Oakland City Planning Commission

Case File Number CM04-411; ER07-006; REV10-0003 July 21, 2010

Location:	**Bentley School; 1 Hiller Drive, 245, 251, and 261 Tunnel Road** **APN: 048H-7576-001-04, 048H-7576-030-02, 064 -4231-015 through 064 -4231-017**
Proposal:	To review and approve the Transportation Demand Management (TDM) Program (Condition of Approval #14; Case File CM04-411) for Bentley School except for, a) A portion of Section A related to additional onsite parking spaces, and b) A portion of Section J related to an alternative to the Memorandum of Understanding (MOU) with the Police Department, and To clarify that this also includes revising Bentley School's Condition of Approval #27 *(Case File CM04-411)* and thus allow all K-12 administrators and staff and their associated offices to remain at the Hiller Drive campus and to require these persons to park off site (not on Hiller Drive or within the Hiller Highlands). A decision on Condition #27 was postponed at the April 7, 2010 Planning Commission public hearing so that it could be considered concurrently with the TDM. *These Conditions were associated with the Conditional Use Permit to increase the student enrollment from 200 to 360 students; change the school operation hours; and allow for childcare, physical education and extracurricular sports classes; and weekday evening, weekend, and summer events at the school. This proposal also included the number of on-site faculty, as well as the option to change the grade levels from K-8th grade to K-5th grade.*
Applicant:	Bentley School
Contact Person/Phone Number:	Arlene Hogan or Duncan Lyon / (510) 843-2512
Owner:	Bentley School
Case File Number:	**CM04-411; ER07-006; REV10-0003**
Planning Permit Required:	Review and approval of the Transportation Demand Management (TDM) Program (Condition of Approval #14; Case File CM04-411) for Bentley School. Minor Changes to Condition of Approval #27 (Bentley School Administration).
General Plan:	Hillside Residential
Zoning:	R-30 One-Family Residential Zone
Environmental Determination:	An Environmental Impact Report was previously certified by the Planning Commission on October 21, 2009 As a separate and independent basis, the project was also found exempt from CEQA pursuant to CEQA Guidelines sections 15301, 15061(b)(3), 15378(a) and/or 15183. No further environmental review is required.
Service Delivery District:	II – North Oakland
City Council District:	1
Action to be Taken:	Decision on the condition based on staff report
Finality of Decision:	Appeable to City Council
For Further Information:	Contact case planner **Heather Klein** at **510 238-3659** or by e-mail at hklein@oaklandnet.com.

SUMMARY

The project applicant, Bentley School (School), received approval of a Conditional Use Permit from the Planning Commission on October 21, 2009 to increase the student enrollment from 200 to 360 students; change the school operation hours; and allow for childcare, physical education and extracurricular sports classes; and weekday evening, weekend, and summer events at the school. This approval also included the option to change the grade levels from K-8th grade to K-5th grade.

CITY OF OAKLAND PLANNING COMMISSION

Case File: CM04-411; ER07-006
Applicant: Bentley School
Address: 1 Hiller Drive, 245, 251 & 261Tunnel Road
Zone: R-30

The permit was granted with Condition of Approval #14 which required the school to prepare and implement a Transportation Demand Management Program (TDM). The TDM was to include several components as follows:

- Parking management strategies
- Detailed description of the pick-up and drop-off process
- Staggered timeframes for pick-up and drop-off
- Reduction in single occupancy vehicles (SOV) (formerly titled Minimum Bus Ridership)
- Number of persons to assist traffic
- Use of traffic safety warning devices
- Transit subsidy program
- Independent rule enforcers
- Events traffic
- Memorandum of Understanding with the Oakland Police Department
- Ongoing monitoring of recommended conditions

In addition to the sections listed above, the TDM also discusses four possible scenarios for determining the baseline from which the SOV reduction should be taken.

The purpose of this report is to review and approve the TDM program for Bentley School so that the program can be implemented prior to the beginning of the 2010-2011 school year. However, there are portions of the TDM that are incomplete and cannot be approved at this time. This includes Section A which requires that the School to make a good faith effort to find additional on-site parking spaces and Section J which requires an alternative to the Memorandum of Understanding (MOU) with the Police Department regarding the traffic flag person. This information has not been submitted.

Staff is recommending that the Planning Commission approve the TDM without these sections and allow the School another 90 days to submit this information for City review Staff will return to the Commission with submittals for final approval. Regarding the baseline scenarios, staff recommends option 2. This scenario best addresses the Commission's intent to reduce SOV trips and the school's carbon footprint; includes alternative transit efforts already implemented by the School as noted in the certified EIR; and is easy for staff to enforce.

In addition, this report also addresses the request by the School to amend Condition #27 and allow five administrators (Director of Development and Communications, Development Data Base Manager, Business Manager, Accounts Payable Coordinator, and Accounts Receivable Coordinator) and their offices to remain on campus. Staff presented the request to the Commission on April 7, 2010. The Commission permitted the Head School to remain on campus, but postponed the decision on the other administrators and the Parent Association (PA) until publication of the TDM.

The TDM does include the administrators in the baseline SOV reduction scenarios. The TDM does not discuss the PA meetings or offices. Staff is recommending that the administrators and the PA meetings be located off of the Hiller campus. However, staff has provided additional options for the Commission's consideration including approval, approval with modifications, or postponement to a later date based on either construction of the Middle School or TDM compliance.

PROPERTY LOCATION

Bentley School is located along Hiller Drive, near the intersection of Hiller Drive and Tunnel Road. The School property encompasses approximately 4.2 acres on five contiguous parcels and straddles the City of Oakland and City of Berkeley border.

PROJECT DESCRIPTION

The TDM (Attachment A) is subdivided into sections as bulleted in Condition of Approval #14. The overall goals of Condition of Approval #14 and TDM program are to:

1. In the short term, reduce Single Occupancy Vehicle (SOV) trips by student guardians, faculty and staff by 25% from the baseline by the beginning of the school year 2010.
2. In the long term, reduce SOV trips by student guardians, faculty and staff by 35% from the baseline by the beginning of the school year 2012.
3. Better manage the available on-site parking spaces.
4. Reduce traffic congestion on Hiller Drive and Tunnel Road.
5. Facilitate the student drop-off and pick-up process to ease traffic congestion and enhance student and driver safety
6. Track and enforce the traffic rules and the TDM plan.
7. Ensure that special events held at the school do not interfere with the livability of the surrounding neighborhood.
8. Promote the City of Oakland's Transit First policies.
9. Reduce the School's and the City's carbon footprint.

Staff has reviewed the TDM and found two portions incomplete including a portion of Section A and a portion of Section J. Staff is not recommending approval of those portions, only, at this time. A summary of the TDM components is below along with an explanation of why those sections are considered incomplete.

a) Parking management strategies

A parking delineation plan is required prior to the beginning of each trimester. The plan shall indicate the assignment of each on-site parking space based on current faculty/staffing levels. Preferential parking will be given to those persons that sign a carpooling or ridesharing agreement. The Head of School will ensure maximum use of the off-road parking spaces by assigning spaces unused by absent faculty or staff for their substitutes or other faculty and staff.

This condition also requires that the School explore other on-site parking spaces. Specifically, "the TDM shall also investigate additional parking spaces for staff on other areas of the school owned property to maximize off-street parking. The project applicant shall make a good faith effort to pursue these options in order to reduce the amount of on-street parking and shall provide written documentation of such good faith efforts to the City." The TDM does not include this information and therefore, this portion of this section is incomplete and cannot be approved. Also see *Key Issues* section.

b) Detailed description of the pick-up and drop-off process

Bentley School has developed an electronic Traffic and Parking Handbook for parents, faculty and staff which was reviewed by the City and the TDM consultant. The Traffic and Parking Handbook provides

detailed step-by-step instructions about student drop-off and pick-up via automobile (e.g., traveling along Hiller Drive, entering the school driveway loop, queuing on Hiller Drive for drop-off/pick-up). The handbook provides maps, drop-off/pick-up time information, and the school's traffic rules. It provides instructions for parking including events, compliance policies, and a parent/employee agreement.

c) Staggered timeframes for pick-up and drop-off

The School currently has staggered pick-up and drop-off times. The TDM requires two morning and three afternoon staggered bell times and coordination with Kaiser School's bell times at the beginning of each school year. For several reasons it was determined that a third morning drop-off time was infeasible and unnecessary First, many parents drop their children off early for daycare. Second, although the drop-off coincides with the typical morning traffic peak, parents are dropping off the students quickly and not waiting around as is the case in the afternoon. Third, Kaiser's morning bell times are 20 minutes (8:45) after Bentley's last bell time (8:25) and most of the Bentley traffic has cleared the area by this time.

d) Reduction in single occupancy vehicles (minimum bus ridership)

This section describes four potential baselines scenarios needed to determine the specific 25% and 35% SOV reductions. The scenarios also include retention of the five administrators on campus which was postponed until publication of the TDM (See the *Key Issue* section). In addition to the baseline discussion, this section describes strategies to accomplish the SOV reduction using carpooling, transit, walking, bicycling, trip planning, and education. Specific strategies include but aren't limited to carpooling matching, AC Transit passes, commuter checks, "transit bucks", bike racks, buses, shuttles, and joining the Safe Routes to School's program.

e) Number of persons to assist traffic

The TDM requires that the School employ nine persons to facilitate the traffic, drop-off and pick-up process. This section describes each of the nine roles in detail. Five of the traffic assistant roles have flexible positions and can be located anywhere along the queuing area. The TDM allows these five assistant to be members of the School Safety Patrol provided that they are supervised by the adult traffic assistants in the four positions, and do not replace adults for any of the other duties. These five assistants can only be from the upper grades, trained using American Automobile Association School Safety Patrol training curriculum and with the assistance of the City's Traffic Safety Division. The Traffic Safety Division has reviewed this portion of the TDM and has stated that this process works successfully at other schools. The TDM also calls for two on-call trained substitutes.

f) Use of traffic safety warning devices

Bentley School currently deploys "power flare" safety lights along Hiller Drive during school drop-off and pick-up times as recommended by the City of Oakland's Police Department. This section requires that the School receive training on the maintenance and installation of the power flares from the City, location of the flares, when they shall be placed and picked up, and that an adult be present when the flares are in the street.

g) Transit and Carpool Subsidy Program

This program is a key component of the SOV reduction and is summarized above.

h) Independent Rule Enforcers

This section describes the number of Rule Enforcers, times of monitoring, what is being monitored, monitoring procedures, and submittal timeframes of reports. This section also outlines a different monitoring and remedy timeframe for the TDM sections directly related to safety.

i) Special Events Traffic

The TDM contains two event procedures based on likely attendance. One procedure is for less than 75 anticipated cars and another for over 75 cars. This section of the TDM also describes the parking locations, monitoring, calendaring, and neighbor notification.

j) Memorandum of Understanding with Oakland Police Department

Bentley School currently has a Memorandum of Understanding (MOU) with the City of Oakland's Police Department. The MOU covers the role and responsibility of the flag person. The flag person stops traffic coming down Hiller Drive and directs traffic coming from Tunnel Road into the Bentley drop-off/pick up area.

Subsection J(b) requires that the School develop an alternative to the flag person role in the event that the MOU is revoked. Specifically, "the project applicant shall develop a traffic drop-off alternative that doesn't not rely on the MOU and submit that to the City Planning and Zoning Division, Transportation Services Division and the Oakland Police Department Traffic Safety Division staffs for review and approval. Should the Applicant become substantially out of compliance with the MOU, and such noncompliance cannot be cured within a reasonable time, resulting in OPD revoking the MOU, or OPD terminates the MOU for other reasons, then the project with the alternative TDM plan shall be heard by the Planning Commission as a major change to CUP (see condition # 3)."

The TDM does not include this information and therefore, this portion of Section J is incomplete and cannot be approved. See *Key Issues* section.

k) Ongoing Monitoring of Recommended Conditions

This section describes the monitoring program necessary to determine if the TDM is achieving its goals. The monitoring program is broken into several components including annual reporting, trimester reporting, short-term reporting and enforcement. This section also outlines possible City options if the school fails to attain the TDM goals.

ENVIRONMENTAL DETERMINATION

An Environmental Impact Report (EIR) was prepared for the Major CUP project, under the requirements of CEQA, pursuant to Public Resources Code Section 21000 *et. seq.* and was certified by the Planning Commission on October 21, 2009 The Major CUP project was also found to be exempt from CEQA pursuant to CEQA Guidelines sections 15301, 15061(b)(3), 15378(a) and/or 15183, each of which provided a separate and independent basis for CEQA compliance and when viewed collectively provided an overall basis for CEQA compliance.

KEY ISSUES

Completeness of the TDM

As noted above, staff finds that the TDM is incomplete at this time regarding two components, a portion of Section A and a portion of Section J. Section A required that the School investigate additional on-site spaces for faculty and staff parking. As the neighbors note in their public comment letter (Attachment B-1), spaces might be located near the auditorium, at the Head Master's Residence, and in the lower parking lot in Berkeley At this time, based on the analysis in the EIR and conservations with Berkeley and Caltrans staff, Oakland staff does not believe that parking can be located along Tunnel Road. The other component is Section J which requires an alternative to the Memorandum of Understanding with the Police Department and specifically the flag person's role. Previous drafts of the TDM stated that the School could hire an on or off duty police officer to perform this function. However, the Traffic Safety Division has indicated that this is incorrect.

Staff is not recommending approval of these sections since they are incomplete. Staff is presenting the incomplete TDM to the Commission for approval because staff, the Commission, the School, and the neighbors all wanted the majority of the TDM to be reviewed, approved, and implemented prior to the beginning of the 2010-2011 school year. Staff is proposing that the School be allowed another 90 days to submit this information because the School has been focused on approval of the lower parking lot (recently granted); the School is in good standing with the Police Department and the MOU; and the exploration of other on-site spaces is not directly related to traffic safety around the school.

Baseline for SOV Reduction

During the April 7, 2010 public hearing to consider amendments to several Conditions of Approval, the baseline number of faculty, staff and SOV trips was discussed. Although the Conditions of Approval stated a baseline, staff received direction at that meeting that additional baseline options should be considered in the TDM. These scenarios are summarized in the table and described in more detail below

Possible Baseline Scenarios

Scenario	Fall 2010	Fall 2012
Scenario 1	323	280
Scenario 2	258	193
Scenario 3	Variable	Variable
Scenario 4	209	181

Scenario 1 includes the baseline outlined in the Conditions of Approval amended to include 71 faculty and staff (431 trips). If this baseline is used, the school is only allowed 323 trips by 2010 and 280 trips by 2012. Staff would not support this baseline because it does not take into account any SOV reductions already occurring and actually increases the number of trips since the EIR was prepared.

Scenario 2 is based on the documented student enrollment in the EIR (352), minus the number of students taking the bus (79), but amended to include 71 faculty and staff (344 trips). If this baseline is used, the school is only allowed 258 trips in 2010 and 193 trips in 2012.

Scenario 3 is based on the actual number of faculty and staff employed by the school and the current student enrollment at any given time. This baseline would fluctuate from year to year and possibly from

trimester to trimester. An example of the effect of using this as the baseline is found in the TDM. However, the maximum number of trips would be the same as Scenario 1 because Scenario 1 relies on the maximum faculty/staff and student enrollment per the Conditions of Approval (431 trips). Staff would not recommend this scenario for the same reasons as stated above. In addition, this scenario would be difficult for the staff to monitor since the baseline would be constantly changing.

Scenario 4 is based on the Neighbors for Safety in Hiller Highland's proposal submitted on May 20, 2010. This proposal uses the vehicle trips documented in Table IV.B-8 of the EIR. If this baseline (279 trips) was used, the school is only allowed 209 trips in 2010 and 181 trips in 2012. Staff reviewed this option and believes that some factors were not taken into account, such as trips to the Tunnel Road parking lot, carpooling, etc.

Staff recommends the use of Scenario 2. This scenario best addresses the intent of the Commission which was to reduce SOV trips and the School's carbon footprint. It also takes into account transit trips as noted in the EIR and is easy for staff to enforce. Finally, it results in a SOV reduction similar to a 200 student school in 2012.

AC Transit

The EIR noted that the School is served by two bus lines, the 604 coming from Berkeley to Head Royce School in Oakland and the 689 serving the Montclair area. As of this fall, AC Transit will no longer offer bus service to the campus from line 689 Staff was concerned that this might occur given the limited number of students on the bus and AC Transit's budget. Staff's recommendation in the October 2009 staff report was "If AC Transit discontinues the service, the school will provide a private shuttle service to serve the minimum requirement. A minimum of 22% on average of the approved student enrollment (or 79 students) shall be required to use the bus or school shuttle." The Commission eliminated this language in favor of overall SOV reductions that would include busing, AC Transit and private shuttle busing, vanpooling, carpooling, walking, and bicycling.

Staff does not believe that the elimination of AC Transit line 689 will impact the School's ability to meet the TDM goals regarding busing. First, this bus line did not have heavy Bentley student ridership. Second, the TDM specifically allows a variety of alternative transit options. Third, the TDM requires the use of busing to meet the TDM goals and the School offers private bus service. This service could be further expanded if necessary Fourth, line 604 is heavily used and is unlikely to be eliminated in the near future.

Monitoring and Remedy Period

Staff has included two monitoring and remedy periods, one for traffic issues and another for safety issues. The neighbors would like the monitoring period reduced to daily or weekly (Attachment B-1, B-2). Staff believes that the monitoring period is acceptable. It is unreasonable for the School to monitor everyday or weekly It is also unreasonable for the School to only monitor once a trimester. Monitoring monthly should also provide enough indication of compliance without overburdening City staff who must review the reports, recommendations, and potential remedies. However, issues associated with safety must be remedied quicker. To address this, the TDM requires a two week compliance period after City approval of the remedy for these situations.

Use of Hiller Drive adjacent to the Firestorm Memorial Garden

The area adjacent to the Firestorm Memorial Garden is signed to prohibit parking during Bentley's drop-off and pick up periods. During the rest of the time this on-street, non-metered parking is available on a first-come first-served basis for public use including the School and residents. There is no residential parking permit for this area.

The TDM allows the use of the public right of way area adjacent to the Firestorm Memorial Garden for overflow parking for school staff and small events contributing less than 75 cars to the area. The neighbors are concerned about this because it limits available parking for garden visitors. The neighbors would like several spaces striped and signed solely for garden use outside the pick-up drop-off time.

Staff is opposed to this request. First, as stated above, this area is available for free parking, outside the drop-off/pick-up times, on a first come first serve basis. Second, the certified EIR did evaluate parking in the area and determined that there is a surplus of unused on-street spaces during the day Third, staff believes that having multiple signs with different times and specifically striped spaces will be confusing to both person parking and enforcement staff. Fourth, the TDM does restrict parking near residents (above the garden area) for events smaller than 75 cars and prohibits parking on Hiller Drive and within Hiller Highlands for events over 75 cars.

Condition of Approval 27 and Moving the Administrators off Campus

The School submitted a request to amend Condition #27 and retain administrators not directly associated with the Hiller at the campus on January 29, 2010. This amendment was discussed in detail at the April 7, 2010 Planning Commission hearing (See Attachment C-1). At that time staff did not provide a recommendation but presented options for the Commission's consideration which included approval, approval with modifications, postponement to a later date based on either construction of the Middle School or TDM compliance, or denial. The Planning Commission allowed the Head of Office to remain on campus and postponed a decision on the other administrators until publication of the TDM (See Attachment C-2).

At the April 7, 2010 hearing and in their application, the School indicated that these five administrative persons are necessary because they are integral to either the traffic assistance or implementation of the emergency management plan (See Attachment C-3). For City staff, the question seems to be how many persons are necessary to efficiently perform the traffic assistance and emergency plan duties and run the school. Based on the information provided by the School, there are 47 faculty members who teach children, 8 childcare personnel, 3 maintenance staff, and 12 administrators. Staff does not believe that teachers should take over these duties and the hours for childcare are not conducive to traffic monitoring. This leaves the administrative staff and the maintenance personnel. Since 2 maintenance staff work after peak traffic time periods, only 13 people would be available to help with the traffic assistance and emergency plan duties.

The TDM requires that 9 persons be available to facilitate the traffic and that 5 of these persons could be students. If student assistants are used then 4 (plus 2 substitutes) of the 13 administrators would need to be available, leaving 7 persons not associated with traffic facilitation.

Based on this, it does not seem reasonable that the 5 administrators would need to stay on campus from a traffic facilitation point of view There would be sufficient persons plus alternates to staff the queue. In addition, the Traffic Safety Division reviewed the plan and has stated that student assistants have worked well in other schools. Having these administrators relocated would further alleviate traffic and reduce the

intensity of use on the campus. Furthermore, the neighbors have noted that the school has rarely staffed all nine persons at the queue (See Attachment C-4).

However, if the Planning Commission were to reject the idea of student traffic assistants, and/or consider letting the administrators stay on campus, the SOV baseline should include these persons. All the scenarios include an additional SOV reduction of 100% (5 trips and not 25 or 35% of 5 trips) for these administrators. Also, the TDM includes a shorter reporting and remedy timeframe for this section because the number of traffic assistants is directly related to safety

Clarification concerning the PA meetings at Hiller Campus and Condition #27

In addition to requiring that the School move all of school administration offices and persons not directly associated with the Hiller Drive campus offsite, Condition #27 also includes the Parent Association (PA). At the April 7, 2010 public hearing, the issue of the PA was discussed. The School stated that the PA does not have an office on the campus and therefore, this Condition isn't applicable. The neighbors have stated that the PA meets regularly during the day and the early evening. The PA meetings result in between 5-20 vehicles which increases traffic to and from the school and increases the intensity of use at such a small campus. Staff did not provide a recommendation at that time but offered several options for the Planning Commission to consider. The Commission postponed a decision until the TDM was published. The TDM does not include PA meetings. Staff recommends that the Planning Commission require that PA meetings be held off of the Hiller campus in addition to not having an on-site office.

Other Key Issues

Both the neighbors and the school have other issues with the TDM. See Attachment B-2 for these additional concerns.

CONCLUSION

The approval of the proposed TDM (minus the incomplete sections) will reduce traffic congestion, address safety concerns, reduce the School's and the city's carbon footprint, and improve livability in the neighborhood. After review of the TDM, staff believes that the administrators aren't necessary for traffic facilitation and could be relocated off-campus. The relocation of these five administrators and the PTA meetings will further reducing traffic and the intensity of the small site.

RECOMMENDATION

Staff recommends that the Commission:

1. Take public testimony; and

2. Approve the TDM
    a. Including staff's recommendation of Scenario 2 for the baseline for the SOV reduction; but
    b. Exclude Section A related to alternative on-site parking spaces and Section J related to the alternative to the MOU; and
    c. Require the project applicant to submit the alternative on-site parking options and the alternative MOU proposal within 90 days of the date of this hearing for City review and comment;

d. These outstanding items only will be forwarded to the Planning Commission for final approval; and

3. Deny the project applicant's request to amend Condition #27 and require that the five administrators and the PA meetings (unless counted as special events) be moved off campus prior to the beginning of the year because the proposed amendment:
   a) does not reduce the intensity of use at the Hiller campus as was intended by the Planning Commission,
   b) will be ineffective in reducing SOV traffic,
   c) other persons can assume the traffic and emergency management roles of these administrators as shown in the TDM, and
   d) because the amendments will adversely effect the livability of the neighborhood.

IN THE ALTERNATIVE to #3 above, with respect to Condition 27, take one of the following alternative actions: Staff would recommend either b or c.

a) Approve revisions to Condition 27, permitting all K-12 faculty and staff and their offices and the PA meetings to remain on the Hiller Campus; OR

b) Approve revisions to Condition 27, permitting all K-12 faculty and staff and their offices to remain on the Hiller campus, but require that all five trips be included in the TDM program, added to the baseline (using Scenario 2), and prohibit parking within Hiller Highlands or Hiller Drive. Require that the PA meetings and office be located off-campus; OR

c) Approve the revisions to Condition 27 permitting all K-12 faculty and staff and their offices and the PA meetings to remain on the Hiller Campus but require these same administrators and meetings move to the Lafayette campus if the Middle School is constructed in the future and amend the emergency management plan to address adequate staffing associated with these plans; AND

Make a finding that the previously adopted findings for approval of the Major CUP project still apply because:

- The project still complies with the Zoning Ordinance and General Plan
- The project is still compatible with the neighborhood because the TDM and SOV trips will be decreased.
- The school still provides an essential service.
- The revisions to Condition 27 do not result in a significant CEQA impact or change to the previous CEQA findings.

