much greater noise impact than what has been indicated in the DEIR. Also, the overly generalized noise modeling approach is insufficient to assess noise impacts of outdoor classrooms and in the Commons at such varied locations, terrains and with such complex surroundings, including neighbors on 3 sides. The EIR needs to provide better analyses and controls of the noise from outdoor classrooms.

TT-31

TT-32

TT-33

The DEIR fails to address the noise impacts that would result following the proposed tree removals. For example, a large native Coastal Oak tree (est. to be 75-100 years old) that is on the South Campus but within 15 feet of our master bedroom windows currently helps to serve as a sound buffer. This tree is shown as Tree #3979 in the HT Harvey reports and DEIR figure 6-6. The loss of noise buffers due to the proposed removal of the large tree next to our property along with numerous other large, established native trees on the South Campus deserves additional study, as does the impact on wildlife that depends on those trees.

[From HT Harvey report showing proposed removal of Tree #3979 & DEIR figure 6-6:](#)



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

Why does the school feel compelled to have graduation ceremonies outdoors in the Commons area of the South Campus, *a location that is surrounded by neighbors*, when they can accommodate graduation indoors on the North Campus as it has been done in past years? All of the impacts on the neighbors from amplified sound required for outdoor commencement ceremonies in the Commons are completely unnecessary and avoidable. It would be helpful if the EIR would explain that the existing indoor alternative would continue to exist even if the proposed South Campus Commons was developed. A comparison of the noise impact from using the current indoor location vs. the outdoor Commons would also be helpful.

TT-34

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.

TT-35

Will events at the proposed South Campus Performing Arts Center or at the Blg 0 performance center 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 of the Performing Arts Center be for any combination of commercial or community (non-profit) use?

How many events per week, on average, both school and non-school, would be scheduled at the Performing Arts Center?

For the Performing Arts Center, what are the police requirements, security guard requirements, staffing, and where do the staff, police and security park?

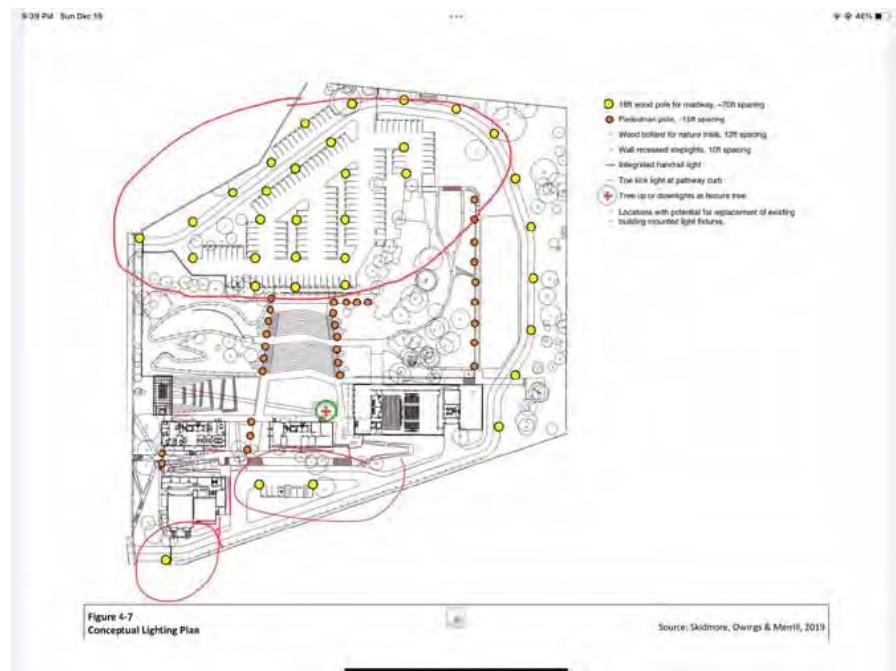
Will the Performing Arts Center and Blg 0 performance center be in air conditioned spaces and keeps their windows closed during (and following) hot days and nights (i.e noise mitigation)?

For events at the Performing Arts Center and Blg 0, where is the public transportation pick up and drop off space, including for Uber, Lyft or taxis? Where would it be located?

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

Simulated views are in the DEIR from a few areas, but not enough, including simulated views from our home and from the terrace (elevated deck) proposed along the primary facade of the South wing of Blg 0. Simulated views from our home should include views of the proposed light fixtures atop 16 foot poles (shown circled in red in the following screenshot from DEIR Figure 4-7):

TT-36



For reference with DEIR Figure 4-7, above, DEIR Figure 3-11, below, shows the location of our home:



Figure 3-11  
Proposed South Campus Master Plan

Source: Head-Royce School Draft Preliminary Development Plan, prepared by SOM - March 2019

It would be helpful if the EIR would include surrounding homes from what is shown in DEIR Figure 4-7. Omission of the neighbors' homes in Figure 4-7 only serves to help mask the potential impacts to the neighbors of the proposed lighting fixtures.

For the numerous proposed light fixtures atop 18 foot poles, the assertion on DEIR Pg. 4-17 that the light & glare from would be sufficiently reduced through compliance with "SCA Aesthetics-2: Lighting" is not credible. Along with lighting placed atop very high poles, all lights atop poles would be further elevated and therefore potentially visible from our home due to the higher elevation (relative to our property) of the entire proposed South Campus

location. The 18 foot pole light fixture shown in DEIR figure 4-7 as being closest to our home (see screenshots provided, above) appears to be within 10 - 15 feet of our bedroom windows. **Studies are needed by lighting experts to provide actual data in the EIR of light levels (e.g. quantified illuminance, light trespass, glare / contrast)** at primary light receiver locations, including our residential property, from all of the proposed light fixtures, including the lighting atop 18 foot poles and the lighting atop "pedestrian poles".

TT-38

The DIER lacks information from expert studies about potential noise impacts from the proposed light fixtures. Of particular interest to me is the light fixture atop an 18 foot pole within 10-15 feet of our bedroom windows (this light fixture is identified in screenshots provided above from DEIR Figure 4-7 & DEIR Figure 3-11).

TT-39

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) - an enrollment increase of 38%, to an already limited (and over-burdened) pedestrian emergency evacuation route scenario. The DEIR needs to address how the school would manage the effects of human actions and minimize exposure of the at-risk population to the threats that exist during an emergency evacuation from a wildfire and panic situation in ways that would not crowd more people into vulnerable areas with limited egress.

TT-40

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.

TT-40

Many Head-Royce parents would choose not to sit in the traffic back-ups on Lincoln in order to use the internal Loop road, regardless of what they are told by the school. Instead they would find other locations on Lincoln and in the surrounding neighborhoods to drop off or pick up their children (especially high school age children). The school already cannot control where many Head-Royce parents drop off or pick up their children. For example, parents and students are told by the school not to use Lincoln Ave. below the gate house on the North Campus for drop offs or pick ups.

In a separate zipfile attachment (named "Photos of HRS parking on Lincoln Ave below Gatehouse.zip") I have provided numerous photos of parents and students doing just that. The EIR should provide information from studies that include the impact of drop-offs and pick-ups at locations outside of the proposed internal Loop Road.

TT-37

Based on a review of the proposed drainage system by a hydrologist obtained by neighbors, a standard curb and gutter system should be incorporated into the drainage plans, however it is not clear in the DEIR if that would be included. It would be helpful if the EIR would provide additional details related to that aspect of the drainage system. Also, since there is a bend in the area of proposed Loop Road next to our home, I would like more information regarding how the flow of water on the Loop Road (e.g. during a heavy rain downpour) will be prevented from overflowing onto our property (at the bend) rather than following the Loop Road as appears to be indicated by the directional arrows in Figure 11-4.

TT-41

The following copy of DEIR Figure 11-4 shows the location of a bioswale (circled in red) that would be created within a few feet of the property line and within 15 feet of the of our home.

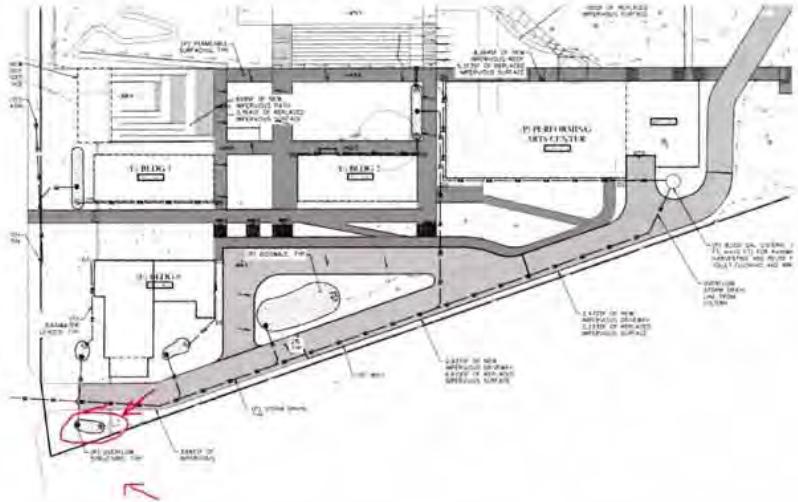


Figure 11-4  
Preliminary Stormwater Control, Drainage Plan

Source: Sherwood Design Engineers, F-

Regards,

*Rod Thompson*  
Rod Thompson

## **Response to Comment Letter TT - Thompson, Rod, December 20, 2021**

### **Response to Comment TT-1**

Please see Response to Comment B-11 from the Neighborhood Steering Committee on this same topic. As the data provided in Response to Comment B-11 demonstrates, there has been high volatility in transit use (by Head-Royce School students and the general public) over the past several years as compared to pre-pandemic conditions, but this data does not present substantial evidence that necessarily supports a reliable projection of transit use into the future. At most, these numbers suggest a trend line of increasing transit ridership as compared to the extreme drop during the height of the pandemic. The DEIR's reliance on pre-pandemic baseline conditions to describe the physical environmental conditions near the Project is consistent with CEQA guidance, and does not speculate as to what future baseline conditions may be. The EIR preparers are not aware of any expert studies related to long-term, post-pandemic changes in driving behavior that would not be speculative.

### **Response to Comment TT-2**

The Transportation Assessment of the Project prepared by Fehr & Peers (Appendix 14 of the Draft EIR) includes a detailed and comprehensive assessment of vehicle miles travelled, concluding that the Project would result in an increase of 10,570 VMT divided among the total increase in School population of 387 new students and faculty, for a VMT per person ratio of 27.3. That Transportation Assessment compares this VMT/population ratio against an assumed threshold of 15% below the School's existing VMT ratio of 26.9 VMT/person (or a threshold of 22.9 VMT per person), and concludes that the Project's increment of new VMT would exceed this assumed threshold.

As part of the City's review of the administrative draft documents prepared for the Draft EIR, City Planning and Transportation staff reconsidered the threshold that was presented in the Transportation Assessment. According to the City's published Transportation Impact Review Guidelines (TIRG, Guideline 5.5), if a project is in a high-VMT area such as is the case for the Head-Royce School, transportation consultants performing CEQA analysis should "take into account the VMT reductions of TDM measures required through the Standard Conditions of Approval and incorporated as project design features or program commitments." The City's SCAs (SCA Transportation-4) require a TDM program designed to achieve at least a 20 percent reduction in the vehicle trip rate. However, per the City's requirements for the 2016 Head-Royce School PUD Conditions of Approval, the School is required to achieve a 30 percent non-SOV mode share for students, once the School exceeds 900 students. Thus, this Draft EIR uses the following threshold to determine if the proposed Project would cause a significant VMT impact:

- The Project would cause substantial additional VMT if it exceeds the existing VMT per school population, assuming a 30 percent non-single occupant vehicle mode share (i.e., the School's current TDM Plan requirement), minus 15 percent. Although the PUD Conditions of Approval requires that students achieve a 30 percent non-SOV mode share, the VMT threshold conservatively applies the mode share requirement to the entire School population (students and faculty/staff).

As is demonstrated in Table 14-3 of the Draft EIR, the current requirements for a 30 percent non single-occupant vehicle mode share would result in a VMT/population ratio of 39.5 VMT per student/faculty. A 15% reduction below this current requirement (as directed by the City's TIRG Guidelines) would be a threshold of 33.6 VMT per student/faculty. When the same Project-related VMT per person ratio of 27.3 is compared against the VMT Threshold as more appropriately defined by the published City Transportation Impact Review Guidelines, the Project's VMT ratio is lower than the threshold of 33.6 VMT per student/faculty, and this impact was found to be less than significant.

The VMT threshold presented in the Draft EIR was not manipulated, the correct threshold was sourced from the City's published Transportation Impact Review Guidelines, and the conclusion is supported by the same

data that the commenter appeared to accept when the results of the comparative analysis to the administrative draft Transportation Assessment's assumed threshold yielded a different conclusion.

**Response to Comment TT-3**

Please see Master Response to Comments on the Loop Road Design, Potential Impacts and Intended Operations.

**Response to Comment TT-4**

Please see Master Response to Comments on the Loop Road Design, Potential Impacts and Intended Operations, and specifically the section titled "Eliminating the Alida Loop".

**Response to Comment TT-5**

Please see Master Response to Comments on traffic Congestion.

**Response to Comment TT-6**

The Draft EIR does provide analyses of these various potential effects of the Loop Road, Please see Master Response to Comments on the Loop Road Design, Potential Impacts and Intended Operations, and specifically the section titled "Potential Impacts Attributable to the Loop Road".

**Response to Comment TT-7**

This comment pertains to traffic operations, which is not a topic addressed under CEQA. Please see Master Response to Comments on Traffic Congestion. Specific to the originally proposed "mini-loop", the purpose of that mini-loop was to provide a shorter off-peak loop through the proposed South Campus that would only operate as a loop road in the off-hours. The "mini-loop" was intended to use the same Loop Road, but just a portion of the Loop Road that would extend only to the first parking lot. The Project sponsor has decided not to pursue the mini-loop idea (see Proposed Changes to the Project).

**Response to Comment TT-8**

The Project's proposed turn lanes on Lincoln Avenue along the Project frontage would require the removal of all on-street parking on the south side of Lincoln Avenue between the Loop Road outbound driveway and the Loop Road inbound driveway. Parking is not a CEQA subject matter, and so is not addressed in the Draft EIR.

**Response to Comment TT-9**

The Draft EIR does provide analyses of the potential noise impacts associated with driving and pick-up/drop-off locations along the Loop Road, and parking at the parking lots along the Loop Road. Please see Master Response to Comments on Noise.

**Response to Comment TT-10**

Based on measurements taken from a large-scale grading plan for the Project (at a scale of 1"= 30 feet), the measured distance from the side of the home on Lincoln Avenue and adjacent to the proposed South Campus is about 8 feet from the property line. It is about 30 feet from the outside edge of the proposed Loop Road; and about 40 feet from the centerline of the Loop Road. The sound references of approximately 50 feet from the noise source of the Loop Road are based on the roadway centerline, which is actually closer to 40 feet from this particular residence.

Traffic noise modeling for the Draft EIR was conducted using the Federal Highway Administration's Traffic Noise Model (TNM). Based on the traffic noise modeling results, hourly average traffic noise levels of 52 dBA Leq would be anticipated during the morning (8:00 to 9:00 am) peak hour, and 48 dBA Leq would be anticipated during the afternoon (3:15 to 4:15 pm) peak hour at a distance of 50 feet, not taking into account any noise shielding. At 40 feet, these noise levels are approximated at 54 dBA Leq in the morning 50 dBA Leq in the morning, which would still be below the daytime threshold level of 60 dB Leq, and would be less than

significant. The Project proposes to construct a 6-foot high wall along the property line separating the Loop Road from the adjacent residences. Assuming the 6-foot height of the wall is relative to the ground elevation of the Loop Road, the wall would be anticipated to provide 5 to 6 dBA of additional noise reduction to the adjacent shielded residences.

#### **Response to Comment TT-11**

Traffic noise modeling was conducted using the Federal Highway Administration's Traffic Noise Model (TNM) and using an assumed traffic speeds along this roadway of below 20 mph. Raising the speed of an automobile by about 10 mph generally increases the noise made by that vehicle by about 3 dB.<sup>3</sup> Therefore, the slower (less than 20 mph) speed assumed for this analysis presents the "worst-case" traffic noise. If traffic speeds along the Loop Road are actually slower, their noise levels would decrease.

#### **Response to Comment TT-12**

The Land Use Compatibility Chart of the Oakland General Plan Noise Element for Exposure to Community Noise pertains to the effects of existing ambient noise on new development. It provides criteria for whether ambient noise levels are appropriate for such new uses. This table is not used by the City of Oakland for considering the noise effects of a project on neighboring land uses. Rather, the City relies of noise standards as presented in the City's Noise Ordinance (please see Master Response to Comments on Noise, specifically the section on Noise Thresholds).

#### **Response to Comment TT-13**

Please see Master Response to Comments on Noise, specifically the section on Noise Thresholds.

#### **Response to Comment TT-14**

The EIR preparers have no way of knowing what this commenter's own sound meter is measuring (for example, whether this reported measurement is Lmax, or Leq or any other possible time increment). If this personal sound meter recorded an Lmax value of 60 dBA in the backyard, then this measurement would be compared to an Lmax threshold of 80 dBA. If this personal sound meter recorded an L8 (8% of an hour, or one minute) of 60 dBA in the backyard, then this measurement would be compared to an Lmax threshold of 70 dBA. While that noise is clearly not desirable by this commenter, it would not necessarily exceed the City's Noise Ordinance standards.

As shown on Table 13-13 of the Draft EIR, the calculated noise parameters during social gatherings at Building 0, as affecting Receptor R1 (the commenter's home) would be, for example, an Leq (as represented by the L17 measuring time) of 45 dBA as compared to the City's threshold of 60 dBA L17.

#### **Response to Comment TT-15**

Comment noted – the Draft EIR did not analyze noise related to opening and closing of the proposed new gate. However, this gate would be required to meet the City's noise thresholds for stationary noise sources, and the gate's noise performance would need to demonstrate compliance with these standards.

#### **Response to Comment TT-16**

The Loop Road is sized (at a width of 20 feet) that would accommodate emergency vehicles. Within an approximately 8-acre site, it is prudent to ensure that emergency vehicles would have access to the entire site for fire protection and other emergency response. An emergency-use occurrence of a fire truck on the Loop Road would represent a temporary and non-regular occurrence, and would not be a factor in determining expected noise impacts.

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<https://www.nonoise.org/resource/trans/highway/spnoise.htm#:~:text=Raising%20the%20speed%20of%20an,10%20mph%20increase%20in>

### **Response to Comment TT-17**

Please see Master Response to Comments on Noise, and specifically the section on Ambient Noise Conditions.

### **Response to Comment TT-18**

Please see Master Response to Comments on Noise, specifically the section on Cumulative Peak Hour Noise Impacts. This cumulative scenario is comprised of the addition of noise levels associated with increased traffic on Lincoln Avenue, on-site traffic on the Loop Road, and noise associated with parking activities. The quantitative basis for deriving these noise source levels is as fully described in the Draft EIR.

### **Response to Comment TT-19**

A-weighted decibels are based on a logarithmic scale. Therefore, adding a new noise source (or additional traffic volumes) is added logarithmically, not directly. As a proven rule of thumb, it takes a doubling of traffic volumes to generate a 3-dBA increase in sound. The Project would not double traffic volumes on Lincoln Avenue.

### **Response to Comment TT-20**

According to the Project's Grading Plan diagram, the elevation of the Loop Road nearest to this residence is at elevation 398 feet. The floor elevation of this residence is at about 395 feet, or about 3 to 4 feet lower than the elevation of the proposed Loop Road. A 6-foot fence relative to the Loop Road would be 9 to 10 feet above the floor elevation of this adjacent residence. The fence line adjacent to this property would be on the northeast of this residence, and a 6-foot fence would not block any direct sunlight but would limit ambient lighting conditions in the side yard. According to Oakland Planning Code Section 17.108.140 - Fences, dense hedges, barriers, and similar freestanding walls, the maximum height allowed by right of any fence in any yard or court not adjacent to a public street is eight (8) feet.

### **Response to Comment TT-21**

Since traffic noise on the Loop Road is not projected to exceed applicable City of Oakland CEQA thresholds for operational noise, mitigation measures are not warranted. The proposed sound wall/fence would provide an additional level of noise attenuation, privacy and shielding of vehicle headlights. Assuming a 6-foot high wall or fence relative to the ground elevation of the Loop Road, the wall or fence would be anticipated to provide 5 to 6 dBA of noise reduction to shielded residences. For those residences nearest the Loop Road that are elevated above the ground elevation of the Loop Road, such a noise barrier would have reduced effectiveness for noise reduction purposes. Any solid barrier that obscures line of sight from the noise source (i.e., a wall or a solid wood (or similar material) fence built without gaps between planks) would provide similar noise attenuation performance.

### **Response to Comment TT-22**

The question of how permitted uses (i.e., a fence) on an adjacent property may affect existing structures built at the property line is a zoning matter, and not pertinent to CEQA.

### **Response to Comment TT-23**

As indicated in Master Response to Comments on Noise, outdoor use of the deck on the west side of Building 0 for certain indoor and outdoor social gatherings was assumed to include 50 to 100 people, for one gathering per month, with a duration of approximately 2 hours during the school day (8:30 am to 3:30 pm). This noise source was calibrated to a raised conversation level (of 67 dBA Leq at 3 feet), with a spectral content similar to that measured for a school graduation event. A lower noise source level is assumed for the social gatherings at Building 0 than for outdoor gatherings after the Performing Art Center events. This is due to the smaller size of the gatherings and the expectation that events at Building 0 are meant to be informational events rather than social events, and participants would be less likely to raise their voices for

conversation. These assumptions are credible and the analysis shows that noise levels from such events would be more than 10 dBA lower than the applicable noise threshold, without any noise attenuation barrier.

#### **Response to Comment TT-24**

Please see Master Response to Comments on Noise, specifically the section on Cumulative Peak Hour Noise Impacts, which addresses the peak period of student arrivals in the morning, with cumulative noise sources attributed to the Project including increased traffic on Lincoln Avenue, on-site traffic on the Loop Road, and noise associated with parking (drop-off) activities.

#### **Response to Comment TT-25**

Please see Master Response to Comments on Noise, specifically the section on the Crosswalk signal. A new crossing signal at the lower Loop Road driveway would be approximately 30 feet from the nearest residence on Lincoln Avenue, and this signal would include an audible crosswalk device. These crosswalk devices typically include volume control options, and noise levels generated by these signals fall well below City of Oakland Noise Ordinance limits. Although this crosswalk noise is not considered a significant impact under CEQA, the acoustic professionals that prepared this section of the EIR recommended “good neighbor practices”, as developed under the sponsorship of the National Cooperative Highway Research Program (NCHRP), and following the requirements of the Manual on Uniform Traffic Control Devices, as presented in the Draft EIR.

#### **Response to Comment TT-26**

As indicated on page 3-41 of the Draft EIR, construction of Project will occur in separate phases, separated by fundraising campaigns. There is no guaranteed date for the beginning or end of any of the phases. The expectations of the Draft EIR are as follows:

- Phase I of the Project may take approximately 9 months to a year. Demolition, tree removal and surface re-grading will require approximately two months, restoration and rehabilitation of Buildings 0, 1, 2 will require perhaps 6 to 8 months, and outdoor landscaping may take an additional 1 or 2 months.
- The separate Phase II improvements would likely take less than 1 year to implement, including additional site preparation, tree removal and grading, as well as paving of the new Loop Road and associated parking improvements.
- The Phase III improvements are expected to take perhaps 12 to 18 months of construction, inclusive of tunneling below Lincoln Avenue for the pedestrian tunnel, and anticipated simultaneous construction of the Link Pavilion and Performing Arts Center, as well as site preparation and paving for additional parking improvements.

At this time, Head-Royce School anticipates moving forward with Phase I and Phase II of the Project at the same time, shortly after Project approval, if that approval is granted. It is likely that the combination of Phase I and Phase II of the Project may take a year or more to complete. This would likely include 3 to 4 months of demolition, tree removal, surface re-grading and additional site preparation for construction of the new Loop Road and parking; perhaps 6 to 8 months for restoration and rehabilitation of Buildings 0, 1, 2; and 2 to 3 months for outdoor landscaping and paving.

Timing for implementation of the subsequent Phase III improvements would be dependent on the School's availability of future financing, and no timeline for these improvement are currently known. These later Phase III improvement are expected to take perhaps 12 to 18 months of construction, inclusive of tunneling below Lincoln Avenue for the pedestrian tunnel, and anticipated simultaneous construction of the Link Pavilion and Performing Arts Center, as well as site preparation and paving for additional parking improvements.

### **Response to Comment TT-27**

City of Oakland's Standard Conditions of Approval will require the School to obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including city streets, sidewalks, bicycle facilities, and bus stops. In the event the Project may obstruct vehicles or bicycle travel lanes, bus stops or sidewalks, the School must submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. This Plan must contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. Furthermore, the School will be required to repair any damage to the public right-of way, including streets and sidewalks, caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue. In such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.

### **Response to Comment TT-28**

The assumption that 400 of the 450 attendees may congregate after a performance at the Performing Art Center Building is a conservative assumption that somewhere near 90% of the attendees will stay to socialize, and that 10% will not. The Draft EIR includes a Mitigation Measure (Noise-3B, Special Event Notifications and Restrictions), which recommends that all evening events at the Performing Arts Center be completed by 9:00 pm, with all post event gatherings, event traffic and exterior clean-up activities completed by 10:00 pm.

### **Response to Comment TT-29**

Please see Master Response to Noise Comments, specifically the section regarding Loading Dock Noise. As explained in the Master Response, the original modeling of the loading dock had been incorrectly based on a commercial type loading dock, rather than the small, non-commercial loading dock using smaller vehicles (26-foot trucks and pickup trucks) as proposed by the Project. The modeling was recalibrated to the corrected noise source levels, the results of that corrected noise model were provided to the EIR consultant, and these corrected results were presented in the Draft EIR's Table 13-10 and Figure 13-5, which a conclusion of less than significant impact. No mitigations are warranted.

As a further response to this specific issue, the School has proposed a modification to the Project that would remove the loading dock at the proposed Performing Arts Center building, given the relatively limited need for hauling large materials in and out of the building. No impacts related to a loading dock would occur under this modified Project.

### **Response to Comment TT-30**

The Project does not include an amphitheater. It does include an outdoor common area called the Commons, where student can congregate, small outdoor classroom activities can occur, and at the end of the School year, outdoor graduation ceremonies are proposed to occur. Please see Master Response to Comments on Noise, specifically the sections titled Daily Use of the Commons and Outdoor Graduation.

### **Response to Comment TT-31**

Please see Master Response to Noise Comments, specifically the sections regarding Outdoor Classrooms. This master Response also addresses those comments suggesting that the noise form an outdoor classroom would be much louder than was assumed in the Draft EIR.

Please see Figures 13-6 and 13-7, which demonstrate how the SoundPlan noise model takes shielding of existing buildings into account in developing noise contours generated by noise events.

**Response to Comment TT-33**

Because trees do not provide a solid barrier that obscures line of sight from the noise source (as would a wall or a solid wood fence built without gaps between planks), trees and other vegetation do provide some, but not much noise attenuation. The noise modeling conducted for the Draft EIR did not account for any intervening vegetation, so removal of trees would not affect the noise analysis. The impacts of tree removal on wildlife are fully addressed in the Biology chapter of the Draft EIR.

**Response to Comment TT-34**

This is a comment on the merits of the proposed Project and specifically its use of the Commons for outdoor graduation event. This is not a comment on the Draft EIR. If use of the Commons were not permitted for such graduation events, the School would need to consider alternative locations for these events, potentially including continued use of the current gymnasium or an off-site location.

**Response to Comment TT-35**

This is a comment on the merits of the proposed Project and specifically its need for a Performing Arts Center building. This is not a comment on the Draft EIR. Please see Master Response to Comments on No Community Use of the Performing Arts Center Building.

Special Events at the Head Royce Campus are those events where visitors and parents are invited to attend. Pursuant to the current (2016) Conditions of Approval for the School, the School may hold up to 43 evening Special Events (held between 7:00 pm to 9:30 pm) per year. They may also hold 27 daytime Saturday Special Events (held between 9:00 am to 6:00 pm), 5 Saturday evening Special Events (held between 6:00 pm to 9:30 pm), 5 daytime Sunday events (held 9:00 am to 6:00 pm), and 5 single-day weekday summer events (held 9:00 am to 6:00 pm), for a total of 85 events per year.

Other questions in this comment pertaining to air conditioning (assumed), security, and transit pick-up locations are dependent on details of the Project that have not yet been developed

**Response to Comment TT-36**

CEQA is concerned with impacts to scenic views enjoyed by members of the public generally, and does not consider private views to be a CEQA threshold issue.

**Response to Comment TT-37**

The CEQA threshold pertaining to lighting is not whether new lights can be seen or if there would be more lights than currently exist, but whether the Project would create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area. With shielding of light standards, the light source would only cast lightning downward toward the surface where lights are needed, and not in all directions “spilling” onto adjacent properties or lighting the night sky.

**Response to Comment TT-38**

There would be no noise generated by the Project’s proposed light fixtures. Whereas certain older model light fixtures do emit an electronic ‘hum’, the light fixtures for the Project will need to comply with current CalGreen building and lighting codes, and will likely include energy-efficient LED lighting rather than halide light bulbs.

**Response to Comment TT-39**

Please see Master Response to Comments on Emergency Evacuation.

**Response to Comment TT-40**

Please see Master Response to Comments on Loop Road Design, Impacts and Intended Operation, and specifically the section on Loop Road Operations versus Lincoln Drop-Off and Alida Loop.

**Response to Comment TT-41**

AS indicated in Response to Comment B5-2 (Clearwater Hydrology's peer-review/comment letter), the Project's proposed Loop Road will be designed and constructed to City of Oakland design standards. Whether these design standards will require a standard 6" curb face with 18" gutter, an 8" curb, or rolled curb will be determined by the Design and Construction Services Department of the City of Oakland Public Works Agency, but in all cases must accommodate the designed drainage flow.

## Letter UU - Tobey, Terry, December 20, 2021

**From:** zebragalt@aol.com  
**Sent:** Monday, December 20, 2021 11:09 AM  
**To:** Brown, Courtney  
**Subject:** Head Royce School Planned Unit Development Permit Project DEIR Comments

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Courtney Brown, Acting Planner III  
Planning & Building Department  
City of Oakland

Dear Ms. Brown,

I live on Lincoln Avenue directly above Head Royce school's parking lot and ball field. When I was a child there was a small private school named Anna Head with beautiful buildings and trees where the lower school is now. Above that was an old bucolic sheep ranch turned horse ranch below our family home where the parking lot and ball field are now. Over the last 6 decades I have seen many changes, which makes me uniquely qualified to comment on this issue.

### 1) Evacuation and Emergency Response

First and foremost is the issue of evacuation and emergency response. I am extremely concerned about this because even now I am frequently prevented from exiting my driveway for many minutes while I wait as car after car blocks my exit. Sometimes it is cars one after another, other times a bumper to bumper creep down the hill next to the curb where drivers pay no attention to driveways and refuse to stop to let me out. The other day I had to wait close to 10 minutes to exit my own driveway.

Why is the school's expert on emergency evacuation an assistant professor located in Canada rather than someone local who would be able to witness first hand what really happens here on Lincoln Avenue on a daily basis? Ironically, even he concedes that the schools evacuation plan is insufficient. Why isn't parking included in the DEIR? On street parking on Lincoln by students and parents is adding to the gridlock preventing evacuation and emergency response.

Adding an additional 344 students above the current limit of 906, to allow for 1250 students total is going to make this problem much, much worse. Where in the DEIR is the plan for evacuating 1250 students plus staff and faculty, in coordination with the surrounding neighborhood? What about those of us who live here who can't get out in a timely manner now? Are you aware that at times of drop-off and pick-up times each day the traffic backs up into high speed traffic on Highway 13? How can you even consider allowing more cars into this area given that accident waiting to happen?

Allowing more students and cars on this street when we are already overrun with traffic that is out of control is a violation of the public trust and obligation. If we don't have control of the traffic now, how are we possibly going to have control of it with more students and cars, especially in a chaotic

1

emergency situation? By ignoring this ongoing danger the City and Planners are opening themselves up to liability.

### 2) Wildfire and emergency evacuation

Wildfire danger in this canyon is extremely high. When I was a child there were trees, a large house, a large barn and outbuildings in the area where the ball field and parking lot are today. Those structures used to block the wind and we never had these strong winds until Head Royce bulldozed that entire buffer zone. Now there is nothing to block the wind and strong winds whip up the canyon and blow through the mature Eucalyptus trees. Even though these trees grow on Head Royce soil below my property, the top of these trees tower over my property. The winds blow thousands of leaves, bark and branches onto my property, on my barn roof and into the gutters. At times I have to walk on what looks like a carpet of leaves surrounding my barn. Of course I am forced to clean up all this debris from Head Royce trees and it is a constant nuisance. I have spoken to Head Royce officials about their trees and vegetation management issues numerous times going back to at least February 2013. Years ago I was told that they were going to remove the huge towering eucalyptus "over time" but they've never removed any of them. Not only are these trees a fire hazard but they routinely drop extremely large branches that crack and crash to the ground. This happens frequently on their back hill above my barn but also happens occasionally on their parking lot where the students and parents walk and park their cars. A few months ago, a very large branch fell and covered 4 parking spaces! Had it fallen at a different time of day it would have damaged cars and possibly killed students. That still wasn't enough to prompt Head Royce to cut the trees.