Approved for forwarding to the
City Planning Commission:

Scott Miller, for

ERIC ANGSTADT
Deputy Director
Community and Economic Development Agency

Prepared by:

Heather Klein
Planner III

Attachments:

A. Bentley School Transportation Demand Management Program, dated July 13, 2010
B. B-1 NSHH comments submitted July 9, 2010 on the Bentley TDM, dated June 28, 2010
   B-2 Other public comments
   B-3 Bentley School comments submitted July 9, 2010 on the Bentley TDM, dated June 28, 2010
C. C-1 April 7, 2010 staff report
   C-2 Decision Letter
   C-3 School's submittal documents
   C-4 Comment letters

BENTLEY SCHOOL TRANSPORTATION DEMAND MANAGEMENT PROGRAM

Prepared for:

BENTLEY SCHOOL

Prepared by:

PARISI ASSOCIATES and CITY OF OAKLAND

July 14, 2010

Attachment A

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Organization of the Transportation Demand Management Program

Parisi Associates Transportation Consulting was retained by the City of Oakland to develop a Transportation Demand Management (TDM) program for Bentley School. This document details the elements of the TDM program, consistent with the City's Conditions of Approval for a Conditional Use Permit. If the document contains any inconsistencies, the Conditions of Approval shall prevail.

The overall goals of Condition of Approval #14, "Parking and Transportation Demand Management, approved by the City of Oakland's Planning Commission on October 21, 2009 and amended on April 7, 2010, are to:

1. In the short-term, reduce Single Student Occupant Vehicle trips by student guardians and Single Occupant Vehicle trips by faculty/staff by 25% from the baseline by the beginning of school year 2010.
2. In the long-term, reduce Single Student Occupant Vehicle trips by student guardians and Single Occupant Vehicle trips by faculty/staff by 35% from the baseline by the beginning of school year 2012.
3. Better manage the available on-site parking spaces.
4. Reduce traffic congestion on Hiller Drive and Tunnel Road.
5. Facilitate the student drop-off and pick-up process to ease traffic congestion and enhance student and driver safety.
6. Track and enforce the traffic rules and the TDM program.
7. Ensure that special events held at Bentley School do not interfere with the livability of the surrounding neighborhood.
8. Promote the City of Oakland's Transit First policies.
9. Reduce Bentley School's and the City of Oakland's carbon footprint.

This TDM program is organized in 11 sections consistent with Condition of Approval #14, "Parking and Transportation Demand Management"

A. Parking management strategies

B. Drop-off and pick-up process

C. Staggered timeframes for drop-off and pick-up

D. Reduction of vehicles driven

E. Number of persons to assist traffic

F Use of traffic safety warning devices

G. Transit and carpool subsidy program

H. Independent rule enforcers

I. Special events traffic

J. Memorandum of understanding with Oakland Police Department

K. Ongoing monitoring of recommended conditions

A. Parking Management Strategies

There are currently 51 off-road parking spaces dedicated to faculty and staff. Twenty-three (23) of these spaces are located in Bentley School's upper lot located off of Hiller Drive, 20 spaces are located in the lower lot off of Tunnel Road, and five spaces (including a dedicated handicap space) are located at the top of the campus driveway. In addition to these 48 spaces, three more spaces are provided at the nearby Claremont Hotel, as part of an agreement with the hotel (see appendix).

There is currently on-street parking available for 15 vehicles between 8:30 a.m. and 2:30 p.m. along the west curb of Hiller Drive between Bentley School's driveway and Tunnel Road adjacent to Firestorm Memorial Garden. This area is signed "No Parking" between 7:00 a.m. and 8:30 a.m. and 2:30 p.m. and 3:45 p.m. when it is available for drop-off and pick-up of students. This is the flat portion of Hiller Drive that does not abut any residences.

All off-road parking spaces shall be assigned via permit to faculty and staff. A parking delineation plan shall be prepared by the school, prior to the beginning of each trimester, indicating the assignment of each parking space. This plan shall be submitted to the City of Oakland based on current faculty/staff levels (see appendix). Preferential parking, i.e., those spaces closest to the school, shall be given to those persons that sign a carpooling or ridesharing agreement.

Bentley School's Head of School or his/her designee shall assure maximum use of the off-road parking spaces by assigning spaces unused by absent faculty or staff for their substitutes or other faculty or staff. Each day the Head of School or his/her designee shall notify substitutes or other faculty or staff in advance so that all the parking spaces are occupied.

Monitoring of recommended conditions (see Section K) based in part on Independent Rule Enforcer reports (see Section H) will document Bentley School's success in maintaining faculty and staff parking demands to levels within the 51 off-road parking spaces.

Condition of Approval #14, Section A also required that Bentley School explore other on-site parking spaces. Specifically, "the TDM shall also investigate additional parking spaces for staff on other areas of the school owned property to maximize off-street parking. The project applicant shall make a good faith effort to pursue these options in order to reduce the amount of on-street parking and shall provide written documentation of such good faith efforts to the City." The TDM does not include this information and therefore this portion of this section is incomplete. Per the July 21, 2010 staff report and if approved by the Planning Commission, Bentley School shall have 90 days from the date of the hearing to submit this information to the City of Oakland for review and approval.

B. Drop-off and Pick-up Process

Bentley School has developed an electronic Traffic and Parking Handbook for use by parents, faculty and staff (see appendix). The handbook was reviewed by Parisi Associates Transportation Consulting. The handbook provides information on the school's TDM program, including the maximum number of vehicle-trips allowed (see Section D). It also provides information to encourage trip-making by modes other than the single student occupant vehicle.

The Traffic and Parking Handbook provides detailed step-by-step instructions about student drop-off and pick-up via automobile (e.g., traveling along Hiller Drive, entering the school driveway loop, queuing on Hiller Drive for drop-off/pick-up). The handbook provides maps, drop-off/pick-up time information, and the school's traffic rules. It provides instructions for parking, including for special events. The handbook provides compliance policies and a parent/employee agreement.

The roles and responsibilities of those assisting during drop-off and pick-up periods are discussed in Section E.

Bentley School shall update the Traffic and Parking Handbook annually based upon the annual monitoring of recommended conditions (see Section K).

Bentley School shall post the electronic Traffic and Parking Handbook to the school's website and shall e-mail the handbook to all parents, faculty and staff at the beginning of each school year. The e-mail shall include an agreement box that the guardian has read the handbook which allows the school and the city to track receipt of the handbook.

Monitoring of recommended conditions (see Section K) based in part on Independent Rule Enforcer reports (see Section H) will document drop-off and pick-up procedures. If, based on monitoring, it is determined that procedures need to be improved or revised , Bentley School shall modify such procedures and update the Traffic and Parking Handbook based on the Independent Rule Enforcer's and the City of Oakland's recommendations within the cure period (see Section K). Part of the assessment should include documentation of the number and type of infractions and assessed penalties by the school. The compliance of the rules (reduced infractions) should be associated with improved traffic conditions at the school.

C. Staggered Timeframes for Drop-off and Pick-up

Bentley School uses staggered bell times to diffuse traffic levels during morning drop-off and afternoon pick-up periods. These times are coordinated with the non-staggered bell times at nearby Kaiser School.

Bentley School's morning bell times are 8:20 a.m. for grades 6-8 and 8:25 a.m. for grades K-5. The school offers child care and activities for all grades starting at 7:30 a.m. The provision of child care and activities starting at least 50 minutes before the first bell time further reduces peaking traffic levels. Kaiser School's morning bell time, for all grade levels K-5, is at 8:45 a.m.

While Bentley School's staggered morning drop-off timeframes are close together and can result in traffic congestion, the school's morning traffic is generally dispersed by 8:45 a.m., the time when parent drivers of Kaiser School students start to arrive. This meets the intent of the condition which is to reduce the spiking of traffic peaks and to spread the traffic out over a longer time period.

On Mondays through Thursdays, Bentley School's afternoon bell times are 2:40 p.m. for grades K-1, 2:50 p.m. for grades 2-3, 3:15 p.m. for grades 4-5, and 3:30 p.m. for grades 6-8. On Fridays Bentley School provides earlier dismissal times of 1:00 p.m. for grades K-1, 1.20 p.m. for grades 2-3, 1:40 p.m. for grades 4-5, and 2:15 p.m. for grades 6-8. Kaiser School's afternoon bell time is at 3:00 p.m., except on Wednesdays when it is at 1.25 p.m.

Bentley School shall continue operating with two morning and three afternoon staggered bell times and shall continue to coordinate these times with Kaiser School's bell times at the beginning of each school year

Bentley School shall continue to offer child care and activities starting at least 50 minutes before the first morning bell.

Monitoring of recommended conditions (see Section K) based in part on Independent Rule Enforcer reports (see Section H) will document Bentley School's success in maintaining acceptable traffic operations, e.g., acceptable vehicle queuing along Hiller Drive and acceptable level of service at the Tunnel Road intersection. If, based on monitoring, it is determined that unacceptable traffic operations result, Bentley School shall either further adjust the staggered bell times or decrease vehicle demand through increased TDM efforts (see Section D), or both, within the cure period (see Section K).

D. Reduction of Vehicles Driven

Baseline Conditions

Four potential baseline scenarios and proposals for reducing single student and single faculty/staff occupant vehicles driven to Bentley School are discussed below. Under the scenario selected for the TDM program, the number of vehicle-trips accessing the school during peak periods shall be documented by Independent Rule Enforcers (see Section H).

On April 7, 2010, the City of Oakland's Planning Commission reviewed the request by Bentley School to retain five administrators on campus that according to Condition of Approval #27 were to be moved to the school's Lafayette campus. Bentley School requested that these persons be allowed to remain at the Oakland campus and provide a further vehicle trip reduction. After the hearing the Planning Commission postponed the decision until the TDM program was reviewed. The scenarios below also discuss this proposal.

Scenario 1: Approved Conditions of Approval

Under the approved Conditional Use Permit, Bentley School is allowed to employ up to 71 faculty and staff members and enroll up to 360 students at its Oakland campus. Assuming all trips were made by vehicle with each vehicle occupied by one faculty member, staff member or student, up to 431 vehicles would access the school during the morning peak period. The Conditional Use Permit requires Bentley School to reduce the number of single student and single faculty/staff occupant vehicles accessing the school by 25% (to 323 trips) by Fall 2010 and by 35% (to 280 trips) by Fall 2012.

Assuming the Planning Commission accepts Bentley School's proposal to retain the five administrators at the Oakland campus but reduce the associated vehicle trips, the number of vehicles would be reduced to 318 by Fall 2010 and to 275 by Fall 2012.

Scenario 2: EIR Baseline Plus Project Conditions

The Environmental Impact Report (EIR) for the Bentley School Major Conditional Use Permit documented 352 enrolled students in school year 2007-2008, with 79 students arriving at school in the morning by bus. Using the EIR's figures as a baseline (deducting previous bus usage) and adding the approved 71 faculty and staff members, up to 344 vehicles would access the school during the morning peak period. A 25% reduction would require no more than 258 single student and single faculty/staff occupant vehicles accessing the school by Fall 2010. A 35% reduction would require no more than 224 single student and single faculty/staff occupant vehicles accessing the school by Fall 2012.

Assuming the Planning Commission accepts Bentley School's proposal to retain the five administrators at the Oakland campus but reduce the associated vehicle trips, the number of vehicles would be reduced to 253 by Fall 2010 and to 188 by Fall 2012.

Scenario 3: Variable Student Enrollment, Faculty and Staff

Another approach would be to determine the actual number of enrolled students and faculty and staff members at the beginning of each school year and apply required trip reductions to the total number of students, faculty and staff. For example, if in Fall 2010 there were 340 students and 62 faculty and staff, up to 402 vehicles would access the school during the morning peak period. A 25% reduction would require no more than 302 single student and single faculty/staff occupant vehicles accessing the school. If the student and faculty/staff numbers were the same in the Fall of 2012, then the 35% reduction would require no more than 261 single student and single faculty/staff occupant vehicles accessing the school. However, if in Fall 2012 the numbers were to increase and there were 348 students and 65 faculty and staff, up to 413 vehicles would access the school during the morning peak period. A 35% reduction would require no more than 268 single student and single faculty/staff occupant vehicles accessing the school.

Assuming the Planning Commission accepts Bentley School's proposal to retain the five administrators at the Oakland campus but reduce the associated vehicle trips, the number of vehicle trips would be reduced by five in Fall 2010 and by five in Fall 2012.

Scenario 4: Hiller Highlands Neighborhood Proposal

An approach offered on May 20, 2010 by Hiller Highlands neighbors would be based on the number of vehicle-trips accessing Bentley School in 2007-2008 as documented in the Environmental Impact Report for the Bentley School Major Conditional Use Permit (Table IV.B-8). According to the EIR, 259 vehicles, including vehicles with more than one student per vehicle, were generated by the school during the morning peak period, excluding vehicles accessing the Tunnel Road parking lot. Assuming the Tunnel Road parking lot generated 20 additional faculty and staff vehicles, a basis of 279 vehicles were generated. Using this baseline, a 25% reduction to 279 vehicle-trips would require no more than 209 vehicles accessing the school by Fall 2010. A 35% reduction would require no more than 181 vehicles accessing the school by Fall 2012.

It should be emphasized that Scenario 4 would be based on total vehicles counted in 2007-2008 and not on single student and single faculty/staff occupant vehicles as applied in Scenario 1 (Approved Conditions of Approval), Scenario 2 (EIR Baseline Plus Project Conditions), and Scenario 3 (Variable Student Enrollment, Faculty and Staff), and therefore it does not credit the school with its carpooling efforts underway in 2007-2008.

Assuming the Planning Commission accepts Bentley School's proposal to retain the five administrators at the Oakland campus but reduce the associated vehicle trips, the number of vehicle trips would be reduced by five in Fall 2010 and by five in Fall 2012.

Reduction of Single Student and Single Faculty/Staff Occupant Vehicles Driven

To achieve the required maximum number of vehicle-trips, Bentley School shall employ multiple TDM strategies for faculty, staff and students. The following are mandatory components to reduce the single student and single faculty/staff occupancy rates:

Carpooling:

- Develop a carpool matching system, each year, based on trip origins using GIS (faculty/staff and students)
- Prepare a annual carpool matching directory (faculty/staff and students)
- Assign preferential faculty/staff parking spaces to those who regularly carpool (faculty/staff)

Transit use:

- Facilitate attainment of and provide free AC Transit bus passes for students (students)
- Provide commuter transit checks to reimburse faculty/staff for transit use (faculty/staff)
- Award "transit bucks" to students who arrive via transit (or carpool, walk or bike) to be used for school purchases (students)

Walking and bicycling:

- Award "transit bucks" to students who arrive by foot or bicycle (or carpool or transit) to be used for school purchases (students)
- Apply to join Alameda County's Safe Routes to School program (see appendix) (students)
- Install additional secure bike racks on campus and monitor use and increase supply as necessary (faculty/students)

Trip planning:

- Develop annual carpool trip plans for those living within 20 miles of the school, including a map showing faculty/staff home location in relation to other faculty/staff within area (faculty/staff)
- Develop annual transit trip plans for those living within 10 miles of the school, including a transit map, information on connecting routes and faculty/staff home location (faculty/staff)
- Develop annual bicycle trip plans for those living within 5 miles of the school, including a map with preferred bicycling routes and faculty/staff home location (faculty/staff)
- Develop annual walking trip plans for those living within 1 mile of the school, including a map with preferred walking routes and faculty/staff home location (faculty/staff)

Education and outreach:

- Establish a fully funded budget for the TDM program and reporting out of results on an annual basis (faculty/staff and students)
- Conduct a transportation survey of the student guardians, faculty and staff modes of travel to the campus (faculty/staff and students)
- Develop a school webpage summarizing the above TDM efforts and update annually (faculty/staff and students)
- Provide e-news correspondence each trimester regarding TDM measures (faculty/staff and students)
- Promote TDM through the school's Sustainability Leadership Program (students)
- Provide representation at and meet with neighborhood association regularly (faculty/staff and students)

The following are recommended components to reduce the single student and single faculty/staff occupancy rates:

Carpooling:

- Award "transit bucks" to students who arrive in a carpool (or walk, bike or use transit) to be used for school purchases (students)

- Award faculty/staff $5 for each daily carpool (or walk or bike) trip (faculty/staff)
- Hold a "carpool to school" raffle each trimester (faculty/staff)

Transit use:

- Institute buses and/or shuttles for temporary situations such as holidays and kindergarten walk-ups (students)

Walking and bicycling:

- Award faculty/staff $5 for each daily walking or bicycling (or carpool) trip (faculty/staff)
- Advocate for pedestrian and bicycle-related infrastructure improvements in local traffic projects (faculty/staff and students)

Monitoring of mandatory and recommended conditions (see Section K) based in part on Independent Rule Enforcer reports (see Section H) will document Bentley School's success in reducing single student occupant vehicles to the traffic levels discussed above (the monitoring will also document Bentley School's success in meeting the travel mode targets). If, based on monitoring, it is determined that single student occupant vehicle trips are not reduced to the required levels, Bentley School shall increase its TDM efforts related to above strategies within the cure period (see Section K).

Bentley School shall provide information for use in the monitoring report on the success of each TDM program element discussed above (e.g., number of AC bus passes provided to students, number of commuter checks issued to faculty and staff).

E. Number of Persons to Assist Traffic

Bentley School deploys nine people to assist with traffic operations and drop-off and pick-up during school commute periods.

Bentley School shall continue to deploy nine people, as follows:

- One flag person at school driveway entrance: The flag person shall position themselves at Hiller Drive at the entrance to the driveway loop. The flag person will safely meter conflicting northbound and southbound vehicles at the entrance to the loop driveway. The flag person will prevent U-turns at Hiller Drive at the driveway entrance. The flag person must wear an approved safety vest at all times and use a handheld stop sign whenever they are positioned in the street. The flag person shall be an adult and shall receive periodic training from the City of Oakland's Police Department Traffic Safety Division.
- One traffic assistant within school driveway loop: The traffic assistant shall be positioned inside the driveway loop and remind drivers that stopping to drop-off/pick-up students or passengers in the loop is not allowed and that they need to continue to the drop-off/pick-up lane on Hiller Drive. The traffic assistant will also remind students to use the pathway leading around the

outside of the loop instead of walking through the parking lot or driveway loop. The traffic assistant shall be an adult and must wear an approved safety vest at all times.

- One traffic assistant at school driveway exit: The traffic assistant shall be positioned at the driveway exit and help guide drivers into the drop-off/pick-up lane on Hiller Drive. The traffic assistant will also remind students to use the pathway leading around the outside of the loop instead of walking through the parking lot or driveway loop. The traffic assistance will prevent left-turns from the driveway exit onto Hiller Drive during peak drop-off and pick-up periods. The traffic assistant shall be an adult and must wear an approved safety vest at all times.
- One traffic assistant at front of drop-off/pick-up lane on Hiller Drive: The traffic assistant shall be positioned on the sidewalk nearest the firestorm memorial and furthest away from the school campus. The traffic assistant will greet vehicles arriving at the drop-off/pick-up lane by opening vehicle doors and assisting students out of or into the vehicles. The traffic assistant may also assist students in retrieving their backpacks or other items from the vehicle trunk. The traffic assistant shall ensure that drivers do not leave their vehicles and that their vehicle is safely put in gear with the parking brake applied while any doors or the trunk are open. The traffic assistant shall remind drivers to queue their vehicle as close to the next vehicle as is safe to do so, not to linger any longer than needed and to vacate the parking area after students have left or boarded the vehicle with their belongings. The traffic assistant shall remind drivers to merge into traffic safety and pursuant to the school's rules. The traffic assistant will also remind students to use the pathway leading around the outside of the loop instead of walking through the parking lot or driveway loop. The traffic assistant shall be an adult and must wear an approved safety vest at all times.
- Five traffic assistants at loop, driveway exit and drop-off/pick-up lane: These traffic assistants may be student members of the School Safety Patrol. They shall assist and be supervised by the adult traffic assistants in the duties described above, but not replace adults for any of the duties. These traffic assistants shall be directed to stand in a safe location clear of any vehicular path of travel, especially in the driveway where there is not clear pedestrian and vehicle separation. All student School Safety Patrol members shall be from upper elementary and middle school grades who are trained using American Automobile Association School Safety Patrol training curriculum and with the assistance of the City of Oakland's Police Department's Traffic Safety Division. All traffic assistants shall wear approved safety vests at all times.

Bentley School shall assure that nine people (including at least four adults) assist with traffic operations and drop-off and pick-up during school commute periods and shall provide two on-call trained substitutes in case any regular personnel are absent.

Traffic assistants shall encourage and remind students, parents, and faculty and staff of the rules included in the Traffic and Parking Handbook when they observe that such rules are not being followed.

Given the small size of the school, the traffic assistants should be able to recognize children and/or parents in their vehicles. Violations of the school rules observed by the assistants shall be forwarded to

the Head of School. These violations shall be noted in the monitoring log required per Condition of Approval # 24b. The Head of School shall follow the procedures outlined in the Traffic and Parking Handbook (Condition of Approval #16g).

Monitoring of recommended conditions (see Section K) based in part on Independent Rule Enforcer reports (see Section H) will document the performance of the flag person and traffic assistants. If, based on monitoring, it is determined that the flag person or traffic assistants are not performing the above tasks competently and safely, Bentley School shall retrain or replace the flag person or traffic assistants, within the cure period (see Section K). Bentley School should also retrain or replace the flag person or traffic assistants based on recommendations provided by the Independent Rule Enforcers immediately following a monitoring evaluation. If based on long-term monitoring it is determined that less than nine persons are needed to assist traffic by the Independent Rules Enforcer, Bentley School shall be have an option to reduce the number of traffic assistants based on procedures consistent with Condition of Approval #3.

F. Use of Traffic Safety Warning Devices

Bentley School currently deploys "power flare" safety lights, recommended by the City of Oakland's Police Department, along Hiller Drive during school drop-off and pick-up times. The school initially used trial power flares issued by the Police Department near the end of the 2008-2009 school year At the end of the trail period, the school returned the devices and at the start of the 2009-2010 school year the school purchased eight of its own power flares.

Bentley School shall receive training on the maintenance and installation of the power flares from the City of Oakland's Police Department's Traffic Safety Division prior to the beginning of the 2010-2011 school year. Locations where the power flares are to be situated will be marked on the pavement in accordance with the Traffic Safety Division. The power flares shall be situated to maintain a travel way along Hiller Drive.

Bentley School shall maintain the power flares in working order, e.g., keep charged, replace parts, etc. and shall replace when necessary. All deployed power flares shall be in good working condition.

Bentley School shall deploy the power flares at least 30 minutes before drop-off and pick-up times and remove them no later than 30 minutes after drop-off and pick-up times. An adult traffic assistant must place and remove the power flares and be present at all times when the power flares are in use.

Bentley School shall replace or enhance the warning devices with other devices, at the direction and recommendation of the City of Oakland's Police Department. The School, may at their own request, ask for other devices to be used instead of the flares. The School shall submit a description of the new devices, a plan showing where they will be placed, and a report prepared by a qualified traffic consultant addressing the adequacy of the new devices. These documents shall be submitted to the Planning and Zoning Division, the Transportation Services Division, and the Traffic Safety Division for review and based on procedures consistent with Condition of Approval #3.

Monitoring of recommended conditions (see Section K) based in part on Independent Rule Enforcer reports (see Section H) will document the use and placement of traffic safety warning devices, including the power flare safety lights. If, based on monitoring, it is determined that the traffic safety warning devices are not properly used or placed , Bentley School shall correct the use of the traffic safety warning devices within the cure period (see Sections H and K). Bentley School should also remedy the use of traffic safety warning devices based on recommendations provided by the Planning and Zoning Division, the Transportation Services Division, the Traffic Safety Division, and the Independent Rule Enforcers.

G. Transit and Carpool Subsidy Program

TDM measures related to transit and carpool subsidies are discussed in Section D.

H. Independent Rule Enforcers

In April 2010 Bentley School, in consultation with the City of Oakland's Transportation Services Division and Planning and Zoning Division, hired DKS Associates, an Oakland-based transportation planning and engineering firm, to serve as the Independent Rule Enforcers to monitor and report on many of the conditions provided in this TDM program. Per the Condition of Approval, three Independent Rule Enforcers will conduct the monitoring.

Monitoring shall be conducted once a month while school is in session through the 2011-2012 school year. The number of monitoring sessions each school year after 2011-2012 will be determined by the City of Oakland's Transportation Services Division and Planning and Zoning Division based in part of the school's performance in achieving the objections in the overall TDM program.

The monitoring shall be conducted once a month without advance notification given to the school. The monitoring shall be conducted on Tuesdays, Wednesdays or Thursdays. In addition, twice a year monitoring will be conducted on random during a special event that is expected to generate over 75 vehicles (see Section I).

The Independent Rule Enforcer shall monitor and report on conditions related to the following sections in the TDM program:

A. Parking management strategies

B. Drop-off and pick-up process

C. Staggered timeframes for pick-up and drop-off

D. Reduction in single student occupant vehicles driven

E. Number of persons to assist traffic

F. Use of traffic safety warning devices

I. Special events traffic

The Independent Rule Enforcer shall follow specific instructions for conducting the monitoring and shall complete a comprehensive checklist to document prevailing conditions (see appendix). The School may request that the number (three) of Rule Enforcers be reduced based on overall compliance with the TDM based on procedures consistent with Condition of Approval #3. The reports shall be used to prepare an annual TDM review. See Section K.

Sections A, C, D, G, H, and I

Within one week of each monthly monitoring session and special event monitoring session, the Independent Rule Enforcer shall submit the monitoring worksheets. Within two weeks after each trimester, the Independent Rule Enforcer shall submit a written report summarizing the results of the monitoring sessions during the subject trimester The trimester reports shall include recommendations to remedy potential infractions, if appropriate.

The Independent Rule Enforcer worksheets and trimester reports shall be submitted to the City of Oakland's Transportation Services Division and Planning and Zoning Division, to the City of Oakland's Police Department's Traffic Safety Division, and to Bentley School's Traffic Coordination Committee.

Sections B, E, F, and J

Section B, E, F, and J directly relate to safety at the school and in the area. For these sections shorter term reporting shall be required to remedy potential safety infractions.

The Independent Rule Enforcer shall submit the monitoring worksheets within one week of each monthly monitoring session and special event monitoring session. If the worksheets identify infractions within specific sections related to safety the Independent Rule Enforcer shall also include potential remedies.

Such measures proposed by the Independent Rule Enforcers or Bentley School must be approved by the City of Oakland prior to implementation. The City of Oakland shall have one week to review and approve the submitted measures. Upon City of Oakland approval of enhanced or additional TDM measures, Bentley School shall be given two weeks after the approval to meet the TDM goals.

The Independent Rule Enforcer worksheets and reports shall be submitted to the City of Oakland's Transportation Services Division and Planning and Zoning Division, to the City of Oakland's Police Department's Traffic Safety Division, and to Bentley School's Traffic Coordination Committee.

I. Special Events Traffic

Bentley School currently provides on-site parking for evening and weekend special events. When special events are predicted to generate over 75 vehicles, Bentley School currently partners with Kaiser School to handle overflow parking. Bentley School provides instructions to the school community regarding traffic and parking related to special events and notifies neighbors in advance of any special events.

For Events Under 75 Vehicles

Bentley School shall continue to provide on-site parking for evening and weekend special events. The campus shall be used to provide up to 30 additional on-site parking spaces by using the playground surface as well as the paved area near the Head of School's residence. At least two traffic assistants shall direct motorists to these locations, as well as to the general Hiller Drive and Tunnel Road parking lots, as appropriate. In addition, parking along the flat portion of Hiller Drive between Bentley School's driveway and Tunnel Road, only, may be used (for approximately 15 vehicles), as appropriate.

If the event (less than 75 vehicles) cannot be accommodated with these on-site spaces due to school staff parking in these spaces), the school shall partner with Kaiser School to provide overflow parking. The traffic assistant shall direct traffic up Hiller Drive to Kaiser School, where an additional traffic assistant will direct motorists to a parking space. A shuttle van or bus shall be made available to transfer visitors from Kaiser School to Bentley School, with a return option following the conclusion of the event. Visitors will be able to walk between the schools instead of using a shuttle bus or van. School event parking shall not occur above the flat portion of Hiller Drive (above the school's driveway) other than Kaiser School.

All traffic assistants shall wear approved safety vests at all times.

For Events Over 75 Vehicles

When special events occur during that will generate over 75 vehicles, the school shall make use of alternative off-site parking and employ shuttle services to transfer visitors. For example, Bentley School could use the Temescal parking area and transfer visitors via school-owned vans with employee drivers or with commercial shuttle services.

For all special events, Bentley School shall deploy two traffic assistants to ensure that visiting motorists are aware of viable parking options and to prohibit motorists from parking along the public streets, on Hiller Drive, in Hiller Highlands, and along Tunnel Road.

All traffic assistants shall wear approved safety vests at all times.

Event Notification

The school's Traffic and Parking Handbook (see Section B) shall be updated annually to list all anticipated special events, including those expected to generate over 75 vehicles. These events currently include "Back to School Night" in September (three evenings), the "Halloween Parade" (generally on October 31), and "Grandparent's Day" (on the last Friday before Thanksgiving).

For all special events, Bentley School shall issue instructions to the school community regarding its traffic and parking policies in regards to special events. These instructions shall be included in both the materials announcing the event as well as highlighted on the school's website. All communications shall emphasize the need to be respectful of the neighborhood.

All special events shall be placed on the school calendar at least one month before the event. Parking instructions for the events shall also be posted at the same time. In addition, Bentley School shall notify

the Neighborhood Liaison Committee via e-mail and mailing about each special event and parking instructions at least one month prior to the event. No special events shall be held that have not been published on the school calendar, e-mailed, and mailed to the committee at least one month in advance of the event. Bentley School will provide a hotline for neighbors to call for information regarding any events. The hotline will offer numbers for appropriate school staff, Independent Rule Enforcers, and City of Oakland Traffic Safety Division.

Monitoring of recommended conditions (see Section K) based in part on Independent Rule Enforcer reports (see Section H) will document Bentley School's performance in accommodating special event traffic and parking. If, based on monitoring, it is determined that unacceptable traffic and parking conditions occur during special events, Bentley School shall improve special event traffic and parking.

J. Memorandum of Understanding with Oakland Police Department

Bentley School currently has a Memorandum of Understanding (MOU) with the City of Oakland's Police Department's Traffic Safety Division (see appendix). Bentley School shall continue to be in good standing with the MOU.

The MOU covers, in part, the role and responsibility of the flag person (see Section E).

The City of Oakland's Police Department's Safety Division shall retain the right to prepare an addendum to the MOU to include procedures undertaken by the Independent Rule Enforcers (see Section H).

The City of Oakland's Police Department's Safety Division shall provide annual trainings to Bentley School's flag person and traffic assistants, including the School Safety Patrol members.

Condition of Approval #14, Subsection J also requires the Bentley School develop an alternative to the flag person role in the event that the MOU is revoked. Specifically, "the project applicant shall develop a traffic drop-off alternative that does not rely on the MOU and submit that to the City Planning and Zoning Division, Transportation Services Division and the Oakland Police Department Traffic Safety Division staffs for review and approval. Should the Applicant become substantially out of compliance with the MOU, and such noncompliance cannot be cured within a reasonable time, resulting in OPD revoking the MOU, or OPD terminates the MOU for other reasons, then the project with the alternative TDM plan shall be heard by the Planning Commission as a major change to the CUP (see condition #3)." The TDM does not include this information and therefore this portion of this section is incomplete. Per the July 21, 2010 staff report and if approved by the Planning Commission, Bentley School shall have 90 days from the date of the hearing to submit this information to the City of Oakland for review and approval.

K. Ongoing Monitoring of Recommended Conditions

The TDM program requires periodic evaluation to determine how the program is achieving its goals. The monitoring program is broken into several components including annual reporting, trimester reporting, and enforcement.

Annual Reporting (All Sections)

The Condition of Approval requires that Bentley School prepare an annual TDM Evaluation Report that summarizes the program over the preceding year, intended upcoming changes, and compliance with conditions of the program. The report will also include any suggested changes to the TDM program, if appropriate.

The report shall include average annual trip mode information, including arrival trips via single occupant vehicles, multi-occupant vehicles, bus, and by walking and bicycling. The report shall provide a comparison to historical findings.

The report shall discuss the success of the various TDM program elements and incentives undertaken by Bentley School, e.g., carpooling, transit use, walking and bicycling, trip planning, and education and outreach (see Section D).

The report shall summarize the results of the Independent Rule Enforcer reports for the year, including implemented traffic remedies.

Bentley School shall submit the annual TDM Evaluation Report to the City of Oakland's Transportation Services Division and Planning and Zoning Division for review and approval. Planning staff reserves the right to forward the report on to the full City of Oakland Planning Commission for the Commission's review and approval.

Trimester Reporting (Sections A, C, D, G, H, and I)

See Section H of this report for trimester reporting from the Independent Rule Enforcers. The trimester reports shall include recommendations to remedy potential infractions, if appropriate. Such measures proposed by the Independent Rule Enforcers or Bentley School must be approved by the City of Oakland prior to implementation. The City of Oakland shall have one week to review and approve the proposed measures. Upon City of Oakland approval of enhanced or additional TDM measures, Bentley School shall be given one trimester period after the approval to meet the TDM goals.

Short-term Reporting (Sections B, E, F, and J)

Again Section B, E, F, and J directly relate to safety at the school and in the area. For these sections remedies for potential infractions require shorter term enforcement. See Section H of this report for short-term reporting from the Independent Rule Enforcers. The short-term reports shall include recommendations to remedy potential safety issues. Such measures proposed by the Independent Rule Enforcers or Bentley School must be approved by the City of Oakland prior to implementation. The City of Oakland shall have one week to review and approve the submitted measures. Upon City of Oakland

approval of enhanced or additional TDM measures, Bentley School shall be given two weeks after the approval to meet the TDM goals.

Enforcement (Sections A, C, D, G, H, and I)

If following one trimester after invoking enhanced or additional TDM measures the school still does not meet its TDM goals based on the Independent Rules Enforcers reports submitted to the City of Oakland, or if the school fails to submit a TDM Evaluation Report, or if the report does not meet City of Oakland requirements outlined above, the City of Oakland's Transportation Services Division and Planning and Zoning Division may refer the matter to the City of Oakland Planning Commission for scheduling of a compliance hearing to determine whether Bentley School's approvals should be revoked, altered, or additional conditions of approval imposed. This could include a permanent reduction in enrollment.

The City of Oakland can also impose penalties on a per infraction fee pursuant to the City's Master Fee Schedule, based on the observations of city officials, the Oakland Police Department, or the Independent Rules Enforcers.

In determining whether reduced enrollment or other remedies are appropriate, the City of Oakland shall consider if Bentley School has demonstrated a good faith effort to comply with the TDM program. It will be up to Bentley School to provide evidence to the City of Oakland of good faith efforts for review.

Enforcement (Sections B, E, F, and J)

Two weeks after invoking enhanced or additional TDM measures Bentley School still does not meet its TDM goals based on the Independent Rules Enforcers reports submitted to the City of Oakland, the City of Oakland's Transportation Services Division and Planning and Zoning Division may refer the matter to the City of Oakland Planning Commission for scheduling of a compliance hearing to determine whether Bentley School's approvals should be revoked, altered, or additional conditions of approval imposed. This could include a permanent reduction in enrollment. The City of Oakland can also impose penalties on a per infraction fee pursuant to the City's Master Fee Schedule based on the observations of city officials, the Oakland Police Department, or the Independent Rules Enforcers. In determining whether reduced enrollment or other remedies are appropriate, the City of Oakland shall consider if Bentley School has demonstrated a good faith effort to comply with the TDM program. It will be up to Bentley School to provide evidence to the City of Oakland of good faith efforts for review.

Appendix A: Parent Traffic and Parking Handbook

BENTLEY SCHOOL'S PARENT TRAFFIC E-HANDBOOK

Waste-Free Interim Copy

(Draft for Fall 2010, pending TDM approval)

TABLE OF CONTENTS

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MEET OUR NEW TRAFFIC CONSULTANT

David Parisi, PE, TE

Transportation Planner & Traffic/Civil Engineer

David Parisi manages a variety of challenging transportation projects throughout the West Coast. Mr. Parisi's 23 years of experience include various aspects of transportation and environmental planning, and civil and traffic engineering. He spearheads multi-disciplinary transportation projects from inception through design and development. These projects include: environmental assessments in accordance with NEPA; highway, railway, and multi-modal corridor studies; area-wide traffic circulation studies; rail transit projects; roadway and interchange feasibility analyses; access planning for pedestrians, bicyclists and people with disabilities; localized traffic impact evaluations; and transportation system improvements. David Parisi specializes in developing Main Street, transit and transit-oriented development, traffic calming, and Safe Route to School projects. His relevant school experience includes:

- Marin County SR2S Program, Marin County: Program manager
- Santa Barbara SR2S Project, Santa Barbara: Transportation engineer
- ITE School Safety Task Force, California: Committee chair
- Safe Routes to School Training Workshops, National: Project manager
- California Statewide Safe Routes to School Committee: Member
- Pasadena Suggested Routes to School Program: Project manager

3

Parisi ASSOCIATES transportation consulting

A LITTLE BACKGROUND

In October 2009, the Oakland Planning Commission unanimously approved Bentley School's new Conditional Use Permit (CUP) for a student enrollment of up to 360, our hours and operation, and for special events.

It is customary for CUPs to contain conditions of approval for a respective project. One condition in Bentley's new CUP was to develop and distribute a traffic and parking handbook to our school community and to implement a transportation plan, which is the following. As part of our transportation plan, Bentley will not exceed [INSERT NUMBER] of trips to the Hiller Campus.

In our ongoing effort to be conscious of waste (as well as reduce vehicular impact on our neighbors), we submit to you our traffic and safety guide electronically. Please remember to drive courteously and carefully at all times, not only to insure the welfare of our children but also for the safety, convenience, and respect of our neighbors.

Bentley School's traffic plan reflects the School's motto which encourages students *"to embrace values that enrich themselves, the community, and the world."*

Thank you!

4

Traffic Handbook Objectives

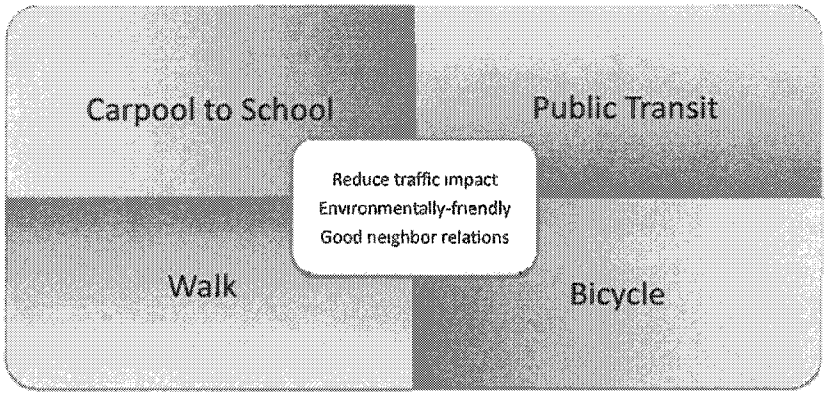
- Decrease automobile trips to and from school, thus reducing traffic congestion and greenhouse gases
- Support our community's ability to use alternative modes of transit to and from school
- Continue to support and enhance student safety and exceptional academics for our valued families
- Respect our neighborhood through communication, reduced traffic levels, improved safety and increased livability

5

GETTING TO AND FROM THE HILLER CAMPUS

6

SUSTAINABLE MODES OF TRANSPORTATION



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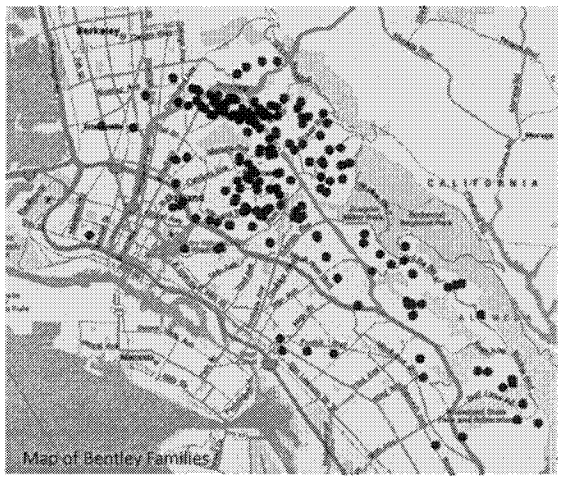
CARPOOL TO SCHOOL

Thank you all who are currently carpooling! Bentley is currently in the process of developing our Carpool to School Program as well as a Parent Carpool Committee to enable casual and regularly established carpools. Our administrators will support the parent committee by facilitating communications and providing data services including mapping and internet tools , like the map to the right. The carpooling program will include a GIS carpool matching system.

To participate in the Parent Carpool Committee, contact:

Wendi Berardi
510-843-2512 ext 2411
wberardi@bentleyschool.net



Map of Bentley Families

8

PUBLIC TRANSIT

Bentley School is delighted to join other East Bay independent schools utilizing AC Transit bus service. AC Transit bus route numbers 604 and 689 pickup our students in central Berkeley, in Montclair and Glenview and deliver them directly to the School's campus. The Bentley AC Transit bus stop is right along campus, providing a safe and secure transportation alternative for many families. Currently, bus ridership is free to all student-riders. The School has determined to underwrite the cost of this service in order to encourage as many families as possible to take advantage of this new way to get to school.

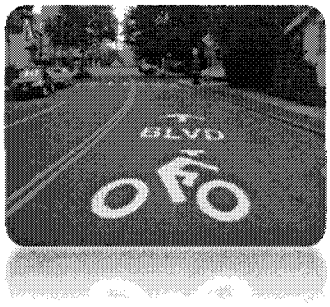
In addition to the AC Transit service, the School maintains our Contra Costa County bus service. Durham School Services bus picks up at the Lafayette campus just before 8am and arrives at the Hiller campus at approximately 8:20am. The afternoon pick-up is at 3:40pm and arrive in Lafayette at 4pm. There is a small fee associated with this service.

Sample Route:
The 604 serves the South/West Berkeley areas (Shattuck/Bancroft to College/Ashby/Tunnel). The 604am loops around our parking lot, discharges directly in lot @ 8:05am. The 604pm loads on Tunnel Road @ 3:41pm.

9

WALK OR RIDE A BIKE

Bentley School encourages students to walk or ride their bike to school. Riding a bike or walking can be beneficial in a number of ways. One of the benefits is exercise. Exercise can help reduce stress, increase self-esteem, and increase productivity. If you are riding a bike to school you don't have to worry about getting stuck in traffic. Avoiding traffic will help you get to work or school faster, and you will get a chance to enjoy the natural surroundings in your community on your way to your destination.



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STAGGERED DROP OFF & PICKUP WITH KAISER

Bentley School understands that releasing the student body at one time could momentarily overwhelm the local traffic system, including Hiller Drive. In a continuous effort to ensure the safety of our students and be respectful of our neighborhood, we have designed a staggered pickup and drop off schedule that allows traffic to arrive in uniform waves, and timed in a manner that allows for maximum efficiency.

In the mornings, Bentley School's classes begin: Grades 6-8 at 8:20 a.m. Grades K-5 at 8:25 a.m. Kaiser School's morning classes start at 8:45 a.m.	In the afternoons, Bentley School dismisses classes Mondays through Thursdays: Grades K-1 at 2:40 p.m. Grades 2-3 at 2:50 p.m. Grades 4-5 at 3:15 p.m. Grades 6-8 at 3:30 p.m.
Friday is an early dismissal day with times: Grades K-1 at 1:00 p.m. Grades 2-3 at 1:20 p.m. Grades 4-5 at 1:40 p.m. Grades 6-8 at 2:15 p.m.	Kaiser School's afternoon dismissal time is 3:00 p.m., except for Wednesdays which has an early dismissal time at 1:25 p.m.

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DROP OFF & PICKUP INSTRUCTIONS

The School creates two lanes of traffic, utilizing yellow/flashing flares, for cars moving southbound on Hiller Drive towards Tunnel Road. The area closest to the sidewalk is used for families during the drop off and pickup times.

Drive northbound on Hiller Drive towards the campus, waiting for the Traffic Guard's sign to proceed into the driveway

Drive through the semi-circle parking lot exiting to the right back onto Hiller Drive. Remember to watch for oncoming traffic

Stay as close to the curb, drive forward as far as possible. If there are no cars ahead of you, proceed all the way to the front of the line which is noted by a "Stop here" sign on the sidewalk

Please always follow staff motions to move forward as they will have a different view of traffic that you may not see

Staff will often ask you to remove backpacks from trunks, etc. Please remain in your car at all times

Merge into oncoming traffic carefully. Do not block the lanes of traffic at any time

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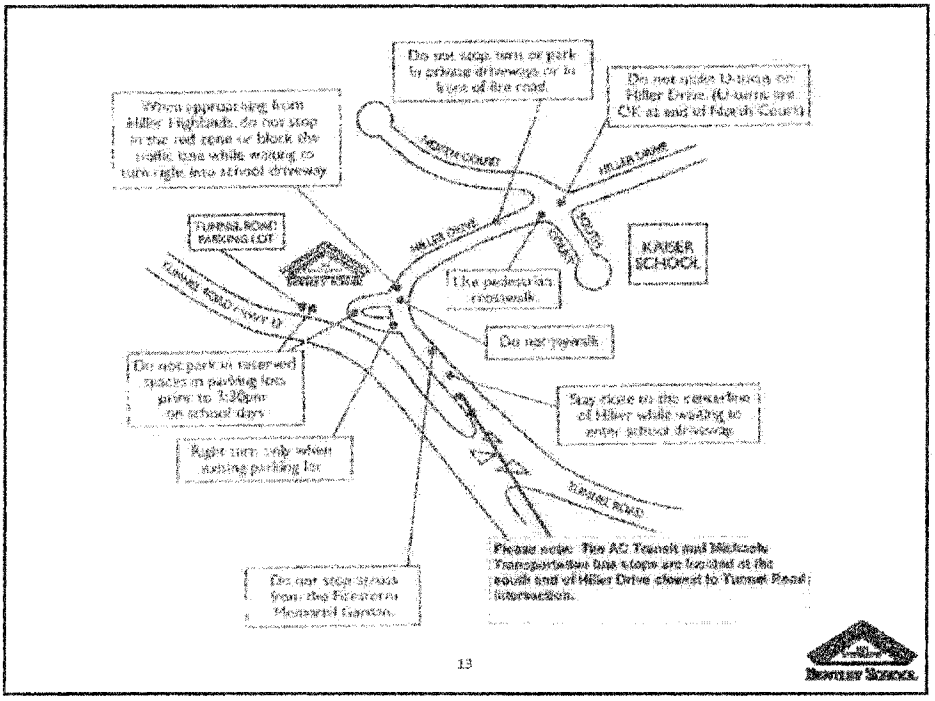

TRAFFIC SAFETY & RULES

Bentley School has been and continues to be committed to being the best possible neighbor. In order to achieve that important goal, the following School Traffic Safety & Rules have been developed. Please remember, it is the responsibility of every Bentley parent, employee, and friend-of-the-school to abide by these rules when driving to and from campus, while in the neighborhood, and while on campus.

Any infractions of these rules must be reported to the school's Compliance Supervisor. Failure to abide by these rules will result in a series of consequences, from formal warnings to the invocation of the "non-cooperation" clause in the Enrollment Contract. The Compliance Supervisor is:

Wendi Berardi
510-843-2512, x2411
wberardi@bentleyschool.net

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BENTLEY SCHOOL

TRAFFIC SAFETY & RULES: PLEASE DO

- Use your turn signal when entering the Hiller Drive parking lot
- Try to arrive prior to 8:00 a.m. when there is little to no congestion
- When approaching the parking lot, please stay to the left-most lane to the yellow line, leaving enough room on your right side for other cars to pass and continue on up Hiller Drive
- Make sure to wait for the traffic board's hand signal before turning into the parking lot
- STAY IN YOUR CAR. We will assist you in and out of the car and gather items from your trunk area if needed
- Follow all traffic volunteer's and school staff's instructions in a timely and courteous fashion
- Merge into oncoming traffic carefully. Be sure you are non-blocking the lanes of traffic on Hiller Drive
- Park in either the Hiller Drive or the Tunnel Road parking lots during evening and weekend events
- Use street parking ONLY as a last resort and ONLY when all on-campus parking has been used

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Berkeley School

TRAFFIC SAFETY & RULES: PLEASE DO NOT

- Make any U-Turns in the neighborhood. The safest area is at the end of the cul-de-sac on Northhill Court
- Pull into or block, even for a moment, any of our neighbor's driveways
- Park in red zones
- Park in the designated bus zones at the south end of Hiller Drive closest to Tunnel Road and also immediately to the north of the entrance to the Hiller driveway
- Park on the street across from the Firestone Memorial Garden
- Jaywalk! To maintain the safety in front of our school, we ask that you use the crosswalk near Kaiser School
- Turn left when exiting the school's Hiller Drive parking lot

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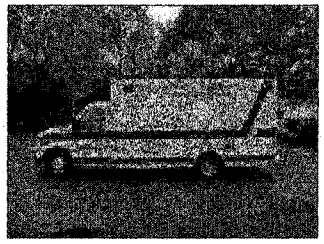
Berkeley School

TRAFFIC SAFETY & RULES: EMERGENCY VEHICLES

If an emergency vehicle approaches, upon alert, all drivers, either waiting alongside the double yellow line, waiting to turn into the Bentley parking lot or traveling downward on Hiller Drive, should pull to the far right of Hiller Drive. This will allow the emergency vehicles to drive over the double yellow line north up Hiller Drive and avoid sidewalks and parked cars. This applies for both directions.