UU-2

If these trees catch fire my property is first in line to burn. A fire in these 180-200ft tall, oily eucalyptus trees could easily grow into another firestorm. My fears of a fire of this magnitude are compounded by the concerns about not being able to get out of my driveway, as voiced in the above section. Think Ghost Ship type scenario here on Lincoln Avenue. The fault will lie on the City and Planners for allowing it, and you will be embroiled in yet another big lawsuit if and when multiple deaths occur.

UU-1

### 3) Noise

For years my family has been bothered by noise from Head Royce which has become exponentially worse the larger the school has grown. It's been one project or event after another. Car horns, yelling and loud music, sometimes even after midnight, we've experienced it all. For the last few months they have been tearing out the bleachers, backstop, soils and sod to re-do the field in artificial turf. They still have a few months to go. There has been daily loud banging, screeching, beeping etc. It has been so loud that even the neighbors 3 houses above me have complained about it. This canyon's noise contours bounce the sound around and amplify it. I can hear noise from the field and school below me but also on the street and other side of the street where the new construction will be. This ongoing problem with noise has ruined the quiet enjoyment of my home.

UU-3

### 4) Pedestrian tunnel underneath Lincoln Ave

Seriously? To back up the traffic on this already highly congested main thoroughfare and to inconvenience thousands and thousands of people each and every day for months on end, not to mention the noise and potential future problems with the roadway causing more backups and inconvenience because of this ridiculous project is just wrong. What if there's a fire or an earthquake

UU-4

2

or some other emergency during this asinine project? Again, another liability for the City and Planners who allowed it.

5) Performance Arts Center potentially rented out to non-Head Royce students

Again, more noise, more traffic, more traffic signals, a left hand turn lane, more obnoxious lighting all added to our what is supposed to be a residential neighborhood. Likely more night time events as well adding even more onerous lights and even more noise disturbing the peace and ruining the quiet enjoyment of the neighbors homes. This should not be approved.

UU-5

In closing, this school has encroached on all of the neighbors lives for years and years on end. From what I have seen and experienced, the school has never once taken the neighbors comfort or wishes into account and have not acted as "good neighbors." Our once quiet neighborhood has morphed into non-stop traffic with rude parents who have no consideration for those of us who live here. The city has continued to back the school to the detriment of the neighbors. Is there ever a point where you will say, enough is enough? You are being put on notice that the traffic congestion has reached critical mass and given the right set of circumstances may lead to mass casualties. The City and Planners who despite the dangers knowingly allowed more and more students and cars into this mess will bear the liability.

UU-6

Thank you for your consideration,

Terry Tobey  
Lifelong Oakland Resident, Homeowner and Taxpayer

## **Response to Comment Letter UU - Tobey, Terry, December 20, 2021**

### **Response to Comment UU-1**

Please see Master Response to Comments on Emergency Evacuation.

### **Response to Comment UU-2**

Please see Master Response to Comments on Wildfire Hazards

### **Response to Comment UU-3**

Please see Master Response to Comments on Noise.

### **Response to Comment UU-4**

It is presumed that this comment is concerned that Lincoln Avenue would need to be closed to through traffic in order to construct the pedestrian tunnel. It is anticipated that tunnel construction will be accomplished using a “jacked box” method, which involves advancing a precast/cast-on-site concrete box along the tunnel alignment by pushing it into the ground with hydraulic jacks. The box structure is typically open faced with a beveled steel cutting shield at the front end. As the box is advanced into the ground, excavated material is removed from inside the box. If large blocks or boulders are encountered, overcutting ahead of the box can be implemented to remove potential obstructions and aid in reducing jacking loads. The jacking processes would involve slow advancement of the tunnel using hydraulic equipment. Excavation of the ground in front of the advancing box will be by hydraulic excavator-type equipment. This method of tunnel excavation is not expected to require closure of Lincoln Avenue or disruption of traffic, other than for initial set-up of tunneling equipment and monitoring.

### **Response to Comment UU-5**

Please see Master Response to Comments on No Community Use of Performing Arts Center Building.

### **Response to Comment UU-6**

Please see Master Response to Comments on Traffic Congestion.

The remainder of this comment pertains to the commenter’s views on the merits of the Project and does not require a response under CEQA.

**Letter VV - Todd, Elizabeth, December 18, 2021**

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**From:** Beth Todd <bethtodd432@gmail.com>  
**Sent:** Saturday, December 18, 2021 8:51 PM  
**To:** Brown, Courtney  
**Subject:** Head Royce School Planned Unit Development Permit Project DEIR Comments

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Courtney Brown,

I would like to add my comments to the public record regarding the Head-Royce EIR on the proposed Lincoln Ave South Campus development. I oppose the current proposal, particularly the one-way loop road that will be entered and exited from Lincoln Avenue. Head-Royce (HR) needs to find alternatives that do not impact traffic, emergency evacuation, and public safety, and prove in a future EIR that it does not do so before they can be allowed to expand. Therefore, I am in favor of Alternative 2: Minor Development Alternative as described in p. 2-2 in the EIR.

Lincoln Avenue is an important throughway between Hwy 13 (Warren Freeway) and MacArthur Blvd and Hwy 580 (MacArthur Freeway); however, as a two-lane road, it was not designed to handle the volume of traffic as other hills-to-flats arteries like Park Blvd and 35th Ave, which are both 4 lanes.

Current System

With the current 906-student enrollment, the drop-off and pick-up queue in the north parking lane on Lincoln, and queuing in the Oakland Temple parking lot on Monterey Road, neighbors or passerbys in cars can still circulate and use Lincoln Avenue's two lanes to go toward Hwy 13 or Hwy 580 at school dropoff and pickup hours without being impeded except for pedestrian crossing at the signals. The two existing traffic lights at 4315 Lincoln Ave (HR Main Office) and at 4465 Lincoln Ave (Athletic Fields) are most often activated by students crossing to the north sidewalk on Lincoln and the main school grounds. I will term this the "Current System." Under the Current System, neighbors like myself (I reside at 4107 Lincoln Ave), may have to wait 5 minutes as 20 cars or so go past to exit my driveway onto Lincoln Ave during particularly busy school hours. This is never a problem in the summer; therefore, it is HR-generated traffic that adds to local congestion. While I consider it an annoyance to be kept from exiting my driveway by this school, I do not complain. While traffic is heavy at school commute hours if one is trying to get to Hwy 13 or 580 via Lincoln Ave, the cars associated with HR do pull off to the side of the road to park and let students out, allowing the through traffic to continue as soon as students' vehicles are pulled out of the driving lanes. It has also been my observation that the existing traffic signals at 4465 Lincoln Ave and 4315 Lincoln Ave run on timers; I say this because in the evening at 8:00 P.M. and later, I am often stopped by both lights which are roughly 700 feet apart and have no pedestrian or driveway traffic at that time. No one is making a turn onto or off Lincoln Ave or crossing the street. Perhaps they are set in the later hours to try to decrease speed by cars that blow through the traffic signals and stop signs because of momentum from the hill?

The Proposal Creates a Burden

I am concerned that the proposal of the loop road as well the 25% increased enrollment to 1250 students creates an undue burden on neighborhood traffic, including HR's own students and families. Because no traffic modeling or measurements between traffic signals is provided in the current proposal, the EIR map looks like a simple blueprint. In theory, moving cars onto their private property sounds responsible and appealing; however, once one begins to think through the scenarios, it becomes concerning and creates more problems than it solves. Quite simply, the current proposal shifts the burden of increased traffic onto neighbors and

1

VV-1

passersby by creating three traffic signals within 700 feet that allow left turns onto and off of private property. Because of the short distances between traffic signals and the fact that cars entering and exiting the one-way loop road will need to make left turns in both places, all cars traveling on Lincoln Ave will crawl forward 15 or 20 cars at a time, effectively blocking through passage on Lincoln Avenue for several hours a day.

Traffic Volume and Distances between Traffic Signals

A. Number of personal vehicles

In Table 14-1 Student and Faculty/Staff Travel Mode Shares, the school provides data on travel modes for 2018 when enrollment was 894 and faculty/staff was 158. If allowed, maximum expansion enrollment would increase to 1250 students and 189 faculty/staff for a total population of 1439. Per the 2016 PUD Conditions of Approval, the school's TDM plan requires them to have 30 percent non-SOV when they exceed 900 students. According to page 14-23, they achieved about 65% rideshare when total school population was 1052 for a total of 361 SOV. In Table 14-5 Project Buildout (Maximum Enrollment) VMT Estimation, the number of person trips for drop-off/pick-up and on-site parking would be 1025 and 687, respectively. If you divide 1025 person trips on the Loop Road in half, that equals 513 personal vehicles (SOV and non-SOV) using the proposed Lincoln Ave Loop Road in the morning and then again for pick-up with 344 additional cars arriving and departing that will use parking in the various staff and student lots.

B. Loop Road creates several bottlenecks

Using Google Earth street maps and its measurement tool, I measured the distance between each of the three traffic signals associated with HR (the existing one at 4465 Lincoln Ave, the one at 4315 Lincoln Ave that will be moved 80 ft west down Lincoln, and the new proposed one at the Loop Road Entrance.) I then looked up the average sedan length (14 ft) and added 6 feet as a buffer so that each car in the left turn lane would occupy about 20 feet. I then calculated how many car-lengths could occupy the distances between traffic signals and existing side streets or stop signs to create a model of how many cars could wait or move in one area piece by piece.

In my Google Earth link, you can see these measurements:

[https://earth.google.com/earth/d/1yyCiUNV7iqPpMnZ\\_4WCMeROh2lCse-nE?usp=sharing](https://earth.google.com/earth/d/1yyCiUNV7iqPpMnZ_4WCMeROh2lCse-nE?usp=sharing)

For quick reference here are the distances, starting with three traffic signals and moving outward toward Hwy 580 & Hwy 13 where cars will originate from.

Distances

1. Existing traffic signal at HR Athletic Fields (4465 Lincoln Ave) to proposed traffic signal at Loop Road entrance (making Left Turn and coming from Hwy 13) = 140.2 m = 460 ft / 20 ft per car = 23 cars
2. Proposed traffic signal at Loop Road Exit (shifting existing traffic signal at 4315 Lincoln Ave to 80 ft west) to proposed traffic signal at Loop Road entrance (making right turn at Loop Road entrance and coming from Hwy 580) = 124.6 m = 408 ft / 20 ft per car = 20 cars
3. Proposed traffic signal at Loop Road Exit to Alida Ave (which has a 1-way stop sign to turn L or R onto Lincoln) = 90.6 m = 297 ft / 20 ft per car = 14 cars

2

4. Existing 1-way Stop signs between Alida Ave and Burlington St w/ unprotected Left turns = 91.8 m = 301 ft = 15 cars
5. Existing 1-way Stop sign at Burlington St to existing 4-way Stop sign on Lincoln Ave at Tiffin Rd = 27.9 m = 91 ft = 4 or 5 cars
6. Existing 4-way Stop signs at Lincoln Ave & Monterey Rd to existing traffic signal at HR Athletic Fields (4465 Lincoln Ave) = 433.8m = 1423 ft / 20 ft per car = 71 cars

#### Overview of Bottlenecks & Safety Issues

The main difficulty is that adding signals that allow Left turns from and onto Lincoln by 513 vehicles carrying students for drop-off and pick-up and 344 vehicles that use on-site parking creates a signalized stop-and-go traffic blockage at two or three locations within 700 feet on a busy thoroughfare that carries neighbors & passersby to highways, AC Transit buses taking students to Skyline High School, and effectively blocks emergency vehicles, particularly Fire Station No. 25 on Butters & Joaquin Miller from its service area because there will be no passing or parking lanes available with the creation of a left turn lane. Also, HR's emergency procedures that request parents wait for communication to pick up students in case of wildfire, earthquake, or other safety disaster go against parental instinct and cannot be managed or enforced during an emergency.

#### Details of Bottlenecks

- a. If the Left Turn lane onto the Loop Road entrance is designed the entire length of the distance between the proposed traffic signal at LR entrance and the existing signal at 4465 Lincoln Ave (460 feet), that will allow 23 cars to wait for a signalized Left Turn and for through traffic to continue flowing on Lincoln Ave when the Left Turn sign is red or green. But it is unlikely that the two lanes required for this would allow a safe bike lane or emergency vehicle passage when Lincoln Ave flow is stopped for pedestrian crossing or a red light. If the Left Turn lane is designed to be shorter than 460 feet with a bike lane and enough clearance for emergency vehicles, HR traffic that is attempting a Left Turn will back up through the existing signal at 4465 Lincoln Ave and create a bottleneck of cars in the right lane so that no downhill traffic by neighbors, passersby, or emergency vehicles can move forward.
  - b. If there is no Left Turn onto Lincoln Ave allowed at the proposed signal at the LR exit, cars that are entering the LR entrance traveling uphill can easily do so as well as not impede the traffic passing straight through Lincoln Ave as long as the light on Lincoln Ave remains green. When the Left Turn signal for the LR entrance allows left turns, all traffic (including HR traffic turning right) must stop for cars turning left to turn into the LR driveway. The cars waiting between the proposed signal at the LR entrance and signal at LR exit (which will be moved 80 feet west/downhill) will have 408 feet (or 20 cars) waiting on red. Will the right turn lane going uphill be 408 ft long and impede bicycle lanes and emergency vehicles? Or will it be 200 ft long and allow 10 cars to turn right and the associated HR traffic behind it to sit behind it at the red signals?
  - c. Alida Ave is the closest side street to the LR exit and has an existing Stop sign. The 297-ft distance would allow 14 cars to move or stop before the LR exit signal. However, because Lincoln Ave has the right of way at Alida, cars trying to turn left from Alida to Lincoln may be effectively blocked from doing so unless cars going uphill on Lincoln leave a space. This also creates a hazard as cars going downhill on Lincoln (which declines steeply at Alida) will not be expecting to stop or slow to allow a car to turn left unless there is a Stop sign or signal added to Lincoln at Alida.
  - d. Like Alida Ave, Burlington St, a cul-de-sac with approximately 34 homes, has a Stop sign at Lincoln that also requires them to make unprotected left turns during morning school and work commute hours. The 301 feet between Alida and Burlington would allow for 15 cars to queue to leave an opening for cars to enter and exit Burlington. Again, that does nothing to solve their difficulty with turning left when traffic is heavy going east and west and they do not have right-of-way. The short distance between

Burlington St and Tiffin Rd as cross streets of Lincoln allows four or five cars to wait between them at the existing 4-way stop on Lincoln.

- e. Heading east past HR's campus, there are homes sprinkled on Lincoln Ave between 4465 Lincoln Ave and the 4-way Stop at Lincoln & Monterey. Some have short driveways to Lincoln Ave, but the homes at 4715-4771 Lincoln Ave are all recessed in a dead-end that need to be able to enter and exit Lincoln Ave as well. The longest stretch of Lincoln Ave where HR traffic may accrue is the 1423 feet between Lincoln x Monterey 4-way Stop and the existing traffic signal at 4465 Lincoln Ave. That would hold 71 cars. It is hard to imagine that not filling up between the hours of 7:30 - 8:30 AM and 3:00 PM - 4:00 PM if nearly 900 cars and five private buses chartered by HR are waiting at multiple traffic signals and the Oakland Temple Parking Lot on Monterey Rd is no longer used for queuing? Again, it is not clear whether the stretch of Lincoln Ave between 4465 Lincoln and Monterey would remain one lane for through traffic with a parking lane for bikes and emergency vehicles in the current proposal.
- f. If the proposed traffic signals are developed (and/or moved), they must be set to run on sensors or a combination of timers during school hours and sensors during non-school hours. Otherwise, drivers will become increasingly frustrated at non-school hours when they are stopped three times within 700 feet and refuse to stop and race through them creating more danger to other vehicles and pedestrians who may be crossing or driving on an unsignalized portion of Lincoln Ave. This already occurs at 9:00 PM or later when scant traffic makes impatient drivers eager to bypass the two existing red lights at HR with no cross streets.

#### Safety Issues

- a. Fire engines from Oakland Fire Station No. 25 on Butters Dr near Joaquin Miller Rd travel downhill with sirens blaring almost once a day on Lincoln Ave to reach emergency calls toward MacArthur Blvd and Hwy 580. If there is no way for them to use Lincoln Ave between Monterey Rd and Tiffin Rd because cars cannot pull over or are stopped at lights and can't turn on side streets, precious seconds and minutes will be lost during emergencies where OFD is the first responder.

VV-2

- b. Creating a drop-off & pick-up loop at HR South Campus when the majority of classrooms are at the North Campus creates challenges when hundreds of students need to cross the street for their first class. That is why I am not in favor of adding an additional traffic signal with a pedestrian crossing or loop road. Better the students be dropped off at the north side and south sides of Lincoln Ave from personal parked vehicles and reduce the number of pedestrian crossings at the two existing lights. The tunnel may improve pedestrian safety as well as keep traffic flowing on Lincoln, but it needs to be built before Phase 2.

VV-3

- c. HR's emergency procedures request that parents WAIT to pick up students in an emergency so that their vehicles do not overwhelm and prevent travel of emergency services on Lincoln Ave. That goes against every instinct a parent has. If emergency evacuation is needed, HR needs to provide its own buses or use public transportation to evacuate its students to safety, so that the neighborhood is not overwhelmed and neighbors have a chance to flee in a large disaster.

VV-4

#### Alternatives

While I support HR's educational priorities, those must be balanced with the surrounding community's needs and safety.

VV-1

1. If HR wants to add buildings and educational classrooms to the former Lincoln Child Care Center (South Campus) and not increase enrollment, they can keep the two existing traffic signals and/or build an underground tunnel to facilitate crossing between North and South Campuses. They are welcome to add parking to the South Campus as long as all cars enter and exit driveways that head east and require that the campus users wait for right of way rather than demanding that the community wait for right of way.

2. If HR wants to increase enrollment, they need to look for staging areas and drop-offs that do not impede a traffic artery with additional signals. The large institutions to its east and closer to Hwy 13, the Greek Orthodox Cathedral at 4700 Lincoln Ave, the LDS Temple at 4780 Lincoln Ave, the already-utilized-by-HR Mormon Temple parking lot on Monterey Rd, and the stretches of Monterey Road between Park Blvd & Lincoln Ave without homes provide excellent staging areas for HR to run shuttle buses to its campus and for drop-off or pick-up waiting areas to take place off of Lincoln Ave, or at least not create more stop-and-go traffic on Lincoln and surrounding side streets. They also allow for quicker entrance and exit to highways or larger arterial roads like Park Blvd.

I hope I have conveyed the impracticality of bringing nearly 900 vehicles to the HR campus to park or drop-off by effectively turning a public, arterial street into a byway for a private parking lot degrading quality of life and limiting the travel of OFD. That serves no one; worst, the neighbors and residents of Oakland, and less well, the families of HR who sit in traffic five days a week to use their loop road, but now have a 450-seat performing arts center to enjoy a few nights a year.

Thank you for considering the public's feedback.

Sincerely,

Elizabeth Todd  
4107 Lincoln Ave.

VV-5

**Response to Comment Letter VV - Todd, Elizabeth, December 18, 2021****Response to Comment VV-1**

The City of Oakland appreciates the time and thought that has been put into preparation of this comment letter, which includes the commenter's detailed analysis of traffic operations on Lincoln Avenue and perspective the effectiveness of the Loop Road. However, as is indicated in the Master Response to Comment on Traffic Congestion, traffic congestion and/or measures of transportation effects based on level of service metrics of roadway and intersection capacity is no longer a CEQA topic, and was not address in the Draft EIR. The latest CEQA Guidelines from the State Office of Planning and Research (OPR) published in December 2018 require the use of VMT and prohibit the use of LOS or other congestion-based metrics in CEQA documents after July 2020. Accordingly, the Draft EIR correctly does not include a transportation analysis that measures traffic congestion on the roadway, level of service at intersection, travel delay, queue length or any other metric based on a level of service standard for measuring the transportation effects of the Project.

A separately bound non-CEQA Transportation Impact Review (TIR) has been completed for the Project, which does evaluate access and circulation for all travel modes, including a detailed evaluation of access and circulation by automobiles using microsimulation. Information provided in the separate non-CEQA Transportation Impact Review was prepared consistent with the City of Oakland's Transportation Impact Review Guidelines (April 2017). It addresses the Project's consistency with General Plan policies and objectives related to level of service metrics. It will be made available to City decision-makers and the public as part of the City's regular review on the merits of the Project.

**Response to Comment VV-2**

The primary purpose of the proposed Loop Road would be to accommodate all of the School's personal vehicle drop-offs and pick-ups at designated locations within the proposed South Campus, thereby eliminating all personal vehicle drop-offs and pick-ups from along Lincoln Avenue as occurs under current conditions. The effect of this on-site drop-off and pick-up procedure would be to relocate the traffic congestion that this process creates from off of the public street and onto the School's property, thereby relieving Lincoln Avenue of this traffic congestion. With no drop-off or pick-up activities occurring on Lincoln, traffic flow and the ability for emergency vehicles to use Lincoln Avenue would be improved. The "proof" of this concept is fully analyzed in the separately bound, non-CEQA Transportation Impact Review report.

**Response to Comment VV-3**

The City agrees that construction of the proposed underground pedestrian tunnel below Lincoln Avenue to connect the North and South Campuses would reduce at-grade pedestrian crossings across Lincoln Avenue. Until the pedestrian tunnel is constructed, all students being dropped-off or picked-up on the South Campus would travel across Lincoln Avenue at either of the two signalized intersections at the Loop Road entrance and exist. The non-CEQA Transportation Impact Review report recommends several improvements to enhance pedestrian safety at these intersections as part of the final design for the Project, including:

- The crosswalk at the Loop Road outbound driveway should be at least 20 feet wide to accommodate the large number of students walking to and from each Campus
- At both signalized pedestrian crossings across Lincoln Avenue, provide high-visibility crosswalk markings, leading pedestrian intervals where the pedestrians can enter the roadway a few seconds before the automobiles, and bulb-outs at both sides of the crosswalk to reduce the pedestrian crossing distance

**Response to Comment VV-4**

Please see Master Response to Comments on Emergency Evacuation. The Draft EIR recommends measures to be incorporated into the School's Operations and Emergency Preparedness Manual that would substantially offset its contribution of additional people to a potential evacuation scenario. These measures include clearly instructing parents that they are not to attempt to pick up their students at School during an emergency, and in fact would be prohibited from doing so until receiving instructions about when it is safe. This would prevent the overloading of streets near schools by parents attempting to pick-up their children during such an event, which could restrict access by fire personnel and equipment, and potentially block downhill traffic from using both lanes for evacuation.

**Response to Comment VV-5**

These comments and preferences for alternatives to the project pertain to traffic operations, which are not a topic addressed under CEQA. Please see Master Response to Comments on Traffic Congestion. The commenter's views on the impracticality of the Project as proposed will be provided to City decision-makers for their consideration.

## **Letter WW - Urbano, Kimberley, December 2021**

Head Royce School Planned Unit Development Permit Project DEIR

Acting Planner III Courtney Brown,

My name is Kimberley Urbano. I have been a resident at 4229 Linnet Ave since 1985. My home is adjacent to Head Royce's property and to the proposed school loop, performing arts center, and amphitheater. Please find below a preliminary list of my questions and concerns regarding Head Royce's Planned Unit Development Permit Project DEIR:

### **SCHOOL LOOP QUESTIONS AND CONCERN**

- How does Head Royce plan to control the exhaust and pollution generated from the school loop?
- What hours will the school loop be utilized by Head Royce?
- How much time will Head Royce allow for each pick-up?
- What does Head Royce plan to do about traffic congestion along the school loop as well as on Lincoln Ave?
- During construction, how will Head Royce mitigate the debris during the construction of the school loop?
- What materials will the school loop be made from?
- How close will the school loop be to adjacent property such as my home address?
- How will the noise and other nuisances from moving cars be contained from the residential area?

WW-1

WW-5

WW-6

WW-7

### **PERFORMING ARTS CENTER AND AMPHITHEATER QUESTIONS AND CONCERN**

- What will be the capacity for the performing arts center and amphitheater?
- What will be the hours of usage for the performing arts center and the amphitheater?
- What is the length of time for the construction of the performing arts center and the amphitheater?
- If the performing arts center and the amphitheater will be open to the public, how will Head Royce control any crime or criminal actions that may transcend into the surrounding residential neighborhood?
- When there are events at the performing arts center and the amphitheater, where will people be parking when in attendance?
- What type of events will be held at the performing arts center and the amphitheater?

WW-2

### **LINNET AVE CONTINUING GATE CLOSURE QUESTIONS AND CONCERN**

- With new construction, will Head Royce ensure that the gate at the end of Linnet Ave will remain closed per their existing agreement?

WW-3

### **TUNNEL CONSTRUCTION QUESTIONS AND CONCERN**

- How does Head Royce plan to control the environment effects (such as flooding, erosion, etc.) from the tunnel excavation for all of the downhill houses of the residential neighborhood that are greatly impacted from water damage?

WW-4

## **Response to Comment Letter WW - Urbano, Kimberley, December 2021**

### **Response to Comment WW-1**

Please see Master Response to Comments on the Loop Road Design, Impacts and Intended Operation, and specifically the section on Potential Impacts Attributable to the Loop Road.

As indicated in the Draft EIR (page 15-21), during construction of the Loop Road, that construction will result in debris and waste. Pursuant to SCA Utilities-5: Construction and Demolition Waste Reduction and Recycling, the Project applicant will be required to prepare and implement a Construction and Demolition Waste Reduction and Recycling Plan, specifying the methods by which construction will provide for the diversion of construction and demolition debris from landfill disposal, in accordance with current City requirements.

Residences adjoining the proposed Loop Road are generally as close as about 50 feet to the centerline of the Loop Road. Using the Project's large-scale Grading Plan, the measured distance from the home at 4229 Linnet Avenue to the centerline of the Loop Road is approximately 34 feet, as is the home across the street at 4228 Linnet Avenue. The home at 4228 Linnet Avenue was used in the noise analysis as Receptor R4, and all noise effects of the Loop Road and other Project-generated noise sources as measured at Receptor R4 would be the same at 4229 Linnet Avenue.

### **Response to Comment WW-2**

As indicated in the Draft EIR (page 13-34), "regular performing art classes and certain Special Events would be held indoors at the Performing Arts Center during both daytime and evening hours. No nighttime (10:00 pm to 7:00 am) events, classes or activities are proposed. Daily use of the facility would include band, orchestra, dance, and choir practice, all without amplification. It is anticipated that 25 classes would be held in the facility per day, spread between 5 classrooms, each having 30 to 40 students and a teacher. As currently permitted, the number of special events at the Head Royce Campus may include up to 43 evening Special Events (held between 7:00 pm to 9:30 pm). The School may also hold 27 daytime Saturday Special Events (held between 9:00 am to 6:00 pm), 5 Saturday evening Special Events (held between 6:00 pm to 9:30 pm), 5 daytime Sunday events (held 9:00 am to 6:00 pm), and 5 single-day weekday summer events (held 9:00 am to 6:00 pm), for 85 total events per year. It is not currently known how many of these events would occur at the Performing Arts Center Building versus other locations throughout the Head-Royce School campus. If ultimately accepted by the City as a Condition of Approval, Mitigation Measure Noise-3B, Special Event Notifications and Restrictions pertaining to School-sponsored Special Events requires that all evening events at the Performing Arts Center be completed by 9:00 pm, with all post event gatherings, event traffic and exterior clean-up activities completed by 10:00 pm. All conditions of approval would include monitoring and/or reporting provisions.

The Draft EIR (page 13-24) identifies that daily use of the Commons would include up to two school classes occurring simultaneously within this outdoor space. With two classes, activities would involve two teachers and up to 30 total students speaking at normal voice levels during school hours (8:30 am to 3:30 pm).

Approximately five 1-hour long class periods per day are anticipated, with two classes occurring simultaneously during all periods. Use of the Project's Commons area for Special Events is limited to school graduation ceremonies and school promotion events, or 3 events per year. Approximately 800 to 1,000 people are anticipated to attend future upper school graduations.

Please see Master Response to Comments on No Community use of the Performing Arts Center Building.

### **Response to Comment WW-3**

At Linnet Avenue, which ends in a cul-de-sac near the south Campus fence, there is currently a gated emergency access point to South Campus, but no through traffic is allowed. To maintain emergency access to

the South Campus for fire trucks, ambulances, etc., the Project intends to maintain this gate as-is, to be used only for emergencies.

#### **Response to Comment WW-4**

As indicated on page 8-29 of the Draft EIR and pursuant to SCA Geo-1, Construction-Related Permits, tunnel construction will require applicable permit approvals issued by the City of Oakland. Tunnel construction will be required to comply with all standards, requirements and conditions contained in the City's construction-related codes, including but not limited to the California building Code (CBC), the Oakland Building Code and the Oakland Grading Regulations. These regulations ensure structural integrity and safe construction, including industry standards for seismic structural design as included in the most recent version of the CBC.

Different regulatory requirements may apply to the tunnel's potential de-watering process, depending on the volume and pollutant loads of non-stormwater discharges associated with dewatering. Pursuant to SCA Hydro-2: State Construction General Permit, the Project applicant will be required to comply with all regulations and requirements of a Construction General Permit issued by the SWRCB. De-watering may be discharged to the stormdrain system pursuant to a Construction General Permit, provided a permit from the City (as the local sewer agency) is obtained prior to such discharge. If dewatering is not permitted pursuant to the Construction General Permit, then a statewide low-threat discharge Waste Discharge Requirements (WDR) or a site-specific NPDES permit may be required. Best Management Practices (BMPs) will be required and incorporated into individual SWPPPs and other permits prior to approval of grading permits, providing an acceptable level of water quality and downstream water flow protection.

#### **Response to Comment WW-5**

The Project is required to comply with SCA Aesthetics-2: Lighting, which requires that all proposed new fixtures for exterior lighting be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties. With shielding of light standards, the light source would only cast lightning downward toward the surface where lights are needed, and not in all directions "spilling" onto adjacent properties or lighting the night sky.

#### **Response to Comment WW-6**

All construction activity associated with the Project, including construction staging, will occur on-site only, with no closure of Lincoln Avenue. Similar to all construction projects in the City, the Project will be required to prepare and submit a construction management plan (CMP). The CMP will be subject to approval by the Bureau of Planning, Bureau of Building, the Fire Department, Department of Transportation, and the Public Works Department. The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

#### **Response to Comment WW-7**

The Draft EIR does not address potential legal concerns related to property liability.

**Letter XX - Vance, Robert, December 19, 2021**

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**From:** Robert Vance <vance.robertalan@gmail.com>  
**Sent:** Sunday, December 19, 2021 10:28 PM  
**To:** Brown, Courtney  
**Cc:** Tova Vance  
**Subject:** Head Royce School Planned Unit Development Permit Project DEIR Comments

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hi Courtney,

I am writing to submit my comments to the DEIR for the Head Royce School Planned Unit Development Permit Project. We are neighbors at 27 Alida Ct. and are adjacent to the property.

My first concern is that the project does not adequately address stormwater runoff. During large storms, water flows from the proposed site into our property and causes erosion. The proposed development must capture all runoff and properly direct it to the city's storm drain system. The design must plan for future large storms, including a 100-year (1% annual probability) storm event.

XX-1

In addition, I am concerned about the evacuation plan. Where in the DEIR is the plan for evacuating 1250 students, plus staff and faculty, in coordination with the surrounding neighborhood? Maintaining access to Highway 13 and I-580 via Lincoln Ave. is critical during any emergency that requires evacuation.

XX-2

Finally, I want to ensure that coordination with AC Transit is included in the plan. I request that the school to provide financial support for additional bus service on Lincoln Ave to increase the frequency of Line 39 and serve more commute and weekend trips to connect with Fruitvale BART and Macarthur Blvd.

XX-3

Thank you for the opportunity to add my comments.

Best regards,  
Robert

Robert Vance  
27 Alida Ct, Oakland, CA 94602

## **Response to Comment Letter XX - Vance, Robert, December 19, 2021**

### **Response to Comment XX-1**

The Neighborhood Steering Committee retained a third party consultant Clearwater Hydrology, to conduct a peer review of the hydrology information in the Draft EIR. Clearwater Hydrology's independent review concurs that 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 up-gradient bioretention area, should alleviate surface flooding issues for the Alida Court properties. Clearwater also concurs that these improvements should also reduce the volume of water infiltrating into the terrain up-gradient of the Alida Court backyards, and will likely reduce groundwater seepage problems historically experienced at the Alida Court properties. Clearwater Hydrology's concurrence is predicated on the final design of the Loop Road as incorporating a standard curb and gutter system. The Project's proposed Loop Road will be designed and constructed to City of Oakland design standards. These design standards may require a standard 6" curb face with 18" gutter, an 8" curb, or rolled curb. The final design will be determined by the Design and Construction Services Department of the City of Oakland Public Works Agency, but in all cases must accommodate the designed drainage flow, based on City design standards, which are based on a 10-year peak storm event.