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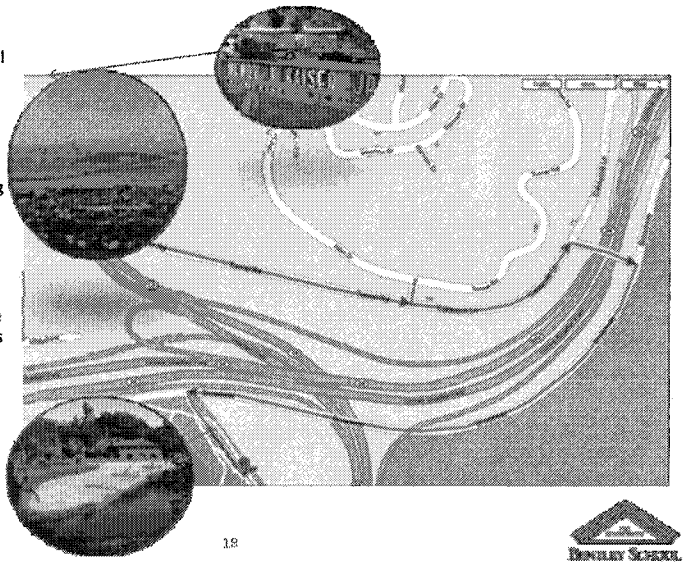
SPECIAL EVENTS PARKING: OFF SITE

During certain School special events, and especially when the School believes that a large group of parents or visitors will be coming to campus, the School may mandate off-campus parking for most cars. Information about off-campus parking will be sent to all families well in advance of the special event. It will be critical for the success of the special event that all parents carefully follow the special traffic and parking rules for that day. For some Hiller campus special events, off-campus parking will be at the Temescal Park parking lots and shuttle service will be provided.



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NORMAL EVENING & WEEKEND EVENTS

During normal evening and weekend School events, the School will prohibit on street parking until every parking space in both of our campus parking lots has been filled. Therefore, when coming to the School for an evening or weekend event, each of us must drive through both campus parking lots looking first to park in those lots. Only when those lots have been filled will on-street parking be allowed.

Do park in either the Hiller Drive or the Tunnel Road parking lots during evening and weekend events. Use street parking ONLY as a last resort and ONLY when all on-campus parking has been used.

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Berkeley School

EMERGENCY PREPAREDNESS

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Berkeley School

MEET OUR EMP CONSULTANT

Since 2009, Bentley has been working with and institutionalizing emergency plans with national expert Camp and School Consulting President, Dan Gelineau. Camp and School Consulting offers schools, camps, youth service organizations and recreation programs a reliable, high quality alternative to in-house resources for all areas of risk management, including:

- Disaster Plan Development
- Emergency Preparedness Training
- Policies and Procedures Manuals
- Safety Committee Development and Implementation
- Staff Training in all aspects of student/camper safety

Camp and School Consulting's Mission Statement:
To become the leading provider and highest quality source for all areas of risk management training and preparation. To offer a very high level of practical experience, cutting edge knowledge of legislation and insurance industry trends, and skilled presentation of this information to constituents.

Click here to read Mr. Gelineau's resume.

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EMERGENCY PROCEDURES ON HILLER CAMPUS

Bentley employees undergo CPR and First Aid training and are annually briefed on emergency procedures and safety. All administrators, faculty and staff have been assigned responsibilities to a specific emergency response team (security, first aid, etc.) and will assume duties in the event of an evacuation or emergency.

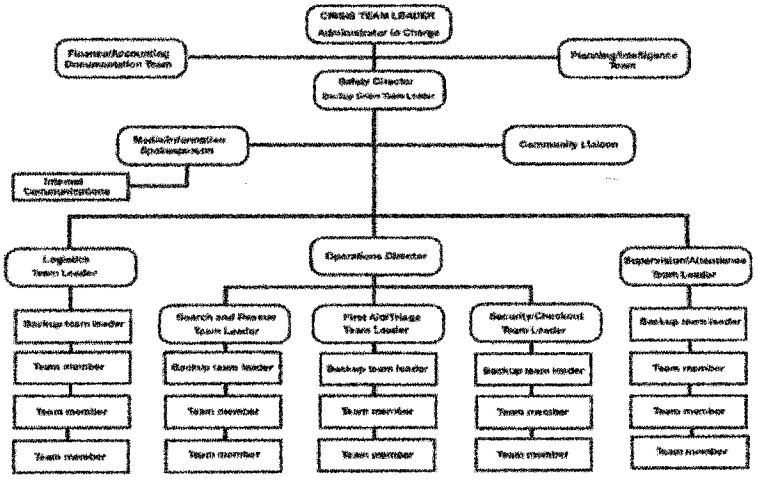
Emergency responses are organized by specific events, i.e. fire, earthquake, intruder, etc. We hold regular emergency response practices throughout the year, the AlertNow system is tested yearly, and we have regular crisis team response meetings.

Every classroom has a backpack containing supplies for a class in an emergency evacuation and phone numbers, and the school maintains a store of emergency supplies of food, water, tools, and sanitary and medical supplies sufficient for everyone to remain on campus for at least three days.

Drills and events are defined by evacuation sites and response protocols. In the event of an "on site" evacuation, for an event that does not affect any of the surrounding neighbors or property (isolated fire on campus), the whole school will evacuate to the lower parking lot on Hiller Drive.

In the event of a major earthquake, we will keep all students on the school grounds. The students will be kept under the close supervision of faculty and staff. We will keep a strict accounting of everybody on campus. Please note that we will only release students to their parents or other persons designed on file as authorized. We will announce via the AlertNow system special pick up times according to grade level. Students should then be picked up at only the designated time for their grade (or their sibling's grade). The convergence of all our parents at the same time could be extremely dangerous for us and for our neighbors and could impede necessary police, fire, and medical response.

HILLER CAMPUS ORGANIZATION FOR CRISIS RESPONSE



CAMPUS EVACUATION PROTOCOL

In the event of an off site evacuation, parents/guardians must not come to the site but instead pick up their child at the mandated assembly areas. Parents/guardians MUST tell the Team Leader in charge when their child (children) is released and are accounted for.

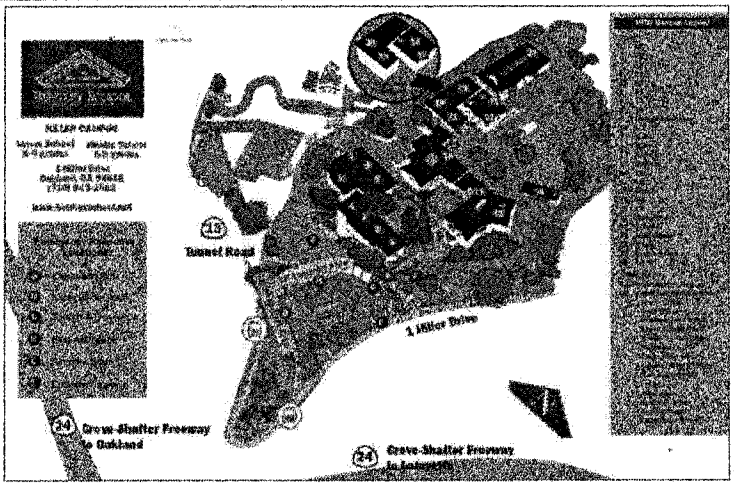
If (and only if) the campus were to become unsafe, such as in imminent danger of a major gas leak or fire, we will evacuate everyone to another location. This will be communicated to families via the Alert Now system. We have an agreement with the Claremont Hotel and a pending agreement with St. Stephen's Episcopal Church (2837 Claremont Blvd. @ Dwight) that allows us to evacuate our children to those safe locations.

In any emergency situation, precise and timely communication is of paramount importance. All parents are asked to keep emergency information updated with the main office so that we are able to reach you.

Evacuations and their assembly areas will be designated by specific warning sounds. The Airhorn indicates a directional instruction all campus to west parking assembly areas. The Fire Alarm indicates evacuation to the Hiller parking lot.

This evacuation strategy is very important to the entire Hiller Highlands Community. In addition, the plan has met with approval from the Oakland Fire Marshall's office. This plan will allow for the Hiller Parking Lot to be used as a staging area for the Hiller Highlands Community. Bentley School will also provide designated emergency storage space (food, water, etc.) for the neighbors.

ON-SITE EMERGENCY RESPONSE ASSEMBLY LOCATION



- Regular assembly area: Upper parking lot
- Alternate on-site area: Sport Court
- Indoor assembly area: Meadows Auditorium

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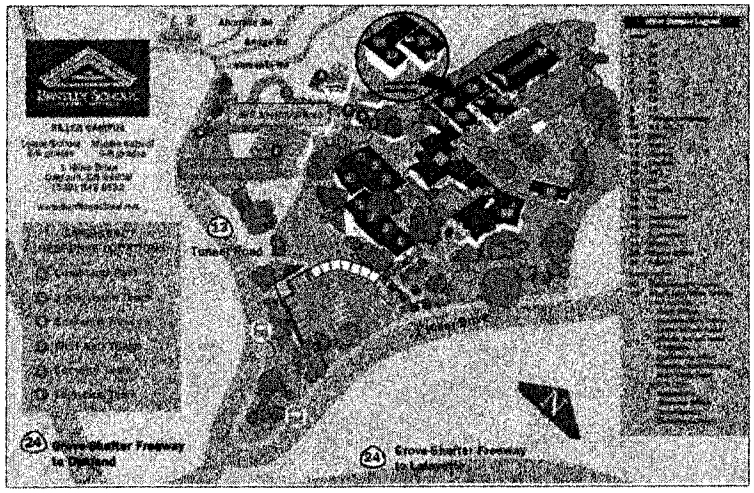
OFF-SITE EMERGENCY RESPONSE ASSEMBLY LOCATION



- Head's House
- Lower Parking Lot

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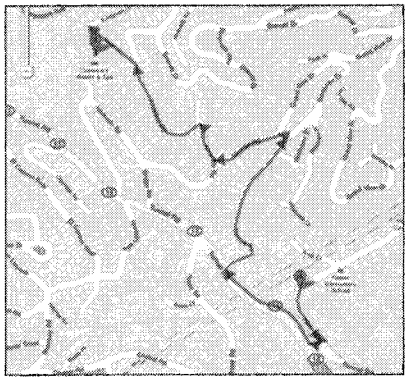
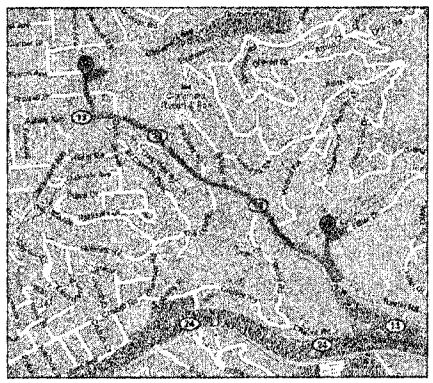
OFF-SITE EMERGENCY RESPONSE RELOCATION ASSEMBLY SITES

K-5 Evacuation Location



A. Bentley School
B. Claremont Hotel & Spa Employee Parking Lot

Grades 6-8 Evacuation Location



A. Bentley School
B. St. Clement's Church Parking Lot

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FOUR STRIKES POLICY

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COMPLIANCE

As a good neighbor, Bentley School is committed to the monitoring and enforcement of the School's traffic and parking rules. For parents and guardians, employees, or Friends-of-the-School who fail to abide by these rules, the School will institute clear consequences. Hence, the School will enforce a Four Strikes Policy. A strike will be assessed as a result of an infraction of the School's traffic and parking. It is the School's expectation that each Bentley family will make certain that all members of the family who drive to school (parents, employees, caregivers, relatives) are made aware of these rules. Families will be held responsible for the infractions of any individual associated with the family.

Bentley School faculty, staff, and administration will also be held responsible for upholding all School traffic and parking rules. Bentley Staff and Bentley volunteers will be trained to watch for and identify infractions and to report infractions to the School's administration. The School's administration will then issue a "strike."

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STRIKES ONE – TWO – THREE

A red citation is placed on the windshield of the car and a "red letter" is mailed home informing the family of the infraction. The "red letter" will include a hard copy of the Traffic & Parking Handbook and a further explanation of the School's four strikes policy. This letter will emphasize why it is critically important to conform to the School Traffic & Parking Rules. This mailing will be followed by a call from the School's administration to confirm the family's receipt of the "red letter."

STRIKE ONE

A red citation is placed on the windshield of the car and a second "red letter" is mailed home informing the family of the infraction and notifying the family that a $250 fine has been assessed to the family's school account. Failure to pay the fine in the normal course of the school's billing process will result in Strike Three. The "red letter" will include a hard copy of the Traffic & Parking Handbook and a further explanation of the School's four strikes policy. This mailing will be followed by a call from the School's administration to confirm the family's receipt of the second "red letter."

STRIKE TWO

A red citation is placed on the windshield of the car and a third "red letter" is mailed home informing the family of the infraction, notifying the family that a $500 fine has been assessed to the family's School account, and directing the driver must meet with the Headmaster. Failure to meet with the Headmaster or failure to pay the fine in the normal course of the School's billing process will result in Strike Four. This letter will reemphasize why it is critically important to conform to the School Traffic & Parking rules. This mailing will be followed by a call from the School's administration to confirm the family's receipt of the third "red letter."

STRIKE THREE

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STRIKE FOUR

A red citation is placed on the windshield of the car and a final "red letter is mailed home with notification that the non-cooperation clause is now invoked.

"Bentley reserves the right to suspend or terminate the attendance or refuse to extend the privilege of re-enrollment to Student if Bentley concludes that the actions of the Parent or any family member or family employee make such a positive and constructive relationship impossible or otherwise seriously interfere with Bentley's accomplishment of its educational purpose."

At this point, the driver must meet with the Headmaster in order to discuss any action that the Headmaster may take. Failure to do so is unacceptable and will be deemed a flagrant ignoring of School policy. Anyone receiving a fourth strike must understand that any and all consequence, up to expulsion of the family from the school may result. Such an action will be undertaken only after the Head deliberates and seeks appropriate advice. This mailing will be followed by a call from the School's administration to confirm the family's receipt of the third "red letter."

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Bentley School

PARENT — EMPLOYEE AGREEMENT

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Bentley School

PARENT – EMPLOYEE AGREEMENT

In order to insure that the full Bentley community understands and supports the school's efforts to be the best possible neighbor and in order to support the school's efforts to mitigate traffic impacts on Hiller Drive and surrounding roads, the following agreement must be signed, dated, and returned to the school. Please see the following slide for the Parent and Employee Agreement.

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PARENT – EMPLOYEE AGREEMENT

I/we, the undersigned, have read Bentley School's Traffic & Parking Handbook and agree to abide by all of the school's Traffic and Parking rules. We understand and support the need to be good neighbors, to conduct ourselves in a polite and calm fashion while driving to and from school, while parking on campus or in the neighborhood, while dropping-off or picking up my/our child/children.

Further, I/we, the undersigned, agree to abide by any special rules or guidelines that may be imposed by the school from time to time. I/we are aware that such special rules may be imposed, for example, for special events (such as the Halloween Parade or Grandparents Day) and may include, for example, mandated off-site parking.

_____

Parent/Employee Date

_____

Parent/Employee

Please check this box if you plan to participate in alternate transportation offered by Bentley School.

- ☐ We will participate in the AC Transit Program
- ☐ We will participate in the Carpool to School Program
- ☐ We will participate in the Contra Costa County Shuttle (Durham School Services)

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YOUR COMMITMENT

Bentley School is committed to teaching our students the value of environmental sustainability. While many of our students themselves may be too young to actively reduce their carbon footprint, you as a parent/guardian, or staff or faculty member, are not. We ask everyone in our school community to do what they can. *Thank you!*

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BENTLEY SCHOOL

IMPORTANT CONTACT INFORMATION

Parent Carpool Committee	Wendi Berardi 510-843-2512 ext 2411 wberardi@bentleyschool.net
Traffic Compliance Supervisor	Wendi Berardi 510-843-2512 ext 2411 wberardi@bentleyschool.net
Feedback Hotline	cuphotline@bentleyschool.net

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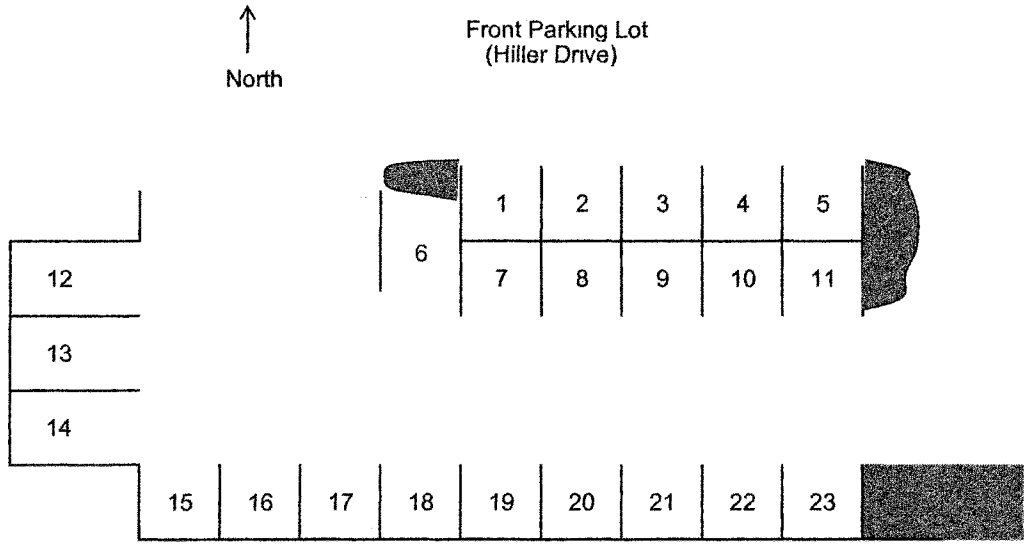
BENTLEY SCHOOL

Appendix B: Staff Parking Maps



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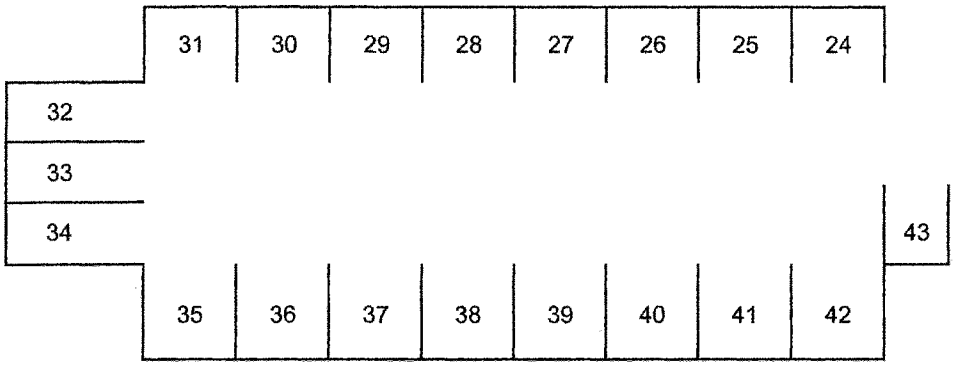
updated on 6/24/2010

Lower Parking Lot
(Tunnel Road)

North→



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48 Campus Driveway

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48 Handicap

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Appendix C: Independent Rule Enforcer Worksheets

INDEPENDENT RULE ENFORCER - BENTLEY SCHOOL, OAKLAND, CA

DKS Associates
TRANSPORTATION SOLUTIONS

FIELD OBSERVATION NOTES – AM DROP-OFF or PM PICK-UP (circle one)

Date of Observation:		Position of Observation (note times observer is present):	
Name of Observer:			

STAGGERED DROP-OFF SCHEDULES (CONDITION 14c)

Observation times:		to	

RIDESHARING (CONDITION 14d)

Indicate location of bus stop on the map	No. (Students)	No. (Staff)	Bus ID/Time (AC Transit/other)
No. arriving via bus at Hiller Dr Stop:	1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 20 1 2 3 4 5 6 7 8 9 30 1 2 3 4 5 6 7 8 9 40 1 2 3 4 5 6 7 8 9 50	1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 20 1 2 3 4 5 6 7 8 9 30	604 / 689 / Yellow Bus
No. arriving via bus at Tunnel Rd Stop:	1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 20 1 2 3 4 5 6 7 8 9 30 1 2 3 4 5 6 7 8 9 40 1 2 3 4 5 6 7 8 9 50	1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 20 1 2 3 4 5 6 7 8 9 30	604 / 689 / Yellow Bus
No. arriving via bicycles/walking:	1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 20 1 2 3 4 5 6 7 8 9 30 1 2 3 4 5 6 7 8 9 40 1 2 3 4 5 6 7 8 9 50 1 2 3 4 5 6 7 8 9 60 1 2 3 4 5 6 7 8 9 70 1 2 3 4 5 6 7 8 9 80 1 2 3 4 5 6 7 8 9 90 1 2 3 4 5 6 7 8 9 100	1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 20 1 2 3 4 5 6 7 8 9 30 1 2 3 4 5 6 7 8 9 40	
No. single occupant vehicle (student or staff alone):	1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 20 1 2 3 4 5 6 7 8 9 30 1 2 3 4 5 6 7 8 9 40 1 2 3 4 5 6 7 8 9 50 1 2 3 4 5 6 7 8 9 60 1 2 3 4 5 6 7 8 9 70 1 2 3 4 5 6 7 8 9 80 1 2 3 4 5 6 7 8 9 90 1 2 3 4 5 6 7 8 9 100 1 2 3 4 5 6 7 8 9 110 1 2 3 4 5 6 7 8 9 120 1 2 3 4 5 6 7 8 9 130 1 2 3 4 5 6 7 8 9 140 1 2 3 4 5 6 7 8 9 150 1 2 3 4 5 6 7 8 9 160 1 2 3 4 5 6 7 8 9 170 1 2 3 4 5 6 7 8 9 180 1 2 3 4 5 6 7 8 9 190 1 2 3 4 5 6 7 8 9 200	1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 20 1 2 3 4 5 6 7 8 9 30 1 2 3 4 5 6 7 8 9 40 1 2 3 4 5 6 7 8 9 50 1 2 3 4 5 6 7 8 9 60 1 2 3 4 5 6 7 8 9 70 1 2 3 4 5 6 7 8 9 80	
No. carpooling (circle groupings):			
Total No. of Absenses Today:			
Total No in Attendance Today:			
Total percent arriving by Bus/Transit:			
Total percent arriving by Walking/Bicycling:			
Total percent arriving by Carpool:			
Total percent arriving by Single Occupant			

INDEPENDENT RULE ENFORCER - BENTLEY SCHOOL, OAKLAND, CA

DKS Associateses
TRANSPORTATION SOLUTIONSONS

FIELD OBSERVATION NOTES - AM DROP-OFF or PM PICK-UP (circle one)

Date of Observation:		Position of Observation (note times observer is present):	
Name of Observer:			

STAGGERED DROP-OFF SCHEDULES (CONDITION 14c)

Observation times:		to	

ON-SITE PARKING (CONDITION 14a)

No. vehicles in Upper lot:		Comments:
No. vehicles in Lower lot :		
No. vehicles on Hiller Dr :		
No. vehicles elsewhere on campus:		

(TA) TRAFFIC ASSISTANTS (CONDITION 14e)

Indicate location TA's on the map	Time Out	Time In	No.	No. w/ vest
One (1) Flag Person at Driveway Entrance (must be adult)				
One (1) TA at Front of Drop-off Lane (must be adult):				
One (1) TA within Driveway Loop (must be adult):				
One (1) TA at Driveway Exit (must be adult):				
Five (5) TA's at Loop, Exit, and Drop off Lane (can be student):				
TOTAL				

TRAFFIC SAFETY WARNING DEVICES (CONDITION 14f)

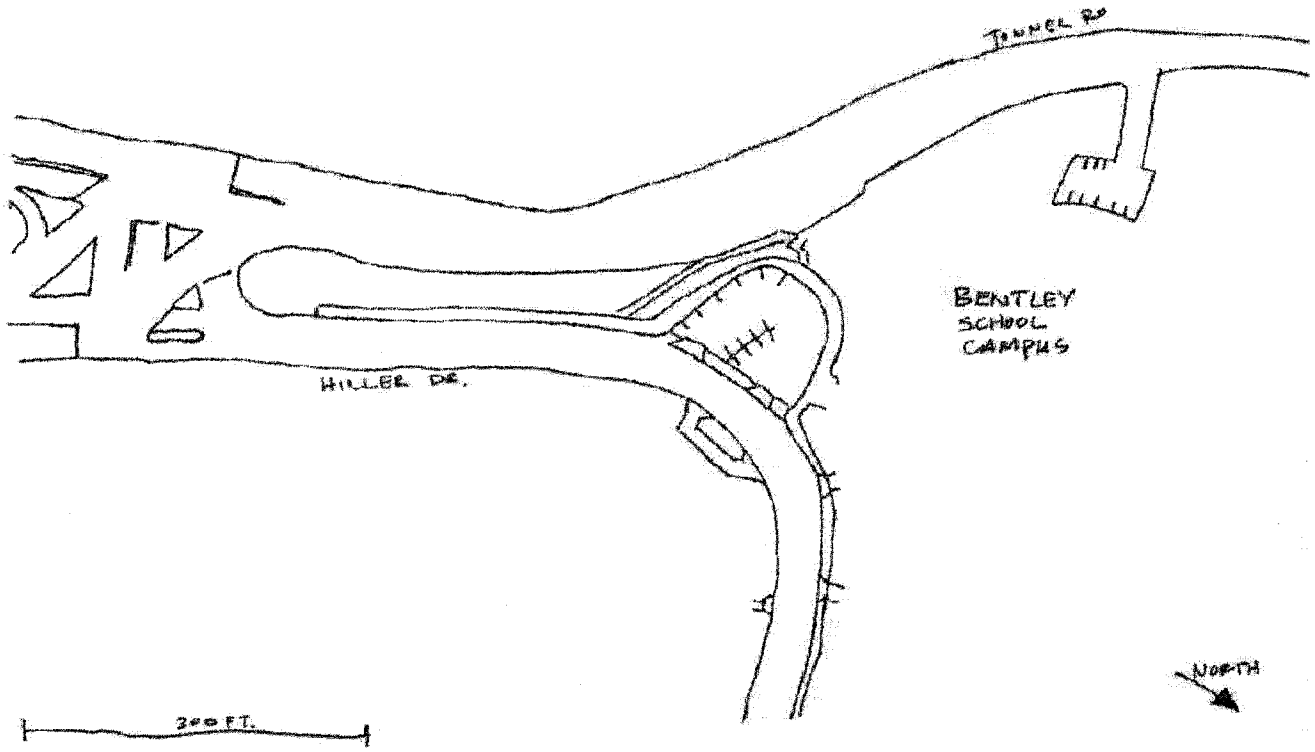
Indicate locations of devices on the map	Y or N	Time Out	Time In
Approved device used along drop-off/pick-up lanes:			
At least ONE (1) TA is present while devices are in use:			

OTHER ITEMS

Start time:	0-5 min.	5-10 min.	10-15 min.	15-20 min.	20-25 min.	25-30 min.
No. Vehicles Stopping in Loop Driveway	1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 20 1 2 3 4 5 6 7 8 9 30	1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 20 1 2 3 4 5 6 7 8 9 30	1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 20 1 2 3 4 5 6 7 8 9 30	1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 20 1 2 3 4 5 6 7 8 9 30	1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 20 1 2 3 4 5 6 7 8 9 30	1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 20 1 2 3 4 5 6 7 8 9 30
No. Vehicles Entering and Immediately Exiting Driveway	1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 20 1 2 3 4 5 6 7 8 9 30 1 2 3 4 5 6 7 8 9 40 1 2 3 4 5 6 7 8 9 50 1 2 3 4 5 6 7 8 9 60 1 2 3 4 5 6 7 8 9 70 1 2 3 4 5 6 7 8 9 80 1 2 3 4 5 6 7 8 9 90 1 2 3 4 5 6 7 8 9 100	1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 20 1 2 3 4 5 6 7 8 9 30 1 2 3 4 5 6 7 8 9 40 1 2 3 4 5 6 7 8 9 50 1 2 3 4 5 6 7 8 9 60 1 2 3 4 5 6 7 8 9 70 1 2 3 4 5 6 7 8 9 80 1 2 3 4 5 6 7 8 9 90 1 2 3 4 5 6 7 8 9 100	1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 20 1 2 3 4 5 6 7 8 9 30 1 2 3 4 5 6 7 8 9 40 1 2 3 4 5 6 7 8 9 50 1 2 3 4 5 6 7 8 9 60 1 2 3 4 5 6 7 8 9 70 1 2 3 4 5 6 7 8 9 80 1 2 3 4 5 6 7 8 9 90 1 2 3 4 5 6 7 8 9 100	1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 20 1 2 3 4 5 6 7 8 9 30 1 2 3 4 5 6 7 8 9 40 1 2 3 4 5 6 7 8 9 50 1 2 3 4 5 6 7 8 9 60 1 2 3 4 5 6 7 8 9 70 1 2 3 4 5 6 7 8 9 80 1 2 3 4 5 6 7 8 9 90 1 2 3 4 5 6 7 8 9 100	1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 20 1 2 3 4 5 6 7 8 9 30 1 2 3 4 5 6 7 8 9 40 1 2 3 4 5 6 7 8 9 50 1 2 3 4 5 6 7 8 9 60 1 2 3 4 5 6 7 8 9 70 1 2 3 4 5 6 7 8 9 80 1 2 3 4 5 6 7 8 9 90 1 2 3 4 5 6 7 8 9 100	1 2 3 4 5 6 7 8 9 10 1 2 3 4 5 6 7 8 9 20 1 2 3 4 5 6 7 8 9 30 1 2 3 4 5 6 7 8 9 40 1 2 3 4 5 6 7 8 9 50 1 2 3 4 5 6 7 8 9 60 1 2 3 4 5 6 7 8 9 70 1 2 3 4 5 6 7 8 9 80 1 2 3 4 5 6 7 8 9 90 1 2 3 4 5 6 7 8 9 100

MISC COMMENTS

DATE OF OBSERVATION: _____ FIELD NOTES OBSERVER NAME: _____



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INDEPENDENT RULE ENFORCER - BENTLEY SCHOOL, OAKLAND, CA

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FIELD OBSERVATION NOTES

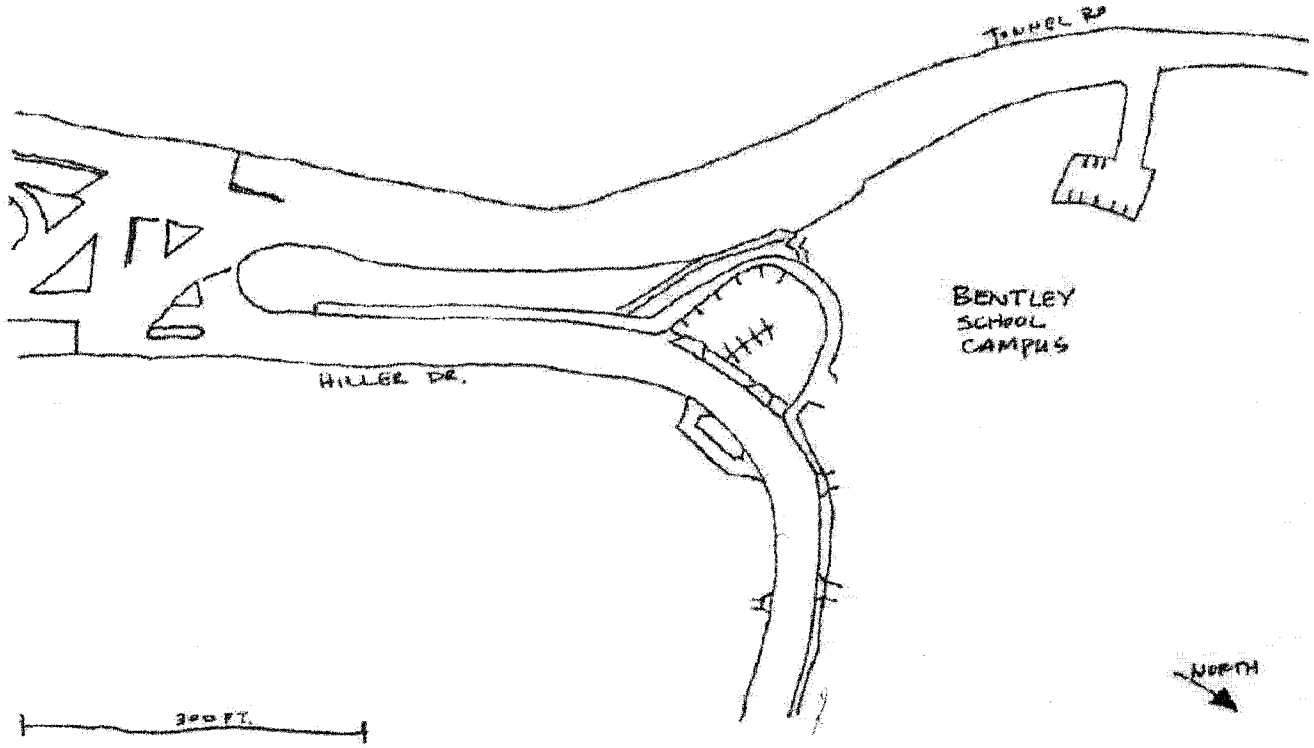
Date of Observation:		*Indicate overall maximum queue length on the map.*	Position of Observation:
Name of Observer:			

SOUTHBOUND VEHICLE QUEUE LENGTH AT HILLER DR/TUNNEL RD INTERSECTION													Observed Cycle Length (sec):
Start time:		0-5 min.	5-10 min.	10-15 min.	15-20 min.	20-25 min.	25-30 min.	30-35 min.	35-40 min.	40-45 min.	45-50 min.	50-55 min.	55-60 min.
Max No. vehicles in Southbound Queue:													
Max No. buses in Southbound Queue:													
Max Queue Length (ft) Southbound Queue:													

NORTHBOUND VEHICLE QUEUE LENGTH AT DRIVEWAY ENTRANCE ALONG HILLER DRIVE												
Start time:		0-5 min.	5-10 min.	10-15 min.	15-20 min.	20-25 min.	25-30 min.	30-35 min.	35-40 min.	40-45 min.	45-50 min.	50-55 min.	55-60 min.
Max No. vehicles in Northbound Queue:													
Max No. buses in Northbound Queue:													
Max Queue Length (ft) Northbound Queue:													

SOUTHBOUND VEHICLE QUEUE LENGTH AT DRIVEWAY ENTRANCE ALONG HILLER DRIVE												
Start time:		0-5 min.	5-10 min.	10-15 min.	15-20 min.	20-25 min.	25-30 min.	30-35 min.	35-40 min.	40-45 min.	45-50 min.	50-55 min.	55-60 min.
Max No. vehicles in Southbound Queue:													
Max No. buses in Southbound Queue:													
Max Queue Length (ft) Southbound Queue:													

DATE OF OBSERVATION: _____ FIELD NOTES OBSERVER NAME: _____



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Appendix D: Sample Mode Share Target Estimates

SAMPLE MODE SHARE TARGET ESTIMATES FOR SCENARIOS 1 AND 2

Please note that the estimates are provided as potential modal targets.

SCENARIO 1

Mode	2010		2012	
SOV	323	75%	280	65%
MOV	24	6%	62	14%
Bus	79	18%	79	18%
Walk/Bike	5	1%	10	2%
Total	431	100%	431	100%

SCENARIO 1: REDUCED ADMIN. VEH. TRIPS

Mode	2010		2012	
SOV	318	74%	275	64%
MOV	25	6%	64	15%
Bus	83	19%	82	19%
Walk/Bike	5	1%	10	2%
Total	431	100%	431	100%

SCENARIO 2

Mode	2010		2012	
SOV	258	60%	193	45%
MOV	89	21%	149	35%
Bus	79	18%	79	18%
Walk/Bike	5	1%	10	2%
Total	431	100%	431	100%

SCENARIO 2: REDUCED ADMIN VEH. TRIPS

Mode	2010		2012	
SOV	253	59%	188	44%
MOV	92	21%	152	35%
Bus	81	19%	81	19%
Walk/Bike	5	1%	10	2%
Total	431	100%	431	100%

Appendix E: MOU to Train Bentley School Monitors

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE OAKLAND POLICE DEPARTMENT AND BENTLEY SCHOOL
TO TRAIN BENTLEY SCHOOL TRAFFIC MONITORS

This Memorandum of Understanding (the "MOU"), is made and entered into as of this __th day of May,. 2006, by and between the City of Oakland, (the "City"), a municipal corporation, and The Bentley School ("Bentley") a California nonprofit public benefit corporation (together, the Chief, the City, and Bentley are referred to as the "Parties").

RECITALS

A. Bentley owns and operates a private elementary and middle school in the City of Oakland located at One Hiller Drive. Hiller Drive is a public street in the City of Oakland. From time to time during peak student drop-off and pick-up periods, traffic flow in the vicinity of the school would benefit from the services of a traffic control monitor that is permitted to enter the paved right of way of Hiller Drive to direct and control the flow of traffic entering the school and driving in the vicinity of the school on Hiller Drive. Bentley seeks to use trained adult school volunteers, administrators, and teachers to act as traffic control monitors.

B. Oakland Municipal Code section 10.08.110 provides that "No person other than an officer of the Police Department, or a person authorized by the Chief of Police or person authorized by law shall direct or attempt to direct traffic by voice, hand or other signal."

C. The Chief, as the person empowered under section 10.08.110 to authorize non-officers to control traffic under certain circumstances, seeks to ensure (1) that the traffic control monitors receive appropriate training, (2) that the traffic control monitors follow certain protocols regarding traffic control, (3) that the City conducts appropriate monitoring and oversight of the performance of the traffic control monitors, and (4) that the City retains the authority to implement other methods of traffic control and to forbid trained school volunteers, administrators, and teachers to act as traffic control monitors.

D. The Parties desire to enter into this MOU to set forth the process for training and monitoring the traffic control monitors and to set forth certain protocols regarding traffic control at the school entrance.

AGREEMENT

NOW THEREFORE, the City and Bentley agree as follows:

1. CITY

a. Upon request, resources and schedules permitting, the Chief agrees to direct the Traffic Division or such other division of the Oakland Police Department to provide training consistent with Department traffic policies and procedures and the provisions of this MOU to designated Bentley volunteers, administrators, or teachers.

b. Provided Bentley is in compliance with the agreement and further provided that the Chief is satisfied that the traffic control monitors have received adequate training consistent with Department practices and the provisions of this MOU, the Chief agrees to authorize, pursuant to section 10.08.110, the use of non-officers for traffic control on Hiller Drive at the Bentley school entrance during peak student drop-off and pick-up periods. The agreement to authorize is expressly conditioned on Bentley agreeing to comply with the provisions of paragraph 2 below and further conditioned on Bentley's actual compliance with the provisions of paragraph 2 below. The Chief expressly reserves the right to withdraw such authorization at any time without cause. Provisions below regarding termination provide a guide for consideration of termination and do not modify the Chief's right to withdraw authorization at any time without cause.

2. BENTLEY

a. Bentley agrees to provide at least one traffic control monitor to conduct traffic control on Hiller Drive by the entrance to Bentley School during peak drop-off and pick-up times (when multiple vehicles que on Hiller Drive). For purposes of this MOU peak drop-off and pick-up times are from 8:00 am to 8:30 am and from 3:00 pm to 3:30 pm.

b. Bentley agrees to provide at least two additional attendants in the school parking lot to assist with efforts to get students into and out of motor vehicles during peak drop-off and pick-up times. OPD will only train individuals assigned by Bentley as Traffic Control Monitors and solely to conduct the traffic monitoring duties designated above.

c. Bentley agrees to provide such additional personnel as necessary to monitor and control unlawful or unsafe driving and pedestrian practices by Bentley school parents, students, or caregivers during peak drop-off and pick-up times. OPD will only train individuals assigned by Bentley as Traffic Control Monitors and solely to conduct the traffic monitoring duties designated above.

d. Bentley agrees that any traffic control monitor directing traffic on Hiller Drive by the entrance to Bentley School will receive training to the satisfaction of the Chief or the Chief's designee prior to engaging in such traffic control activities. This paragraph will become effective within a reasonable time following the execution of this MOU to allow for initial training by OPD.

e. Bentley agrees to pay the Oakland Police Department for the reasonable cost of training provided to Bentley. Bentley also agrees to pay the Oakland Police Department for reasonable inspections and monitoring work conducted by OPD to determine compliance with this agreement.

f. Bentley agrees that traffic control monitors will be provided with and utilize the following equipment: reflective vest and traffic control "STOP" sign. Bentley agrees to provide and utilize such other equipment as may be designated by the Chief from time to time.

6. INDEMNIFICATION

Bentley agrees to indemnify and hold harmless and, at the City's request, to defend the City, the Oakland Police Department, the Chief of Police, the City Council, Councilmembers, City officials, employees, officers and agent, from any and against any and all liabilities, claims, lawsuits, losses, damages, demands, debts, liens, costs, judgments, obligations, administrative or regulatory fines or penalties, actions or causes of action, and expenses (including reasonable attorneys' fees) and legal consequences of injury, damage, or loss, that allegedly arise from any act or omission in the performance of this MOU by Bentley, its officers, employees, agents, or a third party, and to bear solely and exclusively all the defense costs and expense of the same and to pay all claims, damages, judgments, legal costs, adjuster fees, and attorney fees related thereto.

7. PUBLIC RECORDS ACT

Bentley understands and acknowledges that the Chief and the City are subject to the City of Oakland Sunshine Ordinance and the California Public Records Act, and will therefore make information regarding this MOU available to the public upon request as required by said laws.

8. NO ASSIGNMENT

This MOU is personal to Bentley and is not assignable to any other person or entity without the prior written consent of the Chief and the City. Any attempt to assign this MOU or any part of the MOU without the prior written consent of the Chief and the City shall constitute a breach of this MOU and shall be void and of no force and effect.

9. ENTIRE AGREEMENT OF THE PARTIES

This MOU supersedes any and all agreements, either oral or written, and contains all of the representations and commitments between the parties with respect to the training of Bentley Traffic Control Monitors by the Oakland Police Department.

9. NOTICE

All notices under this MOU shall be sufficiently given if delivered, faxed, or mailed by registered or certified mail, postage prepaid, addressed to:

Bentley: Bruce Wallin
Director of Finance and Operations
Bentley School
One Hiller Drive
Oakland, CA 94618-2512

Facsimile: (510) 843-5162

Chief: For Chief Tucker
Capt. D. Kozicki
2501 73RD Ave
Oakland, CA 94605

510-777-8560

Copy To: Rocio Fierro, Esq.
Office of the City Attorney
Sixth Floor
One Frank H. Ogawa Plaza
Oakland, CA 94612

Facsimile: (510) _____

If mailed, the written notice shall be deemed received and shall be effective three (3) business days after deposit in the United States mail in the State of California or upon actual receipt by the addressee if earlier.

10. GOVERNING LAW

This MOU shall be construed in accordance with the laws of the State of California, except for those provisions preempted by federal law.

11. COUNTERPARTS

This MOU may be signed in multiple counterparts which, when signed by all Parties, shall constitute a binding agreement.

IN WITNESS WHEREOF, the Parties have executed this Memorandum of Understanding as of the date first written above.

"CHIEF"

CHIEF OF POLICE FOR THE CITY OF OAKLAND,

By: _____ Capt. D. Kozicki For Chief Tucker
Chief of Police

W.H. Tucker

Approved as to form and legality·

By: _____
Rocio Fierro, Esq.
Deputy City Attorney

"BENTLEY"
a California nonprofit public benefit corporation

By: _____
Its: _____

Approved as to form and legality·

By: _____
Harold P. Smith
Attorney for Bentley

Appendix F: Claremont Hotel Parking Agreement

Robel Auto Parks Inc.

Zewdu Lidete

P.O. Box 420375
SF CA 94142

(510) 549-9285
Fax (510) 549-1138

April 26, 2010

Mr. Duncan Lyon
Assistant Head of School
Bentley School
1 Hiller Drive
Oakland, CA 94611

RE: Parking at the Claremont Hotel, Berkeley, CA
8:00 AM to 6:00 PM – Monday to Friday

This letter will confirm that we will provide parking spaces for three cars at the Claremont Hotel beginning on May 1, 2010 for the following staff : Carol Passmore, Sherisse Dozier, and Devereaux Smith (who is a member of the Claremont Hotel Tennis Club).

Robel Auto Parks, Inc. is the parking service provider for the Claremont Hotel.

Sincerely,

Zewdu Lidete

Appendix G: Alameda County Safe Routes to School Program Overview

About the Alameda County Safe Routes to Schools Program

Safe Routes to Schools is an international movement dedicated to increasing the safety and number of children walking and bicycling to school. The Alameda County Partnership is a countywide collaboration to promote safe walking and biking to school and reduce traffic congestion in the areas surrounding schools throughout Alameda County Our primary partners include TransForm (lead agency), Alameda County Public Health Department, and Cycles of Change. Other agencies and organizations with whom we collaborate include Supervisors Nate Miley and Alice Lai-Bitker; Berkeley Public Health Department; Oakland, Berkeley, San Lorenzo, Albany, Hayward, San Leandro School Districts; Oakland and Berkeley Police Departmenst; California Highway Patrol; Alameda County Sheriff's Office; Cities of Alameda, Albany, Berkeley, Dublin, Oakland, Pleasanton and San Leandro; and Alta Planning and Design.

The program provides training sessions, resources and customized support at no cost; while working together with schools, parents, and the local community to give kids an active, healthy start to the school day, reduce traffic congestion, and improve environmental health. Our program is available to any school in Alameda County that can provide parent and staff enthusiasm, support and volunteer power to champion the Safe Routes to Schools Program in the school. Our program is based on the comprehensive 5 E's model: **Education, Encouragement, Enforcement, Engineering, and Evaluation**. We encourage schools to address all 5 E's through the programs, tools, and assistance we provide. However, it is also possible to start out with only one or two programs in place.

Read on to find out more about the programs we offer to schools:

School Champion Workshops: For Parents and Others

Building a Movement: SR2S School Champion Training
This workshop equips Safe Routes to School (SR2S) champions (teachers, parents and other school community members) with the information and techniques necessary to organize and engage the community in walking and biking to school encouragement events and contests in schools. This workshop can also be adapted to a presentation to parent-teacher organizations such as a PTA or SSC.

School-wide Assemblies and Programs

School Puppet Assembly Program
In partnership with the Big Tadoo Puppet Crew, we provide a full 30-minute school assembly and puppet show about a student's journey to school.

Pollution Punch Card Contest
This month-long activity encourages students to walk and bike to school through raffle prizes and give-a ways. Students keep track of when they walk and bike to school on their Pollution Punch Card, and once per week they get their card checked by a parent or student volunteer, who will give them rewards and enter their card into a raffle if they have walked or biked a certain number of times throughout the contest.

Bicycle Programs and Community Training Sessions

Bicycle PE Program
Provided for 5th graders in school, this 8 hour curriculum provides youth with bikes, helmets and instruction that will assist young people in developing bike control, safety navigation skills and a clear understanding of the rules of the road.

- Schools must have flexible scheduling so that youth can spend an entire day (6 hours) on their bikes or schedule PE periods 4 times a week for three weeks.
- Schools must have a secure location to store 30 bicycles.

Family Cycling Clinic
This parent/child workshop is designed to give the next generation of cyclists (and their parents) the skills and confidence to ride their bikes on today's roads. This half-day course provides classroom, blacktop and on the bike drills and activities that will assist young people in developing bike control, safety navigation skills and a clear understanding of the rules of the road.

Parent and Teacher Workshops

Walking School Bus Training Session
The Walking School Bus is a proven and tested method using the simple strategy of encouraging children to walk to school in groups supervised by parents or other adults. This training equips parents with everything they need to launch a Walking School Bus Program, including vests, stop signs, whistles, first aid kits, and pedestrian safety training as well as logistical organization and support.