### **Response to Comment XX-2**

Please see Master Response to Comments on Emergency Evacuation.

### **Response to Comment XX-3**

Comment noted. AC Transit currently operates three dedicated school bus routes (604, 605, and 606), as well as a non-dedicated bus route (39) that runs all day to connect Head-Royce to the Fruitvale BART station and Skyline High School. Students are eligible for the AC Transit 31-Day Clipper Youth bus pass, which costs \$30/month for unlimited local rides. Students can also ride AC Transit without a pass by paying \$1.10 per ride.

**Letter YY - Wake, Victoria, December 20, 2021**

December 20, 2021

Courtney Brown  
City of Oakland, Planning and Building Dept.  
Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
Email: [cbrown@oaklandca.gov](mailto:cbrown@oaklandca.gov)

Subject: Head-Royce School Planned Unit Development Project DEIR Comments

Dear Ms. Brown:

I would like to comment on this DEIR, particularly the Transportation section.

- Although CEQA rules say that Level of Service (LOS) cannot be used as a measure of environmental impact, the Planning Department needs to study, quantify, and evaluate traffic congestion as a factor in this project. I understand that this would be separate from the CEQA process. I tried to find out if the City was indeed doing this work but did not get a response to my query.
- The DEIR concludes that there will be no significant transportation-related impacts of Head-Royce School's (HRS) expansion because the average vehicle miles travelled (VMT) by students, faculty, and staff will remain more or less the same as it currently is. But this is akin to hocus pocus: By this method, you could as easily increase the school population tenfold and come to the same conclusion via the simple miles-divided-by-vehicles math. But it doesn't capture reality. To say that increasing the VMT from 28,300 to 38,870 has no effect is nonsensical. To say that hundreds more daily vehicle trips has no effect is nonsensical.
- The DEIR does not address the operation of the proposed loop road, including: how many vehicles will be using it per hour; how long will it take a vehicle to travel the loop road at peak hour; how long will vehicles be idling in place adjacent to the homes that border the road; will parents, in fact, use this loop road, especially if they see it as inconvenient and slow; how will the signals on Lincoln Ave. be timed to ensure that non-school vehicles can pass through without undue delay.
- Three traffic signals in such a short stretch of public roadway that doesn't have true intersecting traffic seems excessive and I wonder if it falls outside norms and best practices for traffic management.
- HRS's current evacuation plan in an emergency appears to have many inadequacies that could make for a real catastrophe, including: assuming that

parents will wait at a significant distance (it would have to be fully away from any egress routes) until notified by the school to come, and then approach in order of grade level, seems to be unworkable; not having a pedestrian evacuation plan as part of the expansion plan (and part of the school's existing protocols) seems a significant oversight.

Thank you for considering my comments.

Victoria Wake  
2445 Carmel Street  
Oakland, CA 94602  
[vwake2445@gmail.com](mailto:vwake2445@gmail.com)

YY-1

YY-2

YY-3

YY-4

## **Response to Comment Letter YY - Wake, Victoria, December 20, 2021**

### **Response to Comment YY-1**

Please see Master Response to Comment on Traffic Congestion. A separately bound non-CEQA Transportation Impact Review (TIR) has been completed for the Project, which does evaluate access and circulation for all travel modes, including a detailed evaluation of access and circulation by automobiles using microsimulation. The information provided in the separate non-CEQA Transportation Impact Review was prepared consistent with the City of Oakland's Transportation Impact Review Guidelines (April 2017). The TIR addresses the Project's consistency with General Plan policies and objectives related to level of service metrics, and it will be made available to City decision-makers and the public as part of the City's regular review on the merits of the Project.

### **Response to Comment YY-2**

The conclusion that the Project's VMT impacts would be less than significant is not based on average vehicle miles travelled being more or less the same as it is currently. The threshold used in the Draft EIR is whether the Project will reduce VMT by 15% as compared to VMT that would otherwise occur under current City requirements. The Project would cause substantial additional VMT if it exceeds the existing VMT per school population, assuming a 30 percent non-single occupant vehicle mode share [i.e., the School's current TDM Plan requirement], minus 15 percent.

All of the City's VMT thresholds (based on recommendations by the State Office of Planning and Research) that are applicable to residential, office and retail projects rely on a per-person or per-employee metric to measure VMT. Measuring VMT on a per capita basis favors development and transportation infrastructure that supports multimodal connections, thereby improving mobility and providing choices for people other than automobiles. The School's 30% TDM requirement and its approximately 60% single-occupant vehicle trip reduction rate in 2019 are a function of the availability of transportation infrastructure (i.e. public and private buses) and transportation demand management systems (i.e., carpooling) that support multi-modal transportation.

### **Response to Comment YY-3**

Please see Master Response to Comment on Traffic Congestion, and the separately bound non-CEQA Transportation Impact Review report.

### **Response to Comment YY-4**

Please see Master Response to Comment on Emergency Evacuation.

**Letter ZZ - Wessling, Tim, December 17, 2021**

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**From:** Home <crownwessling@gmail.com>  
**Sent:** Friday, December 17, 2021 12:22 PM  
**To:** Brown, Courtney  
**Cc:** Anne Purcell  
**Subject:** Head Royce Expansion Preliminary EIR

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

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Good morning,

I am a 30 year neighbor of Head Royce school residing on Linnet Avenue and I have some concerns about things contained and things not addressed in the DEIR. I recognize you are probably a busy individual so I will try to be brief. My first area of concern is traffic. I have been stuck in the Lincoln Avenue traffic jam more times than I care to remember and the DEIR leaves some big questions unanswered. The loop road around the South Campus isn't scheduled to be constructed until phase 3 of the project, so what plan is there for mitigating the impact of even more vehicles? Part of the problem is there are two different numbers given for student population increases. One indicates the increase will be approximately 100 students added per phase of the project and in another area it says 20 children per year would be added. Using the second number given, it should take 17 years to add all the children. How does this work? Does that mean it's going to take 17 years to complete this project? Either way, it adds more vehicles to the existing traffic mess on Lincoln without any action taken to alleviate it.

My second concern is the noise from construction and its impact on the neighborhood. The suggestion in the EIR that sound levels will be minimal is ridiculous. Construction noise is frequently audible from several blocks away. The distance given from the proposed theater to the property line at Linnet Avenue is given as 55 feet. My neighbor across the street from me is at close to 70 feet and I can clearly hear it if they have guests for dinner, how can it be reasonably expected that construction noise won't be a constant nuisance?

Finally, who thought it would be a good idea to add two more performance spaces to a school that already has two, in a residential area? I am a retired stagehand, I spent 40 years working in theater, ballet, opera, rock concerts, film and television and I almost laughed when I read the claims made about those two spaces. It's claimed that "The Commons" a nice way to name an outdoor amphitheater will have sound reinforcement that will only point uphill. Has the person who wrote that ever attended a live outdoor performance? It may be directed, but as someone who has worked over 100 live events in his career I can assure you that sound goes where it wants to go. Wind, temperature and humidity all affect how sound waves travel, not desire and hope.

Finally, how can the claim be reasonably made that the theater will only have one delivery per day and during daytime hours only? If an outside event needs to bring support items with them will they only be able to remove those items the next day? And if they have more than one truck of items, does that mean they can only do one delivery a day? And what if concession items need to be brought in? Does this mean it could take half a week to bring in one show? The last time I worked a touring production of Cats at The Orpheus Theatre in San Francisco it took one day to bring in scenery, props, costumes and lighting. Granted, it was a crew of skilled, union stagehands but it takes multiple trips and when the performance is over an outside event is going to want to take out what they brought with them.

I think this needs to be more fully thought out before agreeing to green light the EIR. Thank you for your time.

ZZ-1

ZZ-2

ZZ-3

ZZ-4

Tim Wessling  
4200 Linnet Avenue  
Oakland 94602

" Enjoy every sandwich "  
Warren Zevon

**Response to Comment Letter ZZ - Wessling, Tim, December 17, 2021****Response to Comment ZZ-1**

The phasing for the Project works as follows (as described in the Draft EIR Project Description):

- The physical changes under Phase I include demolition of a majority of the existing buildings; restoration and rehabilitation of Buildings 0, 1, 2 and re-use of these three buildings for classroom and/or School administrative purposes; improvements for outdoor School-related spaces; and tree removal and landscaping as necessary to implement those physical improvement. Phase I does not include any increased enrollment at the School beyond the current cap.
- The physical changes under Phase II include construction of the Loop Road and drop-off and pick-up locations; new/relocated traffic signals along Lincoln Avenue with pedestrian crossing of Lincoln on at-grade crossings at the relocated traffic signals; an incremental increase in parking spaces; and more tree removal and landscaping. The Phase II improvements would be combined with an increased enrollment cap of 144 additional students, to a new student enrollment cap of 1,050.
- The physical changes under Phase III include the pedestrian tunnel under Lincoln Avenue; the Performing Art Center Building; and additional parking spaces. The Phase II improvements would be combined with an increased enrollment cap of 200 more additional students, to a new student enrollment cap of 1,250.

Enrollment increases are proposed to occur in increments of no more than 20 additional students each year, up to the maximum permitted enrollment of 1,250 over an approximate 17 to 20-year period. This would be the fastest growth rate permissible for the Project. However, if the School never reaches Phase II, there would be no increase in enrollment. Similarly, if the School never reaches Phase III, enrollment would remain capped at Phase II enrollment of 1,050 students. Only with Phase III improvements would the school be able to reach beyond the 1,050-student cap, no matter how many years that might take.

The City anticipates that the School will initiate Phase II, including the Loop Road, soon after approvals for the Project (if approved).

**Response to Comment ZZ-2**

Please see master Response to Comments on Noise, specifically the section on CEQA Noise Thresholds.

**Response to Comment ZZ-3**

The two venues this comment refers to are the Commons and the Performing Arts Center. The Commons is an outdoor area where student can congregate and small outdoor classroom activities can occur, and at the end of the School year, up to three outdoor graduation ceremonies would occur. Other than the graduation ceremonies, it is not intended as a performance venue. The purpose of the Performing Arts Center would be to provide new space for the School's theater, dance and music groups with practice, performance and classroom space. It will also 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. Please see Master Response to Comments on No Community use of the Performing Arts Center Building.

The City appreciates the commenter's expertise on sound amplification. The only large outdoor events proposed to occur on the South Campus are the three outdoor graduation ceremonies at the end of the School year. Even with variables of wind, temperature and humidity, the three different acoustic consultants that considered noise from these graduation events concurred that noise from these events could be substantially reduced with a different speaker design configuration that is not simply directed upward and across the seated attendees (and similarly directed uphill toward Camellia Place) from the front of the stage.

**Response to Comment ZZ-4**

Please see Master Response to Comment on No Community Use of the Performing Arts Center. The performances to be held at the Performing Arts Center building are school performances only, primarily relying on staging, props, costumes, etc., that are built or brought to school by the students, from the classroom space within this building or the adjacent Buildings 0, 1 or 2. The School is no longer proposing to provide a loading dock for this building, given the relatively small amount of deliveries that are anticipated.

## Letter AAA - White, Thomas, December 12, 2021

**From:** Thomas White <tom\_joan@sbcglobal.net>  
**Sent:** Sunday, December 12, 2021 11:58 AM  
**To:** Brown, Courtney  
**Subject:** Head Royce School Planned Unit Development Permit Project DEIR Comments

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Below is a list of some of my concerns:

1. Tunnel - construction
2. Loop road
3. Noise
4. Emergency evacuation plan
5. Parking

I live at the corner of Alida St and Linnet Ave and use Lincoln Ave as a main artery on a daily basis. I am concerned by the magnitude of the project proposed by Head Royce and the impact it will have on our residential neighborhood during the construction period and after.

There is mention of the possibility of using explosives to construct the tunnel. Can you expand on the safety measures during tunnel construction? Was the pedestrian bridge over Lincoln Ave explored as an option and compared in terms of the disruption to Lincoln Ave infrastructure and safety during construction?

During early meetings with the neighborhood HR stated intentions of using the loop road for drop off and pick up of all 1,250 students. Is that still part of the proposal? The loop road will be significantly closer to the houses at the top of Linnet Ave than the 50 ft stated in the DEIR. This will cause a significant impact on our homes and lifestyles by noise, pollution, erosion both day and night. In addition if the gate at the top of Linnet remains there will no benefit to our street by a sound wall. Considering the close proximity of the road to the houses at the top of Linnet and the emergency gate what mitigation's are being considered to protect our homes and quality of life?

I did not see any mention of staging pick up and delivery as is done now to help control the number of cars allowed on Lincoln at a time for drop off and pick up. What is the plan? What impact will the addition of a third traffic signal light add in slowing down traffic, allowing for turns onto the south campus? Will all three traffic signals operate 24/7 on the same timing? Or can we have a school in and school out schedule?

Noise is a huge concern from school activities, drop off and pick up, construction, and potentially after hours events. This is totally out of scale for our neighborhood. Other churches/businesses are significantly further away from private residents and have far less "events" than proposed by Head Royce. The Greek Church has one and Mormon temple 0, the Agility center has one or two daytime events per year.

I am especially concerned with the prospect of a conditional use permit to allow the community use of the performing arts center for non-school community sponsored events. This was not what was presented in meetings with the planning commission and totally unfair for the neighborhood.

I would like more information on the plan for wildfire and emergency evacuation. Why did the school choose an assistant professor from Canada? What local experts, who may be more familiar with our area, were considered? However even he concedes that the current evacuation plan is insufficient. What is the plan when the neighborhood, Mormon temple and Greek church population is added to the mix?

Parking, on any given school day currently there are 25 cars parked on the uphill side of Lincoln Ave. The proposal mentions increased parking from 283 spaces to 344 to accommodate an increase of over 370 not counting additional staff and faculty. How is 51 additional spaces adequate when there is not enough spaces for the current student/faculty population? What is the parking plan during the construction phase of the project? How will the neighborhood be impacted?

AAA-7

Thank you in advance for addressing my concerns.

Kind regards,

Joan White  
2472 Alida Ave

AAA-1

AAA-2

AAA-3

AAA-4

AAA-5

AAA-6

## **Response to Comment Letter AAA - White, Thomas, December 12, 2021**

### **Response to Comment AAA-1**

The Draft EIR does not mention blasting for construction of the tunnel. It is anticipated that tunnel construction will be accomplished using a “jacked box” method, which involves advancing a precast/cast-on-site concrete box along the tunnel alignment by pushing it into the ground with hydraulic jacks. The box structure is typically open faced with a beveled steel cutting shield at the front end. As the box is advanced into the ground, excavated material is removed from inside the box. If large blocks or boulders are encountered, overcutting ahead of the box can be implemented to remove potential obstructions and aid in reducing jacking loads. Construction of a jacked box is not anticipated to produce vibration levels that would adversely affect nearby residential or Head-Royce School structures. The jacking processes would involve slow advancement of the tunnel using hydraulic equipment. Excavation of the ground in front of the advancing box will be by hydraulic excavator-type equipment. Vibrations from this equipment would be similar to those generated from typical roadway construction.

### **Response to Comment AAA-2**

Please see Master Response to Comments on Loop Road Design, Impacts and Intended Operations, and specifically the section on Potential Impacts Attributable to the Loop Road.

### **Response to Comment AAA-3**

Please see Master Response to Comments on Loop Road Design, Impacts and Intended Operations, and specifically the section on Changes in the Drop-off and Pick-up Procedures. Please also see Master Response to Comments on traffic Congestion.

### **Response to Comment AAA-4**

Please see Master Response to Comments on Noise, specifically the sections on Operational Noise Sources and Impacts.

### **Response to Comment AAA-5**

Please see Master Response to Comments on No Community Use of the Performing Art Center Building.

### **Response to Comment AAA-6**

Please see Master Response to Comments on Emergency Evacuation, and specifically the section on Adequate Expert Analysis.

### **Response to Comment AAA-7**

Please see Master Response to Comments on Traffic Congestion. As indicated in that Master Response, traffic congestion, parking and/or measures of transportation effects based on level of service metrics of roadway and intersection capacity is no longer a CEQA topic, and was not address in the Draft EIR. A separately bound non-CEQA Transportation Impact Review (TIR) has been completed for the Project, which does evaluate access and circulation for all travel modes, including a detailed evaluation of access and circulation by automobiles using microsimulation, as well as parking. The information provided in the separate non-CEQA Transportation Impact Review was prepared consistent with the City of Oakland’s Transportation Impact Review Guidelines (April 2017). The TIR addresses the Project’s consistency with General Plan policies and objectives related to level of service metrics. It will be made available to City decision-makers and the public as part of the City’s regular review on the merits of the Project.

All construction activity associated with the Project, including construction staging and parking, will occur on-site only, with no closure of Lincoln Avenue. Like all construction projects in the City, the project will be required to prepare and submit a construction management plan (CMP). The CMP will be subject to approval

of the Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department, Department of Transportation, and the Public Works Department. The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

**Letter BBB - Wong, Karen and Steve, December 15, 2021**

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**From:** Karen Wong <kwong55@aol.com>  
**Sent:** Wednesday, December 15, 2021 10:49 PM  
**To:** Brown, Courtney  
**Subject:** Head Royce School DEIR

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Ms. Brown:

We live at 65 Camellia Place, Oakland, 94602, located at the top of our cul-de-sac and wanted to let you know the impact that the proposed expansion of Head Royce School will do to our neighborhood.



National Night Out on Laguna & Charleston Streets



View from our street, Camellia Place



Our house atop the cul-de-sac on Camellia Place

We have lived here for over 35 years, as my husband, Steve and his family built this home in 1965 and when his mother passed away, we moved here in 1987. We have enjoyed the peace, tranquility and view from our home and to have that peace and tranquility be disturbed by the proposed expansion is upsetting especially during this time of uncertainty with the pandemic. Crime has increased in Oakland, even in our neighborhood, where cars are broken into and others wander into our neighborhood looking for trouble.

I understand that Head Royce is looking to increase enrollment which would burden Lincoln Avenue with more of a bottle neck during the morning drop off and afternoon pick up and create a hazard for emergency vehicles to pass through. We try to avoid

Lincoln Avenue between Alida Avenue and Monterey Boulevard during those times.

The proposed entertainment center would create more noise, more traffic, more crime in our area. The amphitheatre/commons area would also create more noise.

BBB-1

For building these new structures would also require demolition and construction and cause noise, traffic and danger in our neighborhood.

BBB-2

How can we feel safe in our peaceful neighborhood, when Head Royce wants to expand into our neighborhood, disturbing our peace, safety and serenity during this period of stress from the pandemic. If you look at our neighborhood, added traffic would cause safety issues, especially during emergencies or evacuations.

BBB-3

Please consider that this pandemic has caused more people to work from home, more crime on our streets and more traffic and to allow the school to expand into our neighborhood, would cause more safety and noise issues.

Sincerely,  
Steve and Karen Wong  
65 Camellia Place

## **Response to Comment Letter BBB - Wong, Karen and Steve, December 15, 2021**

### **Response to Comment BBB-1**

The proposed 'entertainment center' is the School's Performing Arts Center building, which is intended to provide new space for the School's theater, dance and music groups with practice, performance and classroom space. It will also be a place for the School to hold assemblies, concerts, meetings and host speakers. Please see Master Response to Comments on No Community Use of the Performing Arts Center Building.

The other 'amphitheater' that this comment refers to is the Commons, proposed as an outdoor area where students can congregate and small outdoor classroom activities can occur, and at the end of the School year, up to three outdoor graduation ceremonies would occur. Other than the graduation ceremonies, the Commons is not intended as a performance venue or amphitheater.

### **Response to Comment BBB-2**

Please see Master Response to Comments on Noise, specifically those sections on Sensitive Receptors and Construction Noise Thresholds, Construction Noise Impacts and Construction Noise Mitigation.

### **Response to Comment BBB-3**

Please see Master Response to Comments on Traffic Congestion and Emergency Evacuation.

**Letter CCC - Young, Karen, December 20, 2021**

December 20, 2021

Via E-mail cbrown@oaklandca.gov

Courtney Brown  
City of Oakland, PBD Development Planning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612  
Attn. Head Royce School Planned Unit Development Project DEIR Comments

RE: Head-Royce School Planned Unit Development Project DEIR Comments

I am a resident of Oakland who lives on the corner of Potomac Street and Laguna Avenue. I have been here for 28 years, during which time I have been subjected to the problems caused by Head-Royce School (HRS) as it has grown from fewer than 300 elementary school kids to a K-12 school with almost 900 students. I chose to live here because my son could walk to Sequoia Elementary and Brett Harte Middle School. My home is located three-quarters of a mile from Head-Royce. No one living in this neighborhood and distanced from the school could have predicted Head-Royce's extreme growth plans. I didn't foresee that Head-Royce would be sending hundreds of cars a day streaming past my home and worse yet, even more buses and cars over-taking Lincoln Avenue. This is my response to the Draft Environmental Impact Report (DEIR) regarding the school's proposed expansion project.

**Transportation**

The DEIR Transportation Section 14 is flawed, conflicting, vague, inadequate, incomplete, and based in large part on unvalidated, outdated and arguably inaccurate data, i.e., unsubstantiated information supplied by Head-Royce School. Not only do sources of the data demonstrate a blatant conflict of interest, but the conclusion that the project will have "less than significant" impact on transportation and traffic contradicts even the data included in the report.

- 1. Why does the DEIR contain "Appendix 14 (amended as Chapter 14 of this EIR)"?** This title makes no sense. This Appendix is a Draft Memorandum from Fehr & Peers dated April 30, 2020. It is confusing as to what it applies to the DEIR text.

- 2. Why doesn't the DEIR include as Appendix 14 the Draft Memorandum from Fehr and Peers dated Feb 17, 2021?**

That document, though more current than the appendix in the DEIR, is missing from the DEIR and has only been disclosed by the City following a public records request by residents.

What is in this document that's different than what's in the DEIR or the April 20, 2020 Memorandum? Three sources of information for the public which have been amended and aggregated, but there is no way to tell what information is amended.

- 3. Is the public supposed to cross-reference Transportation Section 14 of the DEIR and Appendix 14 (amended as Chapter 14 of this EIR) to search for what amendments were made, but not indicated in the text of the DEIR?**

Data in the DEIR also conflicts with its Appendix 14 in terms of sources and dates.

- 4. Data included in the DEIR from the date of 2017 NOP is over 4 years old. Instead of a consistent use of data to reach conclusions, the report selectively uses data from multiple sources and years - 2017, 2018, 2019, 2020 and 2021.**

**Could the next draft of the EIR produce a true picture of overall existing conditions and potential project impacts so the City can reach conclusions based on less speculation, fewer assumptions and more accuracy?**

- 5. New data should have been gathered for the DEIR regarding existing conditions. The February 17, 2021 Fehr & Peers Draft Memorandum states, "As a result (of the pandemic), most in-person activities at Head-Royce School have been cancelled." Not true. HRS re-opened in August 2020 for in-person learning with Covid protections in-place per Alameda County. For an honest evaluation of traffic impact for the DEIR, data could have been gathered from August 2020 forward and presented in the DEIR. All regular school activities ramped-up in the 2020-21 school year.**

The DEIR completely ignores the fact the school was opened in August 2020 with increased use of Single Occupancy Vehicles (SOVs) because of the pandemic. No study was done to include the effects of the pandemic and changes in travel. The subject is simply avoided as "uncertain" and "would be speculative to estimate any long-term or permanent changes." However, the DEIR is rife with data from various years without any study of existing conditions and uses speculative estimates and conjured data about traffic impacts arising from the proposed enrollment increase and South Campus redevelopment.

Lack of data, use of data from multiple outdated pre-pandemic sources, assumptions and estimates contained in the DEIR are in direct conflict with the real, current impacts on Oakland residents who compete to use neighborhood streets and especially Lincoln Avenue, a crucial main artery between I-580 and Hwy 13.

- 6. In the DEIR, why is there no mention of the impact on the Hwy 13 Joaquin Miller/Lincoln off- ramp where HRS drivers line-up and idle while waiting to reach the line of HRS cars snaking through the Mormon Temple parking lot staging line before proceeding to yet another queue-up on Lincoln Avenue?**

HRS drivers cause daily back-ups onto Hwy 13 endangering drivers traveling through at 65 mph on Hwy 13. If the school is allowed to increase its population by 37%, as proposed, there is significant risk these backups, by sheer volume, will become more

dangerous. These backups occur at rush hours for regular commuters as well as HRS drivers. The proposed changes in Lincoln Avenue configuration, particularly the addition of another stoplight, left turning lane, and bus bulb outs could make conditions on this off-ramp even worse. Study of this is missing from the DEIR.

7. The DEIR Figure 1, in Appendix 14 shows 50% of the students, faculty and staff commute from within a 10-mile radius of the school and 86% percent from 20 miles away from the school. There is reference to Zip Codes being used to determine the mode students use to commute to HRS.
8. Did the DEIR use real address data provided directly from HRS and then simply insert zip codes in the GIS software?
9. Did Fehr & Peers validate the addresses of HRS's enrolled and employed population before inputting the data received from HRS?
10. Why isn't there data in the DEIR regarding mode of transportation that was directly sourced by a canvass of the school's population on how they commute to school?
11. If there is any validated, accurate, objective, independently sourced supporting data on travel modes, where is it in the DEIR?
12. In the “Table 14-1: Student and Faculty/Staff Travel Mode Shares” on page 14-7 of the DEIR, every “travel mode” is based on data from a different year. Data was provided directly by Head-Royce counting parking permits issued, and through “observation by traffic monitors.” None of this data was collected by Fehr & Peers or any other independent, objective third party. The conflict is obvious. The table data is quite selective and inadequate to substantiate the legitimacy of total numbers or percentages for meeting the CUP required 30 percent non-SOV mode share. The DEIR says only 35 percent of the total population relies on SOV transportation. However, based on traffic monitoring by Neighborhood Steering Committee (NSC) members who have observed and recorded how many cars travel through the residential streets, Head-Royce’s numbers are not credible. (NSC traffic monitoring car counts and speed observations have been submitted to the Planning Department as part of a DEIR response from the Neighborhood Steering Committee (NSC).
13. In the absence of any data from an objective third-party, are DEIR preparers making VMT assumptions based on the 2016 CUP requirement that HRS reach a 30 percent non-SOV mode share, whether or not the school is actually meeting that CUP requirement? The DEIR on page 14-26 states “the threshold of significance for the project is 15 percent below the VMT per total school population, assuming a 30 percent non-SOV mode share.” That assumption is not justified without accurate data that confirms the school has achieved a 30 non-SOV mode share. Making statements and conclusions about the significance of transportation impacts requires accurate data, not assumptions. The data simply is not in this DEIR to support the school’s contention and Fehr & Peers assumption that HRS is meeting even a 30% non-SOV mode share, let alone that with an increased enrollment the

school could meet non-SOV goals. Extremely speculative on the part of DEIR preparers.

14. Where in the DEIR are the “traffic monitor observations” Fehr & Peers says in the notes on Table 14-1 were provided by HRS that Fehr & Peers says were used to generate the numbers for calculation?
15. Where in the DEIR are traffic reports by DKS that have been submitted to the Planning Department per the 2016 CUP? Those supposedly independent traffic consultant reports don’t have any counts of the number of vehicles or bus riders. The DKS reports have been provided by the NSC in response to the DEIR.
16. Where is the ridership data from AC Transit in the DEIR? This is missing completely. How can ride share mode be calculated without this basic data from AC Transit to Fehr & Peers and the Oakland Planning Department?
17. Where is the HRS TDM strategy and/or plan found in the 500+ page-DEIR? It is certainly worthy of public disclosure and not contained in the Transportation Chapter.
18. If transportation impacts are “less than significant” according to the DEIR, why are there four pages in the Transportation Section concerning the TDM as a mitigation for impacts? Any TDM is only a plan and the behavior of Head-Royce School drivers determines whether or not it works as a mitigation of traffic impacts. So far, the existing TDM is NOT being followed by HRS drivers, with numerous complaints forwarded to Head-Royce without resolution. A plan dependent on human behavior is not an environmental mitigation.
19. What are the specific impacts from HRS traffic and transportation modes that a TDM is supposed to mitigate in this project?
20. If the DEIR preparers contend a TDM will provide traffic impact mitigation, will the City and HRS then monitor and enforce the TDM instead of relying on neighbors to monitor Head-Royce drivers? A TDM without enforcement or accountability can hardly be regarded as impact mitigation.
21. Where in the DEIR can baseline existing conditions regarding the surrounding neighborhood be found, conditions beyond Lincoln Avenue and the HRS gatehouse? On page 14-17, point 2. b – the DEIR says the TDM should include: Baseline existing conditions of parking and curbside regulations within the surrounding neighborhood that could affect the effectiveness of TDM strategies. However, there isn’t a TDM, or a neighborhood baseline traffic study contained in the DEIR.
22. If HRS has devised a TDM strategy to use residential streets to accommodate its needs for parking and transit, why is this strategy not included in the DEIR? If HRS has NO plans to use any residential streets, this should be noted in the DEIR. If

they are proposing to use residential streets, the DEIR should say which streets and for what specific purpose(s).

**23.** The DEIR says on page 14-1 Existing Roadway Network, “Lincoln Avenue provides direct vehicular access to the site.” **Lincoln Avenue is the ONLY roadway with direct access to the project site.**

**24.** Why isn’t the length of the curb space currently occupied by HRS drivers for pick-ups and drop-offs on Lincoln Avenue noted in the DEIR and compared to the length of the proposed internal loop on the South Campus? The question of whether or not the proposed South campus internal loop road can handle even current car volume is not discussed in the DEIR. This is a major missing piece of information in the report.

**25.** It is unclear from the DEIR what the length of the proposed South campus loop actually is. There are conflicting numbers. What is the length of the proposed South Campus loop road?

**26.** Based on this DEIR, is HRS confirming that if this project is approved, going forward all SOV pickups and drop-offs would take place only on the South Campus proposed loop? Yes, or no.

If not, what is HRS proposing for traffic circulation for drop-off and pick-up by SOVs?

**27.** The DEIR is missing the curb-to-curb dimensions of Lincoln Avenue on pages 14-1 and 2 covering the Existing Roadway Network. Those dimensions are critical to the safety of residents and HRS in the event of evacuation or other emergencies. With cars and buses parked on both sides of Lincoln Avenue, it is extremely tight for emergency vehicles. Without inclusion of Lincoln Avenue road dimensions in the DEIR, it is not possible to know if there’s enough space for fire and emergency equipment to get through Lincoln Avenue during pick-up and drop-off. Currently, when any driver is going down Lincoln Avenue at those times, and there is a fire truck behind the driver, there is not enough room for the driver to pull to curb to let the fire truck pass because HRS drivers are lined-up at the curb on both sides of Lincoln Avenue.

**28.** What is the required road width on Oakland hills streets for accommodating fire trucks and other emergency vehicles?

**29.** Will Lincoln Avenue continue to be used with drivers and buses lining up or parking at the curb on Lincoln Avenue?

**30.** Where will buses turnaround?

5

**Regarding Project Alternatives:**

**31.** Did DEIR preparers consider an alternative that would include a parking structure above Lot F on the North campus eliminating the need for a South campus loop road?

**32.** If it wasn’t considered, why not?

**33.** The DEIR states on page 14-22 under Thresholds of Significance: “The project would have significant impact on the environment if it would: 3. Substantially induce additional automobile travel by increasing physical roadway capacity in congested areas i.e., adding new mixed-flow lanes or adding new roadways to the network.”

**Isn’t that what Head-Royce is proposing by adding a stoplight and turnout lanes on Lincoln Avenue and adding a new road running along residential backyards?**

The HRS project as presented in the DEIR encourages car traffic by building an additional road in Oakland (the South campus loop) and allowing continued SOV use of Lincoln Avenue curb space. The alternative of a parking structure on the school’s North campus should be explored to reduce this project’s substantial impact on Lincoln Avenue.

**34.** On DEIR page 14-21, PEV Charging Infrastructure is covered. **Will this project be required to provide electric charging stations? If so, how many and where are they planned for installation?** Yet another encouragement of SOV impact.

**35.** Why did DEIR preparers choose to create a new, complicated, speculative formula using outdated, incomplete and inappropriately sourced data to justify a conclusion that additional automobile travel is less than significant? It only stands to reason that a bigger school has a bigger traffic impact. The tortured VMT calculations in the DEIR are obfuscatory and unconvincing. Burying the public in math creates distrust of the entire DEIR and its conclusions.

**36.** Appendix 14, page 9 says “Since the proposed project is an independent school in a somewhat suburban setting with students from a large geographic area, the City of Oakland’s screening process is not applicable to the project.”