Step by Step: A Parent's Safety Guide for Raising Kids who get around on human power
This 20 minute workshop is great for PTAs. It provides parents with a background on how kids see differently than adults and how to model, coach and observe youth's pedestrian habits.

Personal Safety Workshop: This 20-minute workshop empowers parents to teach their children to act safely around strangers on the streets while walking and bicycling. Walking with confidence, what to do during an emergency and signs of danger are issues that will get addressed during this important workshop.

Engineering

Walk Audit: Community Workshop and Conceptual Plan Design
Conducted by an experienced planning and design firm, this activity engages parents, school staff, Public Works representatives, traffic safety officers and other community leaders in identifying needed infrastructure improvements for safer walking and biking routes to school with a walk audit of the immediate neighborhood surrounding the school.

Contact us: Safe Routes to Schools Alameda County Partnership
c/o TransForm
405 14th Street, #605, Oakland, CA 94612
Ph: 510-740-3150
Web: www.tranformca.org/campaign/SR2S
Email: SR2S@transformca.org

Administrative Draft dated June 28, 2010

(Note: Neighbors for Safety in Hiller Highlands (NSHH) comments appear in blue)

Organization of Transportation Demand Management Program

Parisi Associates Transportation Consulting was retained by the City of Oakland to develop a Transportation Demand Management (TDM) program for Bentley School. This document details the elements of the TDM program, consistent with the City's Conditions of Approval for a Conditional Use Permit.

The overall goals of Condition of Approval #14, "Parking and Transportation Demand Management, approved by the City of Oakland's Planning Commission on October 21, 2009 and amended on April 7, 2010, are to:

1. In the short-term, reduce Single Student Occupant Vehicle trips by student guardians and Single Occupant Vehicle trips by faculty/staff by 25% from the baseline by the beginning of school year 2010.
2. In the long-term, reduce Single Student Occupant Vehicle trips by student guardians and Single Occupant Vehicle trips by faculty/staff by 35% from the baseline by the beginning of school year 2012.
3. Better manage the available on-site parking spaces.
4. Reduce traffic congestion on Hiller Drive and Tunnel Road.
5. Facilitate the student drop-off and pick-up process to ease traffic congestion and enhance student and driver safety.
6. Track and enforce the traffic rules and the TDM program.
7. Ensure that special events held at Bentley School do not interfere with the livaibility of the surrounding neighborhood.
8. Promote the City of Oakland's Transit First policies.
9. Reduce Bentley School's and the City of Oakland's carbon footprint.

This TDM program is organized in 11 sections consistent with Condition of Approval #14, "Parking and Transportation Demand Management":

A. Parking management strategies

B. Drop-off and pick-up process

C. Staggered timeframes for drop-off and pick-up

D. Reduction of vehicles driven

E. Number of persons to assist traffic

F Use of traffic safety warning devices

Attachment B-1

G. Transit and carpool subsidy program

H. Independent rule enforcers

I. Special events traffic

J. Memorandum of understanding with Oakland Police Department

K. Ongoing monitoring of recommended conditions

A. Parking Management Strategies

Condition 14a requires investigation of "additional parking ... on other areas of the school-owned property to maximize off-street parking" The TDM ignored this requirement. Bentley should consider using playground/ball court area for additional parking. Several years ago, Melissa Rosengard, a Bentley Board of Trustee member, said they could "stack" or double-park at least eight cars on the Tunnel Road lot. There are additional parking spaces available at the headmaster's residence. All of these options should be considered.

Currently, neighbors on lower Hiller Drive and North Hill Court do not have any street parking available for their visitors and guests when Bentley is in session or has evening or other special events. Any on street parking in front of neighbors' homes should be limited to only one Bentley-related vehicle per residence.

The AC Transit bus stop should be moved to the southern end of the Memorial Garden. Bentley could then use their frontage for 4 or 5 staff vehicles.

There are currently 50 off-road parking spaces dedicated to full-time faculty and staff. Twenty-three (23) of these spaces are located in Bentley School's upper lot located off of Hiller Drive, 20 spaces are located in the lower lot off of Tunnel Road, and four spaces (including a dedicated handicap space) are located at the top of the campus driveway. In addition to these 47 spaces, three more spaces are provided at the nearby Claremont Hotel, as part of an agreement with the hotel (see appendix).

The car count in the TDM is inaccurate. The Hiller Drive lot has 23 spaces; the Tunnel Road lot has 20 spaces. Thus, the campus provides 43 off street spaces. The school has arranged for three parking spaces at the Claremont Hotel. Thus, there are 46 off street spaces for staff.

The CUP was amended to refer to "faculty and staff" rather than part-time or full-time. The language of the TDM should be modified to reflect the language of the CUP The school needs to account for the parking of all of its staff, not just full-time faculty and staff.

There is currently on-street parking available for 15 vehicles between 8:30 a.m. and 2:30 p.m. along the west curb of Hiller Drive between Bentley School's driveway and Tunnel Road adjacent to Firestorm Memorial Garden. This area is signed "No Parking" between X:XX a.m. and Y:YY a.m. and X:XX p.m. and Y:YY p.m. in the when it is available for drop-off and pick-up of students. This is the flat portion of Hiller Drive that does not abut any residences.

This nearly continuous, daily, exclusive use of the Memorial Garden parking curb for private commercial use is inconsistent with the permitted use of the area as a public park with a use permit issued to the Oakland Landscape Committee. It is inconsistent with goals 3, 4, 7, 8, and 9 of the TDM. We suggest that Bentley find additional off street parking in order to make parking spaces available for the public.

All off-road parking spaces shall be assigned via permit to full-time faculty and staff. A parking delineation plan shall be prepared by the school each trimester indicating the assignment of each parking space and submitted to the City of Oakland based on current faculty/staff levels (see appendix). Preferential parking, i.e., those spaces closest to the school, shall be given to those persons that sign a carpooling or ridesharing agreement.

Bentley School's Head of School shall assure maximum use of the off-road parking spaces by assigning spaces unused by absent faculty or staff for their substitutes or other faculty or staff. Each day the Head of School shall notify substitutes or other faculty or staff in advance so that all the parking spaces are occupied.

How will this be measured and enforced? Where do part-time faculty, staff, and visitors park?

Monitoring of recommended conditions (see Section K) based in part on Independent Rule Enforcer reports (see Section H) will document Bentley School's success in maintaining full-time and staff parking demands to levels within the 50 off-road parking spaces (30 off-road spaces if the Tunnel Road parking is denied by the City of Berkeley). If, based on monitoring, it is determined that additional parking demand is being generated by full-time faculty and staff, Bentley School shall either secure additional on-site parking or decrease parking demand through increased TDM efforts (see Section D), or both, within the cure period (see Section K).

Monitoring should include attention to all of the Conditions of Approval of the CUP as well as the TDM. The term "full-time" should be deleted before the phrase "faculty and staff"

The review of the TDM should include evidence submitted by neighbors as well as the rule enforcers.

B. Drop-off and Pick-up Process

Bentley School has developed an electronic Traffic and Parking Handbook for use by parents, faculty and staff (see appendix). The handbook was reviewed by Parisi Associates Transportation Consulting. The handbook provides information on the school's TDM program, including the maximum number of vehicle trips allowed (see Section D). It also provides information to encourage trip-making by modes other than the single student occupant vehicles

This section should include specific goals for ridership on public transit, private buses and carpools. Bus ridership at the time of the EIR was 79 students. Bus ridership has declined steadily over the last few years, yet it is the most effective means of reducing vehicular traffic and meeting goals 4, 5, 7, 8, and 9. Bus ridership should be the #1 priority of the TDM to meet

the stated goals. In August 2010, AC Transit will eliminate Line 689 (Montclair), which had previously serviced Bentley School.

The Traffic and Parking Handbook provides detailed step-by-step instructions about student drop-off and pick-up via automobile (e.g., traveling along Hiller Drive, entering the school driveway loop, queuing on Hiller Drive for drop-off/pick-up). The handbook provides maps, drop-off/pick-up time information, and the school's traffic rules. It provides instructions for parking, including for special events. The handbook provides compliance policies and a parent/employee agreement.

The Traffic and Parking Handbook is not available on Bentley's Website. Bentley should add a drop-off and pick-up area at the bus stop on Tunnel Road. This would keep traffic off of Hiller

The roles and responsibilities of those assisting during drop-off and pick-up periods are discussed in Section E.

Bentley School shall update the Traffic and Parking Handbook annually based upon the annual monitoring of recommended conditions (see Section K).

None of the annual revisions to the Traffic and Parking Handbook should modify any conditions or requirements of the CUP

Bentley School shall post the electronic Traffic and Parking Handbook to the school's website and shall e-mail the handbook to all parents, faculty and staff at the beginning of each school year.

Monitoring of recommended conditions (see Section K) based in part on Independent Rule Enforcer reports (see Section H) will document drop-off and pick-up procedures. If, based on monitoring, it is determined that procedures need to be improved or revised , Bentley School shall modify such procedures and update the Traffic and Parking Handbook based on the Independent Rule Enforcer's and the City of Oakland's recommendations within the cure period (see Section K). Part of the assessment should include documentation of the number and type of infractions and assessed penalties by the school. The compliance of the rules (reduced infractions) should be associated with improved traffic conditions at the school.

C. Staggered Timeframes for Drop-off and Pick-up

Bentley School uses staggered bell times to diffuse traffic levels during morning drop-off and afternoon pick-up periods. These times are coordinated with the non-staggered bell times at nearby Kaiser School.

Bentley School's morning bell times are 8:20 a.m. for grades 6-8 and 8:25 a.m. for grades K-5. The school offers child care and activities for all grades starting at 7:30 a.m. The provision of child care and activities starting at least 50 minutes before the first bell time further reduces peaking traffic levels. Kaiser School's morning bell time, for all grade levels K-5, is at 8:45 a.m.

The number of students enrolled in childcare and, thus the "spreading out benefit", could change if the school changes its policy of providing free childcare. The number of students in childcare should be reported in the TDM reports.

- A five-minute stagger time is insufficient to spread out peak traffic.
- The CUP does not permit activities other than childcare outside the school hours (8:30 a.m. -3:30 p.m.) It is unclear what the authors of the TDM mean by "child care and activities before the first bell"
- The timing of the first bell would not alter the permitted hours of operation. An earlier bell would not allow the school to start childcare before 7:30 a.m.

While Bentley School's staggered morning drop-off timeframes are close together and can result in traffic congestion, the school's morning traffic is generally dispersed by 8:45 a.m., the time when parent drivers of Kaiser School students start to arrive. This meets the intent of the condition which is to reduce the spiking of traffic peaks and to spread the traffic out over a longer time period.

On Mondays through Thursdays, Bentley School's afternoon bell times are 2:40 p.m. for grades K-1, 2:50 p.m. for grades 2-3, 3:15 p.m. for grades 4-5, and 3:30 p.m. for grades 6-8. On Fridays Bentley School provides earlier dismissal times of 1:00 p.m. for grades K-1, 1:20 p.m. for grades 2-3, 1:40 p.m. for grades 4-5, and 2:15 p.m. for grades 6-8. Kaiser School's afternoon bell time is at 3:00 p.m., except on Wednesdays when it is at 1.25 p.m.

Bentley School shall continue operating with two morning and three afternoon staggered bell times and shall continue to coordinate these times with Kaiser School's bell times at the beginning of each school year.

Bentley School shall continue to offer child care and activities starting at least 50 minutes before the first morning bell.

Monitoring of recommended conditions (see Section K) based in part on Independent Rule Enforcer reports (see Section H) will document Bentley School's success in maintaining acceptable traffic operations, e.g., acceptable vehicle queuing along Hiller Drive and acceptable level of service at the Tunnel Road intersection. If, based on monitoring, it is determined that unacceptable traffic operations result, Bentley School shall either further adjust the staggered bell times or decrease vehicle demand through increased TDM efforts (see Section D), or both, within the cure period (see Section K).

In addition to considering the monitoring reports, any proposed modifications should receive review, comments and suggestions from the Neighborhood Liaison Committee (NLC) and Neighbors for Safety in Hiller Highlands (NSHH).

D. Reduction of Vehicles Driven

Baseline Conditions

Administrative Draft dated June 28, 2010

Four potential baseline scenarios and proposals for reducing single student and single faculty/staff occupant vehicles driven to Bentley School are discussed below. Under the scenario selected for the TDM program, the number of vehicle-trips accessing the school during peak periods shall be documented by Independent Rule Enforcers (see Section H).

On April 7, 2010, the City of Oakland's Planning Commission reviewed the request by Bentley School to retain five administrators on campus that according to Condition of Approval #27 were to be moved to the school's Lafayette campus. Bentley School requested that these persons be allowed to remain at the Oakland campus and provide a further vehicle trip reduction. After the hearing the Planning Commission postponed the decision until the TDM program was reviewed. The scenarios below also discuss this proposal.

The first sentence in the above paragraph refers only to "reducing single student and single faculty/staff occupant vehicles driven to Bentley". The CUP requires a reduction in all vehicles, not just single occupant vehicles.

The TDM recommends using four adult traffic assistants and five trained student assistants. In its application to amend CUP Condition 27, Bentley argued that the five all-school employees who were to be relocated were essential to the traffic assistant program. Since these employees are no longer needed for the traffic program and are not related to the academic program at the Hiller Campus, the amendment should be denied and Condition 27 should be enforced as it is written. In addition, all Parent Association meetings and activities should be moved from the Hiller Drive campus.

Although Bentley proposed parking mitigations for these employees, the greatest benefit of the move is to reduce intensity of use at the Hiller Campus. Intensity of use and overcrowded conditions have been noted in the school's 2002 bond offering, strategic plan and in the most recent fire inspections.

Three of the Scenarios do not take into account the 72 siblings references in the DEIR, page 71, or the LSA baseline vehicle count.

Scenario 1: Approved Conditions of Approval

Under the approved Conditional Use Permit, Bentley School is allowed to employ up to 71 full-time faculty and staff members and enroll up to 360 students at its Oakland campus. Assuming all trips were made by vehicle with each vehicle occupied by one faculty member, staff member or student, up to 431 vehicles would access the school during the morning peak period. The Conditional Use Permit requires Bentley School to reduce the number of single student and single faculty/staff occupant vehicles accessing the school by 25% (to 323 trips) by Fall 2010 and by 35% (to 280 trips) by Fall 2012.

The first sentence in the above paragraph is inaccurate. The approval was for 62 "faculty and staff", but since Bentley had part-time faculty and staff, the CUP was amended to "faculty and staff not to exceed 71 employees", which includes full-time AND part-time. The word "full-time" needs to be removed from the TDM.

The CUP DID NOT provide for a reduction to 323 (Fall 2010) and 280 (Fall 2012) trips. Bentley tried to get this changed in April but the Planning Commissioners did not approve it. The approval requires a reduction of vehicles "by 25% of 422" Later increased to 431 25% of 431 is 108, which means Bentley must REDUCE vehicular traffic by 108 vehicles. LSA's vehicle baseline count was 259. 259 minus 108 = 151

Assuming the Planning Commission accepts Bentley School's proposal to retain the five administrators at the Oakland campus but reduce the associated vehicle trips, the number of vehicles would be reduced to 318 by Fall 2010 and to 275 by Fall 2012.

Scenario 1, as written by Parisi, would increase the vehicular traffic count, and does not meet the goals of the TDM. The baseline number should be 259.

This scenario is based on the permitted enrollment plus employee caps. It does not take into account the EIR and CUP traffic studies, which included busing and carpooling. There are no studies of single occupancy vehicles or carpools but these counts can be inferred from the vehicle trips analysis done by LSA in the CUP application and EIR.

Allowing a number equal to 75% of all potential students, faculty and staff to drive autos to Bentley School is not environmentally conscious. This scenario is written to maximize the number of vehicle trips allowed by using the highest counts and the smallest reductions. This scenario does not meet any of the goals of the TDM

Planning staff has already noted to the Planning Commission that collecting data for carpools requires more Rule Enforcers time. Emphasis on carpooling over busing suggests that the school's objective is to maximize, not reduce traffic.

NSHH would not have supported the school's CUP application to add 160 students and additional faculty and staff under this scenario.

Scenario 2: EIR Baseline Plus Project Conditions

The Environmental Impact Report (EIR) for the Bentley School Major Conditional Use Permit documented 352 enrolled students in school year 2007-2008, with 79 students arriving at school in the morning by bus. Using the EIR's figures as a baseline (deducting previous bus usage) and adding the approved 71 full-time faculty and staff members, up to 344 vehicles would access the school during the morning peak period. A 25% reduction would require no more than 258 single student and single faculty/staff occupant vehicles accessing the school by Fall 2010. A 35% reduction would require no more than 193 (math error – they might have meant 224) single student and single faculty/staff occupant vehicles accessing the school by Fall 2012.

Language referring to "full time" faculty and staff should be deleted to correspond to the CUP conditions.

This scenario misstates the findings of the EIR as well as project conditions. The EIR and Project Conditions gave the current enrollment and also described having 72 siblings (DEIR p. 71 and CUP application) with an assumption that this translated to 33 carpools. The EIR also relied on the LSA traffic

study to determine the number of vehicle traffic entering the school driveway, which included faculty and staff that entered and parked. As a result, there is no need to add the employees because they were accounted for in LSA's vehicle counts. Thus, the Project Condition is not cumulative of students + staff – bus riders as this scenario states. The Project Conditions is based on a traffic study that found 259 vehicle trips that took into account the bus riders, carpools and other student and staff vehicles.

NSHH would not have supported Bentley's application to increase enrollment using Scenario 2 as written by Parisi, as traffic would increase, not decrease.

The correct calculations for Scenario 2 are: 25% x 259 = 65 or no more than 194 vehicle trips in 2010; 35% target for 2012 would translate to 168 maximum vehicle trips. NSHH would support Scenario 2, provided the correct baseline number of 259 is used.

Assuming the Planning Commission accepts Bentley School's proposal to retain the five administrators at the Oakland campus but reduce the associated vehicle trips, the number of vehicles would be reduced to 253 by Fall 2010 and to 188 by Fall 2012.

The five administrators and the Parent Association should be moved per the CUP in order to reduce the intensity of use.

Scenario 3: Variable Student Enrollment, Faculty and Staff

Another approach would be to determine the actual number of enrolled students and full-time faculty and staff members at the beginning of each school year and apply required trip reductions to the total number of students, faculty and staff. For example, if in Fall 2010 there were 340 students and 62 full-time faculty and staff, up to 402 vehicles would access the school during the morning peak period. A 25% reduction would require no more than 302 single student and single faculty/staff occupant vehicles accessing the school. If the student and faculty/staff numbers were the same in the Fall of 2012, then the 35% reduction would require no more than 261 single student and single faculty/staff occupant vehicles accessing the school. However, if in Fall 2012 the numbers were to increase and there were 348 students and 65 full-time faculty and staff, up to 413 vehicles would access the school during the morning peak period. A 35% reduction would require no more than 268 single student and single faculty/staff occupant vehicles accessing the school.

Assuming the Planning Commission accepts Bentley School's proposal to retain the five administrators at the Oakland campus but reduce the associated vehicle trips, the number of vehicle trips would be reduced by five in Fall 2010 and by five in Fall 2012.

Reference to full-time faculty and staff should be consistent with the CUP amendment "faculty and staff not to exceed 71 employees"

Scenario 3 does not reduce traffic, but INCREASES it from a count of 259 to 413 (Fall 2010) and 268 (Fall 2012). This scenario fails to use the Project Condition baseline of 259 vehicle trips. This scenario does not give the school credit for its previous busing and carpooling programs, which reduced traffic. A plan based on full or variable enrollment and staffing levels

would require a higher percentage participating in transit and carpooling in order to reduce traffic.

This scenario presumes that 75% of the school population could or should be driving single occupancy vehicles to the campus. This is not an environmentally conscious target and does not meet the goals to reduce traffic and it does not meet environmental goals 4, 7, 8, and 9, which promote use of public transportation and reducing the carbon footprint.

CUP Condition 27 Hiller staff relocation should be enforced as written in the CUP to reduce intensity of use of the facility The issue of intensity of use is not limited to traffic and parking.

Scenario 4: Hiller Highlands Neighborhood Proposal

An approach offered on May 20, 2010 by Hiller Highlands neighbors would be based on the number of vehicle-trips accessing Bentley School in 2007-2008 as documented in the Environmental Impact Report for the Bentley School Major Conditional Use Permit (Table IV.B-8). According to the EIR, 259 vehicles, including vehicles with more than one student per vehicle, were generated by the school during the morning peak period, excluding vehicles accessing the Tunnel Road parking lot. Assuming the Tunnel Road parking lot generated 20 additional faculty and staff vehicles, a basis of 279 vehicles were generated. Using this baseline, a 25% reduction to 279 vehicle-trips would require no more than 209 vehicles accessing the school by Fall 2010. A 35% reduction would require no more than 181 vehicles accessing the school by Fall 2012.

Bentley was given approval to use their Berkeley lot for parking, therefore the above vehicle count should be reduced from 279 to 259. LSA's traffic study counted all vehicles entering the school driveway, thus their number takes into account students using buses or students, faculty and staff using carpools. Vehicles using the Tunnel Road lot were not included in the 259-traffic count because they do not have an impact on Hiller Drive, which is the subject of this condition.

The 25% reduction of vehicle trips target (without the 20 cars parked in Tunnel Rd. lot) results in 194 vehicles accessing Hiller Drive (Fall 2010). A 35% reduction would allow no more than 168 vehicles accessing Hiller Drive (Fall 2012).

It should be emphasized that Scenario 4 would be based on total vehicles counted in 2007-2008 and not on single student and single faculty/staff occupant vehicles as applied in Scenario 1 (Approved Conditions of Approval), Scenario 2 (EIR Baseline Plus Project Conditions), and Scenario 3 (Variable Student Enrollment, Faculty and Staff), and therefore it does not credit the school with its carpooling efforts underway in 2007-2008.

The TDM incorrectly asserts that Scenarios 1, 2 and 3 are based on single occupant vehicles. These scenarios are based on enrollment - they use a baseline of enrollment plus employee caps or actual enrollment and employees.

The school IS credited with its carpooling efforts underway in 2007-2008 because some of the vehicles that were counted had multiple passengers and because buses weren't counted. The

total number of vehicles is smaller than would otherwise be expected because bus ridership and carpools were included in the traffic counts.

Notably, neither scenario 1 or 3 would give the school credit for their previous busing and carpooling efforts and they result in no reduction in vehicle trips.

Scenario 4 (or Scenario 2 using LSA's baseline count of 259) is the only scenario that meets the goals established by the Planning Commissioners and stated in the TDM. By using the existing conditions established in the EIR and CUP application this scenario acknowledges Bentley's history of busing and carpooling and results in a reduction in traffic and is environmentally sensitive.

Assuming the Planning Commission accepts Bentley School's proposal to retain the five administrators at the Oakland campus but reduce the associated vehicle trips, the number of vehicle trips would be reduced by five in Fall 2010 and by five in Fall 2012.

Condition 27 should be enforced as written to reduce the intensity of use of the facility.

Reduction of Single Student and Single Faculty/Staff Occupant Vehicles Driven

To achieve the required maximum number of vehicle-trips, Bentley School shall employ multiple TDM strategies for faculty, staff and students. The following are mandatory components to reduce the single student and single faculty/staff occupancy rates:

The TDM seems to have prioritized carpooling as the best option whereas, historically, the school had much greater success getting students to ride the bus with a count of 79 in 2007-2008. NSHH believes that a greater focus on busing is essential to ensure compliance with traffic reduction and environmental goals.

Carpooling:

- Develop a carpool matching system, each year, based on trip origins using GIS (faculty/staff and students)
- Prepare a annual carpool matching directory (faculty/staff and students)
- Assign preferential faculty/staff parking spaces to those who regularly carpool (faculty/staff)

Transit use:

- Facilitate attainment of and provide free AC Transit bus passes for students (students)
- Provide commuter transit checks to reimburse faculty/staff for transit use (faculty/staff)
- Award "transit bucks" to students who arrive via transit (or carpool, walk or bike) to be used for school purchases (students)

  There is no specific plan for how the school is going to ensure that their bus ridership established in the project conditions will be met. AC Transit will eliminate Line 689 in August 2010.

Add additional bus stops for the Durham or other private bus. Safeway or Shakespeare parking lot in Orinda, Caldecott apartments or Gateway Garden in Oakland. In the afternoon, add drop off site at soccer field in Oakland and BevMo in Orinda. This would not cost any additional money

Walking and bicycling:

- Award "transit bucks" to students who arrive by foot or bicycle (or carpool or transit) to be used for school purchases (students)
- Apply to join Alameda County's Safe Routes to School program (see appendix) (students)
- Install additional secure bike racks on campus and monitor use and increase supply as necessary (faculty/students)

Trip planning:

- Develop annual carpool trip plans for those living within 20 miles of the school, including a map showing faculty/staff home location in relation to other faculty/staff within area (faculty/staff)
- Develop annual transit trip plans for those living within 10 miles of the school, including a transit map, information on connecting routes and faculty/staff home location (faculty/staff)
- Develop annual bicycle trip plans for those living within 5 miles of the school, including a map with preferred bicycling routes and faculty/staff home location (faculty/staff)
- Develop annual walking trip plans for those living within 1 mile of the school, including a map with preferred walking routes and faculty/staff home location (faculty/staff)

Education and outreach:

- Establish a fully funded budget for the TDM program and reporting out of results on an annual basis (faculty/staff and students)
- Conduct a transportation survey of the student guardians, faculty and staff modes of travel to the campus (faculty/staff and students)
- Develop a school webpage summarizing the above TDM efforts and update annually (faculty/staff and students)
- Provide e-news correspondence each trimester regarding TDM measures (faculty/staff and students)
- Promote TDM through the school's Sustainability Leadership Program (students)
- Provide representation at and meet with neighborhood association regularly (faculty/staff and students)

What is the timeline for putting these plans in place? There is no requirement for communication with the community through the NLC and NSHH. Requirements to

conduct a survey etc. have no timeline or frequency requirements. How will this be enforced?

The following are recommended components to reduce the single student and single faculty/staff occupancy rates:

Carpooling:

- Award "transit bucks" to students who arrive in a carpool (or walk, bike or use transit) to be used for school purchases (students)
- Award faculty/staff $5 for each daily carpool (or walk or bike) trip (faculty/staff)
- Hold a "carpool to school" raffle each trimester (faculty/staff)

Transit use:

- Institute buses and/or shuttles for temporary situations such as holidays and kindergarten walk-ups (students)

  This is a weak requirement and does not address the need to maintain a higher level of bus ridership for daily transportation to the school. Transit use needs to have a much higher level of commitment in the daily traffic plan. There is no mention of how the school will maintain the 79-student bus ridership established in the Project Conditions. AC Transit will eliminate Line 689 in August 2010. Line 689 served Bentley students living in the Montclair district.

Walking and bicycling:

- Award faculty/staff $5 for each daily walking or bicycling (or carpool) trip (faculty/staff)
- Advocate for pedestrian and bicycle-related infrastructure improvements in local traffic projects (faculty/staff and students).

  Advocate where? How? Commit a budget to do so? How is this going to happen and be enforced?

Monitoring of mandatory and recommended conditions (see Section K) based in part on Independent Rule Enforcer reports (see Section H) will document Bentley School's success in reducing single student occupant vehicles to the traffic levels discussed above (the monitoring will also document Bentley School's success in meeting the travel mode targets). If, based on monitoring, it is determined that single student occupant vehicle trips are not reduced to the required levels, Bentley School shall increase its TDM efforts related to above strategies within the cure period (see Section K).

Where are the travel mode targets in this document? In the past, Bentley's reporting of its compliance has not correlated with other observations. In addition to the monitoring the school provides, independent observations from the community should be included in the annual report that Bentley prepares. Rather than having Bentley summarize the results of the Rules Enforcers, those reports should be attached to Bentley's annual TDM Evaluation Report.

Bentley School shall provide information for use in the monitoring report on the success of each TDM program element discussed above (e.g., number of AC bus passes provided to students, number of commuter checks issued to faculty and staff).

In the past Bentley has referenced the number of passes that were issued without accounting for usage of the passes. The report should use actual user data not just paper

E. Number of Persons to Assist Traffic

Bentley School deploys nine people to assist with traffic operations and drop-off and pick-up during school commute periods. The "school commute" period must be defined. e.g. 7:30 to 8:30.

Bentley School shall continue to deploy nine people, as follows:

- One flag person at school driveway entrance: The flag persons shall position themselves at Hiller Drive at the entrance to the driveway loop. The flag person will safely meter conflicting northbound and southbound vehicles at the entrance to the loop driveway. The flag person will prevent U-turns at Hiller Drive at the driveway entrance. The flag person must wear an approved safety vest at all times and use a handheld stop sign whenever they are positioned in the street. The flag person shall be an adult and shall receive periodic training from the City of Oakland's Police Department Traffic Safety Division.
- To the driveway loop and remind drivers that stopping to drop-off/pick-up students or passengers in the loop is not allowed and that they need to continue to the drop-off/pick-up lane on Hiller Drive. The traffic assistant will also remind students to use the pathway leading around the outside of the loop instead of walking through the parking lot or driveway loop. The traffic assistant shall be an adult and must wear an approved safety vest at all times.
- One traffic assistant at school driveway exit: The traffic assistant shall be positioned at the driveway exit and help guide drivers into the drop-off/pick-up lane on Hiller Drive. The traffic assistant will also remind students to use the pathway leading around the outside of the loop instead of walking through the parking lot or driveway loop. The traffic assistance will prevent left-turns from the driveway exit onto Hiller Drive during peak drop-off and pick-up periods. The traffic assistant shall be an adult and must wear an approved safety vest at all times.
- One traffic assistant at front of drop-off/pick-up lane on Hiller Drive: The traffic assistant shall be positioned on the sidewalk nearest the firestorm memorial and furthest away from the school campus. The traffic assistant will greet vehicles arriving at the drop-off/pick-up lane by opening vehicle doors and assisting students out of or into the vehicles. The traffic assistant may also assist students in retrieving their backpacks or other items from the vehicle trunk. The traffic assistant shall ensure that drivers do not leave their vehicles and that their vehicle is safely put in gear with the parking brake applied while any doors or the trunk are open. The traffic assistant shall remind drivers to queue their vehicle as close to the next vehicle as is safe to do so, not to linger any longer than needed and to vacate the parking area after students have left or boarded the vehicle with their belongings. The traffic assistant shall remind drivers

to merge into traffic safety and pursuant to the school's rules. The traffic assistant will also remind students to use the pathway leading around the outside of the loop instead of walking through the parking lot or driveway loop. The traffic assistant shall be an adult and must wear an approved safety vest at all times.

- Five traffic assistants at loop, driveway exit and drop-off/pick-up lane: These traffic assistants may be student members of the School Safety Patrol. They shall assist and be supervised by the adult traffic assistants in the duties described above, but not replace adults for any of the duties. These traffic assistants shall be directed to stand in a safe location clear of any vehicular path of travel, especially in the driveway where there is not clear pedestrian and vehicle separation. All student School Safety Patrol members shall be from upper elementary and middle school grades who are trained using American Automobile Association School Safety Patrol training curriculum and with the assistance of the City of Oakland's Police Department's Traffic Safety Division. All traffic assistants shall wear approved safety vests at all times.

Bentley School shall assure that nine people (including at least four adults) assist with traffic operations and drop-off and pick-up during school commute periods and shall provide two on-call trained substitutes in case any regular personnel are absent.

Traffic assistants shall encourage and remind students, parents, and faculty and staff of the rules included in the Traffic and Parking Handbook when they observe that such rules are not being followed.

Monitoring of recommended conditions (see Section K) based in part on Independent Rule Enforcer reports (see Section H) will document the performance of the flag person and traffic assistants. If, based on monitoring, it is determined that the flag person or traffic assistants are not performing the above tasks competently and safely, Bentley School shall retrain or replace the flag person or traffic assistants, within the cure period (see Section K). Bentley School should also retrain or replace the flag person or traffic assistants based on recommendations provided by the Independent Rule Enforcers immediately following a monitoring evaluation. If based on long-term monitoring it is determined that less than nine persons are needed to assist traffic, Bentley School shall be have an option to reduce the number of traffic assistants with prior approval from the City of Oakland's Planning Commission.

A trimester period (cure period) after a one-month gap between monthly rule enforcer observations is too long a period to remedy an unsafe operating condition. The remedy needs to be addressed and corrected more quickly "Long Term Monitoring" needs to be more specific in order to be enforced. A modification to the CUP changing this condition should include input from the community (NSHH and NLC).

Whether the school is consistently compliant with the traffic assistant program should be part of the review. Compliance requires that 9 traffic assistants are present and on time every day In the past, the loading area has been operated with as a few as 3-4 people and sometimes no flag person. Reports from the community who are most likely to observe the traffic management in action should be solicited and considered in this evaluation.

F. Use of Traffic Safety Warning Devices

Bentley School currently deploys "power flare" safety lights, recommended by the City of Oakland's Police Department, along Hiller Drive during school drop-off and pick-up times. The school initially used trial power flares issued by the Police Department near the end of the 2008-2009 school year. At the end of the trail period, the school returned the devices and at the start of the 2009-2010 school year the school purchased eight of its own power flares.

Bentley School shall receive training on the maintenance and installation of the power flares from the City of Oakland's Police Department's Traffic Safety Division prior to the beginning of the 2010-2011 school year. Locations where the power flares are to be situated will be marked on the pavement in accordance with the Traffic Safety Division. The power flares shall be situated to maintain a travel way along Hiller Drive.

Bentley School shall maintain the power flares in working order, e.g., keep charged, replace parts, etc. and shall replace when necessary. All deployed power flares shall be in good working condition.

Bentley School shall deploy the power flares at least 30 minutes before drop-off and pick-up times and remove them no later than 30 minutes after drop-off and pick-up times. An adult traffic assistant must place and remove the power flares and be present at all times when the power flares are in use.

Bentley School shall replace or enhance the warning devices with other devices at the recommendation of the City of Oakland's Police Department or may do so at their own request with the approval of the Police Department.

Monitoring of recommended conditions (see Section K) based in part on Independent Rule Enforcer reports (see Section H) will document the use and placement of traffic safety warning devices, including the power flare safety lights. If, based on monitoring, it is determined that the traffic safety warning devices are not properly used or placed, Bentley School shall correct the use of the traffic safety warning devices within the cure period (see Section K). Bentley School should also remedy the use of traffic safety warning devices based on recommendations provided by the Independent Rule Enforcers immediately following a monitoring evaluation.

Correct and consistent use of the safety warning devices is a safety issue that requires a shorter cure period. A month long gap between observations and another trimester to cure is too long. This needs immediate attention. The misuse or absence of flares should be corrected immediately and it should be the responsibility of the flag person.

G. Transit and Carpool Subsidy Program

TDM measures related to transit and carpool subsidies are discussed in Section D.

H. Independent Rule Enforcers

Administrative Draft dated June 28, 2010

In April 2010 Bentley School, in consultation with the City of Oakland's Transportation Services Division and Planning and Zoning Division, hired DKS Associates, an Oakland-based transportation planning and engineering firm, to serve as an Independent Rule Enforcer to monitor and report on many of the conditions provided in this TDM program.

Monitoring shall be conducted once a month while school is in session through the 2011-2012 school year The number of monitoring sessions each school year after 2011-2012 will be determined by the City of Oakland's Transportation Services Division and Planning and Zoning Division based in part of the school's performance in achieving the objections in the overall TDM program.

Because the cure period for correction is too long (a trimester) more frequent monitoring (four [4] times per month) should be required for the first year after approval of the TDM. If Bentley is in compliance with all of the TDM conditions during those three trimesters, the monitoring could be reduced to twice per month. If Bentley is not in compliance with any of the conditions, the frequent monitoring should continue until Bentley has three consecutive monitoring trimesters with compliance on all conditions.

The monitoring shall be conducted once a month without advance notification given to the school. The monitoring shall be conducted on Tuesdays, Wednesdays or Thursdays. In addition, twice a year monitoring will be conducted on random during a special event that is expected to generate over 75 vehicles (see Section I). The Independent Rule Enforcer shall determine the number of personnel needed to adequately monitor conditions.

Independent Rule Enforcers should be required during the first year after approval of the TDM. After one year of monitoring and reporting by the Three Independent Rule Enforcers, the school could petition Planning to modify Condition 14H to modify the number of enforcers with at least one enforcer being a permanent condition.

Four additional calendared daytime events for which the school is not using shuttles should be monitored and reported. There are many of these events throughout the year and they have substantial impact on traffic and parking when both schools are in session and the parking lots are full. The school has not done enough to reduce the impacts of these activities. Observing and reporting on them will improve compliance.

The Independent Rule Enforcer does not refer to the number of traffic assistants that are required in TDM Section E who are sometimes also referred to as monitors.

The Independent Rule Enforcer shall monitor and report on conditions related to the following sections in the TDM program:

A. Parking management strategies

B. Drop-off and pick-up process

C. Staggered timeframes for pick-up and drop-off

D. Reduction in single student occupant vehicles driven

E. Number of persons to assist traffic

F Use of traffic safety warning devices

I. Special events traffic

The Independent Rule Enforcer shall follow specific instructions for conducting the monitoring and shall complete a comprehensive checklist to document prevailing conditions (see appendix).

No appendix has been included in this draft. Does it contain specific data to be collected and the methodology for collecting it?

Within one week of each monthly monitoring session and special event monitoring session, the Independent Rule Enforcer shall submit the monitoring worksheets. Within two weeks after each trimester, the Independent Rule Enforcer shall submit a written report summarizing the results of the monitoring sessions during the subject trimester. The trimester reports shall include recommendations to remedy potential infractions, if appropriate.

This should be adjusted to reflect more frequent monitoring and reporting and the addition of monitoring smaller daytime and evening events.

The Independent Rule Enforcer worksheets and trimester reports shall be submitted to the City of Oakland's Transportation Services Division and Planning and Zoning Division, to the City of Oakland's Police Department's Traffic Safety Division, and to Bentley School's Traffic Coordination Committee.

The Neighborhood Liaison Committee and NSHH should also receive the reports.

The reports shall be used to prepare an annual TDM review. See Section K.

I. Special Events Traffic

Bentley School currently provides on-site parking for evening and weekend special events. When special events are predicted to generate over 75 vehicles, Bentley School partners with Kaiser School to handle overflow parking. Bentley School provides instructions to the school community regarding traffic and parking related to special events and notifies neighbors in advance of any special events.

Bentley School shall continue to provide on-site parking for evening and weekend special events. The campus shall be used to provide up to 30 additional on-site parking spaces by using the playground surface as well as the paved area near the Head of School's residence. Traffic assistants shall direct motorists to these locations, as well as to the general Hiller Drive and Tunnel Road parking lots, as appropriate. In addition, parking along the flat portion of Hiller Drive between Bentley School's driveway and Tunnel Road may be used for about 15 vehicles, as appropriate.

The first priority for special events should be traffic reduction plans and incentives. These are not mentioned. While finding places for all of the cars to park is some help to the community, it does not address the goals to preserve livability of the neighborhood, promote Transit First Policies or reduce Bentley carbon footprint.

The TDM consistently prioritizes accommodating private vehicle traffic over vehicle trips reduction. What specific steps will the school take to minimize the amount of vehicle traffic for their frequent smaller activities? This plan should be spelled out with specifics on directing cars and communicating the specific event traffic plan to participants.

For special events that are expected to generate over 75 cars, Bentley School shall partner with Kaiser School to provide overflow parking. Traffic assistants shall direct traffic up Hiller Drive to Kaiser School, where an additional traffic assistant will direct motorists to a parking space. A shuttle van or bus shall be made available to transfer visitors from Kaiser School to Bentley School, with a return option following the conclusion of the event. Visitors will be able to walk between the schools instead of using a shuttle bus or van.

This last year, Bentley arranged a shuttle that almost no one used. Arranging a shuttle but not getting people to use it is not productive. What steps will be taken to require use of the shuttle service for these events?

The school's Traffic and Parking Handbook (see Section B) shall be updated annually to list all anticipated special events, including those expected to generate over 75 vehicles. These events currently include "Back to School Night" in September (three evenings), the "Halloween Parade" (generally on October 31), and "Grandparent's Day" (on the last Friday before Thanksgiving).

When special events occur during school hours and the flat portion of Hiller Drive between Bentley School's driveway and Tunnel Road may be insufficient to accommodate the extra parking demand, the school shall make use of alternative off-site parking and employ shuttle services to transfer visitors. For example, Bentley School could use the Temescal parking area and transfer visitors via school-owned vans with employee drivers or with commercial shuttle services.

For all special events, Bentley School shall deploy a traffic assistant to ensure that visiting motorists are aware of viable parking options and to prohibit motorists from parking along the public streets, except the flat portion of Hiller Drive between Bentley School's driveway and Tunnel Road.

All traffic assistants shall wear approved safety vests at all times.

For all special events, Bentley School shall issue instructions to the school community regarding its traffic and parking policies in regards to special events. These instructions shall be included in both the materials announcing the event as well as highlighted on the school's website. All communications shall emphasize the need to be respectful of the neighborhood.

All special events shall be placed on the school calendar at least one month before the event. Parking instructions for the events shall also be posted. In addition, Bentley School shall notify the Neighborhood Liaison Committee via e-mail about each special event at least one month prior to the event. No special events shall be held that have not been published on the school calendar and e-mailed to the committee at least one month in advance of the event. Bentley School will provide a hotline for neighbors to call for information regarding any events. The hotline will offer numbers for appropriate school staff, Independent Rule Enforcers, and City of Oakland Traffic Safety Division.

Because they are most impacted, immediate neighbors of the school (Hiller Highlands Homes Association members) should be notified by e-mail or mail one month in advance of events; it should be noted that not all neighbors have Internet service. This communication needs to be initiated by Bentley rather than requiring that neighbors use Bentley's website.

Monitoring of recommended conditions (see Section K) based in part on Independent Rule Enforcer reports (see Section H) will document Bentley School's performance in accommodating special event traffic and parking. If, based on monitoring, it is determined that unacceptable traffic and parking conditions occur during special events, Bentley School shall improve special event traffic and parking to within acceptable levels within the cure period (see Section K).

The term "unacceptable traffic and parking" is vague. The monitoring should determine whether the parking and traffic meets the requirements of the CUP and TDM.

Since special event observations are spread over periods of time, the cure period should not be a trimester but should require monitoring of the next calendared special event followed by a report. If the noncompliance reoccurs, the infraction will be enforced as described in Section K.

J. Memorandum of Understanding with Oakland Police Department

Bentley School currently has a Memorandum of Understanding (MOU) with the City of Oakland's Police Department's Traffic Safety Division (see appendix). Bentley School shall continue to be in good standing with the MOU.

The MOU covers, in part, the role and responsibility of the flag person (see Section E). If the flag person does not perform in accordance with the MOU, their performance is not corrected within the cure period (see Sections E, H and K), and the MOU is revised or revoked by the City of Oakland's Police Department's Traffic Safety Division for these reasons, Bentley School shall pay for a City of Oakland Police Officer (on-duty or off-duty) to perform the function of the flag person.

The City of Oakland's Police Department's Safety Division shall retain the right to prepare an addendum to the MOU to include procedures undertaken by the Independent Rule Enforcers (see Section H).

The City of Oakland's Police Department's Safety Division shall provide annual trainings to Bentley School's flag person and traffic assistants, including the School Safety Patrol members.

K. Ongoing Monitoring of Recommended Conditions

Annual Reporting

The TDM program requires periodic evaluation to determine how the program is achieving its goals.

Bentley School shall prepare an annual TDM Evaluation Report that summarizes the program over the preceding year, intended upcoming changes, and compliance with conditions of the program. The report will also include any suggested changes to the TDM program, if appropriate.

If this report is forwarded to the Planning Commission for changes to the TDM, which is part of the Conditions of Approval of the CUP, would this, be considered an amendment to the CUP and allow for public review and input? These conditions have substantial impact on the community and were central to NSHH acceptance of the school's increased enrollment. We would not expect the school's annual TDM report to trigger modifications that were not publicly reviewed.

The report shall include average annual trip mode information, including arrival trips via single occupant vehicles, multi-occupant vehicles, bus, and by walking and bicycling. The report shall provide a comparison to historical findings.

What is the reference to historical findings? The EIR or CUP Application? Tunnel Road is not safe for student using bicycles or walking.

The report shall discuss the success of the various TDM program elements and incentives undertaken by Bentley School, e.g., carpooling, transit use, walking and bicycling, trip planning, and education and outreach (see Section D).

The report shall summarize the results of the Independent Rule Enforcer reports for the year, including implemented traffic remedies.

The report should include data collected from the hotline with copies to the Planning Department, and reports from the community

Bentley School shall submit the annual TDM Evaluation Report to the City of Oakland's Transportation Services Division and Planning and Zoning Division for review and approval. Planning staff reserves the right to forward the report on to the full City of Oakland Planning Commission for the Commission's review and approval.

NSHH supports a requirement that an amendment to the CUP conditions would require a public review process.

Trimester Reporting

See Section H of this report for trimester reporting from the Independent Rule Enforcers. The trimester reports shall include recommendations to remedy potential infractions, if appropriate. Such measures proposed by the Independent Rule Enforcers or Bentley School must be approved by the City of Oakland prior to implementation. The City of Oakland shall have one week to review and approve the proposed measures. Upon City of Oakland approval of enhanced or additional TDM measures, Bentley School shall be given one trimester period after the approval to meet the TDM goals.

It seems unrealistic to expect that the City of Oakland is going to respond in one week when the school has had a trimester cure period. It is more reasonable that the school's cure period be

reduced to one week and that the City has time to review it. However, the TDM is intended to regulate the School's behavior, not the City's.

Enforcement

If following one trimester after invoking enhanced or additional TDM measures the school still does not meet its TDM goals, or if the school fails to submit a TDM Evaluation Report, or if the report does not meet City of Oakland requirements outlined above, the City of Oakland's Transportation Services Division and Planning and Zoning Division may refer the matter to the City of Oakland Planning Commission for scheduling of a compliance hearing to determine whether Bentley School's approvals should be revoked, altered, or additional conditions of approval imposed.

As a condition of failing to meet the TDM program's vehicle-trip reduction criteria, the City of Oakland could require Bentley School to permanently decrease its enrollment cap by two students per annum until the vehicle-trip threshold is met (this is currently equivalent to approximately $50,000 in school tuition).

This is not a sufficient remedy If Bentley has 20 excess trips, it will take 10 years to remedy.

The City of Oakland can also impose penalties for TDM program infractions such as lack of monitors, violations of the school traffic rules, etc., based on a per infraction fee pursuant to the City's Master Fee Schedule.

In determining whether reduced enrollment or other remedies are appropriate, the City of Oakland shall consider if Bentley School has demonstrated a good faith effort, based on evidence, to achieve the required vehicle-trip reduction, increased alternative mode shares, and/or to comply with the TDM program.

The good faith effort has been used excessively in this case. This process has gone on for more than six years with the school delaying the process by providing late or inadequate information or failure to pay consultants. Recently the school submitted a TDM that was reviewed but not authored by the consultant, in direct violation of the CUP that was just issues. This did not demonstrate a good faith effort and the process was delayed another causing an additional 3-4 month delay in CUP process. Good Faith has to be demonstrated, documented and verified, not simply declared. Enforcement under section should apply to willful delays and noncompliance.

Klein, Heather

From: Neighbors for Safety in Hiller Highlands [neighbors.safety.hiller.highlands@gmail.com]
Sent: Wednesday, July 14, 2010 9:47 AM
To: Klein, Heather
Subject: Bentley TDM Administrative Draft - additional comments

Hi Heather:

Yesterday we received a copy of Bentley's comments on the TDM. We have some additional comments in light of some language that they have inserted.

We note that in both the Administrative draft and Bentley's subsequent comments, the "Three Independent Rule Enforcers" (14H) are referred to a "the Rules Enforcer" (moving the "s" from plural enforcers to plural rules). This suggests that only one Enforcer would be retained. We are concerned that Condition 14 which states that **"The TDM strategies below shall, at a minimum, be incorporatedin the TDM plan.** This language was central in NSHH giving its support to Bentley's application at the CUP hearing. This language also became an issue when Bentley submitted its first inadequate draft TDM which did not include these specific minimum standards.

1. First, Bentley didn't submit a scope of work for the TDM and took months to "draft" a document that was pieced together from earlier documents and was not written or signed by the Traffic Consultant. The second draft is still lacking recommendations to meet the minimum standards for the TDM.

2. The Administrative Draft offers scenarios for baseline measurements but never specifically states that bus ridership (79 bus riders) is to be maintained, at a minimum, per the project conditions. It doesn't provide a breakdown of the "basket" of traffic-reducing solutions that commissioners requested. TDM Condition 14D calls for increasing bus ridership and utilizing "a variety of options" to further reduce traffic.