On page 14-22, the DEIR states the Thresholds of Significance “...are not applicable to the proposed Project because of its unique use as a private school with regional draw, and a project-specific VMT analysis with a Project-specific VMT Threshold is required.

**The school is NOT in a “somewhat suburban setting.”** It is located in a dense residential neighborhood. The fact that it’s an “independent” private school is irrelevant in any discussion of the impacts it causes. Exemption of HRS from the City’s processes and

guidelines regarding transportation shows deep inequity between Oakland residents who are required to follow the City's regulations, policies and processes, and special treatment granted to a large, moneyed, private institution.

**Please explain in some detail why DEIR preparers granted HRS exemption from following the City's processes and guidelines in determining significant or less significant transportation environmental impacts.** Where the school is physically located (which is incorrectly described) and what it is (a school, and there are many public and private in Oakland) seem to be the only reasons stated in the DEIR for giving HRS special treatment.

- 37. Could City Planning identify another project in Oakland that has been accorded exemption from OPR guidance and the City's Transportation Impact Review Guidelines and explain why exemption was accorded?**

Thank you for your consideration and response to these comments and questions.

Sincerely,

Karen Young  
Laguna Ave  
Oakland, CA 94602

## **Response to Comment Letter CCC - Young, Karen, December 20, 2021**

This letter numbers each of its questions and comment, so the responses below correspond to the original numbered comments.

### **Response to Comment CCC-1 and 2**

As is indicated in the Master Response to Comment on Traffic Congestion, traffic congestion and/or measures of transportation effects based on level of service metrics of roadway and intersection capacity is no longer a CEQA topic, and was not address in the Draft EIR. The latest CEQA Guidelines from the State Office of Planning and Research (OPR) published in December 2018 require the use of VMT and prohibit the use of LOS or other congestion-based metrics in CEQA documents after July 2020. Accordingly, the Draft EIR correctly does not include a transportation analysis that measures traffic congestion on the roadway, level of service at intersection, travel delay, queue length or any other metric based on a level of service standard for measuring the transportation effects of the Project. Appendix 14 of the Draft EIR (the April 30, 2020 Preliminary Transportation Assessment) provides the data that supports the VMT analysis as presented in the Draft EIR

A separately bound non-CEQA Transportation Impact Review (TIR) has been completed for the Project, which does evaluate access and circulation for all travel modes, including a detailed evaluation of access and circulation by automobiles using microsimulation. The information provided in the separate non-CEQA Transportation Impact Review was prepared consistent with the City of Oakland's Transportation Impact Review Guidelines (April 2017). The TIR addresses the Project's consistency with General Plan policies and objectives related to level of service metrics, and it will be made available to City decision-makers and the public as part of the City's regular review on the merits of the Project. The February 17, 2021 draft memorandum obtained via the public records request is an administrative draft version of that non-CEQA Transportation Impact Review, as clearly stated in the subject line of that memorandum.

### **Response to Comment CCC-3**

The public is welcome to cross-reference data from Chapter 14 of the Draft EIR with data included in Appendix 14. Several comparisons of this information are provided below:

- Table 2 in Appendix 14: Student and Faculty/Staff Travel Mode Shares, is presented in the Draft EIR as Table 14-2. All of the data, references and notes are the same.
- The "Existing" column in Table 7 of Appendix 14: Existing and Buildout Daily Travel Metrics, is presented in the Draft EIR as Table 14-2. All of the data is the same, and the DEIR footnote references the F&P 2020 report.
- The "Project Buildout" column in Table 7 of Appendix 14: Existing and Buildout Daily Travel Metrics, is presented in the Draft EIR as Table 14-5. All of the data is the same, and the DEIR footnote references the F&P 2020 report.
- Table 8 in Appendix 14: VMT per Population Summary is presented in the Draft EIR as Table 14-6. All of the data is the same.

The methodology for calculating VMT based on the current mode share and home ZIP code data as described in Appendix 14 is accurately reflected in the Draft EIR (beginning at page 14-8).

Both the Draft EIR and Appendix 14 indicate the sources of the current travel mode share for Head-Royce School students and faculty/staff. The travel mode share was estimated based on data provided by Head-Royce School, recorded observations by the School traffic monitor in November 2018, data collected by Fehr & Peers along the School frontage in November 2019, and Alameda-Contra Costa Transit (AC Transit) stop-level ridership in Spring 2019. No conflicts with sources or dates are identified.

**Response to Comment CCC-4 and 5**

As noted in the Introduction to Chapter 14 of the Draft EIR, “the analysis was conducted in compliance with City of Oakland Transportation Impact Review Guidelines dated April 2017, as effective at the time of the Notice of Preparation (NOP) of this EIR.” Although these guidelines became effective in 2017, no data from 2017 was used as part of the Draft EIR.

The Introduction to Chapter 14 of the Draft EIR states the following, “In recent months, travel behavior has changed at a global level due to the COVID-19 pandemic. In the City of Oakland and the surrounding areas, travel patterns (both amount and mode of trips) have changed significantly since the “shelter-in-place” order was issued on March 17, 2020. Unless otherwise noted, the existing conditions presented in this section, such as transit schedules and vehicle miles traveled (VMT) data, are based on data collection or observations prior to the start of the pandemic. The impact analysis presented in this section is generally based on the assumption that long-term travel behavior characteristics would be similar to conditions prior to the start of the pandemic, because, at present, the medium- or long-term effects of the COVID-19 pandemic on travel behavior are uncertain and it would be speculative to estimate any potential long-term or permanent changes.”

This assumption about long-term travel behavior remains, as the medium- or long-term effects of the COVID-19 pandemic on travel behavior remain uncertain and it would be speculative to estimate any potential long-term or permanent changes, especially based on current (Q1 2022) conditions, which remain in flux. Please also see Response to Comment B-11, which provides transit ridership data for the School and for AC Transit for the years 2018 through current 2022 conditions, which demonstrate the high volatility in transit ridership over the past several years.

The commenter’s suggestion that new data should have been gathered for the February 17, 2021 Draft Memorandum pertains to the no-CEQA Transportation Impact Review, does not pertain to the Draft EIR or CEQA topics.

**Response to Comment CCC-6**

Please see Master Response to Comments on Traffic Congestion, and Response to Comments CCC-1 and -2. The Draft EIR correctly does not include a transportation analysis that measures traffic congestion on the roadway, level of service at intersection, travel delay, queue length or any other metric based on a level of service standard for measuring the transportation effects of the Project, including these effects at the highway 13/Joaquin Miller/Lincoln Avenue off-ramp.

**Response to Comment CCC-7 through 11**

Yes, the Draft EIR does rely on home addresses for all of its students and faculty/staff as provided by Head-Royce, and that address data was reported based on ZIP code to preserve the privacy of private information. That data was presented as a geographic distribution of students and faculty/staff in Figure 1 of Appendix 14. This comment provides no evidence to support a claim that this information is inaccurate.

**Response to Comment CCC-12**

The information presented in Table 14-1 of the Draft EIR (and Table 2 of Appendix 14) is based on the best available data relative to the mode share:

- Drop-off and pick-up data is based on the Head-Royce School traffic monitor’s observations in November 2018, and confirmed by count data collected by Fehr & Peers (the EIR’s independent transportation consultant) along the School frontage in November 2019
- On-site parking for carpool vehicles is based on the number of students and faculty/staff carpool parking permits issued by Head-Royce School in 2019

- Other on-site parking is based on data provided by Head-Royce School, and a 2019 count of the available on-site parking supply
- Private bus ridership is provided by Head-Royce School, based on 2018 information provided by Michael's Transportation, which operates the dedicated school buses
- Public bus ridership is based on the Head-Royce School traffic monitor observations and confirmed by AC Transit stop-level ridership data from 2019

As indicated, this data has been verified or confirmed by drop-off and pick-up count data collected by the EIR transportation consultant, by the number of parking permits issued by the School, by the School's private bus service, and by AC Transit data.

#### **Response to Comment CCC-13**

Based on this best available data, about 72 percent of the students and 65 percent of the total population (including faculty and staff) relied on non-single occupant vehicles, which substantially exceeded the City's established requirement to meet a 30 percent non-SOV mode share, per the conditions of approval for the School's currently effective PUD permit. As shown above, this data is not speculative.

#### **Response to Comments CCC-14 through -16**

These comments are requesting copies (or proof) of the original source data used by Fehr & Peers and as listed above in Response to Comment CCC-12. This source data is provided as an Appendix to this Final EIR.

#### **Response to Comments CCC-17**

This comment requests a copy of the School's current Transportation Demand Management (TDM) Plan. This current TDM Plan is provided as an Appendix to this Final EIR.

#### **Response to Comments CCC-18 through -20**

As provided in the Draft EIR (age 14-26), "Since the VMT generated by the Project is below the significance threshold, the Project would have a less than significant impact on VMT. Mitigation Measures are not required." The requirements for preparation of a TDM Plan are presented in (4 pages of) the Regulatory Section of the Transportation Chapter of the DEIR as Standard Conditions of Approval (or SCA), and apply to all projects generating 50 or more net new a.m. or p.m. peak hour vehicle trips.

As indicated in SCA Transportation-4, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR achieved by the project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.

#### **Response to Comments CCC-21 and 22**

Parking is not a CEQA topic and so is not addressed as either an impact or a baseline condition in the Draft EIR.

#### **Response to Comments CCC-23**

Comment noted. Lincoln Avenue provides direct vehicular access to the site, and is the only public street providing access to the site.

**Response to Comments CCC-24 and 25**

The Project's frontage along the south side of Lincoln Avenue is about 470 feet long, and the drop-off zone on the north side of Lincoln (the red-painted curb) is about 600 feet long, or a total current drop-off/pick-up length of 1,070 feet. The length of the Project's proposed Loop Road is measured at 1,580 feet, plus additional queue space within the easterly parking lot near the Loop Road entrance of 770 feet, plus 250 feet of additional queue space at the westerly drop-off near Building 2, for a total drop-off a/pick-up length of 2,600 linear feet. Please see Master Response to Comments on Loop Road Design, Impacts and Intended Operations.

**Response to Comments CCC-26**

No, the EIR cannot confirm, on behalf of the School, anything. As indicated in Master Response to Comments on Loop Road Design, Impacts and Intended Operations, provision of the Loop Road would enable the School to eliminate its directed use of Alida Street and Maiden Lane for personal vehicle turnarounds onto Lincoln Avenue. Instead, all School-directed drop-offs and pick-ups will occur internal to the proposed south Campus. The School will need to revise its Transportation Policy Guide to help ensure that the Loop Road is used as intended, and could rely on its trained force of circulation assistants and traffic monitors to limit School-related vehicles from continuing to use the "Alida Loop", although the School cannot prevent drivers from using public streets.

**Response to Comments CCC-27 and 28**

This is not a comment on the Draft EIR and does not address a CEQA topic. For informational purposes, the Lincoln Avenue right-of-way at the Project site is 60 feet in width, including 40 feet of parking/travel way and 10-foot sidewalks on each side. The Project proposes to modify the 40-foot travel way by reconfigured it to accommodate a downhill left turn pocket and an uphill right turn pocket, with the parallel parking spaces along the south side of Lincoln Avenue removed to accommodate this public street modification. There is no proposal to change the 10-foot sidewalks on both sides of the street. The City of Oakland Street Design Manual provides that, "additional right-of-way may be required depending on existing and future traffic conditions, and the type and nature of development or access required", but, "the minimum surfacing width shall be 24 feet".

**Response to Comments CCC-29**

As indicated above, the Project proposes that the parallel parking spaces along the south side of Lincoln Avenue be removed to accommodate the public street modification. The red-curb no parking lane on the north side of Lincoln is proposed to remain as-is, but no longer used by Head-Royce School for designated drop-off and pick-up activities.

**Response to Comments CCC-30**

Public buses do not turn around, they continue through their established bus routes. The School's private bus system will continue to use its current travel route.

**Response to Comments CCC-31 and 32**

The Draft EIR does not include an alternative that would include a parking structure on the North Campus. The comment provides no indication of the environmental benefits of a parking structure, particularly given the premise that addition parking only serves to accommodate additional vehicle trips. Others have suggested an alternative location for the Project's proposed Loop Road, using the existing driveway at the upper intersection on Lincoln, the parking lot near the sports filed, and construction of a new road around the sports field.

As indicated in response to those comments/suggestions, CEQA Guidelines for the discussion of alternatives are to, "focus on alternatives to the project or its location that are capable of avoiding or substantially

lessening any significant effects of the project (§15126.6(b)). The Draft EIR's analysis of the potential impacts related to construction and use of the Loop Road on the South Campus related to air quality emissions during construction and operation, and noise impacts during construction and operation does not identify any significant impacts attributable to the Loop Road. Geotechnical and hydrology impacts related to construction of the Loop Road would be mitigated by SCA's and detailed recommendations pursuant to those SCAs. A study of alternative Loop Road designs or locations is therefore not required under CEQA.

**Response to Comments CCC-33**

The proposed Loop Road would be a private road, not a public roadway widening project or a new public street available to the public that might otherwise induce additional automobile travel.

The proposed Loop Road would change drop-off and pick-up procedures for the School by eliminating all School-directed personal vehicle drop-offs and pick-ups along Lincoln Avenue. The new Loop Road would be used to provide on-Campus, off-street queuing space for vehicles at two drop-off and pick-up points (one for the Upper School and one for the Lower and Middle Schools) within the proposed South Campus. All vehicle pick-up and drop-off activity at the School is intended to occur along this Loop Road, rather than as currently occurs along Lincoln Avenue.

**Response to Comments CCC-34**

It is unclear how the City-required provision of electric vehicle charging stations at the proposed parking lot would encourage single-occupant vehicle use. The electrical vehicle charging stations would not be in addition to the otherwise required or proposed parking spaces.

**Response to Comments CCC-35 through 37**

Please see Master Response to Comments on VMT.

**Letter DDD - Zamacona, Frank, December 14, 2021**

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**From:** Frank Zamacona <frank123zamacona@gmail.com>  
**Sent:** Tuesday, December 14, 2021 11:55 AM  
**To:** Brown, Courtney  
**Subject:** Head Royce School Planned Unit Development Permit Project DEIR Comments  
**Attachments:** HRS Planned Unit Development Permit Project DEIR Comments.docx

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

December 12, 2021

To: Courtney Brown, Acting Planner, City of Oakland  
From: Frank Zamacona, 4200 Laguna Avenue, Oakland CA, 94602  
RE: Head Royce School Planned Unit Development Project DEIR Comments

I live at the corner of Alida and Laguna and my main concern is with noise, specifically emanating from the PAC, Building O, and the Amphitheater. It concerns me that words like anticipated and assumed are used to describe the impact of increased, projected noise that would emanate from these structures. Neighbors should not have to live with the uncertainty of the impact of this proposed project.

The PAC: Has HRS exhausted all possibilities for noise abatement at the PAC? One widely used solution is the room within a room concept. Room within room is acoustically designed to contain sound and is standard for all modern sound studios, and is also utilized in theaters, and live event venues. This highly effective technique keeps the sound within the structure. Was the report based on a solution comparable to this?

Building O: Will there be electronic or amplified instruments used during any event at Building O? While there is mention of a sound barrier wall at the loop road to minimize noise from "small" events at Building O, there is no mention of how sound "caught" by surrounding homes will be minimized. Sound will hop the fence. It is omni-directional. When sound is amplified or acoustically projected, homes around the development will "catch" the projected sound and amplify it in and around their homes. For instance, the indented portion at the corner of my home facing uphill towards the Greek Temple catches and amplifies music coming from their yearly festival. Acoustically, the wall must break up the sound waves so they will not become standing waves which create higher decibel levels. Is this a flat fence, or is it designed to absorb and disburse the standing waves through architectural design and materials?

Amphitheater: An amphitheater by definition naturally amplifies or echoes sound, to be heard from a distance. The amphitheater will have pockets of standing waves which will raise the decibel level at the site. As part of the report, neighbors need to know that the amphitheater is acoustically tuned and designed not to project the sound into the neighborhood. What type of design and what materials will make up the amphitheater? How sound absorbent are the materials that make up the amphitheater? How will it be acoustically tuned so the sound will not drift into the surrounding area. How will the standing sound waves be dispersed?

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DDI

DDI

DDI

## **Response to Comment Letter DDD – Zamacona, Frank, December 14, 2021**

### **Response to Comment DDD-1**

As indicated in the Master Response to Comments on Noise, and specifically noise from indoor use of the Performing Arts Center, regular performing art classes and certain Special Events would be held indoors at the Performing Arts Center during both daytime and evening hours, but no nighttime (10:00 pm to 7:00 am) events, classes or activities are proposed. Daily indoor use of the facility would include band, orchestra, dance, and choir practice without amplification. It is anticipated that 25 classes would be held in the facility per day, spread between 5 classrooms, each having 30 to 40 students and a teacher. Typical non-amplified noise from these classes is not anticipated to be audible at off-site locations, with windows closed. Since the Performing Art Center has not yet been designed, it does not yet include the details of its acoustic controls. During project design, the Performing Arts Center indoor theater will be required to demonstrate that amplified performances at the indoor theater do not exceed City standards. Based on noise measurements conducted at various other Special Events and ceremonies at other Bay Area high schools, indoor special event activities within indoor theaters and with windows and door closed were not perceivable at the nearest residential property lines and did not affect measured noise levels in surrounding quiet residential areas.

### **Response to Comment DDD-2**

Use of the deck on the west side of Building 0 is proposed to be used for certain indoor and outdoor social gatherings of between 50 to 100 people, for one gathering per month, with a duration of approximately 2 hours during the school day (8:30 am to 3:30 pm). No amplification of music or speech is proposed for these gatherings.

### **Response to Comment DDD-3**

Noise modeling was used to calculate noise levels generated by outdoor events at the Building 0 deck at the nearest adjacent residences. Noise levels at the closest residence to the south of Building 0 (which shares a property line with the School) are calculated to range from 45 to 47 dBA Leq during periods when attendees are utilizing the outdoor deck area. These resulting noise levels would not exceed any of the applicable operational noise standards. The estimated hourly average Leq noise contours during events on this deck would be less than 55 dBA at the nearest receptors, and this impact would not be significant. At the corner of Alida Court and Laguna (nearly twice as far away from the noise source as the nearest home), the hourly average Leq would be reduced by attenuation of distance by approximately 6 dBA.

The School does propose to construct a perimeter fence around the proposed South Campus to promote security and privacy. On the western property boundaries, the School proposes a solid wood (or similar material) fence of six feet tall, built without gaps between planks. Assuming the 6-foot height of the fence is relative to the ground elevation of the Loop Road, the wall would be anticipated to provide 5 to 6 dBA of additional noise reduction to the adjacent shielded residences.

### **Response to Comment DDD-4**

The Project does not include an amphitheater. It does include an outdoor common area called the Commons, where student can congregate, small outdoor classroom activities can occur, and at the end of the School year, outdoor graduation ceremonies are proposed to occur.

The detailed analysis of the noise generated during a high school graduation ceremony assumes 1,000 spectators and an amplified PA system with speakers mounted on the easterly side of Building 2 and pointed out across the audience. Such an event was found to exceed City noise standards at residences to the west (at Alida Court) the south (along Laguna and Chester) and especially to the east (at Camellia Place). The Draft EIR recommends Mitigation Measure Noise-3A, Sound System Design Parameters. Per this mitigation

measure, the School is required to have an acoustic engineer design and install a speaker array system to lower the noise “spillover” from the system to no greater than between 52 and 53 dBA Leq at the southerly and easterly property lines. The speaker system is only needed for those outdoor special events such as graduation ceremonies (high school, middle school and elementary school) to be held at the Commons area of the proposed South Campus. Examples of such a speaker array could include placing greater numbers of speakers at positions closer to the attendees (e.g., at the sides of the audience seating, rather than being elevated above the front stage), and elevating the speakers so that they are directed downward toward the attendees, rather than out across the entire Commons. This mitigation strategy was developed by the team of noise consultants and peer review consultants. By designing the PA sound system using these recommended standards at the property line, the resulting noise levels at all identified sensitive receptors could meet applicable noise thresholds (see Draft EIR Table 13-14).

**Letter EEE - Zamora Kantor, Mariam, November 8, 2021**

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**From:** Miriam Zamora <miriamzk@yahoo.com>  
**Sent:** Monday, November 08, 2021 10:45 AM  
**To:** Brown, Courtney  
**Subject:** Please don't approve HR expansion

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Greetings,  
I am strongly opposed to Head Royce expansion as it directly affects our neighbors and the quality of life in our neighborhood.

Thank you for accepting my comments.

Miriam  
Miriam Zamora Kantor  
Dimond/Oakmore resident  
510 530-4710

**Response to Comment Letter EEE – Zamora Kantor, Miriam, November 8, 2021**

Thank you for your comment, which will be forward to the City Planning Commission for their deliberations on the merits of the proposed Project.

## **Comment Letters in Favor of the Project**

In addition to the 57 letters received by the City that included comments on the Draft EIR, the City also received 230 letters in support of the Project and in agreement with the analysis and conclusions of the Draft EIR. No responses to these letters are required, but copies of those letters are provided here for review.

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**From:** Brendan Blakeley <wordpress@hrsframingourfuture.org>  
**Sent:** Wednesday, December 08, 2021 9:48 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

I am writing today in support of the Head-Royce School Planned Unit Development (PUD) Amendment Project, which was created after years of intensive collaboration with key stakeholders—including neighbors, parents, faculty, alumni, and students. This project will enable Head-Royce to supplement its K-12 education with hands-on experiential learning, STEM innovation, and outdoor learning, and will increase scholarship opportunities for deserving students in the area. This plan represents a transformative opportunity to create a cutting-edge instructional environment designed for the future of education while also providing benefits to the surrounding neighborhood.

I was delighted to see that the Draft Environmental Impact Report (EIR) found that all environmental impacts from the project can be reduced to a level of “less than significant” with standard conditions of approval and mitigation measures. I believe that these measures—which include the addition of a new loop driveway that routes pick-up and drop-off activities out of the neighborhood and onto the Head-Royce campus—will improve the quality of life in the neighborhood. The proposal was also carefully designed by experienced architects to preserve the neighborhood character, maintain the open feel of the existing property, maximize greenery, and thoughtfully reuse existing buildings on the site.

This project is incredibly important to me because It will provide access to a Head-Royce education to more talented, exceptional Oakland youth who could not otherwise afford it. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Brendan Blakeley  
[brendanblakeley@hotmail.com](mailto:brendanblakeley@hotmail.com)  
551 Santa Rosa Ave.

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**From:** Harris Brody <wordpress@hrsframingourfuture.org>  
**Sent:** Tuesday, November 30, 2021 10:00 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because It will provide access to a Head-Royce education to more talented, exceptional Oakland youth who could not otherwise afford it. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Harris Brody  
[harrisbrody@gmail.com](mailto:harrisbrody@gmail.com)  
702 San Luis Road, Berkeley, CA 94707

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**From:** Robert Einspruch <wordpress@hrsframingourfuture.org>  
**Sent:** Tuesday, December 07, 2021 2:24 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

I am writing today in support of the Head-Royce School Planned Unit Development (PUD) Amendment Project, which was created after years of intensive collaboration with key stakeholders—including neighbors, parents, faculty, alumni, and students. This project will enable Head-Royce to supplement its K-12 education with hands-on experiential learning, STEM innovation, and outdoor learning, and will increase scholarship opportunities for deserving students in the area. This plan represents a transformative opportunity to create a cutting-edge instructional environment designed for the future of education while also providing benefits to the surrounding neighborhood.

I was delighted to see that the Draft Environmental Impact Report (EIR) found that all environmental impacts from the project can be reduced to a level of “less than significant” with standard conditions of approval and mitigation measures. I believe that these measures—which include the addition of a new loop driveway that routes pick-up and drop-off activities out of the neighborhood and onto the Head-Royce campus—will improve the quality of life in the neighborhood. The proposal was also carefully designed by experienced architects to preserve the neighborhood character, maintain the open feel of the existing property, maximize greenery, and thoughtfully reuse existing buildings on the site.

This project is incredibly important to me because Head-Royce, along with the Mormon and Greek temples, anchors and defines our neighborhood. I am optimistic that it will help add to the vibrancy of our community while mitigating the traffic that plagues every inch of the Bay Area, not just upper Lincoln! Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Robert Einspruch  
[reinspruch@gmail.com](mailto:reinspruch@gmail.com)  
1701 Carter Street

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**From:** Jay Evans <wordpress@hrsframingourfuture.org>  
**Sent:** Monday, December 06, 2021 2:34 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

I am writing today in support of the Head-Royce School Planned Unit Development (PUD) Amendment Project, which was created after years of intensive collaboration with key stakeholders—including neighbors, parents, faculty, alumni, and students. This project will enable Head-Royce to supplement its K-12 education with hands-on experiential learning, STEM innovation, and outdoor learning, and will increase scholarship opportunities for deserving students in the area. This plan represents a transformative opportunity to create a cutting-edge instructional environment designed for the future of education while also providing benefits to the surrounding neighborhood.

I was delighted to see that the Draft Environmental Impact Report (EIR) found that all environmental impacts from the project can be reduced to a level of “less than significant” with standard conditions of approval and mitigation measures. I believe that these measures—which include the addition of a new loop driveway that routes pick-up and drop-off activities out of the neighborhood and onto the Head-Royce campus—will improve the quality of life in the neighborhood. The proposal was also carefully designed by experienced architects to preserve the neighborhood character, maintain the open feel of the existing property, maximize greenery, and thoughtfully reuse existing buildings on the site.

This project is incredibly important to me because I believe in the important role Head-Royce School plays in the Bay Area community. It has been a leader in education and deserves to remain a leader in the future. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Jay Evans  
[jaybyronevans@gmail.com](mailto:jaybyronevans@gmail.com)  
1423 Walnut Ave

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**From:** Marya Davis <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, November 19, 2021 3:18 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"  
  
**Categories:** Assignment Meetings

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Dear Planning Commissioners,

I am writing today in support of the Head-Royce School Planned Unit Development (PUD) Amendment Project, which was created after years of intensive collaboration with key stakeholders—including neighbors, parents, faculty, alumni, and students. This project will enable Head-Royce to supplement its K-12 education with hands-on experiential learning, STEM innovation, and outdoor learning, and will increase scholarship opportunities for deserving students in the area. This plan represents a transformative opportunity to create a cutting-edge instructional environment designed for the future of education while also providing benefits to the surrounding neighborhood.

I was delighted to see that the Draft Environmental Impact Report (EIR) found that all environmental impacts from the project can be reduced to a level of “less than significant” with standard conditions of approval and mitigation measures. I believe that these measures—which include the addition of a new loop driveway that routes pick-up and drop-off activities out of the neighborhood and onto the Head-Royce campus—will improve the quality of life in the neighborhood. The proposal was also carefully designed by experienced architects to preserve the neighborhood character, maintain the open feel of the existing property, maximize greenery, and thoughtfully reuse existing buildings on the site.

This project is incredibly important to me because I want to see the mission of the school realized through citizenship and diversity allowed by a more diverse campus. The new campus will allow outdoor learning in nature and in revitalized buildings giving students new opportunities and different ways to learn. I recognize the impact on the neighborhood in the short-term, but feel that the long-term aspects will outweigh those concerns. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Marya Davis  
[marya.davis@gmail.com](mailto:marya.davis@gmail.com)  
7658 Leviston Avenue

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**From:** Will Drewery <wordpress@hrsframingourfuture.org>  
**Sent:** Wednesday, December 08, 2021 11:53 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it will provide scholarship and learning opportunities for current and future students (many of whom are local to the area) and improve the lives of the local Oakland community by reducing traffic and congestion in the neighborhood. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Will Drewery  
[wdrewery@gmail.com](mailto:wdrewery@gmail.com)  
1959 Mulberry Street, Alameda, CA 94501

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**From:** Carla Foster <wordpress@hrsframingourfuture.org>  
**Sent:** Tuesday, December 07, 2021 3:36 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

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This project is incredibly important to me because both of my children, African Americans that are native to Oakland, were able to attend and graduate from HRS. The education that they received as members of the HRS community and as active members of the larger Oakland community, prepared them extremely well to be ambassadors of social equity, community, and citizenship. As a current Trustee at Head Royce school, I know that expanding the campus size and student enrollment will allow HRS to grow its financial aid resources and extend aid to more families and students who need it. In absolute terms, this means that more local children of color will benefit from the transformational and cutting edge educational experience HRS will be offering at the completion of the South Campus project. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Carla Foster  
[carla.a.foster@gmail.com](mailto:carla.a.foster@gmail.com)  
6841 Estates Drive, Oakland

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**From:** Ryan Garrity <wordpress@hrsframingourfuture.org>  
**Sent:** Monday, December 06, 2021 10:11 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because as an educator, it will provide the facilities and space to enrich the academic program for students. It will also allow for a stronger connection to our Oakland community for outreach and greater access to our summer program. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Ryan Garrity  
[rgarrity@headroyce.org](mailto:rgarrity@headroyce.org)  
6 Baltusrol St.

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**From:** Mary Fahey <wordpress@hrsframingourfuture.org>  
**Sent:** Wednesday, November 17, 2021 11:00 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I believe the loop road will reduce the traffic congestion on Lincoln Ave. The exit from the loop allows cars to turn either right or left which will eliminate the need for cars to use the surrounding residential streets to turn around and change directions. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Mary Fahey  
[mfahey@headroyce.org](mailto:mfahey@headroyce.org)  
4233 Lincoln Ave

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**From:** Coley Florance <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, November 19, 2021 6:39 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because development of the contiguous property will allow the school to innovate and to better serve the current student body as well as provide access and benefit to a broader swath of the Oakland community. Having been involved with the Head-Royce since I came as a first grader in 1974, I have witnessed many inflection points in the school's history that enable opportunities for continued learning and growth and this moment is no different! Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Coley Florance  
[coley.florance@gmail.com](mailto:coley.florance@gmail.com)  
5581 Lawton Ave., Oakland, CA 94618

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**From:** Jennifer Harrison <wordpress@hrsframingourfuture.org>  
**Sent:** Monday, December 06, 2021 9:36 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Jennifer Harrison  
[jennifermyersharrison@gmail.com](mailto:jennifermyersharrison@gmail.com)  
1951 Hoover Ave, Oakland

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**From:** Sarah Holliman <wordpress@hrsframingourfuture.org>  
**Sent:** Tuesday, November 16, 2021 11:57 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I live nearby and work at Head-Royce. I see firsthand, every day the impact Head-Royce has on students. This project will: reduce congestion on Lincoln; provide beautiful new spaces for learning, innovating and educating; and allow for more deserving, talented students in the area to receive an education they might not otherwise be able to afford. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Sarah Holliman  
[sarahholliman@yahoo.com](mailto:sarahholliman@yahoo.com)  
5235 Proctor Avenue, Oakland, CA 94618

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**From:** Yubin Gong <wordpress@hrsframingourfuture.org>  
**Sent:** Tuesday, December 07, 2021 10:10 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it will provide new innovative, multi-disciplinary, K-12 classrooms designed for STEM, makerspaces, and hands-on experiential learning for Head-Royce students and teachers. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Yubin Gong  
[ygong688@gmail.com](mailto:ygong688@gmail.com)  
3760 Trenero Dr, Pleasanton, CA 94588

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**From:** Kirsty Gumina <wordpress@hrsframingourfuture.org>  
**Sent:** Monday, December 06, 2021 10:24 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because As an Oakland and 94602 resident, I believe the drop off system planned for the Head Royce expansion project would be a huge improvement for traffic flow and safety. The school does so much for the community. Respectfully developing the beautiful area across the street from campus would be an asset for the school and the neighborhood. I am in full support of the project. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Kirsty Gumina  
[kgumina@mccallssf.com](mailto:kgumina@mccallssf.com)  
4352 BENNETT PL, OAKLAND, 94602

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**From:** David Kirshman <wordpress@hrsframingourfuture.org>  
**Sent:** Wednesday, December 08, 2021 8:52 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
David Kirshman  
[david.kirshman@gmail.com](mailto:david.kirshman@gmail.com)  
651 Vistamont Ave. Berkeley, CA

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**From:** Trang La <wordpress@hrsframingourfuture.org>  
**Sent:** Thursday, November 18, 2021 8:38 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it benefits the community, the neighborhood, the city, the school, and all current and future students. I am a proud Oakland resident and this project is a win-win for all parties. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Trang La  
[trangla@gmail.com](mailto:trangla@gmail.com)  
6031 Acacia Avenue Oakland CA

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**From:** Alison McKinley Jefferson <wordpress@hrsframingourfuture.org>  
**Sent:** Tuesday, December 07, 2021 12:59 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I'm an Oakland resident and Head Royce parent who wants to be a thoughtful neighbor. The plans should ease any impact on the neighborhood by routing traffic off of Lincoln. This is a much safer solution for children and motorists alike. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Alison McKinley Jefferson  
[ali.jefferson@gmail.com](mailto:ali.jefferson@gmail.com)  
840 Santa Ray Ave

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**From:** Alison King <wordpress@hrsframingourfuture.org>  
**Sent:** Tuesday, December 07, 2021 1:38 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I have a student at Head-Royce school and believe that this space will enrich the school in all ways, as well as improve traffic flow and drop-off procedures to the benefit of all HRS neighbors. By creating a loop off of Lincoln Ave, this project will solve many of the current traffic congestion issues and allow HRS parents to access the school without disturbing neighbors. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Alison King  
[alisonking@gmail.com](mailto:alisonking@gmail.com)  
1926 El Dorado Ave. Berkeley, CA 94707

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**From:** Jason Langkammerer <wordpress@hrsframingourfuture.org>  
**Sent:** Wednesday, November 17, 2021 2:55 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because as a HRS student many years ago, I was injured in a traffic accident during drop-off along Lincoln that affected me for many years afterwards. Although the protocol for pick-up and drop-off has improved tremendously since then, the loop driveway feature of the project will provide a much safer solution for all the students and be much less impactful to the neighborhood. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Jason Langkammerer  
[jason@at6db.com](mailto:jason@at6db.com)  
4159 Canyon Rd, Lafayette, CA 94549

---

**From:** Richard Lapidus <wordpress@hrsframingourfuture.org>  
**Sent:** Thursday, November 18, 2021 8:25 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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I was delighted to see that the Draft Environmental Impact Report (EIR) found that all environmental impacts from the project can be reduced to a level of "less than significant" with standard conditions of approval and mitigation measures. I believe that these measures—which include the addition of a new loop driveway that routes pick-up and drop-off activities out of the neighborhood and onto the Head-Royce campus—will improve the quality of life in the neighborhood. The proposal was also carefully designed by experienced architects to preserve the neighborhood character, maintain the open feel of the existing property, maximize greenery, and thoughtfully reuse existing buildings on the site.

This project is incredibly important to me because I believe that Head-Royce makes the world a better place. I realize that sounds cheesy, but we do such an intentional job of producing not just high achieving students but ethical, community-minded people who will change the world for the better. In many ways, Head-Royce's growth is not a neutral for the Oakmore neighborhood - it is a profound positive. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Richard Lapidus  
[rlapidus@headroyce.org](mailto:rlapidus@headroyce.org)  
924 Arlington Ave.

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**From:** Ben Ladue <wordpress@hrsframingourfuture.org>  
**Sent:** Monday, December 06, 2021 5:14 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

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Dear Planning Commissioners,

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This project is incredibly important to me because Head-Royce is my neighborhood school. Both of my children are currently or have attended the school, and I feel that the school is moving forward with the goal of being even more inclusive and serving the Oakland community more broadly. Head-Royce has a national reputation as a leader in K-12 education, and is a benefit to the area. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Ben Ladue  
[bladue@yahoo.com](mailto:bladue@yahoo.com)  
3039 California Street, Oakland, 94602

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**From:** Crystal Land <wordpress@hrsframingourfuture.org>  
**Sent:** Thursday, November 18, 2021 5:20 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

I am writing today in support of the Head-Royce School Planned Unit Development (PUD) Amendment Project, which was created after years of intensive collaboration with key stakeholders—including neighbors, parents, faculty, alumni, and students. This project will enable Head-Royce to supplement its K-12 education with hands-on experiential learning, STEM innovation, and outdoor learning, and will increase scholarship opportunities for deserving students in the area. This plan represents a transformative opportunity to create a cutting-edge instructional environment designed for the future of education while also providing benefits to the surrounding neighborhood.

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This project is incredibly important to me because As the leader of Head-Royce I see the many benefits for our students, neighbors and larger community. We are a school whose values and actions align with our local community. By adding improved drop off and pick up, intentional building renovations and green space for students and neighbors, this projects mutually benefits everyone. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Crystal Land  
[cland@headroyce.org](mailto:cland@headroyce.org)  
3815 Greenwood Ave Oakland Ca 94602

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**From:** Matthew Levy <wordpress@hrsframingourfuture.org>  
**Sent:** Wednesday, December 08, 2021 1:39 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

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This project is incredibly important to me because it's good for the neighborhood and good for the school. The project will help HRS move its educational offering to the next level. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Matthew Levy  
[netsurfer1@hotmail.com](mailto:netsurfer1@hotmail.com)  
445 Mountain Ave

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**From:** Sara Malan <wordpress@hrsframingourfuture.org>  
**Sent:** Monday, December 06, 2021 10:37 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

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This project is incredibly important to me because my Middle School-aged daughters started at Head-Royce in kindergarten. My wife and I chose Head-Royce for its wonderful community, and as a family that lives in the neighborhood surrounding HRS, we believe this project is an asset to the neighborhood. We are so very excited and grateful that this project will provide additional, thoughtfully designed spaces for students. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Sara Malan  
[sarapmalan@gmail.com](mailto:sarapmalan@gmail.com)  
3018 California St.

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**From:** Ilya Letuchy <wordpress@hrsframingourfuture.org>  
**Sent:** Monday, December 06, 2021 7:45 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because we need to invest into k-12 education. Our kids are our future. They will continue to transform the world for generations to come. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Ilya Letuchy  
[Ilya.letuchy@gmail.com](mailto:Ilya.letuchy@gmail.com)  
58 Evergreen Dr. Orinda, CA 94563

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**From:** Dave Levin <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, November 19, 2021 3:36 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I love the work I do in support of this School, and look forward to traffic congestion on Lincoln avenue being reduced or eliminated by the Loop. As a parent and employee of this school, I'm thrilled to be able to take steps to minimize the problems that are associated with an urban-sited School, even more so that they're just one component of this proposal. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Dave Levin  
[davelevin@gmail.com](mailto:davelevin@gmail.com)  
2613 San Mateo Street, Richmond, CA 94804

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**From:** Linsey Morrison <wordpress@hrsframingourfuture.org>  
**Sent:** Monday, November 29, 2021 6:29 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because this project will bring a new innovative style of education to Oakland with opportunities for all children and teachers alike to learn and grow from each other. The kids will benefit from the hands on access and facilities, while the teachers grow from adapting their lessons to the new tools and the outdoors. Teachers can teach each other what they learn. All students, within the Bay Area and beyond, will have the chance to benefit from this work. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Linsey Morrison  
[linsey.s.morrison@gmail.com](mailto:linsey.s.morrison@gmail.com)  
1053 Sunnyhills Rd, Oakland CA 94610

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**From:** Laszlo Muhl <wordpress@hrsframingourfuture.org>  
**Sent:** Monday, December 06, 2021 7:00 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

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This project is incredibly important to me because This development will provide the opportunity to augment and elevate the experiences of future HRS students. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Laszlo Muhl  
[lmuhl@hotmail.com](mailto:lmuhl@hotmail.com)  
18 Cornwall Court

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**From:** Emily Miller <wordpress@hrsframingourfuture.org>  
**Sent:** Monday, December 06, 2021 9:24 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it will give students a campus that has more natural environments to interact with and it will enhance our fine arts and STEM facilities. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Emily Miller  
[ms\\_arted@yahoo.com](mailto:ms_arted@yahoo.com)  
9529 Golf Links Rd., Oakland

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**From:** Jane Mitchell <wordpress@hrsframingourfuture.org>  
**Sent:** Wednesday, November 17, 2021 9:43 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because The chance to create an amazing outdoor / indoor learning facility at the same time as taking traffic off the local roads is a once in a lifetime kind of opportunity.  
I see it as a win win and hope the project is able to progress to the next exciting steps very soon. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Jane Mitchell  
[jmitchell1210@yahoo.com](mailto:jmitchell1210@yahoo.com)  
5133 Saddle Brook Drive

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**From:** Madeline Richards <wordpress@hrsframingourfuture.org>  
**Sent:** Tuesday, December 07, 2021 8:44 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because institutions such as Head-Royce have a responsibility to their neighbors and neighborhood to reach beyond their walls and improve the lives of as many people as possible. I feel that this project will enable exactly that both through opportunities to utilize the new facilities by neighborhood students and improved traffic flow on Lincoln Ave. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Madeline Richards  
[maddyrichards137@gmail.com](mailto:maddyrichards137@gmail.com)  
276 BEACH RD

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**From:** Ed Gatdula & Mary Sage <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, November 20, 2021 11:08 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because We live in the neighborhood. Both of our kids are students at Head-Royce School. It is an excellent school, and it tries to do right by the local community. Our kids didn't get good spots in OUSD schools for middle or high school. If it weren't for the presence & proximity of Head-Royce School, we would have moved out of Oakland, taking all that we do for the community & the money we pay in property tax with us.

Though Lincoln Ave is challenging during drop-off & pick-up times, the trade-off of having HRS in its present location is worth it. The new South Campus plan will hugely ease the congestion on Lincoln Ave, making the expansion a win-win for the school and the Oakland neighborhood. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Ed Gatdula & Mary Sage  
[egatdula@yahoo.com](mailto:egatdula@yahoo.com)  
3741 Canon Ave. Oakland CA 94602.

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**From:** Ann Perrin <wordpress@hrsframingourfuture.org>  
**Sent:** Wednesday, December 08, 2021 9:43 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it provides innovative, multi-disciplinary, hands-on spaces - both indoor and outdoor - for students and teachers in a way that transforms the educational experience at Head Royce School and reflects the future of education. It provides an exceptional space for the broader community and will enable the school to expand access to more students through scholarships. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Ann Perrin  
[anniebperrin@yahoo.com](mailto:anniebperrin@yahoo.com)  
274 St James Drive. Oakland, CA 94611

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**From:** Luis Reyes <wordpress@hrsframingourfuture.org>  
**Sent:** Monday, December 06, 2021 9:16 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because going to give live to old LLCC historic building on create more work for Oakland community Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Luis Reyes  
[lreyes@headroyce.org](mailto:lreyes@headroyce.org)  
4504 Thompson St

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**From:** Shahana Sarkar <wordpress@hrsframingourfuture.org>  
**Sent:** Thursday, December 02, 2021 8:58 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it is good for the community, it is good for Oakland, it is good for students - teaching, learning, safety, and preserving the land from mass development. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Shahana Sarkar  
[ssarkar@headroyce.org](mailto:ssarkar@headroyce.org)  
2306 Leimert Blvd

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**From:** Eli Schuldert <wordpress@hrsframingourfuture.org>  
**Sent:** Tuesday, November 30, 2021 2:03 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

I am writing today in support of the Head-Royce School Planned Unit Development (PUD) Amendment Project, which was created after years of intensive collaboration with key stakeholders—including neighbors, parents, faculty, alumni, and students. This project will enable Head-Royce to supplement its K-12 education with hands-on experiential learning, STEM innovation, and outdoor learning, and will increase scholarship opportunities for deserving students in the area. This plan represents a transformative opportunity to create a cutting-edge instructional environment designed for the future of education while also providing benefits to the surrounding neighborhood.

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This project is incredibly important to me because as an alumnus of Head-Royce and with children currently enrolled I believe that the school creates better global citizens. With increased scholarship opportunities I'm excited to extend the opportunity to others to have a rich and fulfilling educational experience. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Eli Schuldert  
[eli.schuldert@gmail.com](mailto:eli.schuldert@gmail.com)  
345 Hampton Rd. Piedmont CA 94611

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**From:** Emily Sah <wordpress@hrsframingourfuture.org>  
**Sent:** Thursday, December 02, 2021 8:57 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

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This project is incredibly important to me because it will have a positive impact on both the school and the surrounding neighborhood. The attention to sustainable vegetation and building materials, in addition to alleviating the traffic burden on Lincoln Avenue, will improve safety for both students and surrounding neighbors. I believe this project further strengthens Head-Royce’s commitment to being a valuable partner with both the surrounding neighborhood and the City of Oakland, by striving to improve the quality and safety of the school campus. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Emily Sah  
[emily.sah@gmail.com](mailto:emily.sah@gmail.com)  
38338 Glenview Dr Fremont CA 94536

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**From:** Alexander Sah <wordpress@hrsframingourfuture.org>  
**Sent:** Thursday, December 02, 2021 8:57 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Thank you,  
Alexander Sah  
[asah07@gmail.com](mailto:asah07@gmail.com)  
38338 Glenview Dr Fremont CA 94536

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**From:** Kari Scott <wordpress@hrsframingourfuture.org>  
**Sent:** Monday, December 06, 2021 11:55 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Kari Scott  
[marmalademaude@yahoo.com](mailto:marmalademaude@yahoo.com)  
6842 Chambers Dr. Oakland

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**From:** Daniel Scuderi <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, November 19, 2021 8:21 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it will allow for students to more closely learn about and understand about the land upon which they learn. It will also allow Head-Royce to offer more learning opportunities to more families in the East Bay. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Daniel Scuderi  
[dsneider@headroyce.org](mailto:dsneider@headroyce.org)  
2466 Hilgard Ave. #202 Berkeley, CA

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**From:** Elana Schuld **<**wordpress@hrsframingourfuture.org**>**  
**Sent:** Monday, December 06, 2021 4:38 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it deepens the educational & community impact of Head Royce, which is serving a large community of Oakland families & future leaders. It also opens up cutting-edge educational spaces to more of our community - most especially the many Oakland students who come on to the campus regularly as part of the Heads Up Program. And finally the loop road will offer a much needed safe space for our little kids to get in and out of cars, away from the business of Lincoln avenue. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Elana Schuld  
[elana.schuld@gmail.com](mailto:elana.schuld@gmail.com)  
6114 La Salle Ave Oakland, CA 94611

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**From:** Zack Scott **<**wordpress@hrsframingourfuture.org**>**  
**Sent:** Monday, December 06, 2021 11:56 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Zack Scott  
[zscott@msn.com](mailto:zscott@msn.com)  
6842 Chambers Dr. Oakland

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**From:** Peter Smith <wordpress@hrsframingourfuture.org>  
**Sent:** Wednesday, December 08, 2021 8:38 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it will preserve the older buildings and will take vehicle traffic off of Lincoln Avenue. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Peter Smith  
[psmith@smithllpgroup.com](mailto:psmith@smithllpgroup.com)  
5223 Proctor Avenue, Oakland

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**From:** Diana Sonne <wordpress@hrsframingourfuture.org>  
**Sent:** Monday, December 06, 2021 9:35 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because It will benefit both the school and the neighborhood. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Diana Sonne  
[dleesonne@gmail.com](mailto:dleesonne@gmail.com)  
5577 Taft Ave, Oakland 94618

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**From:** Hayley Shapland <wordpress@hrsframingourfuture.org>  
**Sent:** Monday, December 06, 2021 10:31 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I'm committed to our community and want more students to have access and opportunity to life-changing resources. This project will transform what education looks like in our community for the better. It is an investment in our children and our future. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Hayley Shapland  
[hshapland@headroyce.org](mailto:hshapland@headroyce.org)  
4315 Lincoln Ave, Oakland, CA

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**From:** Robin Smith <wordpress@hrsframingourfuture.org>  
**Sent:** Wednesday, December 08, 2021 9:44 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I understand the effect that a quality education can make on a young person's life. HRS provides such an education in an environment that nurtures and encourages the critical thinking skills that are so lacking in our current educational system and society as a whole. HRS provides scholarships those who cannot afford full tuition. I would like to see the school expand so that it continues to provide this important service to the children of our community. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Robin Smith  
[zingmusic@yahoo.com](mailto:zingmusic@yahoo.com)  
921 East 28TH ST Oakland, CA

---

**From:** Charlotte Tai <wordpress@hrsframingourfuture.org>  
**Sent:** Wednesday, November 24, 2021 2:11 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

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This project is incredibly important to me because I am parent of a current student from the class of 2030. We may also be sending our younger child to Head Royce starting 2023. Our family will potentially be part of the Head Royce community for another decade or more. This project, if approved, will help alleviate local traffic in the neighbourhood, and will help alleviate the current tensions between some of the neighbours and the school community, over parking and traffic flow issues. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Charlotte Tai  
[charlotte1662@gmail.com](mailto:charlotte1662@gmail.com)  
1045 Keith Avenue, Berkeley, CA 94708

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**From:** Lea Van Ness <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, November 19, 2021 11:36 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because The safety of all students will increase because of the loop road incorporated into the new project, as well as a smoother drive down Lincoln Ave. for all drivers. The preservation of three buildings will represent the true connection to Oakland's heritage. Finally, that six acres of the project is green space and will only benefit the school and the neighbors is commendable. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Lea Van Ness  
[leavanness@yahoo.com](mailto:leavanness@yahoo.com)  
1071 Clarendon Crescent

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**From:** Tamara Spencer <wordpress@hrsframingourfuture.org>  
**Sent:** Tuesday, November 30, 2021 1:46 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it creates a campus space that maximizes greenery, is on street-level with the local neighborhood, and realizes the principles of 21st century teaching and learning learning for the Head-Royce School and city of Oakland. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Tamara Spencer  
[tamglup@gmail.com](mailto:tamglup@gmail.com)  
133 Vicente Road, Berkeley, CA 94705

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**From:** Andreja Stevanovic <wordpress@hrsframingourfuture.org>  
**Sent:** Tuesday, December 07, 2021 10:16 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I believe that it will provide students with greater ability to learn in better environment Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Andreja Stevanovic  
[andreja.stevanovic@gmail.com](mailto:andreja.stevanovic@gmail.com)  
5884 Estates Drive

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**From:** Michelle Abeyta <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 8:50 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

I am writing today in support of the Head-Royce School Planned Unit Development (PUD) Amendment Project, which was created after years of intensive collaboration with key stakeholders—including neighbors, parents, faculty, alumni, and students. This project will enable Head-Royce to supplement its K-12 education with hands-on experiential learning, STEM innovation, and outdoor learning, and will increase scholarship opportunities for deserving students in the area. This plan represents a transformative opportunity to create a cutting-edge instructional environment designed for the future of education while also providing benefits to the surrounding neighborhood.

I was delighted to see that the Draft Environmental Impact Report (EIR) found that all environmental impacts from the project can be reduced to a level of “less than significant” with standard conditions of approval and mitigation measures. I believe that these measures—which include the addition of a new loop driveway that routes pick-up and drop-off activities out of the neighborhood and onto the Head-Royce campus—will improve the quality of life in the neighborhood. The proposal was also carefully designed by experienced architects to preserve the neighborhood character, maintain the open feel of the existing property, maximize greenery, and thoughtfully reuse existing buildings on the site.

This project is incredibly important to me because students exposed to STEM opportunities today, positively impact our tomorrow. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Michelle Abeyta  
[maabeyta@gmail.com](mailto:maabeyta@gmail.com)  
3235 Brunell Dr Oakland CA 94602

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**From:** Aissata Bagaga <wordpress@hrsframingourfuture.org>  
**Sent:** Sunday, December 05, 2021 8:17 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Aissata Bagaga  
[oumibagaga406@hotmail.com](mailto:oumibagaga406@hotmail.com)  
5335 Gallery Court Richmond, CA 94806

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**From:** Colin Boyle <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 1:49 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

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This project is incredibly important to me because strong educational institutions like Head-Royce are vital contributors to the vibrancy of the East Bay, and this development will enable this outstanding school to reach more students with high quality teaching practices. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Colin Boyle  
[colinfboyle@gmail.com](mailto:colinfboyle@gmail.com)  
18 Agnes St., Oakland, CA 94618

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**From:** Kay Bradley <wordpress@hrsframingourfuture.org>  
**Sent:** Sunday, December 05, 2021 4:31 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I have seen the design plans and think Head-Royce School will build environmentally sustainable and beautiful educational buildings and necessary traffic management on some of the land and steward the rest (50% or more of the land, I think) as beautiful outdoor space which will be significantly more appealing than the outdoor space already is. Good for the whole area, in my opinion, and I live near Skyline H.S. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Kay Bradley  
[kidbradley@earthlink.net](mailto:kidbradley@earthlink.net)  
13155 Clairepointe Way, Oakland CA 94619

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**From:** Amy Boxer <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 1:58 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it will give Head Royce the opportunity to expand all programs that our children desperately need. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Amy Boxer  
[aoboxer@gmail.com](mailto:aoboxer@gmail.com)  
5840 Heron Dr Oakland

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**From:** Marcilie Smith Boyle <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 1:53 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because the current Head-Royce campus is condensed and children need space to take advantage of all the ways education is transforming and to thrive! I also would really love to be able to not bother neighbors on their streets during pick up and drop off. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Marcilie Smith Boyle  
[colin\\_marcilie@yahoo.com](mailto:colin_marcilie@yahoo.com)  
18 Agnes St

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**From:** Beau Davidson <wordpress@hrsframingourfuture.org>  
**Sent:** Sunday, December 05, 2021 1:00 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

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This project is incredibly important to me because I want Oakland and Head-Royce to be a destination for high quality education and diversity. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Beau Davidson  
[beaudavidson@yahoo.com](mailto:beaudavidson@yahoo.com)  
18074 Center Street,

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**From:** Douglas J Devine <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 8:29 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because this project will both improve the accessibility of the school and greatly reduce the traffic impact on the community. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Douglas J Devine  
[douglasdevine@gmail.com](mailto:douglasdevine@gmail.com)  
12, Keefer Court

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**From:** Yan & Sylvia Chin <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 2:15 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because It will help my children (a little) and it will help generations of children after mine graduate. And it does this while moving traffic and drop-off out of neighborhood streets, creating a beautiful green space for the neighborhood, and preserving views and historic buildings. Cities that are not growing are dying. This is good and meaningful growth and should be highlighted and encouraged! Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Yan & Sylvia Chin  
[yanchin@gmail.com](mailto:yanchin@gmail.com)  
338 Bryant Ave., Alameda, CA 94501

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**From:** Ayana Curry <wordpress@hrsframingourfuture.org>  
**Sent:** Sunday, December 05, 2021 1:29 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because my children are students at Head Royce and will greatly benefit from the advancements in experiential learning and STEM innovation that the project will afford. Also, I pick up and drop off my children at school everyday, and I am looking forward to the relief on traffic the new loop driveway will provide. I think it is wonderful that the EIR shows these improvements can come with "less than significant" environmental impacts. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Ayana Curry  
[ayanacuevas@yahoo.com](mailto:ayanacuevas@yahoo.com)  
6449 Mokelumne Ave., Oakland, CA

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**From:** Samuel Ernst <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 8:34 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Samuel Ernst  
[sernst@ggu.edu](mailto:sernst@ggu.edu)  
628 Santa Barbara Rd., Berkeley, CA 94707

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**From:** Chad Gallagher <wordpress@hrsframingourfuture.org>  
**Sent:** Sunday, December 05, 2021 8:10 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because my son attends Head-Royce and I experience the traffic daily at drop-off and pick-up. I genuinely believe the proposed development and new loop driveway will alleviate traffic issues, not exacerbate them and it will greatly reduce the amount of Head-Royce traffic that is diverted to the nearby neighboring streets. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Chad Gallagher  
[chadgallagher@gmail.com](mailto:chadgallagher@gmail.com)  
5656 Weaver Pl., Oakland CA 94619

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**From:** Sandra Doi <wordpress@hrsframingourfuture.org>  
**Sent:** Sunday, December 05, 2021 9:30 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Head Royce is a gem of education in Oakland for many generations of students and should be allowed to grow and to evolve in a changing world. The school has a deep commitment to its community and should be empowered to continue to provide world class educations to an increasingly income-diverse and racially-diverse student body. This expansion will allow the school to expand on its diversity mission, as well as expand on important programs that future generations will need to become good citizens of the world.

On a personal note, I would like our school to have a partnership with its immediate neighbors, and the thoughtful plan takes their concerns into consideration. We all want children to be safe and as a current parent, I look forward to better infrastructure for their safe transport.

My child has a physical disability and I feel that the new plan will remove many of the safe access challenges she and other members of the community face. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Sandra Doi

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**From:** Sharon Eisenhauer <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 6:20 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it will help to expand the diversity of options available to HRS students, faculty and the surrounding local area. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Sharon Eisenhauer  
[sharon@sharoneisenhauer.com](mailto:sharon@sharoneisenhauer.com)  
5721 Hermann St. Oakland, 94609

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**From:** Natalie Henrich <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 9:25 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Head-Royce is a true gem of an educational institution that provides outstanding opportunities for children of all socio-economic and diverse backgrounds to learn. Through this project—the school can expand and improve its ability to offer a top-notch education to students throughout Oakland and the East Bay. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Natalie Henrich  
[natalieahenrich@gmail.com](mailto:natalieahenrich@gmail.com)  
935 Mountain Blvd Oakland

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**From:** Priscilla W Hine <wordpress@hrsframingourfuture.org>  
**Sent:** Monday, December 06, 2021 6:35 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it has been well thought out in regards to our neighbors and will reduce the traffic on Lincoln avenue with the added loop on the new property. It will be a great addition to the school and provide needed space for innovative learning in the 21 century. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Priscilla W Hine  
[pjhine@headroyce.org](mailto:pjhine@headroyce.org)  
1806 Prince Street

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**From:** Kathleen Grinold <wordpress@hrsframingourfuture.org>  
**Sent:** Sunday, December 05, 2021 12:45 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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-----  
Dear Planning Commissioners,

I am writing today in support of the Head-Royce School Planned Unit Development (PUD) Amendment Project, which was created after years of intensive collaboration with key stakeholders—including neighbors, parents, faculty, alumni, and students. This project will enable Head-Royce to supplement its K-12 education with hands-on experiential learning, STEM innovation, and outdoor learning, and will increase scholarship opportunities for deserving students in the area. This plan represents a transformative opportunity to create a cutting-edge instructional environment designed for the future of education while also providing benefits to the surrounding neighborhood.

I was delighted to see that the Draft Environmental Impact Report (EIR) found that all environmental impacts from the project can be reduced to a level of "less than significant" with standard conditions of approval and mitigation measures. I believe that these measures—which include the addition of a new loop driveway that routes pick-up and drop-off activities out of the neighborhood and onto the Head-Royce campus—will improve the quality of life in the neighborhood. The proposal was also carefully designed by experienced architects to preserve the neighborhood character, maintain the open feel of the existing property, maximize greenery, and thoughtfully reuse existing buildings on the site.

This project is incredibly important to me because I believe it will improve traffic and safety in the neighborhood and improve the quality of education for future students. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Kathleen Grinold  
[katiegsample@gmail.com](mailto:katiegsample@gmail.com)  
608 Boulevard Way, Piedmont, CA 94610

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**From:** Marisa Guerra <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 1:34 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because It allows the school to increase enrollment without increasing traffic on Lincoln. More students in the community that wouldn't be able to access a HRS education could now be able to. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Marisa Guerra  
[guerra.marisa@yahoo.com](mailto:guerra.marisa@yahoo.com)  
829 Rodney Drive

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**From:** Lisa Kopelnik <wordpress@hrsframingourfuture.org>  
**Sent:** Sunday, December 05, 2021 8:31 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Lisa Kopelnik  
[lisak2021@headroyce.org](mailto:lisak2021@headroyce.org)  
25610 Crestfield Dr, Castro Valley, CA

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**From:** Anna Kopelnik <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 9:22 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Head Royce school makes difference in life of many children and supports neighbors through many different programs. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Anna Kopelnik  
[anna.kopelnik@gmail.com](mailto:anna.kopelnik@gmail.com)  
25610 CRESTFIELD DR

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**From:** David Hird <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 9:12 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
David Hird  
[davehird@yahoo.com](mailto:davehird@yahoo.com)  
12 Ascot Place, Oakland

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**From:** Eddie Johnson <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 10:32 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because It would allow Head-Royce to future proof it's educational curriculum and minimize its footprint in the neighborhood. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Eddie Johnson  
[ejoh13@yahoo.com](mailto:ejoh13@yahoo.com)  
2842 Adeline Street, Oakland, CA 94608

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**From:** Christina Masson <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 3:31 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it mitigates traffic on Lincoln Avenue and maximizes green space. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Christina Masson  
[cmasson@headroyce.org](mailto:cmasson@headroyce.org)  
208 Pala Ave

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**From:** Eileen McPeake <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 8:31 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I'm both an alum (Class of 1986) and a parent of a current student. Head-Royce does an incredible job of teaching the critical thinking skills and values of working hard and giving back to the community that its alums use to make Oakland, the Bay Area and the wider world a better place. The South Campus addition will allow HRS to continue its mission and become an even stronger community member. Please let it move forward! Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Eileen McPeake  
[emcpeake@comcast.net](mailto:emcpeake@comcast.net)  
7011 Sunne Ln, Apt 336, Walnut Creek CA 94597

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**From:** Nancy Lam <wordpress@hrsframingourfuture.org>  
**Sent:** Sunday, December 05, 2021 3:32 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

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This project is incredibly important to me because Bolster the community in positive ways and connect the school better to its neighbors. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Nancy Lam  
[nancylam925@gmail.com](mailto:nancylam925@gmail.com)  
Lafayette

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**From:** SAMANTHA A LANGER <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 11:40 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

I am writing today in support of the Head-Royce School Planned Unit Development (PUD) Amendment Project, which was created after years of intensive collaboration with key stakeholders—including neighbors, parents, faculty, alumni, and students. This project will enable Head-Royce to supplement its K-12 education with hands-on experiential learning, STEM innovation, and outdoor learning, and will increase scholarship opportunities for deserving students in the area. This plan represents a transformative opportunity to create a cutting-edge instructional environment designed for the future of education while also providing benefits to the surrounding neighborhood.

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
SAMANTHA A LANGER  
[samanthasurgeon@yahoo.com](mailto:samanthasurgeon@yahoo.com)  
2812 Buena Vista Way

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**From:** Peter Oishi <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 10:06 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Head-Royce School is an important historic institution based in Oakland with a national reputation. It benefits the City of Oakland in numerous ways, including but not limited to its direct and indirect contributions to the tax base and as an educational option for families consider relocation to Oakland. In addition, through its financial aid program it offers independent educational opportunities to the City's youth. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Peter Oishi  
[peter.oishi@mac.com](mailto:peter.oishi@mac.com)  
35 Contra Costa Pl

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**From:** Tejal Patel <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 5:26 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it provide our students and faculty with cutting edge tools and spaces that allow for more innovative and experiential learning - helping our students gain the skills they need in an ever evolving world. This project will also help to take traffic off of Lincoln Ave, making it safer for our neighbors and community. It aligns directly with our mission of scholarship, diversity and citizenship by providing best in class learning for all of our community. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Tejal Patel  
[tejal1340@gmail.com](mailto:tejal1340@gmail.com)  
18 Cornwall Court, Oakland, CA 94611

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**From:** Shawnte Mitchell <wordpress@hrsframingourfuture.org>  
**Sent:** Sunday, December 05, 2021 7:41 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I want to see the continued growth of the school. My child is in Kindergarten and this project will exponentially improve the development and educational opportunities for her. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Shawnte Mitchell  
[shawnte.mitchell@gmail.com](mailto:shawnte.mitchell@gmail.com)  
35 Stirling Way Hayward Ca 94542

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**From:** John Oh <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 8:41 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
John Oh  
[bluecrew1@gmail.com](mailto:bluecrew1@gmail.com)  
6765 Skyview Dr, Oakland, Ca 94605

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**From:** Stephanie Rafanelli <wordpress@hrsframingourfuture.org>  
**Sent:** Sunday, December 05, 2021 1:04 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it will improve the lives of the community around the school and also improve the quality of whole-child education that the Head-Royce School provides students. With the new development, the traffic and safety on Lincoln Avenue will be significantly improved. In addition, the new sciences and arts program, the increased scholarship funds, and the added outdoor wellness spaces will have positive impacts on student learning for generations to come. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Stephanie Rafanelli  
[stephanie.rafanelli@gmail.com](mailto:stephanie.rafanelli@gmail.com)  
235 Mountain Ave, Piedmont, CA

---

**From:** Tushar Ranchod <wordpress@hrsframingourfuture.org>  
**Sent:** Sunday, December 05, 2021 7:48 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it strengthens the relationship between Head-Royce and the surrounding community including improving the traffic impact for the neighbors. The project also makes good use of available resources for the school without significant environmental impact. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Tushar Ranchod  
[tranchod@yahoo.com](mailto:tranchod@yahoo.com)  
7 Oakvale Ave., Berkeley CA 94705

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**From:** Kerryn Pincus <wordpress@hrsframingourfuture.org>  
**Sent:** Sunday, December 05, 2021 8:11 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

I am writing today in support of the Head-Royce School Planned Unit Development (PUD) Amendment Project, which was created after years of intensive collaboration with key stakeholders—including neighbors, parents, faculty, alumni, and students. This project will enable Head-Royce to supplement its K-12 education with hands-on experiential learning, STEM innovation, and outdoor learning, and will increase scholarship opportunities for deserving students in the area. This plan represents a transformative opportunity to create a cutting-edge instructional environment designed for the future of education while also providing benefits to the surrounding neighborhood.

I was delighted to see that the Draft Environmental Impact Report (EIR) found that all environmental impacts from the project can be reduced to a level of "less than significant" with standard conditions of approval and mitigation measures. I believe that these measures—which include the addition of a new loop driveway that routes pick-up and drop-off activities out of the neighborhood and onto the Head-Royce campus—will improve the quality of life in the neighborhood. The proposal was also carefully designed by experienced architects to preserve the neighborhood character, maintain the open feel of the existing property, maximize greenery, and thoughtfully reuse existing buildings on the site.

This project is incredibly important to me because Believe this is a good plan and will alleviate major traffic concerns with the looped driveway. I think Head Royce has done everything in their power to accommodate neighborhood concerns and this will only make it better for everyone. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Kerryn Pincus  
[kerrynpincus@gmail.com](mailto:kerrynpincus@gmail.com)  
5656 , Weaver Place

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**From:** Leslie Price Powell <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 8:19 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I believe in the this vision of this project and I can attest to the deeply thoughtful and careful articulation of the values that this project is rooted in. This will not only enhance the 21st century learning experience of HRS faculty, staff and students, it will offer countless opportunities to connect to Oakland residents through it's many resources. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Leslie Price Powell  
[islandgal1511@gmail.com](mailto:islandgal1511@gmail.com)  
1511 MOUND ST

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**From:** Paul Scott <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 4:46 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

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This project is incredibly important to me because it is going to provide some many amazing opportunities for outdoor learning experiences for Head-Royce students. Everyone of them, from 5 year olds, to 18, will have more space to play, study, reflect, and investigate. We know, from solid research, that such opportunities will translate into greater lifetime commitments to environmental stewardship and advocacy work, not to mention individual health and well-being. Here we see the classic win-win-win. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Paul Scott  
[pscott@headroyce.org](mailto:pscott@headroyce.org)  
1948 Marin Avenue, Berkeley

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**From:** Michelle Sicula <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 3:02 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Michelle Sicula  
[msicula@gmail.com](mailto:msicula@gmail.com)  
824 Cleveland Street

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**From:** Martin Reese <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 5:21 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

I am writing today in support of the Head-Royce School Planned Unit Development (PUD) Amendment Project, which was created after years of intensive collaboration with key stakeholders—including neighbors, parents, faculty, alumni, and students. This project will enable Head-Royce to supplement its K-12 education with hands-on experiential learning, STEM innovation, and outdoor learning, and will increase scholarship opportunities for deserving students in the area. This plan represents a transformative opportunity to create a cutting-edge instructional environment designed for the future of education while also providing benefits to the surrounding neighborhood.

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This project is incredibly important to me because The children at Head-Royce, especially with COVID, need more space. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Martin Reese  
[mreese@fabricgenomics.com](mailto:mreese@fabricgenomics.com)  
6205 Westwood Way, Oakland CA 94611

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**From:** Anlie Reichel <wordpress@hrsframingourfuture.org>  
**Sent:** Sunday, December 05, 2021 4:03 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Head Royce school has proven that education is integral to bettering our society. The school is constantly making great effort to diversify and promote equity in our fast changing community. The school has well prepared all my children to move about in this world with confidence and integrity. I would very much like to see the school expand and grow. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Anlie Reichel  
[dranliehanreichel@gmail.com](mailto:dranliehanreichel@gmail.com)  
6125 Fairlane Drive, Oakland CA 94611

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**From:** Jinee Tao <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 9:24 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

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This project is incredibly important to me because 1) It will provide much needed space to enhance STEM and arts education. 2) It will address the traffic and safety concerns during drop off, pickup and special events which impact both the Head-Royce community and the neighborhood. 3) Allows the school to increase enrollment in the future so that this amazing institution/ Oakland jewel can be made available to more students. 4) Provide outdoor education spaces for healthier, eco-conservation-minded education. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Jinee Tao  
[itao@avondalellc.com](mailto:itao@avondalellc.com)  
56 Gypsy Lane, Oakland, CA 94705

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**From:** Dara Torgerson <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 9:12 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it will create more opportunities for children to learn while bringing new life to the natural space in our neighborhood. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Dara Torgerson  
[dara.torgerson@me.com](mailto:dara.torgerson@me.com)  
2807 Steinmetz Way, Oakland CA

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**From:** Alesia Barrett Singer <wordpress@hrsframingourfuture.org>  
**Sent:** Sunday, December 05, 2021 6:56 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I believe in the mission of Head-Royce and believe that the PUD will benefit both the students, families, and broader community. Furthermore, I look forward to having school traffic diverted off of Lincoln Ave and pick-up and drop-off improved for both the school and the neighborhood. I also believe that the PUD will be a welcome visual upgrade to the existing property for the neighborhood and school. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Alesia Barrett Singer  
[alesia116@me.com](mailto:alesia116@me.com)  
81 Skyway Ln. Oakland CA 94619

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**From:** Gabe Stephenson <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 1:34 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because This helps improve safety for Head-Royce students, parents and surrounding residents. This modernization also helps ensure that the Oakland community continues to benefit from a leading educational option for its children. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Gabe Stephenson  
[gabe.d.stephenson@gmail.com](mailto:gabe.d.stephenson@gmail.com)  
28 Merrill Circle South in Moraga

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**From:** scott verges <wordpress@hrsframingourfuture.org>  
**Sent:** Tuesday, November 30, 2021 9:54 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it provides the students and community with a safe and thoroughly eco-friendly environment. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
scott verges  
[sverges@tmppartners.com](mailto:sverges@tmppartners.com)  
1269 grand view dr., oakland, CA

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**From:** Yvonne Walker <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 9:05 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Yvonne Walker  
[yvonnew100@gmail.com](mailto:yvonnew100@gmail.com)  
2460 Damuth St Oakland, Ca 94602

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**From:** Alexander Umegboh <wordpress@hrsframingourfuture.org>  
**Sent:** Sunday, December 05, 2021 8:33 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it will improve the quality of life for our students and make a positive impact in our students and the neighboring community. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Alexander Umegboh  
[aumegboh@yahoo.com](mailto:aumegboh@yahoo.com)  
5530 Harvey Avenue, A

---

**From:** Eugene Vann <wordpress@hrsframingourfuture.org>  
**Sent:** Monday, December 06, 2021 8:57 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it is a net positive move: less traffic along Lincoln at drop off (8-8:30) and pick up (3-3:30), greater accessibility to families of all income levels with more financial aid, and a demonstration of a sustainable construction and landscaping. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Eugene Vann  
[evann@headroyce.org](mailto:evann@headroyce.org)  
4315 Lincoln Avenue

---

**From:** Cindy Xu <wordpress@hrsframingourfuture.org>  
**Sent:** Sunday, December 05, 2021 6:17 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because It is the best way to use the land. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Cindy Xu  
[xuxin\\_us@yahoo.com](mailto:xuxin_us@yahoo.com)  
110 Olive Ave, Piedmont, CA, 94611

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**From:** Tom Yu <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 5:56 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Tom Yu  
[tomcyu@yahoo.com](mailto:tomcyu@yahoo.com)  
398 Fernwood Dr Moraga CA

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**From:** Terry Wit <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 04, 2021 4:22 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

I am writing today in support of the Head-Royce School Planned Unit Development (PUD) Amendment Project, which was created after years of intensive collaboration with key stakeholders—including neighbors, parents, faculty, alumni, and students. This project will enable Head-Royce to supplement its K-12 education with hands-on experiential learning, STEM innovation, and outdoor learning, and will increase scholarship opportunities for deserving students in the area. This plan represents a transformative opportunity to create a cutting-edge instructional environment designed for the future of education while also providing benefits to the surrounding neighborhood.

I was delighted to see that the Draft Environmental Impact Report (EIR) found that all environmental impacts from the project can be reduced to a level of “less than significant” with standard conditions of approval and mitigation measures. I believe that these measures—which include the addition of a new loop driveway that routes pick-up and drop-off activities out of the neighborhood and onto the Head-Royce campus—will improve the quality of life in the neighborhood. The proposal was also carefully designed by experienced architects to preserve the neighborhood character, maintain the open feel of the existing property, maximize greenery, and thoughtfully reuse existing buildings on the site.

This project is incredibly important to me because I have one student in the upper school and will have a second in middle school starting around the time the project should be completed, and this will offer tremendous educational and artistic opportunities while also helping to better manage/mitigate traffic and other neighborhood impacts. It is clear to me that the project will not only help the Head-Royce community, but the neighborhood as a whole, and I’m grateful for your consideration. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Terry Wit  
[terrywit@quinnemanuel.com](mailto:terrywit@quinnemanuel.com)  
1279 Weber Street, Alameda, CA 94501

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**From:** Rebecca G Worley <wordpress@hrsframingourfuture.org>  
**Sent:** Sunday, December 05, 2021 9:04 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Head Royce is my Oakland Community. I've lived and paid taxes in Oakland for 20 years, and I value the opportunity to have a world-class learning institution within 3 miles of my home. I navigate many traffic back-ups from other schools as I drive near my house and while I understand the frustrations of the Lincoln Avenue neighborhood, part of the Head-Royce project is working to mitigate traffic issues, not exacerbate them. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Rebecca G Worley  
[becky@beckyworley.com](mailto:becky@beckyworley.com)  
5133 Saddle Brook Dr. Oakland CA 94619

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**From:** Bianka Ahuja <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:16 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because It helps the flow of traffic, it further beautifies the community and it elevates the richness of children’s learning. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Bianka Ahuja  
[biankaramirez@yahoo.com](mailto:biankaramirez@yahoo.com)  
Lafayette CA

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**From:** Ana <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 5:12 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because My son will soon graduate from Head Royce. He has spent 6 incredibly fulfilling years there. We feel this school has to grow and develop further so that more students could get the opportunity to learn, connect and thrive academically and emotionally. This project is important for the neighborhood that lacks good schools. We need more room for high-quality educators and students. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Ana  
[Ansivtsova@gmail.com](mailto:Ansivtsova@gmail.com)  
12 Perth place Berkeley

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**From:** Shawn Badlani <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:48 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because the benefits of moving pick-up and drop-off traffic off of Lincoln will improve the quality of life in the neighborhood. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Shawn Badlani  
[sbadlani@gmail.com](mailto:sbadlani@gmail.com)  
25 Paintbrush Lane, Orinda, CA 94563

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**From:** Elizabeth Bailey <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 5:34 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it provides an opportunity to bring more educational opportunities to our diverse community. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Elizabeth Bailey  
[elizabethmbailey@yahoo.com](mailto:elizabethmbailey@yahoo.com)  
1865 Yosemite Road, Berkeley

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**From:** Kulsum Arif <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:45 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because investing in education is investing in our kids and our future. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Kulsum Arif  
[kulsumarif@yahoo.com](mailto:kulsumarif@yahoo.com)  
317 Whitcliff ct

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**From:** Sabina Aurilio <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:12 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because the expansion of the Head Royce campus will take traffic off Lincoln Ave. and will give more kids from Oakland the opportunity to access educational opportunities. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Sabina Aurilio  
[s.aurilio@yahoo.com](mailto:s.aurilio@yahoo.com)  
1507 Martin Luther King Jr Way, Berkeley CA

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**From:** elsa cardona <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:48 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because my son will have access to a large variety of technology, science and out door learning opportunities provided by the proposed space.

In addition, as a family, we welcome the opportunity for even more diversity as the number of students admitted to the school would increase with the additional of the space. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
elsa cardona  
[elsacardona@hotmail.com](mailto:elsacardona@hotmail.com)  
1033 filbert street, Oakland Ca94607

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**From:** Michael Carlson <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:50 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Michael Carlson  
[gobearsmac@gmail.com](mailto:gobearsmac@gmail.com)  
1580 Grand View Dr, Berkeley, CA, 94705

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**From:** Jean G Banker <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:44 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I live in the neighborhood and am very conscious of the amount of road congestion that HRS generates. This project will clearly solve these road congestion problems. In addition, I am a parent of children at HRS and am so glad to see new facilities to add to the enrichment of the students as well as a safe way for them to travel between campuses (tunnel). I am really looking forward to these improvements. Thanks to a great design, this project will benefit everyone at the school, the immediate neighborhood residents and anyone needing to drive Lincoln Blvd. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Jean G Bunker  
[jean.banker@gmail.com](mailto:jean.banker@gmail.com)  
3446 RUBIN DR

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**From:** Gautam Boroohah <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:53 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it will benefit not only students at the school, but also disadvantaged children in Oakland who participate in programs like HeadStart and afterschool. It is the least intrusive and most appropriate use of the space and from a tour of the site I have seen the efforts the school has made to make the new campus as beneficial as possible to the surrounding neighborhood and broader environment. There will always be some in the community who will fight any change at all, but stopping or delaying this project would only hurt future generations of Oaklanders. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Gautam Boroohah  
[gboroohah@gmail.com](mailto:gboroohah@gmail.com)  
5333 James Ave, Oakland CA 94618

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**From:** Brandon currie <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:34 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because It will greatly improve the safety for Head Royce students (including my own) by providing a dedicated drop-off and pickup plan that is away from the main Lincoln Ave artery. There will be less arterial traffic which will benefit both the neighborhood and HR community.

I'm also excited to bring more of a dedicated arts space to HR that my elementary age kids will surely benefit from. We often base our children's education on traditional academic measures but fail to sometimes emphasize the arts and creativity, both of which directly contribute to the development of well rounded human beings.

Thank You,  
Brandon Currie Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

---

**From:** Dean Donovan <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 5:14 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Dean Donovan  
[wddendonovan@gmail.com](mailto:wddendonovan@gmail.com)  
2840 Claremont Blvd

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**From:** Joaquin Clay <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:55 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because It will reduce traffic congestion on Lincoln Ave. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Joaquin Clay  
[joaquin.clay@gmail.com](mailto:joaquin.clay@gmail.com)  
[joaquin.clay@gmail.com](mailto:joaquin.clay@gmail.com)

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**From:** Susan Cline <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:42 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because the Head-Royce school is an Oakland treasure that needs updating. The traffic flow to get to the school is difficult and imposes on neighbors and parents alike. Additionally, with the larger campus to serve more students, more scholarships could be offered to deserving students who currently might not gain access to the school. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Susan Cline  
[home4slc@pacbell.net](mailto:home4slc@pacbell.net)  
5425 Thomas Avenue, Oakland, CA 94618

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**From:** Jeff Friedman <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 5:30 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Jeff Friedman  
[jdfriedman1@gmail.com](mailto:jdfriedman1@gmail.com)  
59 Yorkshire Drive

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**From:** Brian Greenberg <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:02 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because as both a parent and member of the neighborhood community, hands-on learning, particularly in the fields of STEM, are so important to the future of our country. Knowing that this campus can be designed in a way to have minimal impact on the surrounding community and further develop the gem that Head Royce is for all of Oakland makes me incredibly supportive of this initiative. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Brian Greenberg  
[greenbergbrian@gmail.com](mailto:greenbergbrian@gmail.com)  
3385 Herrier Street, Oakland, Ca

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**From:** ken El-Sherif <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:18 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because We have a wonderful school that serves a diverse set of students from the Bay Area. Given the state of education in the U.S., expanding the successful schools that help our children prepare for a life of service and contribution is the most important thing we can do. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
ken El-Sherif  
[kelsherif1@yahoo.com](mailto:kelsherif1@yahoo.com)  
9501 Velvetleaf Circle

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**From:** Mike and Janine Evans <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:17 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Head-Royce uses scholarship funds for over 25% of students contributing to their education and future success. The new project will enhance their educational experience, and allow HRS to be an even better neighbor by taking cars off of Lincoln and on to the loop driveway. It will also allow HRS to provide facilities for a more robust Summer learning program for the community. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Mike and Janine Evans  
[mike.evans@gmail.com](mailto:mike.evans@gmail.com)  
120 Laura Way, Orinda CA

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**From:** Asia Hersi <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 5:01 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I feel that this is a very innovative and beneficial project that will help the school as a whole my son included. My daughter informed me this was a thing so I thought it was best to support it. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Asia Hersi  
[asaihersi@hotmail.com](mailto:asaihersi@hotmail.com)  
1606 11th ave apt 14

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**From:** Brad Jefferson <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:27 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it allows Head Royce to continue growing and adapting into the future as an important academic institution in Oakland while reducing the traffic and noise for the neighborhood. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Brad Jefferson  
[bradleycj@gmail.com](mailto:bradleycj@gmail.com)  
840 Santa Ray Ave, Oakland, CA 94610

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**From:** John H Chipman JR <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:01 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because the expansion will enhance HRS' ability to provide students with an outstanding education, and provide the community with job opportunities and a strong source of local pride. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
John H Chipman JR  
[jchipmanjr@chipmanrelo.com](mailto:jchipmanjr@chipmanrelo.com)  
1424 San Jose Avenue

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**From:** John Hebda <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:55 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because As members of the Oakmore neighborhood and also parents of a Head-Royce Kindergarten student, we believe that the school is an incredibly valuable asset to our community. This development will not only help advance the school and its ability to provide a great education to many students in Oakland and our surrounding cities, but will also help continue to make this community an amazing place to live. They have been very thoughtful about the development and how to improve traffic flow to ensure it's better than the current approach that involves many cars on Lincoln Ave each day. I believe this project will have a net positive impact on our community and am very supportive. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
John Hebda  
[john@johnhebda.com](mailto:john@johnhebda.com)  
2080 Rosecrest Dr, Oakland, CA 94602

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**From:** Casey Keller <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:49 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Head Royce School has been a positive part of our community for over 130 years! It's such a wonderful place of learning and influence, and has a vibrantly diverse alumni that have contributed much to Oakland and all other parts of the world. The expansion of the school just allows it to continue to deliver on its purpose and mission and provide ongoing benefit. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Casey Keller  
[casey.a.keller@gmail.com](mailto:casey.a.keller@gmail.com)  
6210 Broadway Terrace

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**From:** Zeenat Khan <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:58 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Of all the aforementioned benefits to both students and the community. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Zeenat Khan  
[zeenatakhan@aol.com](mailto:zeenatakhan@aol.com)  
5547 Thornhill Drive, Oakland, CA.

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**From:** William Kasoff <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:40 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because students at any school can only excel to the level of opportunity available. With this expansion the students of Head Royce School will have more opportunity than ever before. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
William Kasoff  
[wak.siod@gmail.com](mailto:wak.siod@gmail.com)  
1685 Arch Street, Suite 2

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**From:** Kimi Kean <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:47 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I have been an educator for 20 years in Oakland and it is so important that schools that provide such outstanding educational opportunity like Head Royce be able to expand their powerful programming and reach to more Oakland students.

As a parent and neighbor of Head Royce I have witnessed the diligent commitment to minimizing impact in the surrounding community while providing such an incredible educational asset to our city. Head Royce has had a life changing impact on both of my daughters and as a result, I wholeheartedly support this project. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Kimi Kean  
[kimikean@gmail.com](mailto:kimikean@gmail.com)  
4153 Fruitvale Ave

---

**From:** Dan Lynch <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:45 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because We need future leaders to face our country's complex challenges and build a sustainable future for our communities. Head-Royce has a unique opportunity to support and shape a future pipeline of conscious leaders. The South Campus - with expanded access to STEM learning and other opportunities - will be important to that effort. The project was conscientiously designed to preserve and enhance the neighborhood around it and I hope all stakeholders will support the project and be a part of this great progress. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Dan Lynch  
[danlynch705@gmail.com](mailto:danlynch705@gmail.com)  
161 Brookside Place Danville CA 94526

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**From:** Suzanne Lynch <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:36 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Creating a space where students can grow and learn and express themselves is always a worthwhile investment. Head-Royce is dedicated to this endeavor and I know that the expansion of the campus will first and foremost be focused on giving current students more opportunities to expand their education while also creating the space to accept a larger number of qualified students. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Suzanne Lynch  
[suzanne2lynch@gmail.com](mailto:suzanne2lynch@gmail.com)  
161 Brookside Pl

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**From:** Gary Kushner <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:58 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Gary Kushner  
[gkushner@gmail.com](mailto:gkushner@gmail.com)  
21c Orinda way, Orinda, 94563

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**From:** Elisa Lee <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:33 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

I am writing today in support of the Head-Royce School Planned Unit Development (PUD) Amendment Project, which was created after years of intensive collaboration with key stakeholders—including neighbors, parents, faculty, alumni, and students. This project will enable Head-Royce to supplement its K-12 education with hands-on experiential learning, STEM innovation, and outdoor learning, and will increase scholarship opportunities for deserving students in the area. This plan represents a transformative opportunity to create a cutting-edge instructional environment designed for the future of education while also providing benefits to the surrounding neighborhood.

I was delighted to see that the Draft Environmental Impact Report (EIR) found that all environmental impacts from the project can be reduced to a level of "less than significant" with standard conditions of approval and mitigation measures. I believe that these measures—which include the addition of a new loop driveway that routes pick-up and drop-off activities out of the neighborhood and onto the Head-Royce campus—will improve the quality of life in the neighborhood. The proposal was also carefully designed by experienced architects to preserve the neighborhood character, maintain the open feel of the existing property, maximize greenery, and thoughtfully reuse existing buildings on the site.

This project is incredibly important to me because Oakland needs to support all the bright lights in this city rather than sinking further into mediocrity. As a graduate of Skyline High (c/o 1992), Montera and Carl Munck, I am appalled at how education has suffered throughout the years (mainly due to the passage of Prop 13). Please continue to support education where we can, whether it is public or private. We owe it to our children and the generations that follow us. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Elisa Lee  
[ellisalee96@yahoo.com](mailto:ellisalee96@yahoo.com)  
233 Estates Dr Piedmont CA 94611

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**From:** Katherine Naidu <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:30 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it includes plans to have less foot traffic crossing Lincoln creating a safer and more efficient pick up and drop off for students and families. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Katherine Naidu  
[katherine.auringer@gmail.com](mailto:katherine.auringer@gmail.com)  
Oakland

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**From:** Alex Navarro <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:16 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Alex Navarro  
[alexnavarro415@gmail.com](mailto:alexnavarro415@gmail.com)  
1970 42ND AVE

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**From:** Vanessa Maren <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 5:13 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Vanessa Maren  
[vanessa.maren@gmail.com](mailto:vanessa.maren@gmail.com)  
2840 Claremont Blvd

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**From:** China McKay <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:36 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because my son is a student at Head-Royce. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
China McKay  
[china@ellingtonandfrench.com](mailto:china@ellingtonandfrench.com)  
2942 Domingo Ave, Berkeley CA 94705

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**From:** vinny poddatoori <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:58 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
vinny poddatoori  
[vpoddatoor@aol.com](mailto:vpoddatoor@aol.com)  
59 Cedar Terrace Road, Orinda ca

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**From:** Dave Rapson <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:13 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I am one of the coaches of the high school baseball team and I know that this project will enhance our students' ability to realize their true potential. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Dave Rapson  
[daverapson32@gmail.com](mailto:daverapson32@gmail.com)  
318 San Carlos Avenue, Piedmont, CA 94611

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**From:** Gagan Pabla <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:22 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Gagan Pabla  
[gaganpabla@yahoo.com](mailto:gaganpabla@yahoo.com)  
3063 Ashbourne Circle San Ramon, CA 94583

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**From:** amanda peeters <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 5:29 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I have a daughter who has been attending the Head Royce School since she was a middle schooler. She has learned and grown tremendously at the school. Although my child is currently in high school and probably wouldn't be able to enjoy the South Campus once it's built, I would like other future students to enjoy this incredible space to be able to grow and learn even more with the additional resources provided on this new campus. In addition, we live in the neighborhood and are excited to see additional new driveway to improve the quality of life! Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
amanda peeters  
[amanda.interpreter@gmail.com](mailto:amanda.interpreter@gmail.com)  
2006 Leimert Blvd Oakland, CA 94602

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**From:** Madeline Stone <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:48 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it represents the future of learning, with designated STEM and outdoor learning spaces, and it will provide an opportunity for kids of different ages to come together in a beautiful and collaborative work environment. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Madeline Stone  
[madelaine30stone@yahoo.com](mailto:madelaine30stone@yahoo.com)  
12 Monte Avenue, Piedmont

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**From:** Edward Sweet <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 5:11 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it will allow Head-Royce School to contribute even further to the improvement of Oakland and its diverse community. More Oakland students, including more scholarship students, will be able to benefit from a superior education and ultimately give more back to the greater community. Head-Royce, through its Heads Up program and in many other ways, is a leader in independent schools contributing to the betterment of the entire Oakland community. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Edward Sweet  
[ehsweet@gmail.com](mailto:ehsweet@gmail.com)  
160 Stonewall RD, Oakland

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**From:** Wynee Sade <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:31 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it will alleviate traffic in the community and improve the relationship between the school and the neighbors in the area. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Wynee Sade  
[yangsade@gmail.com](mailto:yangsade@gmail.com)  
706 Mandana Blvd Oakland CA 94610

---

**From:** Michelle Tajirian Shoffner <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 5:24 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because as a Head-Royce alumna, current parent, and Oakland resident I believe the developed uses for the new campus will improve the school and community for generations to come. The opportunity for outdoor education, the beautiful existing buildings that will be used and loved again, and the safety improvements with the loop road are all amazing additions to the school and neighborhood. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Michelle Tajirian Shoffner  
[g michelle@gmail.com](mailto:g michelle@gmail.com)  
809 Mandana Blvd

---

**From:** Tai Voong <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:10 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Tai Voong  
[tai\\_voong@hotmail.com](mailto:tai_voong@hotmail.com)  
5763 Florence Terrace Oakland CA 94611

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**From:** Trang Vu <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 5:22 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because for a better learning environment for the kids, more opportunities for the kids in the area. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Trang Vu  
[tracy220819@gmail.com](mailto:tracy220819@gmail.com)  
4 Pala Ave, Piedmont, CA, 94611

---

**From:** Theresa Utibe-Ukim <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:02 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Head Royce is working hard to provide a broad and inclusive education for children K-12. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Theresa Utibe-Ukim  
[tessyukim@yahoo.com](mailto:tessyukim@yahoo.com)  
6260 Stoneridge Mall Rd #A208, Pleasanton CA 94588

---

**From:** Julia Valente <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:40 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

I am writing today in support of the Head-Royce School Planned Unit Development (PUD) Amendment Project, which was created after years of intensive collaboration with key stakeholders—including neighbors, parents, faculty, alumni, and students. This project will enable Head-Royce to supplement its K-12 education with hands-on experiential learning, STEM innovation, and outdoor learning, and will increase scholarship opportunities for deserving students in the area. This plan represents a transformative opportunity to create a cutting-edge instructional environment designed for the future of education while also providing benefits to the surrounding neighborhood.

I was delighted to see that the Draft Environmental Impact Report (EIR) found that all environmental impacts from the project can be reduced to a level of “less than significant” with standard conditions of approval and mitigation measures. I believe that these measures—which include the addition of a new loop driveway that routes pick-up and drop-off activities out of the neighborhood and onto the Head-Royce campus—will improve the quality of life in the neighborhood. The proposal was also carefully designed by experienced architects to preserve the neighborhood character, maintain the open feel of the existing property, maximize greenery, and thoughtfully reuse existing buildings on the site.

This project is incredibly important to me because it will create more safe space for the students and improve traffic flow. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Julia Valente  
[julia.hensley@gmail.com](mailto:julia.hensley@gmail.com)  
1575 Capistrano Avenue Berkeley CA 94707

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**From:** Kristine Wyndham <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:38 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

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This project is incredibly important to me because the educational value to children of using this land for learning is immense, including opportunities to connect with nature and participate in outdoor ed. I live near school and as a neighbor I value the commitment to open space and habitat for plants, birds, and insects. Finally moving school pickup and dropoff away from Lincoln will be safer for children and easier on Lincoln traffic. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Kristine Wyndham  
[kwyndham@gmail.com](mailto:kwyndham@gmail.com)  
1379 El Centro Ave

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**From:** Xin Yang <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:42 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

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This project is incredibly important to me because it improves safety for both the Head Royce children and the neighborhood through a dedicated drop off and pick up driveway. It also improves general aesthetic and environment along Lincoln Avenue through maximizing greenery. The project would update teaching facilities at the school. Since children are our future let us do something together that would benefit them for many years to come. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Xin Yang  
[xy202@hotmail.com](mailto:xy202@hotmail.com)  
1045 Keith Avenue

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**From:** Ran Wei <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:55 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

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This project is incredibly important to me because experiential learning is such a crucial component of my child's education that I had to reach out of the school environment to join outside programs in the past. It would be great if my child and her classmates can get innovative STEM education through experiential learning within their school, "their natural habitat". Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Ran Wei  
[ranwei@gmail.com](mailto:ranwei@gmail.com)  
6276 Acacia Ave, Oakland, CA 94618

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**From:** Deirdre Williams <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:55 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I've been a part of the Head Royce community over 53 years and know first hand the impact the institution had on my life as well as my daughter's life. children Over the past 33 years that the school nurtured children and young adults to become intellectual citizens. They have outgrown the space to continue being a leader in education. By expanding the school, HRS will reach more children in the bay area and have the space and facility to make a difference in the community. The south campus will enhance the area. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Deirdre Williams  
[dwilliams@headroyce.org](mailto:dwilliams@headroyce.org)  
8801 Seneca St

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**From:** scott verges <wordpress@hrsframingourfuture.org>  
**Sent:** Tuesday, November 30, 2021 9:54 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it provides the students and community with a safe and thoroughly eco-friendly environment. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
scott verges  
[sverges@bmppartners.com](mailto:sverges@bmppartners.com)  
1269 grand view dr., oakland, CA

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**From:** Andreja Stevanovic <wordpress@hrsframingourfuture.org>  
**Sent:** Tuesday, December 07, 2021 10:16 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I believe that it will provide students with greater ability to learn in better environment Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Andreja Stevanovic  
[andreja.stevanovic@gmail.com](mailto:andreja.stevanovic@gmail.com)  
5884 Estates Drive

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**From:** Bianka Ahuja <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:16 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because It helps the flow of traffic, it further beautifies the community and it elevates the richness of children’s learning. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Bianka Ahuja  
[biankaramirez@yahoo.com](mailto:biankaramirez@yahoo.com)  
Lafayette CA

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**From:** Ana <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 5:12 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because My son will soon graduate from Head Royce. He has spent 6 incredibly fulfilling years there. We feel this school has to grow and develop further so that more students could get the opportunity to learn, connect and thrive academically and emotionally. This project is important for the neighborhood that lacks good schools. We need more room for high-quality educators and students. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Ana  
[Ansivtsova@gmail.com](mailto:Ansivtsova@gmail.com)  
12 Perth place Berkeley

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**From:** Shawn Badlani <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:48 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because the benefits of moving pick-up and drop-off traffic off of Lincoln will improve the quality of life in the neighborhood. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Shawn Badlani  
[sbadlani@gmail.com](mailto:sbadlani@gmail.com)  
25 Paintbrush Lane, Orinda, CA 94563

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**From:** Elizabeth Bailey <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 5:34 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it provides an opportunity to bring more educational opportunities to our diverse community. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Elizabeth Bailey  
[elizabethmbailey@yahoo.com](mailto:elizabethmbailey@yahoo.com)  
1865 Yosemite Road, Berkeley

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**From:** Kulsum Arif <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:45 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because investing in education is investing in our kids and our future. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Kulsum Arif  
[kulsumarif@yahoo.com](mailto:kulsumarif@yahoo.com)  
317 Whitcliff ct

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**From:** Sabina Aurilio <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:12 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because the expansion of the Head Royce campus will take traffic off Lincoln Ave. and will give more kids from Oakland the opportunity to access educational opportunities. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Sabina Aurilio  
[s.aurilio@yahoo.com](mailto:s.aurilio@yahoo.com)  
1507 Martin Luther King Jr Way, Berkeley CA

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**From:** elsa cardona <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:48 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because my son will have access to a large variety of technology, science and out door learning opportunities provided by the proposed space.

In addition, as a family, we welcome the opportunity for even more diversity as the number of students admitted to the school would increase with the additional of the space. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
elsa cardona  
[elsacardona@hotmail.com](mailto:elsacardona@hotmail.com)  
1033 filbert street, Oakland Ca94607

---

**From:** Michael Carlson <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:50 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Michael Carlson  
[gobearsmac@gmail.com](mailto:gobearsmac@gmail.com)  
1580 Grand View Dr, Berkeley, CA, 94705

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**From:** Jean G Banker <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:44 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I live in the neighborhood and am very conscious of the amount of road congestion that HRS generates. This project will clearly solve these road congestion problems. In addition, I am a parent of children at HRS and am so glad to see new facilities to add to the enrichment of the students as well as a safe way for them to travel between campuses (tunnel). I am really looking forward to these improvements. Thanks to a great design, this project will benefit everyone at the school, the immediate neighborhood residents and anyone needing to drive Lincoln Blvd. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Jean G Bunker  
[jean.banker@gmail.com](mailto:jean.banker@gmail.com)  
3446 RUBIN DR

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**From:** Gautam Boroohah <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:53 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

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Dear Planning Commissioners,

I am writing today in support of the Head-Royce School Planned Unit Development (PUD) Amendment Project, which was created after years of intensive collaboration with key stakeholders—including neighbors, parents, faculty, alumni, and students. This project will enable Head-Royce to supplement its K-12 education with hands-on experiential learning, STEM innovation, and outdoor learning, and will increase scholarship opportunities for deserving students in the area. This plan represents a transformative opportunity to create a cutting-edge instructional environment designed for the future of education while also providing benefits to the surrounding neighborhood.

I was delighted to see that the Draft Environmental Impact Report (EIR) found that all environmental impacts from the project can be reduced to a level of “less than significant” with standard conditions of approval and mitigation measures. I believe that these measures—which include the addition of a new loop driveway that routes pick-up and drop-off activities out of the neighborhood and onto the Head-Royce campus—will improve the quality of life in the neighborhood. The proposal was also carefully designed by experienced architects to preserve the neighborhood character, maintain the open feel of the existing property, maximize greenery, and thoughtfully reuse existing buildings on the site.

This project is incredibly important to me because it will benefit not only students at the school, but also disadvantaged children in Oakland who participate in programs like HeadStart and afterschool. It is the least intrusive and most appropriate use of the space and from a tour of the site I have seen the efforts the school has made to make the new campus as beneficial as possible to the surrounding neighborhood and broader environment. There will always be some in the community who will fight any change at all, but stopping or delaying this project would only hurt future generations of Oaklanders. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Gautam Boroohah  
[gboroohah@gmail.com](mailto:gboroohah@gmail.com)  
5333 James Ave, Oakland CA 94618

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**From:** Brandon currie <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:34 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because It will greatly improve the safety for Head Royce students (including my own) by providing a dedicated drop-off and pickup plan that is away from the main Lincoln Ave artery. There will be less arterial traffic which will benefit both the neighborhood and HR community.

I'm also excited to bring more of a dedicated arts space to HR that my elementary age kids will surely benefit from. We often base our children's education on traditional academic measures but fail to sometimes emphasize the arts and creativity, both of which directly contribute to the development of well rounded human beings.

Thank You,  
Brandon Currie Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

---

**From:** Dean Donovan <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 5:14 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Dean Donovan  
[wddendonovan@gmail.com](mailto:wddendonovan@gmail.com)  
2840 Claremont Blvd

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**From:** Joaquin Clay <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:55 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because It will reduce traffic congestion on Lincoln Ave. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Joaquin Clay  
[joaquin.clay@gmail.com](mailto:joaquin.clay@gmail.com)  
[joaquin.clay@gmail.com](mailto:joaquin.clay@gmail.com)

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**From:** Susan Cline <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:42 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because the Head-Royce school is an Oakland treasure that needs updating. The traffic flow to get to the school is difficult and imposes on neighbors and parents alike. Additionally, with the larger campus to serve more students, more scholarships could be offered to deserving students who currently might not gain access to the school. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Susan Cline  
[home4slc@pacbell.net](mailto:home4slc@pacbell.net)  
5425 Thomas Avenue, Oakland, CA 94618

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**From:** Jeff Friedman <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 5:30 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Jeff Friedman  
[jdfriedman1@gmail.com](mailto:jdfriedman1@gmail.com)  
59 Yorkshire Drive

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**From:** Brian Greenberg <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:02 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because as both a parent and member of the neighborhood community, hands-on learning, particularly in the fields of STEM, are so important to the future of our country. Knowing that this campus can be designed in a way to have minimal impact on the surrounding community and further develop the gem that Head Royce is for all of Oakland makes me incredibly supportive of this initiative. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Brian Greenberg  
[greenbergbrian@gmail.com](mailto:greenbergbrian@gmail.com)  
3385 Herrier Street, Oakland, Ca

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**From:** ken El-Sherif <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:18 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because We have a wonderful school that serves a diverse set of students from the Bay Area. Given the state of education in the U.S., expanding the successful schools that help our children prepare for a life of service and contribution is the most important thing we can do. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
ken El-Sherif  
[kelsherif1@yahoo.com](mailto:kelsherif1@yahoo.com)  
9501 Velvetleaf Circle

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**From:** Mike and Janine Evans <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:17 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Head-Royce uses scholarship funds for over 25% of students contributing to their education and future success. The new project will enhance their educational experience, and allow HRS to be an even better neighbor by taking cars off of Lincoln and on to the loop driveway. It will also allow HRS to provide facilities for a more robust Summer learning program for the community. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Mike and Janine Evans  
[mike.evans@gmail.com](mailto:mike.evans@gmail.com)  
120 Laura Way, Orinda CA

---

**From:** Asia Hersi <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 5:01 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I feel that this is a very innovative and beneficial project that will help the school as a whole my son included. My daughter informed me this was a thing so I thought it was best to support it. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Asia Hersi  
[asaihersi@hotmail.com](mailto:asaihersi@hotmail.com)  
1606 11th ave apt 14

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**From:** Brad Jefferson <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:27 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it allows Head Royce to continue growing and adapting into the future as an important academic institution in Oakland while reducing the traffic and noise for the neighborhood. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Brad Jefferson  
[bradleycj@gmail.com](mailto:bradleycj@gmail.com)  
840 Santa Ray Ave, Oakland, CA 94610

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**From:** John H Chipman JR <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:01 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because the expansion will enhance HRS' ability to provide students with an outstanding education, and provide the community with job opportunities and a strong source of local pride. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
John H Chipman JR  
[jchipmanjr@chipmanrelo.com](mailto:jchipmanjr@chipmanrelo.com)  
1424 San Jose Avenue

---

**From:** John Hebda <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:55 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because As members of the Oakmore neighborhood and also parents of a Head-Royce Kindergarten student, we believe that the school is an incredibly valuable asset to our community. This development will not only help advance the school and its ability to provide a great education to many students in Oakland and our surrounding cities, but will also help continue to make this community an amazing place to live. They have been very thoughtful about the development and how to improve traffic flow to ensure it's better than the current approach that involves many cars on Lincoln Ave each day. I believe this project will have a net positive impact on our community and am very supportive. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
John Hebda  
[john@johnhebda.com](mailto:john@johnhebda.com)  
2080 Rosecrest Dr, Oakland, CA 94602

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**From:** Casey Keller <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:49 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Head Royce School has been a positive part of our community for over 130 years! It's such a wonderful place of learning and influence, and has a vibrantly diverse alumni that have contributed much to Oakland and all other parts of the world. The expansion of the school just allows it to continue to deliver on its purpose and mission and provide ongoing benefit. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Casey Keller  
[casey.a.keller@gmail.com](mailto:casey.a.keller@gmail.com)  
6210 Broadway Terrace

---

**From:** Zeenat Khan <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:58 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Of all the aforementioned benefits to both students and the community. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Zeenat Khan  
[zeenatakhan@aol.com](mailto:zeenatakhan@aol.com)  
5547 Thornhill Drive, Oakland, CA.

---

**From:** William Kasoff <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:40 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because students at any school can only excel to the level of opportunity available. With this expansion the students of Head Royce School will have more opportunity than ever before. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
William Kasoff  
[wak.siod@gmail.com](mailto:wak.siod@gmail.com)  
1685 Arch Street, Suite 2

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**From:** Kimi Kean <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:47 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

I am writing today in support of the Head-Royce School Planned Unit Development (PUD) Amendment Project, which was created after years of intensive collaboration with key stakeholders—including neighbors, parents, faculty, alumni, and students. This project will enable Head-Royce to supplement its K-12 education with hands-on experiential learning, STEM innovation, and outdoor learning, and will increase scholarship opportunities for deserving students in the area. This plan represents a transformative opportunity to create a cutting-edge instructional environment designed for the future of education while also providing benefits to the surrounding neighborhood.

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This project is incredibly important to me because I have been an educator for 20 years in Oakland and it is so important that schools that provide such outstanding educational opportunity like Head Royce be able to expand their powerful programming and reach to more Oakland students.

As a parent and neighbor of Head Royce I have witnessed the diligent commitment to minimizing impact in the surrounding community while providing such an incredible educational asset to our city. Head Royce has had a life changing impact on both of my daughters and as a result, I wholeheartedly support this project. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Kimi Kean  
[kimikean@gmail.com](mailto:kimikean@gmail.com)  
4153 Fruitvale Ave

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**From:** Dan Lynch <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:45 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because We need future leaders to face our country's complex challenges and build a sustainable future for our communities. Head-Royce has a unique opportunity to support and shape a future pipeline of conscious leaders. The South Campus - with expanded access to STEM learning and other opportunities - will be important to that effort. The project was conscientiously designed to preserve and enhance the neighborhood around it and I hope all stakeholders will support the project and be a part of this great progress. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Dan Lynch  
[danlynch705@gmail.com](mailto:danlynch705@gmail.com)  
161 Brookside Place Danville CA 94526

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**From:** Suzanne Lynch <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:36 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Creating a space where students can grow and learn and express themselves is always a worthwhile investment. Head-Royce is dedicated to this endeavor and I know that the expansion of the campus will first and foremost be focused on giving current students more opportunities to expand their education while also creating the space to accept a larger number of qualified students. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Suzanne Lynch  
[suzanne2lynch@gmail.com](mailto:suzanne2lynch@gmail.com)  
161 Brookside Pl

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**From:** Gary Kushner <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:58 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Gary Kushner  
[gkushner@gmail.com](mailto:gkushner@gmail.com)  
21c Orinda way, Orinda, 94563

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**From:** Elisa Lee <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:33 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Oakland needs to support all the bright lights in this city rather than sinking further into mediocrity. As a graduate of Skyline High (c/o 1992), Montera and Carl Munck, I am appalled at how education has suffered throughout the years (mainly due to the passage of Prop 13). Please continue to support education where we can, whether it is public or private. We owe it to our children and the generations that follow us. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Elisa Lee  
[ellisalee96@yahoo.com](mailto:ellisalee96@yahoo.com)  
233 Estates Dr Piedmont CA 94611

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**From:** Katherine Naidu <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:30 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it includes plans to have less foot traffic crossing Lincoln creating a safer and more efficient pick up and drop off for students and families. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Katherine Naidu  
[katherine.auringer@gmail.com](mailto:katherine.auringer@gmail.com)  
Oakland

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**From:** Alex Navarro <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:16 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Alex Navarro  
[alexnavarro415@gmail.com](mailto:alexnavarro415@gmail.com)  
1970 42ND AVE

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**From:** Vanessa Maren <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 5:13 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Vanessa Maren  
[vanessa.maren@gmail.com](mailto:vanessa.maren@gmail.com)  
2840 Claremont Blvd

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**From:** China McKay <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:36 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because my son is a student at Head-Royce. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
China McKay  
[china@ellingtonandfrench.com](mailto:china@ellingtonandfrench.com)  
2942 Domingo Ave, Berkeley CA 94705

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**From:** vinny poddatoori <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:58 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
vinny poddatoori  
[vpoddatoor@aol.com](mailto:vpoddatoor@aol.com)  
59 Cedar Terrace Road, Orinda ca

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**From:** Dave Rapson <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:13 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I am one of the coaches of the high school baseball team and I know that this project will enhance our students' ability to realize their true potential. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Dave Rapson  
[daverapson32@gmail.com](mailto:daverapson32@gmail.com)  
318 San Carlos Avenue, Piedmont, CA 94611

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**From:** Gagan Pabla <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:22 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Gagan Pabla  
[gaganpabla@yahoo.com](mailto:gaganpabla@yahoo.com)  
3063 Ashbourne Circle San Ramon, CA 94583

---

**From:** amanda peeters <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 5:29 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I have a daughter who has been attending the Head Royce School since she was a middle schooler. She has learned and grown tremendously at the school. Although my child is currently in high school and probably wouldn't be able to enjoy the South Campus once it's built, I would like other future students to enjoy this incredible space to be able to grow and learn even more with the additional resources provided on this new campus. In addition, we live in the neighborhood and are excited to see additional new driveway to improve the quality of life! Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
amanda peeters  
[amanda.interpreter@gmail.com](mailto:amanda.interpreter@gmail.com)  
2006 Leimert Blvd Oakland, CA 94602

---

**From:** Madeline Stone <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:48 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it represents the future of learning, with designated STEM and outdoor learning spaces, and it will provide an opportunity for kids of different ages to come together in a beautiful and collaborative work environment. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Madeline Stone  
[madelaine30stone@yahoo.com](mailto:madelaine30stone@yahoo.com)  
12 Monte Avenue, Piedmont

---

**From:** Edward Sweet <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 5:11 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it will allow Head-Royce School to contribute even further to the improvement of Oakland and its diverse community. More Oakland students, including more scholarship students, will be able to benefit from a superior education and ultimately give more back to the greater community. Head-Royce, through its Heads Up program and in many other ways, is a leader in independent schools contributing to the betterment of the entire Oakland community. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Edward Sweet  
[ehsweet@gmail.com](mailto:ehsweet@gmail.com)  
160 Stonewall RD, Oakland

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**From:** Wynee Sade <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:31 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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I am writing today in support of the Head-Royce School Planned Unit Development (PUD) Amendment Project, which was created after years of intensive collaboration with key stakeholders—including neighbors, parents, faculty, alumni, and students. This project will enable Head-Royce to supplement its K-12 education with hands-on experiential learning, STEM innovation, and outdoor learning, and will increase scholarship opportunities for deserving students in the area. This plan represents a transformative opportunity to create a cutting-edge instructional environment designed for the future of education while also providing benefits to the surrounding neighborhood.

I was delighted to see that the Draft Environmental Impact Report (EIR) found that all environmental impacts from the project can be reduced to a level of “less than significant” with standard conditions of approval and mitigation measures. I believe that these measures—which include the addition of a new loop driveway that routes pick-up and drop-off activities out of the neighborhood and onto the Head-Royce campus—will improve the quality of life in the neighborhood. The proposal was also carefully designed by experienced architects to preserve the neighborhood character, maintain the open feel of the existing property, maximize greenery, and thoughtfully reuse existing buildings on the site.

This project is incredibly important to me because it will alleviate traffic in the community and improve the relationship between the school and the neighbors in the area. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Wynee Sade  
[yangsade@gmail.com](mailto:yangsade@gmail.com)  
706 Mandana Blvd Oakland CA 94610

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**From:** Michelle Tajirian Shoffner <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 5:24 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because as a Head-Royce alumna, current parent, and Oakland resident I believe the developed uses for the new campus will improve the school and community for generations to come. The opportunity for outdoor education, the beautiful existing buildings that will be used and loved again, and the safety improvements with the loop road are all amazing additions to the school and neighborhood. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Michelle Tajirian Shoffner  
[g michelle@gmail.com](mailto:g michelle@gmail.com)  
809 Mandana Blvd

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**From:** Tai Voong <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:10 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Tai Voong  
[tai\\_voong@hotmail.com](mailto:tai_voong@hotmail.com)  
5763 Florence Terrace Oakland CA 94611

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**From:** Trang Vu <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 5:22 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because for a better learning environment for the kids, more opportunities for the kids in the area. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Trang Vu  
[tracy220819@gmail.com](mailto:tracy220819@gmail.com)  
4 Pala Ave, Piedmont, CA, 94611

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**From:** Theresa Utibe-Ukim <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:02 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Head Royce is working hard to provide a broad and inclusive education for children K-12. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Theresa Utibe-Ukim  
[tessyukim@yahoo.com](mailto:tessyukim@yahoo.com)  
6260 Stoneridge Mall Rd #A208, Pleasanton CA 94588

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**From:** Julia Valente <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:40 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it will create more safe space for the students and improve traffic flow. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Julia Valente  
[julia.hensley@gmail.com](mailto:julia.hensley@gmail.com)  
1575 Capistrano Avenue Berkeley CA 94707

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**From:** Kristine Wyndham <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 4:38 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because the educational value to children of using this land for learning is immense, including opportunities to connect with nature and participate in outdoor ed. I live near school and as a neighbor I value the commitment to open space and habitat for plants, birds, and insects. Finally moving school pickup and dropoff away from Lincoln will be safer for children and easier on Lincoln traffic. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Kristine Wyndham  
[kwyndham@gmail.com](mailto:kwyndham@gmail.com)  
1379 El Centro Ave

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**From:** Xin Yang <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:42 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it improves safety for both the Head Royce children and the neighborhood through a dedicated drop off and pick up driveway. It also improves general aesthetic and environment along Lincoln Avenue through maximizing greenery. The project would update teaching facilities at the school. Since children are our future let us do something together that would benefit them for many years to come. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Xin Yang  
[xy202@hotmail.com](mailto:xy202@hotmail.com)  
1045 Keith Avenue

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**From:** Ran Wei <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:55 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because experiential learning is such a crucial component of my child's education that I had to reach out of the school environment to join outside programs in the past. It would be great if my child and her classmates can get innovative STEM education through experiential learning within their school, "their natural habitat". Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Ran Wei  
[ranwei@gmail.com](mailto:ranwei@gmail.com)  
6276 Acacia Ave, Oakland, CA 94618

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**From:** Deirdre Williams <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:55 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I've been a part of the Head Royce community over 53 years and know first hand the impact the institution had on my life as well as my daughter's life. children Over the past 33 years that the school nurtured children and young adults to become intellectual citizens. They have outgrown the space to continue being a leader in education. By expanding the school, HRS will reach more children in the bay area and have the space and facility to make a difference in the community. The south campus will enhance the area. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Deirdre Williams  
[dwilliams@headroyce.org](mailto:dwilliams@headroyce.org)  
8801 Seneca St

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**From:** scott verges <wordpress@hrsframingourfuture.org>  
**Sent:** Tuesday, November 30, 2021 9:54 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it provides the students and community with a safe and thoroughly eco-friendly environment. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
scott verges  
[sverges@bmppartners.com](mailto:sverges@bmppartners.com)  
1269 grand view dr., oakland, CA

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**From:** Andreja Stevanovic <wordpress@hrsframingourfuture.org>  
**Sent:** Tuesday, December 07, 2021 10:16 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I believe that it will provide students with greater ability to learn in better environment Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Andreja Stevanovic  
[andreja.stevanovic@gmail.com](mailto:andreja.stevanovic@gmail.com)  
5884 Estates Drive

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**From:** Jennifer Brakeman <wordpress@hrsframingourfuture.org>  
**Sent:** Sunday, December 12, 2021 3:33 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I know first hand how careful Head-Royce employees and contractors are about doing the right thing for both the school, the neighbors, and the environment. I also know how doing the right thing is very mission-driven, and we strive to practice what we preach to our students. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Jennifer Brakeman  
[jbrakeman@headroyce.org](mailto:jbrakeman@headroyce.org)  
4309 Whittle Ave. Oakland, 94602

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**From:** Bret Peterson <bretnpeterson@gmail.com>  
**Sent:** Saturday, December 04, 2021 11:56 AM  
**To:** Brown, Courtney  
**Subject:** Head Royce School Planned Unit Development Permit Project DEIR Comments

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Dear Courtney Brown,

I am writing today to give my support for the planned expansion of Head Royce School. Being a resident of the Upper Dimond, I understand the issues and concerns that some have about the Head Royce expansion. However, the Draft Environmental Impact Report (DEIR) has been thoroughly written and addresses all of these concerns with an impressive level of detail. Failure to approve the expansion based on this DEIR would be an arbitrary decision that would instill community distrust in the city's planning department.

It should not be lost on the Planning Commission that the City of Oakland is legally obliged to construct 26,251 housing units during the 2023-2031 Housing Element cycle, and failure to properly plan for this growth will be catastrophic for our city. Rejecting the Head Royce expansion would limit the city's ability to grow, by preventing younger generations from getting the quality education of their choice. Though I will not be sending my children to Head Royce School, others deserve that option if they desire it.

Thank you,  
Bret Peterson, PhD

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**From:** Nair Flores <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:41 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Creating a safe and equipped space for learning in our community is critical. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Nair Flores  
[volnair@gmail.com](mailto:volnair@gmail.com)  
25 Crest road

---

**From:** Blaine I Green <wordpress@hrsframingourfuture.org>  
**Sent:** Thursday, December 09, 2021 10:54 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I have two kids at Head-Royce. It's a great school in the community, and this project will allow more educational, extracurricular and service opportunities. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Blaine I Green  
[blaine.green@pillsburylaw.com](mailto:blaine.green@pillsburylaw.com)  
870 Longridge Road

---

**From:** Ariane Chee <wordpress@hrsframingourfuture.org>  
**Sent:** Monday, December 13, 2021 9:13 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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I was delighted to see that the Draft Environmental Impact Report (EIR) found that all environmental impacts from the project can be reduced to a level of “less than significant” with standard conditions of approval and mitigation measures. I believe that these measures—which include the addition of a new loop driveway that routes pick-up and drop-off activities out of the neighborhood and onto the Head-Royce campus—will improve the quality of life in the neighborhood. The proposal was also carefully designed by experienced architects to preserve the neighborhood character, maintain the open feel of the existing property, maximize greenery, and thoughtfully reuse existing buildings on the site.

This project is incredibly important to me because of the indoor outdoor collaboration space, the STEM building, and the performing arts building. As someone who currently works in tech and was heavily involved in dance at Head-Royce, I strongly believe that these additions will add great value to the school and the future of students. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Ariane Chee  
[achee121@gmail.com](mailto:achee121@gmail.com)  
67 Jersey Street, San Francisco, CA 94114

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**From:** David Enelow <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:41 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

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Dear Planning Commissioners,

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This project is incredibly important to me because it will enable the students to enjoy much more open space and it will alleviate the crowding on our campus. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
David Enelow  
[denelow@headroyce.org](mailto:denelow@headroyce.org)  
1606 Rose St., Berkeley, CA 94703

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**From:** Michael Heyward <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:36 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because all the educational opportunities it will bring for all of our students. I hope that our future students and current students will get an opportunity to have more outdoor space to engage in discussion, explore and examine the world around them. I think the education that Head-Royce will be offered with the addition to the new facilities will really allow our teachers to prepare our students to become the future leaders of tomorrow. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Michael Heyward  
[mheyward@headroyce.org](mailto:mheyward@headroyce.org)  
718 Clay Street apt. 402, Oakland, CA, 94607

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**From:** Sarah Holliman <wordpress@hrsframingourfuture.org>  
**Sent:** Tuesday, November 16, 2021 11:57 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because I live nearby and work at Head-Royce. I see firsthand, every day the impact Head-Royce has on students. This project will: reduce congestion on Lincoln; provide beautiful new spaces for learning, innovating and educating; and allow for more deserving, talented students in the area to receive an education they might not otherwise be able to afford. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Sarah Holliman  
[sarahholliman@yahoo.com](mailto:sarahholliman@yahoo.com)  
5235 Proctor Avenue, Oakland, CA 94618

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**From:** Christina L Greenberg <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:41 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because of its potential to support hands-on learning, community service projects and scholarship opportunities so Head Royce can continue to increase the socio-economic diversity of its student community. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Christina L Greenberg  
[clegg.greenberg@gmail.com](mailto:clegg.greenberg@gmail.com)  
3385 HERRIER ST Oakland, CA 94602

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**From:** David Harris <wordpress@hrsframingourfuture.org>  
**Sent:** Thursday, December 16, 2021 9:19 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because the expansion would allow HRS to enhance its STEM offering. Our daughter is very interested in becoming a doctor someday. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
David Harris  
[david2Sharris@gmail.com](mailto:david2Sharris@gmail.com)  
6920 Norfolk Rd Berkeley, CA 94705

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**From:** Kristin Dwelley <kristinlorraine@yahoo.com>  
**Sent:** Sunday, November 28, 2021 2:29 PM  
**To:** Brown, Courtney  
**Subject:** Head Royce School Planned Unit Development Permit Project

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Dear Courtney Brown,

I write in support of the Head-Royce Schools Expansion goals. While there has been much bad publicity about the project in my Dimond Google Groups news digest, my understanding is that part of the project includes a circle road that will divert much of the traffic off of Lincoln. This seems like a win-win-win for everybody, safer conditions for students, less traffic for neighbors, and perhaps even less idling so less air pollution.

Thank you for considering all perspectives and making the choice the benefits the greatest number of individuals.

Best,  
Kristin Dwelley  
Whittle Ave  
Oakland CA, 94602

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**From:** Dawn Fregosa <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:42 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Good schools support housing values to be high. Schools that prepare students in a collaborative environment and with cutting edge instructional facilities and supports only benefit the community. The Head Royce Community and program has been mindful about use of sustainable building, communication with the local neighborhoods, and mindful of the concerns of the neighbors about drop off and pick up.

The facility will be modern and architecturally enhance the existing historical buildings that will be renovated, and the loop will allow for student safety and better traffic flow. More thought has been put into this build out than I have seen in any of the OUSD expansions and new builds, and both students attending and community members in the area will benefit from the thoughtful design and measures that are being implemented.

Our current Bay Area Labor Market Index (LMI) clearly showcases the need for the next generation to not only have deep skills in science, engineering, technology and mathematics, but also a deep understanding of pollution and the environment.

Head-Royce is continuing to be prepared to rise to those needs with their students, and do so in a collaborative and careful process. Students will, in our urban community, have even better opportunity to effect change with this new expansion.

This school's footprint and the space where the expansion is being built, has existed as a school well-before many of the housing even existed in the community, and their plan echos the respect and partnership with the neighborhood and greater community that is indicative of the Head-Royce student body, alumni, faculty and parents organization. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Dawn Fregosa  
[dawn.fregosa@gmail.com](mailto:dawn.fregosa@gmail.com)  
1220 Begier Ave, San Leandro, CA 94577

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**From:** Jith Jayaratne <wordpress@hrsframingourfuture.org>  
**Sent:** Thursday, December 09, 2021 6:28 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it will greatly improve the quality of education provided by the Head-Royce School. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Jith Jayaratne  
[jayaratne@gmail.com](mailto:jayaratne@gmail.com)  
161 Vicente Road

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**From:** James Jirn <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:42 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it will provide students expanded opportunities for experiential learning and allow Head-Royce to make such opportunities available to the community through increased enrollment. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
James Jirn  
[jirn67@gmail.com](mailto:jirn67@gmail.com)  
4400 Evans Ave, Oakland, CA 94602

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**From:** Heather Erickson & Paul Lilly <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 10, 2021 10:31 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it is responsible redevelopment of a long neglected property and allows for improved traffic flow and congestion on Lincoln Avenue. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Heather Erickson & Paul Lilly  
[herickson7@gmail.com](mailto:herickson7@gmail.com)  
689 Arimo Avenue, Oakland, CA 94610

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**From:** Alastair Mactaggart <wordpress@hrsframingourfuture.org>  
**Sent:** Tuesday, December 14, 2021 2:51 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Head-Royce is one of Oakland's great cultural assets, and with the expansion of the campus to include the new land and classrooms to the south, Head-Royce can become an even better and stronger institution. Head-Royce has a wonderful philanthropic mission of extending a world-class education to an incredibly diverse group of students, with a mandate to extend affordability through financial aid as generously as possible, and this expansion of the school will only enhance one of Oakland's gems. I wholeheartedly support the project. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Alastair Mactaggart  
[alastmac@aol.com](mailto:alastmac@aol.com)  
6220 La Salle Ave. Oakland 94611

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**From:** Jeffrey Lee <wordpress@hrsframingourfuture.org>  
**Sent:** Tuesday, December 14, 2021 8:09 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Jeffrey Lee  
[jlee12@gmail.com](mailto:jlee12@gmail.com)  
3915 Happy Valley Rd, Lafayette, CA 94549

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**From:** Carrie Levy <wordpress@hrsframingourfuture.org>  
**Sent:** Sunday, December 19, 2021 8:38 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because The additional acres of green space will make an impact on their mental wellbeing and outlook. My children are particularly interested in the new STEM lab and additional classroom space for future programs. As a parent, I am excited for the loop where we can safely drop our kids off of Lincoln Avenue freeing up the road for the neighborhood. The expansion of the south campus is an incredible opportunity for not only our students and faculty, but also the neighborhood. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Carrie Levy  
[carrie\\_e\\_levy@hotmail.com](mailto:carrie_e_levy@hotmail.com)  
445 Mountain Avenue Piedmont, CA

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**From:** Burcin Can Metin <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:36 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because our kids need more space, stem lab and we need more parking options Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Burcin Can Metin  
[burcin@metin.org](mailto:burcin@metin.org)  
57 Davis Rd

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**From:** Murali Naidu <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 11, 2021 4:06 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because It will provide an opportunity for the Head Royce community to better serve our students while also addressing neighbors' concerns about traffic on Lincoln and surrounding streets. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Murali Naidu  
[murali@alum.berkeley.edu](mailto:murali@alum.berkeley.edu)  
13625 Campus Dr

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**From:** Mina Mangewala <wordpress@hrsframingourfuture.org>  
**Sent:** Saturday, December 11, 2021 9:16 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

I am writing today in support of the Head-Royce School Planned Unit Development (PUD) Amendment Project, which was created after years of intensive collaboration with key stakeholders—including neighbors, parents, faculty, alumni, and students. This project will enable Head-Royce to supplement its K-12 education with hands-on experiential learning, STEM innovation, and outdoor learning, and will increase scholarship opportunities for deserving students in the area. This plan represents a transformative opportunity to create a cutting-edge instructional environment designed for the future of education while also providing benefits to the surrounding neighborhood.

I was delighted to see that the Draft Environmental Impact Report (EIR) found that all environmental impacts from the project can be reduced to a level of "less than significant" with standard conditions of approval and mitigation measures. I believe that these measures—which include the addition of a new loop driveway that routes pick-up and drop-off activities out of the neighborhood and onto the Head-Royce campus—will improve the quality of life in the neighborhood. The proposal was also carefully designed by experienced architects to preserve the neighborhood character, maintain the open feel of the existing property, maximize greenery, and thoughtfully reuse existing buildings on the site.

This project is incredibly important to me because Head Royce is an important part of the Oakland community. I support any plan that improves the conditions of our Oakland Neighbors. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Mina Mangewala  
[mmangewala05@gmail.com](mailto:mmangewala05@gmail.com)  
3131 Kelly Street, Hayward, CA 94541

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**From:** Niki Mehan <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 10, 2021 10:30 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Niki Mehan  
[mehan1@gmail.com](mailto:mehan1@gmail.com)  
543 Kenmore Ave. Oakland, CA 94610

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**From:** Marissa Silva <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:37 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Marissa Silva  
[mkoliff@hotmail.com](mailto:mkoliff@hotmail.com)  
3394 Springhill Road, Lafayette CA 94549

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**From:** MOLLY B STERN <wordpress@hrsframingourfuture.org>  
**Sent:** Thursday, December 09, 2021 1:31 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because of the opportunities it provides for current students, future students, and for Head's Up students in OUSD. It is significant that the drop off and pick up lines will move off of Lincoln Avenue, from the perspective of both student safety and traffic flow. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
MOLLY B STERN  
[mollybarrett@gmail.com](mailto:mollybarrett@gmail.com)  
658 SANTA RAY AVE

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**From:** Robert Phillips <wordpress@hrsframingourfuture.org>  
**Sent:** Tuesday, December 14, 2021 11:59 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it greatly benefits the school and its community and the surrounding neighborhood. Truly a "win-win" situation as I believe the school provides so much for the local community and the future of so many children in Oakland and beyond. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Robert Phillips  
[robertwinnphillips@yahoo.com](mailto:robertwinnphillips@yahoo.com)  
233 Estates Drive

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**From:** Mehdi Sadeghi <wordpress@hrsframingourfuture.org>  
**Sent:** Monday, December 20, 2021 5:40 AM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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This project is incredibly important to me because it will allow more kids access to this amazing school. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Mehdi Sadeghi  
[msadeghi23@gmail.com](mailto:msadeghi23@gmail.com)  
13533 Campus Drive, Oakland 94605

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**From:** Ashley Stevanovic <wordpress@hrsframingourfuture.org>  
**Sent:** Friday, December 03, 2021 3:36 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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I am writing today in support of the Head-Royce School Planned Unit Development (PUD) Amendment Project, which was created after years of intensive collaboration with key stakeholders—including neighbors, parents, faculty, alumni, and students. This project will enable Head-Royce to supplement its K-12 education with hands-on experiential learning, STEM innovation, and outdoor learning, and will increase scholarship opportunities for deserving students in the area. This plan represents a transformative opportunity to create a cutting-edge instructional environment designed for the future of education while also providing benefits to the surrounding neighborhood.

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This project is incredibly important to me because Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Ashley Stevanovic  
[ashley.stevanovic@gmail.com](mailto:ashley.stevanovic@gmail.com)  
5884 estates drive Oakland Ca 94611

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**From:** Caitlin Whitaker <wordpress@hrsframingourfuture.org>  
**Sent:** Sunday, December 12, 2021 2:34 PM  
**To:** Brown, Courtney  
**Subject:** "In support of the Head-Royce School Planned Unit Development (PUD) Permit Project - DEIR Comments"

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Dear Planning Commissioners,

I am writing today in support of the Head-Royce School Planned Unit Development (PUD) Amendment Project, which was created after years of intensive collaboration with key stakeholders—including neighbors, parents, faculty, alumni, and students. This project will enable Head-Royce to supplement its K-12 education with hands-on experiential learning, STEM innovation, and outdoor learning, and will increase scholarship opportunities for deserving students in the area. This plan represents a transformative opportunity to create a cutting-edge instructional environment designed for the future of education while also providing benefits to the surrounding neighborhood.

I was delighted to see that the Draft Environmental Impact Report (EIR) found that all environmental impacts from the project can be reduced to a level of “less than significant” with standard conditions of approval and mitigation measures. I believe that these measures—which include the addition of a new loop driveway that routes pick-up and drop-off activities out of the neighborhood and onto the Head-Royce campus—will improve the quality of life in the neighborhood. The proposal was also carefully designed by experienced architects to preserve the neighborhood character, maintain the open feel of the existing property, maximize greenery, and thoughtfully reuse existing buildings on the site.

This project is incredibly important to me because as someone who calls Oakland home, I believe that the thoughtful and well-designed Head-Royce project will greatly benefit our community. The improvement of existing vacant buildings and land in a way that meets community needs, preserves green spaces, beautifies neighborhoods, and increases access to performing arts benefits everyone in our community. Given the merits of the project, I hope you will support the project and encourage you to move the EIR forward toward completion.

Thank you,  
Caitlin Whitaker  
[caitwhit8@gmail.com](mailto:caitwhit8@gmail.com)  
1076 Mandana Blvd, Oakland, CA 94610

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## Responses to Comments during Public Hearings on the Draft EIR

### Landmark Preservation Advisory Board

On December 12, 2021, the Oakland Landmarks Preservation Advisory Board (LPAB) held a public meeting on the Draft EIR. Comments from the public were solicited and LPAB Board members also raised questions and comments, as summarized and responded to below.

#### **Commenter 1 - Rod Thompson:**

This commenter questioned the appropriateness and potential historic resource impacts associated with the ADA ramp designs on Buildings 1 and 2, and requested consideration of alternative design solutions. He also requested consideration of alternatives to the proposed staircases on Buildings 1 and 2. He also recommended that the School restore, rather than replace original windows on Building 0. In his summary, this speaker cited a more detailed comment letter from the Neighborhood Steering Committee that would address these concerns and others.

Response to Commenter 1: Each of these comments is included in the Neighborhood Steering Committee (Cultural Resources) letter on the Draft EIR dated December 20, 2021 (Comment Letter C) in Chapter 4 of this document. Each of these comments is also responded to in the Response to Individual Comments chapter. The following responses are summaries of those individual responses.

- The Page & Turnbull HRE concluded that, “the ADA-compliant ramps planned for the west façades of Buildings 1 and 2 would not have a negative effect on the buildings’ ability to convey their historic significance, and are appropriately sited and designed to be compatible with the continuing educational uses of the buildings”. However, the School has reconsidered the need for an ADA ramp at Building 2, and no longer proposes a ramp as part of their proposed design for this building (see Chapter 2, Project Revisions). The ADA ramp at Building 1 remains, but is not considered a significant effect on the historic resource.
- The Project architect has used the provisions of the California Historic Building Code (HBC) wherever possible in developing accessible entries for Buildings 1 and 2. Modifications to the front stairways of Building 1 and Building 2 meet egress requirements, and the modifications match the existing materials and decorative tile pattern and retain the existing building entry sequence. These staircase designs are not considered a significant effect on these historic resources.
- The Page & Turnbull HRE found that the replacement of some steel sash windows on secondary façades of Building 0 with double-glazed steel sash windows would not affect the ability of Building 0 to convey its historic character. The majority of the building’s character-defining features, including the large, original steel sash windows facing Lincoln Avenue would be retained, and the proposed replacement windows would match the existing windows in lite configuration and profile. Page & Turnbull agreed that it is preferable and consistent with best practices in historic preservation to retain and repair existing historic windows wherever possible, but the originally proposed window

replacement at Building 0 would not diminish the building's ability to convey its historic character or its eligibility for listing in the California Register of Historical Resources. The proposed window replacement would not have resulted in a significant adverse effect under CEQA, and refurbishing the original windows was a recommendation, not a required mitigation measure. However, the School has reconsidered, and now intends to save and refurbish as many of the original steel sash windows as possible (see Chapter 2, Project Revisions).

#### **Commenter 2 – Karen Caronna**

This commenter requested further analysis of an alternative that would restore, rather than replace original windows on Building 0. She also questioned whether the Draft EIR adequately and correctly analyzed the proposed new deck and arbor on Building 0, and suggested that those proposed changes had not been adequately explained or addressed. She also questioned whether demolition of Buildings 6, 7 and 8 had been correctly analyzed as potential impacts to historic resources.

Response to Commenter 2: Each of these comments is also responded to in the Response to Individual Comments chapter. The following responses are summaries of those individual responses.

- Please see Response to Commenter 1 (above) regarding the conclusions of the Draft EIR pertaining to proposed replacement of some steel sash windows on secondary façades of Building 0 with double-glazed steel sash windows, and the School's current proposal to save and refurbish as many of the original steel sash windows as possible.
- The proposed terrace at Building 0 is intended to replace an existing parking area at the southwest corner of Building 0. In their analysis, the Page & Turnbull HRE found that the proposed terrace and associated alterations "will not significantly alter any of the historic character, materials, features or spatial relationships of the building". Removal of the existing secondary openings and installation of new doors accessing the terrace would not diminish the overall integrity of design and materials of Building 0. Further, the Page & Turnbull HRE found that the "terrace and entry ramps all have low stucco-clad walls, which are compatible with the material and design of Buildings 0, 1, and 2. The features themselves have clearly contemporary functions and uses, and appropriate in scale and location relative to the buildings." No changes to the proposed terrace are proposed, and the impact of the terrace design on historic resources remains less than significant.
- Regarding the significance of Buildings 6 and 7 as examples of Gerald McCue's work, the HRE states the following, "Buildings 6 and 7 were constructed in 1958 by architect Gerald M. McCue. The buildings are modest expressions of Midcentury Modern design with limited character-defining features of the style, with simple and inexpensive materials. McCue does appear to be a significant local architect for his contributions to industrial, commercial and residential design in various Modernist styles. However, Buildings 6 and 7 do not embody the same high artistic value as many of McCue's other projects, and thus cannot be said to be representative of his best work". Removal of Buildings 6 and 7 as proposed under the Project remains a less than significant effect.
- Regarding the architectural significance of Building 8, the HRE states the following, "Building 8 was originally constructed by architect Robert Ratcliff in 1957 in a modest expression of Midcentury Modern style, with a low-pitch gable roof, wood board and batten cladding, and a covered patio. Although Robert Ratcliff appears to be a local master architect, Building 8 does not appear to be one of the more notable, significant or distinctive examples of his work". Furthermore, Building 8 has undergone substantial additions and alterations over time, which have diminished its integrity of design, materials and workmanship, and Building 8 does not retain overall historic integrity". It is Page & Turnbull's opinion that additional assessment would not reach a different finding. Removal of Buildings 8 as proposed under the Project remains a less than significant effect.

### **Commenters 3 through 6**

These commenters spoke in favor of the Project and in support of the historic analysis as included in the Draft EIR. No response to these comments is required. These commenters were:

- Peter Smith
- Sarah Malan
- Kristin Dwelley
- Jason Langkammer

### **Commenter 7 – Naomi Schiff, representing Oakland Heritage Alliance (OHA)**

Ms. Schiff indicated that OHA supported the Neighborhood Steering Committees' requests for further study and consideration of impacts to historic resources. She specifically cited issues as to whether the design for buildings 0, 1 and 2 had taken full opportunity of the Historic Building Code, whether the proposed ADA ramps were too architecturally dominant, whether Building 0 was required to restore rather than replace historic windows, and whether there any design options to the proposed deck at Building 1. Ms. Schiff also requested that the EIR reconsider the historic value of Building 4 (named the Ethel Moore Cottage), based on the importance of Mrs. Ethel Moore as an important person in Oakland.

Response to Commenter 7: Each of these comments is included in the Oakland Heritage Alliance Letter dated December 12, 2021 (Comment Letter JJ) in Chapter 4 of this document. Each of these comments is also responded to in the Response to Individual Comments chapter. The following responses are summaries of those individual responses.

- Please see Response to Commenter 1 (above) regarding the design of the ADA-compliant ramps and the Project architect's use of the provisions of the California HBC wherever possible, as well as the School's reconsideration of the ADA ramp at Building 2 (see also Chapter 2, Project Revisions).
- Please see Response to Commenter 1 (above) regarding the proposed replacement of some steel sash windows on secondary façades of Building 0 with double-glazed steel sash windows, and the School's current proposal to save and refurbish as many of the original steel sash windows as possible.
- Please see Response to Commenter 2 (above) regarding the proposed outdoor terrace at Building 0, and the Page & Turnbull conclusions that the proposed terrace and associated alterations "will not significantly alter any of the historic character, materials, features, or spatial relationships of the building".
- Please see further detail in Response to Comment JJ-5 (OHA's comment letter) regarding the naming of Building 4 after Ms. Ethel Moore. Ethel Moore (1871-1920) was an influential figure in Oakland's history, and it is appropriate to commemorate her legacy at the City's educational, recreational and social service institutions. However, the cottage at the Head-Royce School South Campus which was named for Ethel Moore (also referred to as Building 4) was constructed more than a decade after Moore's death, was not originally named for Moore, and was not connected, beyond this name, to her life's work.

### **Commenters 8 and 9**

These commenters spoke in favor of the Project and in support of the historic analysis as included in the Draft EIR. No response to these comments is required. These commenters were

- Valleria Harvey

- Annie Prozan

#### **Commenter 10 – Leila Fregosa**

This commenter suggested that the Buildings on the Project site should be retained and remodeled to provide for additional needed housing that would benefit the community, and cited the poor treatment of other important school buildings throughout Oakland.

Response to Commenter 10: The Project site is owned by Head-Royce School, which is a private entity. The City does not have the option of dictating what private property owners must do on their property. The School does not have any intentions to remodel the existing buildings for housing, but does propose to retain and rehabilitate three of the existing buildings on the site for school purposes.

#### **Commenter 11 – Leila Moncharsh**

Ms. Moncharsh referred to the Neighborhood Steering Committees' letter on cultural resources and indicated that additional comments would be provided in writing. She specifically cited Building 4 as needing more care and analysis, and that the Draft EIR under-appreciated this 1938 building as an historic resource. She also noted that Building 0 would become the fourth building at the School to include a theater, and questioned whether the Draft EIR adequately analyzed the School's need for such building space. She also questioned whether the Draft EIR had correctly dated Building 8.

Response to Commenter 11: Each of these comments is also recited in the Neighborhood Steering Committee (Cultural Resources) Letter C in Chapter 4 of this document. Each of these comments is also responded to in the Response to Individual Comments chapter. The following responses are summaries of those individual responses.

- Please see Response to Comment C-4 regarding the date of construction of Building 4. The Page & Turnbull HRE provided a building description, alteration history, and evaluation of the significance and eligibility of Building 4 for listing in the California Register of Historical Resources. The approximate construction date of the building was established as being in the late 1930s or early 1940s, based on its appearance in historic aerial photographs. The City of Oakland does not have permits for its original construction in building records for the site, and it is not unusual for the names of architects and builders, and dates of original construction for small residential buildings to be unavailable to historic researchers. The building was altered significantly in two phases in 1954 and 1971. Regarding its contribution to the use of the Lincoln Child Center, Page & Turnbull's HRE evaluation states, "The building was constructed in the late 1930s or early 1940s to house the executive director of Lincoln Child Center, and was later converted to a residential group home in 1971. Both uses were part of the evolution and ongoing function of Lincoln Child Center's mission to provide residence and care to children in Oakland. However, the building does not appear to have a notable or specific association with any significant event or pattern at Lincoln Child Center, nor does it appear to reflect any specific events that have contributed to broad patterns of local or regional history or to have contributed individually to the cultural heritage of California".
- Per the Project Description, the School proposes to use the outdoor terrace on the west side of Building 0 for indoor and outdoor social gatherings (e.g., School open house events) of 50 to 100 people. One gathering per month is anticipated, with a duration of approximately 2 hours during the school day (8:30 am to 3:30 pm). The indoor space adjacent to the terrace is intended to accommodate such gatherings, and is not proposed as a theater.
- Please see Response to Comment C-7 regarding the construction date of Building 8. The DEIR refers to Building 8 as being completed in 1957. A 1999 site plan produced by Byrens Associates Architecture, which is included in the Page & Turnbull HRE, refers to Building 8 as "Holmgren House / I.R.T. Program". It is possible that the timeline on the Lincolnfamilies.org website inaccurately uses

the term “built” to refer to the establishment of their program into an existing building. Page & Turnbull provides a building description, alteration history, and evaluation of the significance and eligibility of Building 8 for listing in the California Register of Historical Resources in the Historic Resource Evaluation prepared for the Head-Royce School South Campus. The developmental history for the building includes a 1957 photograph published in the Oakland Tribune, a discussion of documented alterations, and aerial photographs documenting changes to the building’s footprint between 1958 and 2019. Building 8 was originally constructed by architect Robert Ratcliff in 1957 in a modest expression of Midcentury Modern style, with a low-pitch gable roof, wood board and batten cladding, and a covered patio. Although Robert Ratcliff appears to be a local master architect, Building 8 does not appear to be one of the more notable, significant or distinctive examples of his work, and it is not considered a historic resource.

### **Commenter 12 – Amelia Marshal (OHA)**

This commenter expressed her opinion that the Project has merits, but that the design and analysis has been, “too quick to dismiss actual historic buildings”. The commenter cited the importance of Building 4 (the Ethel Moore Cottage) as worthy of rehabilitation or relocation, and recommended redesign and reconsideration of the ADA ramps and replacement of the original steel sash windows.

Response to Commenter 12: These comments are similar to those included in the Oakland Heritage Alliance letter dated December 12, 2021, Comment Letter JJ, and comments included in the Neighborhood Steering Committee (Cultural Resources) Letter C in Chapter 4 of this document. The following responses are summaries of those individual responses.

- Please see Response to Commenter 7 (above) regarding the naming of Building 4 after Ms. Ethel Moore, and Response to Commenter 7 (above) regarding the historical significance of Building 4.
- Please see Response to Commenter 1 (above) regarding the design of the ADA-compliant ramps and the Project architect’s use of the provisions of the California HBC wherever possible, and the School’s reconsideration of the ADA ramp at Building 2 (see also Chapter 2, Project Revisions).
- Please see Response to Commenter 1 (above) regarding the proposed replacement of some steel sash windows on secondary façades of Building 0 with double-glazed steel sash windows, and the School’s current proposal to save and refurbish as many of the original steel sash windows as possible.

### **Commenters 13 through 16**

These commenters all spoke in favor of the Project and in support of the historic analysis as included in the Draft EIR. No response to these comments is required. These speakers included:

- Ken Dupree
- Kurt S.
- Carla Foster
- Mark Perrin

### **LPAB Chair Klara Komorous**

LPAB Chair Komorous raised several questions about the Project and the Draft EIR, as listed below with responses:

1. The Chair noted a discrepancy on Figure 3-10: Proposed Building 2 Reuse and Rehabilitation. The floor plan shows the proposed ADA ramp as being on the right side of the building, whereas the west

elevation shows the ramp on the left side of the building. The Chair asked for this design to be clarified.

Response to the Chair-1: The School's originally proposed design for Building 2 proposed an ADA ramp on the left side of the building (looking at the westerly façade). The ramp was inconsistently drawn on the floor plan of Figure 3-10 as being on the right side of the building.

The Page & Turnbull HRE concluded that, "the ADA-compliant ramps planned for the west façade Buildings 1 and 2 would not have a negative effect on the buildings' ability to convey their historic significance, and are appropriately sited and designed to be compatible with the continuing educational uses of the buildings". However, the School has reconsidered the need for an ADA ramp at this building, and no longer proposes the ramp as part of their design (see Chapter 2, Project Revisions).

2. The Chair questioned whether it was a requirement or a suggestion to refurbish the original windows at Building O.

Response to the Chair-2: The Page & Turnbull HRE found that the replacement of some steel sash windows on secondary façades of Building 0 with double-glazed steel sash windows would not affect the ability of Building 0 to convey its historic character. The majority of the building's character-defining features, including the large, original steel sash windows facing Lincoln Avenue would be retained, and the proposed replacement windows would match the existing windows in lite configuration and profile. Page & Turnbull agrees that it is preferable and consistent with best practices in historic preservation to retain and repair existing historic windows wherever possible but the originally proposed window replacements at Building 0 would not diminish the building's ability to convey its historic character or its eligibility for listing in the California Register of Historical Resources. The proposed window replacement would not result in a significant adverse effect under CEQA, and refurbishing the original windows was a recommendation, not a required mitigation measure. However, the School has reconsidered the potential to save and refurbish as many of the original steel sash windows as possible (see Chapter 2, Project Revisions).

3. The Chair asked that any discrepancies regarding the date of construction of Building 8 be clarified and corrected if needed.

Response to the Chair-3: The DEIR refers to Building 8 as being completed in 1957. A 1999 site plan produced by Byrens Associates Architecture, which is included in the Page & Turnbull Historic Resource Evaluation, refers to Building 8 as "Holmgren House / I.R.T. Program". It is possible that the timeline on the Lincolnfamilies.org website inaccurately uses the term "built" to refer to the establishment of their program in an existing building. Page & Turnbull provides a building description, alteration history, and evaluation of the significance and eligibility of Building 8 for listing in the California Register of Historical Resources in the Historic Resource Evaluation prepared for the Head-Royce School south campus. The developmental history for the building includes a 1957 photograph published in the Oakland Tribune, a discussion of documented alterations, and aerial photographs documenting changes to the building's footprint between 1958 and 2019. No discrepancy regarding the date of construction of Building 8 needs to be clarified or corrected.

#### **LPAB Member Rice**

LPAB Member Rice raised several procedural questions about the EIR, including whether additional time could be provided for public review, and whether the Draft EIR was complete and whether the Appendices (including the Page & Turnbull HRE) were available online. He also questioned whether the Project's design had optimized opportunities for use of the Historic Building Code, whether the ADA ramps were necessary, and whether it was possible to restore more of the original windows on Building 0.

- Pursuant to State Guidelines, the public comment period on the Draft EIR was for a period of 45 days, from November 5, 2021 through December 20, 2021. During that period, the City Landmarks Preservation Advisory Board (LPAB) conducted its public meeting to receive comments on the DEIR

for the project on December 13, 2021, and the City Planning Commission conducted its public meeting to receive comments on the DEIR for the project on December 15, 2021. The opportunity for public comments on the Draft EIR met the State guidelines, and substantial public comment has been provided.

- The entire Draft EIR and its Appendices (including the Page & Turnbull HRE) was made available for public review online at:
  - <https://cao-94612.s3.amazonaws.com/documents/Head-Royce-School-PUD-Project-Draft-EIR.pdf>
  - <https://cao-94612.s3.amazonaws.com/documents/Head-Royce-School-PUD-Project-Draft-EIR-Appendices-1A-7C.pdf> (which included the page & Turnbull HRE) and
  - <https://cao-94612.s3.amazonaws.com/documents/Head-Royce-School-PUD-Project-Draft-EIR-Appendices-8A-16B.pdf>
- Please see responses to Chair Komorous' questions and comments regarding the use of the Historic Building Code, whether the ADA ramps were necessary, and whether it was possible to restore more of the original windows on Building 0.

## Oakland Planning Commission

On December 15, 2021, the Oakland Planning Commission held a public meeting on the Draft EIR. Comments from the public were solicited, and Commission members raised questions and comments, as summarized and responded to below:

### Commenters 1 through 4

These commenters all spoke in favor of the Project and in support of the historic analysis as included in the Draft EIR. No response to these comments is required. These commenters included:

- Peter Smith
- Curt Sherer
- Kimi Kean
- Kristine Wyndham

### Commenter 5 – Naomi Schiff, representing Oakland Heritage Alliance (OHA)

Ms. Schiff spoke to the need for additional design consideration related to the proposed ADA ramps on Buildings 1 and 2, that the Project should restore rather than replace historic windows at Building 0, and that there should be design options considered for the proposed deck at Building 1.

Response to Commenter 5: Each of these comments is included in the Oakland Heritage Alliance Letter dated December 12, 2021, Comment Letter JJ in Chapter 4 of this document. The following responses are summaries of those individual responses.

- The Page & Turnbull HRE concluded that, “the ADA-compliant ramps planned for the west façades of Buildings 1 and 2 would not have a negative effect on the buildings’ ability to convey their historic significance, and are appropriately sited and designed to be compatible with the continuing educational uses of the buildings”. However, the School has reconsidered the need for an ADA ramp at Building 2, and no longer proposes the ramp as part of their design (see Chapter 2, Project

Rewrites). The ADA ramp at Building 1 remains, but is not considered a significant effect on the historic resource.

- The Page & Turnbull HRE found that the replacement of some steel sash windows on secondary façades of Building 0 with double-glazed steel sash windows would not affect the ability of Building 0 to convey its historic character. The majority of the building's character-defining features, including the large, original steel sash windows facing Lincoln Avenue would be retained, and the proposed replacement windows would match the existing windows in lite configuration and profile. Page & Turnbull agreed that it is preferable and consistent with best practices in historic preservation to retain and repair existing historic windows wherever possible, but the originally proposed window replacements at Building 0 would not diminish the building's ability to convey its historic character or its eligibility for listing in the California Register of Historical Resources. The proposed window replacement would not have resulted in a significant adverse effect under CEQA, and refurbishing the original windows was a recommendation, not a required mitigation measure. However, the School has reconsidered the potential to save and refurbish as many of the original steel sash windows as possible (see Chapter 2, Project Revisions).
- The Page & Turnbull HRE found that the proposed terrace and associated alterations at Building 0 "will not significantly alter any of the historic character, materials, features, or spatial relationships of the building." Removal of the existing secondary openings and installation of new doors accessing the terrace would not diminish the overall integrity of design and materials of Building 0. Further, Page & Turnbull found that the "terrace and entry ramps all have low stucco-clad walls which are compatible with the material and design of Buildings 0, 1, and 2. The features themselves have clearly contemporary functions and uses, and appropriate in scale and location relative to the buildings". The proposed terrace and associated alterations at Building 0 would not result in a significant adverse effect under CEQA, and remain as part of the proposed Project.
- Please see Response to Comment JJ-5 regarding the naming of Building 4 after Ms. Ethel Moore. Ethel Moore (1871-1920) was an influential figure in Oakland's history, and it is appropriate to commemorate her legacy at the city's educational, recreational, and social service institutions. However, the cottage at the Head-Royce School south campus which was named for Ethel Moore (also referred to as Building 4) was constructed more than a decade after Moore's death, was not originally named for Moore, and was not connected, beyond this name, to her life's work.

### **Commenters 6 through 30**

These commenters all spoke in favor of the Project and in support of the analysis presented in the Draft EIR. No response to these comments is required. These speakers included the following:

Mr. Ito	Jeff Quitman	Grace Wy
Prasanti Ramen	Chris Dunlap	Clarise Won
Kristin Dunlap	Eugene Vann	Barbara Gee
Harris Brody	Linsey Morrison	Laurie Schrager
Matthew Lin	Ann Perrin	Bob Stein
William Adams	Vanzerai Harvey	Brock Willams
Andy Spear	Saya McKenna	Mike Evans
Stefan DeCota	Carla Foster	Ken Dupee

## **Commissioner Renk**

The Commissioner raised several questions about the Project and the Draft EIR, as listed below with responses:

**Commissioner Renk Comment-1:** The Draft EIR appears to identify several different anticipated construction schedules and different durations of construction activity. Please provide further clarity on the construction schedule.

Response to Commissioner Renk -1: As provided in the Project Description (Chapter 3 of the Draft EIR), the Project is a Planned Unit Development (PUD) permit, and seeks approval of a Preliminary Development Plan (PDP) for the entire South Campus Master Plan. The City's PUD permit provisions allow for phased construction of the Master Plan, with submittal and consideration of subsequent individual Final Development Plans (FDPs) over time. The School anticipates applying for as many as four individual FDPs over time, but may also consolidate those FDPs applications, with more than one FDP application at a time. The timing of submittal of the FDPs for City approval is dependent on the School's preferences and timing, but is also keyed to proposed increases in student enrollment. Each phase can only move forward upon City approval of these subsequent FDPs. The expected phasing sequence and construction schedule for each phase is summarized below:

*Phase I:* Physical improvements at the proposed South Campus pursuant to Phase I would include demolition of eight buildings, reuse of Building 9 for School administrative purposes, restoration and rehabilitation of historic Buildings 0, 1, 2 for classroom and/or School administrative purposes, and outdoor landscape improvements. There would be no change to the current operations for School drop-offs and pick-ups that occur along Lincoln Avenue.

- The construction duration for Phase I improvements is anticipated to take approximately 9 months to a year.
- Phase I does not provide for any increase in student enrollment. Enrollment will remain capped at a maximum of 906 students.

*Phase II:* Physical improvements at the proposed South Campus pursuant to Phase II would include construction of the proposed Loop Road and new/relocated traffic signals along Lincoln Avenue, together with new pedestrian crossings of Lincoln Avenue. Building 9 may be renovated to better accommodate classroom and/or School administrative purposes.

- The construction duration for Phase II improvements is anticipated to take less than 1 year to implement. Phase II construction could potentially occur concurrent with Phase I improvements, such that the entire construction period could occur within an approximately 1-year period.
- Phase II of the Project proposes an incremental increase in student enrollment from the current cap at a maximum of 906 students, with an increase of 144 students, to an increased student enrollment cap of 1,050 students. Enrollment increases are proposed to occur in increments of no more than 20 additional students each year, so the increase of 144 students would occur over a period of approximately 7 years.

*Phase III:* Physical improvements at the proposed South Campus pursuant to Phase III would include construction of the proposed Performing Art Center Building, and construction of the proposed pedestrian tunnel under Lincoln Avenue and the associated Link Pavilion.

- The construction duration for Phase III improvements is anticipated to take perhaps 12 to 18 months of construction, including tunneling below Lincoln Avenue and simultaneous construction of the Link Pavilion and Performing Arts Center.

- Phase III of the Project proposes an incremental increase in student enrollment from the Phase II cap at a maximum of 1,050 students, with an increase of 200 students, to a maximum student enrollment cap of 1,250 students.
- Enrollment increases are proposed to occur in increments of no more than 20 additional students each year, so (unless Phase III construction were to be decoupled from the corresponding student enrollment), Phase III would not be initiated for 7 years, and the increase in 200 students would occur incrementally over a period of another approximately 10 years.

**Phase IV:** Physical improvements pursuant to Phase IV are limited to providing additional parking, if needed.

Whereas the timing of submittal of each phased FDPs is at the School's initiation, it is assumed that the construction sequence would include up to 1 year of construction for Phase I, followed by another 1 year of construction for Phase II. If approved and constructed concurrently, it is likely that improvements for Phase 1 and II could be completed within 1 year to 18 months. Unless Phase III construction is decoupled from student enrollment (which is not proposed) Phase III could not be initiated until year 8, and these improvements are anticipated to take perhaps 1 year to 18 months of construction.

Because of the uncertainty of future construction-period timing, the air quality analysis presented in the Draft EIR was based on a "worst-case scenario" whereby all of the Project's construction activity was assumed to occur simultaneously. The CalEEMod emission calculator's default assumptions for similar types and sizes of projects indicates that it would be possible to implement all of the Project's construction activities over a concurrent period of approximately 14 months (or 300 construction workdays). This construction scenario generates a "worst-case" for air quality emission because all of the construction activity is assumed to occur within a condensed period, resulting in higher concentrations of air pollutants than would occur if the construction were to be spread out over time. This simultaneous construction scenario was used for conservative air quality modeling purposes only, and does not represent the anticipated construction schedule as described in the Project Description. The construction-period noise analysis also assumed the same "worst-case" scenario, whereby construction of the Project is anticipated to last approximately 13 or 14 months, and would include all construction-related noise as occurring during this concentrated period.

**Commissioner Renk Comment-2:** The Draft EIR appears to include inconsistencies pertaining to the amount of cut and fill grading that is proposed, the cubic yards of haul materials, and the number of haul trucks needed. Please provide further clarity on these issues.

Response to Commissioner Renk -2: A review of the Project Description (page 3-38), the Geology chapter (page 8-34) and the Air Quality and GHG Appendix (Appendix 5, page 15) shows that each of these portions of the Draft EIR identify the same information about the Project's cut and fill grading. They are consistent in describing grading activities that would occur on approximately 5.1 acres (or 221,100 square feet of the site). They consistently identify total cuts of approximately 13,800 cubic yards (CY) of soil and fills of approximately 8,100 CYs, with a resulting net export of approximately 5,700 CY of soil attributed to site grading, and approximately 1,300 CY of tunneled material to be removed and hauled off-site. Based on CalEEMod default values, haul trucks are assumed to have capacity of 8 CY, resulting in 713 off-haul trips for site grading and 162 haul trips for tunneled material.

**Commissioner Renk Comment-3:** The Air Quality chapter of the Draft EIR cites Title 24 requirements. Are these requirements (as cited), the currently applicable regulations?

Response to Commissioner Renk-3: No, the 2016 Title 24 regulations are no longer effective. The CalEEMod defaults for energy use were based on 2016 Title 24 Building Standards, whereas the 2019 Building Energy Efficiency Standards took effect January 1, 2020. Accordingly, the electrical demands of the Project as reported in the emissions calculations are over-estimated. The electricity-produced GHG emission rate was modified in CalEEMod from the default factor of 641 pounds of CO<sub>2</sub> per megawatt of electricity produced

(which is based on PG&E's 2008 emissions rate), to PG&E's published emissions rate of 210 pounds CO<sub>2</sub> per megawatt of electricity delivered for the year 2017. This reduced intensity factor was used in CalEEMod.

**Commissioner Renk Comment-4:** Will construction work near the existing channel require subsequent permits from the Regional Water Quality Control Board (RWQCB)?

Response to Commissioner Renk-4: The San Francisco Bay RWQCB asserts jurisdiction over riparian areas, and where riparian habitat is not present, jurisdiction is taken to the top of bank. According to the Biology Study prepared for this EIR, there is no riparian habitat associated with the adjacent stormwater channel that would be considered jurisdictional by the CDFW or the RWQCB. No aquatic, wetland or riparian habitats protected under applicable federal, state or local regulations and/or subject to regulation, protection or consideration by the USACE, RWQCB, CDFW and/or the USFWS exist on the site, and none of their respective regulatory provisions is applicable. The stormwater channel itself, located outside of and downslope of the Project site, is likely to be claimed as jurisdictional waters of the State by the RWQCB. No impacts to riparian habitat or waters of the State will result from activities under the Project, and no Section 401 permit or Waste Discharge Requirement from the RWQCB is likely to be required of the Project.

All construction projects in California that result in land disturbances equal to 1 acre or greater must comply with State requirements to control the discharge of stormwater pollutants, pursuant to the National Pollutant Discharge Elimination System (NPDES) Construction General Permit (Water Board Order #2009-0009-DWQ). A Notice of Intent must be filed with the State Water Board prior to the start of any Project-related construction or demolition, and the Project applicant must submit a Stormwater Pollution Prevention Plan (SWPPP) and other required permit registration documents to SWRCB. The SWPPP must be developed and maintained during construction of the Project, and it must include the use of Best Management Practices (BMPs) to protect water quality until the site is stabilized. The Project will be required to implement a Vegetation Management Plan for Creekside Properties pursuant to the City's Creek permit, requiring additional BMPs for managing vegetation prior to, during and after construction.

**Commissioner Renk Comment-5:** The Hydrology chapter of the Draft EIR refers to potential need for construction-period de-watering. At what point in the construction phase is this process required, and would it trigger additional permits or approvals?

Response to Commissioner Renk-5: Based on soil borings conducted on the Project site, groundwater was encountered along the alignment of the proposed pedestrian tunnel, and the groundwater elevation is anticipated to be above the invert elevation of the tunnel. It is likely that groundwater will be encountered during construction of the tunnel. Detailed estimates of groundwater quantities expected to be encountered will be further evaluated during evaluation of final tunnel design efforts.

Depending on the volume and pollutant load of non-stormwater discharges associated with dewatering, different regulatory requirements may apply. These regulatory requirements would be triggered by the grading and excavation permit for tunnel construction, at the time the School may apply for such permits. The different regulatory requirements may include implementation of Construction General Permit requirements, and/or statewide low-threat discharge Waste Discharge Requirements (WDR), or site-specific NPDES permit requirements (all subject to RWQCB review and approval).

**Commissioner Renk Comment-6:** The Noise chapter of the Draft EIR appears to have inconsistent references to the address of Sensitive Receptor #13. Please clarify and correct.

Response to Commissioner Renk-6: As clearly shown in each of the noise contour diagrams of the Draft EIR, sensitive noise receptor #13 is a private residence located at the corner of Charleston Street and Camellia Place (a typographical error mistakenly identifies Camellia Place as Carmelita Place in several locations within the document). The front of this residence is along Camellia Place and its address is on Camellia Place. However, the tables in the Draft EIR consistently refer to this residence as "R13: Residence on Charleston Street". The side of this residence along Charleston Street is the most directly exposed portion of this home

to future noise levels attributed to the Project, and the precise noise receptor location used to calculate noise exposure from the Project is at a point on this residence that faces onto Charleston Street. It is correct to identify this receptor location as being “a residence to the north along Charleston Street”, even though its address is on Camellia Place.