3. The minimum number of persons to assist traffic is also established in CUP 14E. The TDM proposes an unspecific monitoring period after which the Rule Enforcer, would have the option to reduce the number of traffic assistants. We believe that any modification to the minimum number of traffic monitors established in the CUP should go through the normal amending process and not be at the discretion of one rule enforcer.

4. The Administrative Draft is still lacking specific compliance with the "minimum" requirements of Condition 14 which requires 3 Independent Rule Enforcers. The Draft suggests that the Rules Enforcer (one) would determine the number of personnel needed to monitor. We believe that the minimum is "Three Independent Rule Enforcers", however, if more are needed, that should be at the discretion of the consulting firm. This condition was a key part of the enforcement tools included in the CUP and was an important consideration for NSHH to add its support of Bentley's application with conditions. As you mentioned in your comments at the Planning Commission hearing, monitoring Bentley's traffic to verify compliance will not be an easy task. We believe that any modifications to the minimum TDM requirements laid out in the CUP should go through the normal amending process with public comment.

5. The Administrative Draft suggests that changes to the TDM would be ongoing based on One Rule Enforcer's report (Annual Reporting section). NSHH believes that the TDM minimum requirements

should not be altered without an amendment and public review process. We also request that all Rule Enforcer monitoring reports be distributed to interested parties including NSHH and the NLC.

6. The Draft does not include consideration of monitoring information that might be provided by the public. Since the monitoring called for in the TDM is infrequent, it is far more likely that neighbors will observe conditions that the Enforcers won't. Neighborhood input should be invited and considered in the review and reporting of Bentley's traffic conditions.

Thank you again for your consideration of our comments. As we stated before, we are happy to meet with you in person to discuss these issues before you complete your staff report.

Best regards,
Linda Harris
for NSHH

Klein, Heather

From: Nadine Prah [nadine@prah.net]
Sent: Thursday, July 08, 2010 3:54 PM
To: Klein, Heather
Subject: Bentley TDM
Attachments: trip generation summary.xls

Heather,
I have two more comments. Both relate to item D, Reduction of Vehicles Driven.

1. Item D begins with "Our major concern is a reduction of traffic to Hiller Drive. The TDM adds the Tunnel Road parking lot to all scenarios. This will (sic) it more difficult to count since there are two sites included." After stating the major concern is Hiller traffic, the TDM presents 4 scenarios that combine Hiller traffic **and** Tunnel traffic.

Since the City of Berkeley has approved the parking lot on Tunnel Road, these 20 vehicles should not be included in the trip numbers of the four scenarios. All of the scenarios should focus on Hiller Drive traffic. There is no need to make traffic counts more difficult for the Independent Rule Enforcers.

2. Scenario 1 presents Bentley School's interpretation of the "reduction" required by condition 14d of the CUP approval. The neighbors' interpretation was much different. We did not appeal the CUP approval because we believed there would be a meaningful reduction in Hiller traffic. We accepted the CUP because we calculated the allowed trips would be 153 in 2010 and 111 in 2012. Attached is a spreadsheet showing this calculation.

It is only fair and equitable that our understanding of the CUP approval be included as an additional scenario in the TDM since this was the basis of our acceptance of the CUP.

Regards,
Nadine Prah, President
Hiller Highlands Homes Association

Attachment B-2

TRIP GENERATION SUMMARY

	Trips generated
Current Baseline Project Conditions for 360 students from Trip Generation Summary prepared by Dowling Associates Draft EIR, page 64	259
EIR condition 14 b provides for a reduction of 25% of 422, or 106 trips	-106
REDUCED trip goal, fall trimester 2010	**153**

Current Baseline Project Conditions for 360 students from Trip Generation Summary prepared by Dowling Associates Draft EIR, page 64	259
EIR condition 14 b provides for a reduction of 35% of 422, or 148 trips	-148
REDUCED trip goal, fall trimester 2012	**111**

Klein, Heather

From: Neighbors for Safety in Hiller Highlands [neighbors.safety.hiller.highlands@gmail.com]
Sent: Friday, July 09, 2010 1:10 PM
To: Klein, Heather
Subject: Correction re AC Transit Line 689

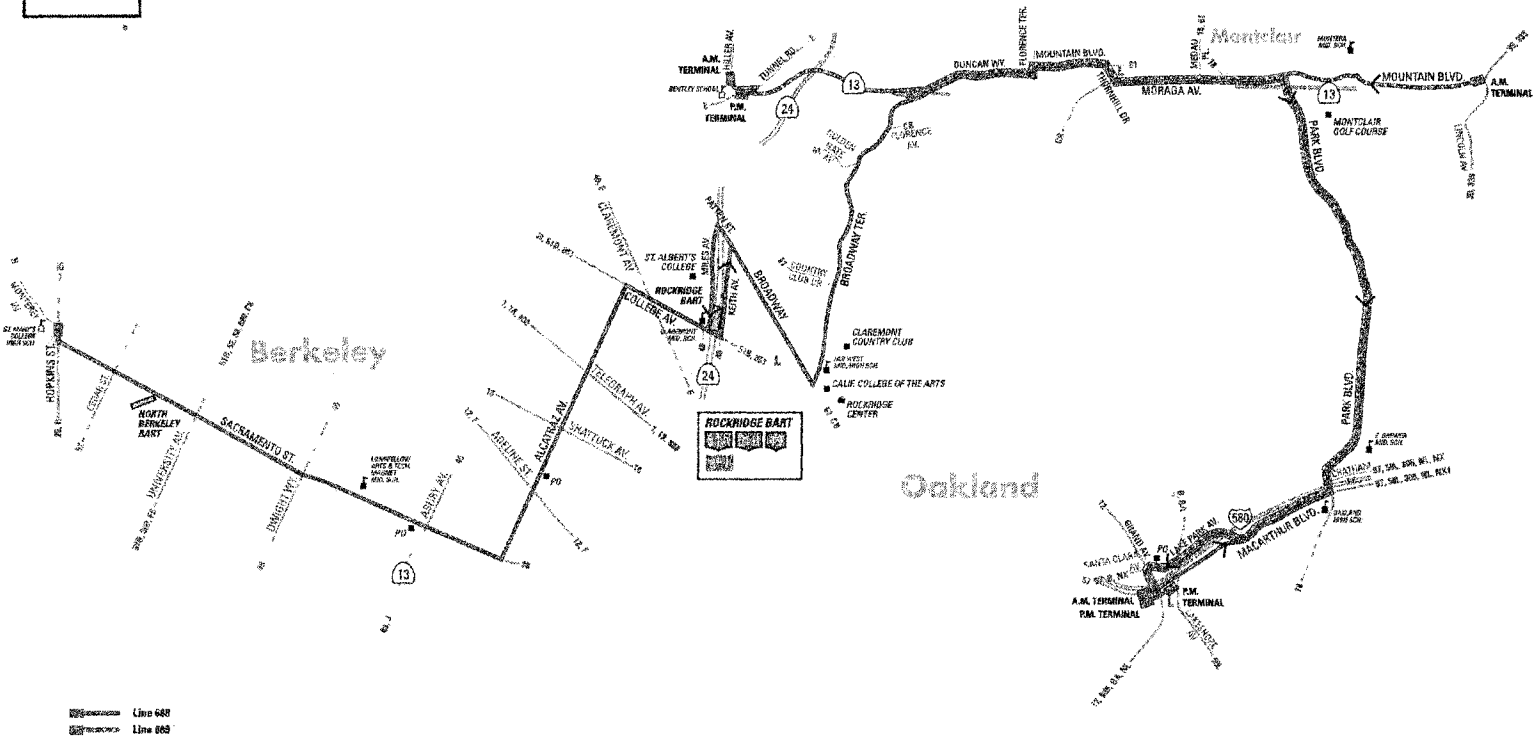
Heather,

AC Transit Line 689 did not service Head Royce School. In August 2010, AC Transit will eliminate Line 689, which served the Bentley students who live in the Montclair area.

Donna

Line 688

Line 689



Line 688

Line 689

Klein, Heather

From: Neighbors for Safety in Hiller Highlands [neighbors.safety.hiller.highlands@gmail.com]
Sent: Thursday, July 08, 2010 12:44 PM
To: Klein, Heather
Subject: Fwd: AC Transit service to and from Bentley School

Heather,

Below is a response I received from AC Transit re their service to Bentley School. Route 689, which had served Bentley School, will be eliminated by the time school starts.

Donna

---------- Forwarded message ----------
From: **Sean DiestLorgion** <SDIESTLO@actransit.org>
Date: Thu, Jul 8, 2010 at 11.26 AM
Subject: RE: AC Transit service to and from Bentley School
To: Neighbors for Safety in Hiller Highlands <neighbors.safety.hiller.highlands@gmail.com>

Hi Donna

As part of the service reductions being implemented this August, AC Transit will be eliminating Line 689

Thanks,

Sean

From: Neighbors for Safety in Hiller Highlands [mailto:neighbors.safety.hiller.highlands@gmail.com]
Sent: Wednesday, July 07, 2010 2:00 PM
To: Sean DiestLorgion
Subject: AC Transit service to and from Bentley School

Hi Sean,

Yesterday neighbors of Bentley School learned that there may be a change in the level of service AC Transit provides to the school. Is AC Transit reducing service to Bentley?

Sincerely,

Donna Karch on behalf of NSHH

Klein, Heather

From: Neighbors For Safety [neighbors.safety.hiller.highlands@gmail.com]
Sent: Wednesday, July 07, 2010 10:29 PM
To: Nadine Prah
Cc: Klein, Heather
Subject: Re: Bentley TDM

Great letter.
Linda

Sent from my iPhone

On Jul 7, 2010, at 5.39 PM, "Nadine Prah" <nadine@prah.net> wrote:

Heather,

I reviewed the Bentley TDM and attended the NLC meeting at Bentley School last night. I would like to add my comments to supplement the comments you will receive from NSHH.

I was disappointed at the lack of specifics in the TDM. It would have been helpful to have specific options discussed and explored well in advance of the beginning of the 2010/2011 school year. I am also surprised that Bentley School has not independently explored ways to minimize parking and traffic on Hiller Drive.

Hiller neighbors have identified specific items that should be considered:

Since Bentley already charters a bus, they could add bus stops to pick up staff and students. Various parking lots in Orinda such as Safeway, Shakespeare Festival, BevMo could be used. In Oakland, Lake Temescal, Rockridge BART, Gateway Garden, North Hills sports field, Caldecott apartments are convenient locations.

The current bus stop on north-bound Tunnel Road below the school could be used as a drop off point for individual cars.

The CUP (14a) required investigation of additional parking spaces on school owned property. This was not included in the TDM. There could be additional parking near the auditorium. Several cars could park at the headmaster's residence. Prior administration (Melissa Rosengard) said that an additional 8 cars could be "stacked" or tandem parked in the Tunnel Road parking lot. The garage at 261 Tunnel Road could be demolished to provide 3 additional spaces.

Neighbors on Hiller Drive and North Hill Court have no on-street parking available for their visitors and guests during the school year. Parking in front of each individual residence should be limited to one Bentley car.

The TDM mentions 15 parking spots along the Memorial Garden. These should be assigned to part-time staff who should be scheduled to begin work after 8:30 and

leave before dismissal time. We would like to have several spots reserved for Memorial Garden visitors.

If the AC Transit bus stop were moved to the drop-off area, Bentley could use it's frontage for staff parking for 4 vehicles.

Please consider including the above suggestions in the TDM.

Regards,
Nadine Prah, President
Hiller Highlands Homes Association

Klein, Heather

From: Nadine Prah [nadine@prah.net]
Sent: Wednesday, July 07, 2010 5:39 PM
To: Klein, Heather
Cc: Neighbors for Safety in Hiller Highlands
Subject: Bentley TDM

Heather,

I reviewed the Bentley TDM and attended the NLC meeting at Bentley School last night. I would like to add my comments to supplement the comments you will receive from NSHH.

I was disappointed at the lack of specifics in the TDM. It would have been helpful to have specific options discussed and explored well in advance of the beginning of the 2010/2011 school year I am also surprised that Bentley School has not independently explored ways to minimize parking and traffic on Hiller Drive.

Hiller neighbors have identified specific items that should be considered:

Since Bentley already charters a bus, they could add bus stops to pick up staff and students. Various parking lots in Orinda such as Safeway, Shakespeare Festival, BevMo could be used. In Oakland, Lake Temescal, Rockridge BART, Gateway Garden, North Hills sports field, Caldecott apartments are convenient locations.

The current bus stop on north-bound Tunnel Road below the school could be used as a drop off point for individual cars.

The CUP (14a) required investigation of additional parking spaces on school owned property. This was not included in the TDM. There could be additional parking near the auditorium. Several cars could park at the headmaster's residence. Prior administration (Melissa Rosengard) said that an additional 8 cars could be "stacked" or tandem parked in the Tunnel Road parking lot. The garage at 261 Tunnel Road could be demolished to provide 3 additional spaces.

Neighbors on Hiller Drive and North Hill Court have no on-street parking available for their visitors and guests during the school year Parking in front of each individual residence should be limited to one Bentley car

The TDM mentions 15 parking spots along the Memorial Garden. These should be assigned to part-time staff who should be scheduled to begin work after 8:30 and leave before dismissal time. We would like to have several spots reserved for Memorial Garden visitors.

If the AC Transit bus stop were moved to the drop-off area, Bentley could use it's frontage for staff parking for 4 vehicles.

Please consider including the above suggestions in the TDM.

Regards,
Nadine Prah, President
Hiller Highlands Homes Association

Klein, Heather

From: Linda Harris [lkharris@sbcglobal.net]
Sent: Wednesday, July 07, 2010 1:29 PM
To: Klein, Heather
Cc: Neighbors for Safety in Hiller Highlands List; Donna Karch; Nadine Prah
Subject: Re: NLC meeting re TDM

Heather I would like to add that we are concerned that the slow pace bentley has adopted in writing a TDM that meets the goals for meaningful reductions enforceability is now pushing the review period to the start of the school year.

Bentley has benefitted from another full year of CUP benefits while the neighbors are still waiting for implementation of the most important conditions that we relied upon in not opposing bentleys cup. Please let us know what kind of a time line you are working with now. We really want this done but find that the TDM is still flawed.

We have a number of comments on the administrative draft including specific recommendations to improve monitoring and compliance with the environmental objectives established by the commission.

We will be sending our comments tomorrow and would welcome an opportunity to meet with you before the draft and your staff report are completed.

Thanks
Linda

Sent from my iPhone

On Jul 7, 2010, at 11:16 AM, Neighbors for Safety in Hiller Highlands <neighbors.safety.hiller.highlands@gmail.com> wrote:

> Heather,
>
> At 4:00 p.m. yesterday NLC members met with Duncan Lyon and Devereax Smith at Bentley School. It was a disappointment meeting, and no agreement was reached. Although Duncan stated that the vehicle count last year was 180, the school will not sign an agreement with that number. They are worried that if more than 180 vehicles arrive, it would cost them $50,000. We discussed a vehicle count with a range of 180 - 185, but did not reach a consensus. Devereaux said she would contact you and ask that the TDM be placed on the August agenda.
>
> Donna

Klein, Heather

From: Neighbors for Safety in Hiller Highlands [neighbors.safety.hiller.highlands@gmail.com]
Sent: Wednesday, July 07, 2010 11:17 AM
To: Klein, Heather
Cc: Neighbors for Safety in Hiller Highlands List
Subject: NLC meeting re TDM

Heather,

At 4:00 p.m. yesterday NLC members met with Duncan Lyon and Devereax Smith at Bentley School. It was a disappointment meeting, and no agreement was reached. Although Duncan stated that the vehicle count last year was 180, the school will not sign an agreement with that number. They are worried that if more than 180 vehicles arrive, it would cost them $50,000. We discussed a vehicle count with a range of 180 - 185, but did not reach a consensus. Devereaux said she would contact you and ask that the TDM be placed on the August agenda.

Donna

33 HILLER DRIVE
OAKLAND, CA 94618
(510) 843-3828 FAX (510) 843-6768
RGPIPER@SBCGLOBAL.NET

July 6, 2010

Ms. Heather Klein
Planner
Community and Economic Development Agency
City of Oakland
250 Frank H. Ogawa Plaza
Oakland, CA 94611

Re: Comments and Suggestions Draft TDM Program, Bentley School

Dear Heather:

Parisi Associates has failed the City of Oakland, local residents, and the Bentley School in developing this "Draft" Transportation Demand Management (TDM) program in achieving the overall goals of Condition of Approval #14, which are outlined on the first page of this draft. Most of these goals would be better realized if the scrapped this Draft that proposes to keep the drop-off and pickup zone on lower Hiller Drive. Keeping the drop-off and pickup zone in the current location actually negatively impacts or prevents achieving these stated goals. What the TDM should focus on to achieve the stated goals instead is relocating the drop-off and pickup zone as previously proposed to another location other than the area next to the Firestorm Memorial Garden, such as the other end of Hiller Drive and the City lot on Tunnel Road opposite the Gateway Garden and Exhibit Center of the Lake Temescal parking lot area on upper Broadway. Our Neighbors for Safety in Hiller Highlands monitoring in the last several years have shown the current drop-off and pickup zone location imposed by the City without public input is unsafe, seriously impacts parking for local residents, and poses a major traffic congestion bottleneck five days each week in the morning and afternoon.

What the City should be insisting on is the Bentley School instituting a shuttle system for students/staff from a drop-off and pickup zone at another location such as the area near the Gateway Garden or the Lake Temescal parking lot for the East Bay Regional Park District referenced on page 13 of the Draft TDM. The relocation of the drop-off and pickup zone to another area could much more effectively achieve most of the 9

stated goals and help eliminate the parking and traffic bottlenecks on lower Hiller Drive that regularly force many drivers to cross the centerlines in violation of the State Vehicle Code. The current drop-off and pickup zone system creates substantial traffic safety risks and many California Vehicle Code violations (nearly every two minutes) on lower Hiller Drive as well as unacceptable traffic congestion during the morning drop-off and afternoon pickup periods when the Bentley School parent traffic is combined with Kaiser School parent driver drop-off and pickup of students and other traffic from local residents/visitors to our community.

We currently see gridlock conditions many weekday afternoons around 8:10 to 8:25 a.m. and from 3 p.m. to 3:25 p.m. on lower Hiller Drive and these conditions will grow even worse if the City of Oakland proceeds with plans outlined by City of Oakland Community and Economic Development Agency staff with Settlement funding from a lawsuit involving the State of California to install new sidewalks along Tunnel Road from the Berkeley border up to the traffic light on lower Hiller Drive, and also adds a crosswalk at the light that would lead to greater backups on lower Hiller Drive. I have observed that drivers coming down the hill when these backups in outbound and inbound lanes occur in the morning and afternoon quickly lose patience and drivers have crossed the centerlines driving sometimes all the way down lower Hiller Drive in the wrong, in-bound lanes jeopardizing the safety of any driver coming in-bound.

It is not safe to continue to have the drop-off and pickup zone next to the Firestorm Memorial Garden with the high frequency of centerline violation currently occurring nearly once every 2 minutes during drop-off and pickup periods on lower Hiller Drive and also based on the potential worsening of traffic delays at the traffic lights. The TDM Program needs to have an entirely new premise linked to a drop-off and pickup system linked to a shuttle system from and to another location or locations. The locations might include alternative drop-off and pickup sites and alternate parking for Bentley school staff such as:

(1) the Lake Temescal parking lot area of the East Bay Regional Park District (see pg. 13) that Bentley has used for Special Event parking in the past, and which East Bay Regional Park's coordinator indicated could be considered for a potential arrangement to be worked out between Bentley School and the Regional Park District;
(2) the area at the other end of Hiller Drive near the abandoned bus stop located west of the Gateway Garden and the vacant City lot just north of the Gateway Garden;
(3) the Rockridge BART station area near College Avenue on Keith Avenue and Miles Avenue; and/or

(4) the area near the old connector road between Broadway and Highway 13, where the PG&E substation is located, that could provide ample off street parking for parents during pickup periods and for Bentley School full-time and part-time faculty. This property possibly might be leased from the property owners or perhaps the City might help in getting it made available to relieve the parking and traffic congestion and the serious traffic safety issues now plaguing lower Hiller Drive.

Bentley School's former Business Manager Bruce Wallin acknowledged in conversations with me that the Bentley School had good relations with the East Bay Regional Park District and had used the Lake Temescal parking lot of the East Bay Regional Park District for special event parking with shuttle service to and from the school. Relocating the drop-off and pickup zone to this location (or one or more of the other locations referenced above) would be a far better way to achieve the goals outlined in Condition of Approval #14. The Parisi firm and CEDA staff are aware of the potential for use of the Temescal parking area and the ability to transfer visitors via school-owned vans with employee drivers or commercial shuttle buses, as referenced on page 13, and this supports the use of the shuttle system not only for special events but for the daily drop-off and pickup of students from an alternate location. It's been tried and been successful for this school, and the City of Oakland, CEDA and the Planning Commission need to insist on this better solution to achieve all of the stated goals. Alternatively, I favor a drop-off area at the other end of Hiller Drive near the abandoned bus stop and the vacant City lot on Tunnel Road opposite the Gateway Garden.

If an effective shuttle system was developed, there might potentially be multiple stops where the Bentley School parents could drop off or pick up their children as indicated above, and which might also provide alternate locations for Bentley School to have its staff park other than tying up all of the parking on Hiller Drive and North Hill Court. If Bentley can get the 5 Administrators to change their "modus operandi" and rideshare to the school from a remote location outside Hiller Highlands, they could just as easily launch a shuttle system and relocate the drop-off and pickup zone to a remote location that would facilitate ridesharing by students and other staff.

I am concerned as Chair of the Oakland Landscape Committee regarding the references on page 2 of the Draft TDM for apparently planning to use the 15 spaces adjacent to the Firestorm Memorial Garden for parking by Bentley School staff during the 8:30 a.m. to 2:30 period, combined with the prohibited parking during the drop-off and pickup period. The Memorial Garden should not become Bentley's next or exclusive parking lot! The school appears to be planning with the apparent permission of the City to usurp most of the available parking adjacent to the Memorial

Garden 5 days per week for parking for Bentley's staff. This makes it difficult for volunteers for our Committee to find a parking space to do maintenance or for any residents of the area or potential visitors to this public garden to find a parking space to view this public garden. The Oakland Landscape Committee as the permit holder for the Caltrans/Firestrom Memorial Garden property south of the school that is being referenced for 15 parking spaces is adamantly opposed to the City and the Planning Commission continuing to propose the area next to the Garden for either the drop-off and pickup zone for students or for 15 parking spaces for Bentley School staff from 8:30 a.m. to 2:30 p.m. This is not an appropriate location for either of these, and this is counter to almost all of the overall goals set forth in Condition of Approval #14.

With respect to the five administrators referenced at the bottom of page 4 of the Draft TDMP, I have found that the reasons cited by the School for these administrators remaining on the Hiller campus were largely fabricated and there is no reason for them to remain at the Hiller campus. The day after the last Planning Commission hearing the Bentley School did not have any of the 5 administrators out serving as Traffic monitors, and had only two monitors instead of the required 9. On most days, the school has not had the required 9 monitors and there are other options that have been identified such as parents/students that might help perform these duties.

In reviewing pages 5 through 8 of the Draft TDM, the flawed TDM won't go as far toward achieving the stated "overall goals of Condition of Approval #14" as would the institution of a mandatory system requiring most students and staff to use a shuttle system to get to and from the school and the identification of one or multiple alternative student drop-off and pickup locations. Most of the items proposed here and discussed on these pages aren't really going to have a significant impact on reducing vehicle trips, parking problems and traffic congestion caused by the current location of the drop-off/pickup zone, which acts as a continuing "magnet" encouraging more vehicle trips, parking problems and traffic congestion. The Draft TDM needs to be revised by the Consultant and the City and an alternative shuttle system outlined in its place that would do far more to achieve most of the stated goals. The revised TDM could also outline how the shuttle system could work and also outline some limited "exceptions" that might allow a parent or staff person to drive and park in the school parking lots, which could be monitored to prevent abuse of the "exception" provisions.

The City might also consider the possibility of working with Bentley to develop a parking area at some remote offsite location that could accommodate some parking by staff, parents or visitors that might utilize the shuttle. For example, there might be space for a parking lot or

parking linked to shuttle stops: (1) near the old connector road area between Broadway and Highway 13; (2) the large City owned vacant lot just north of the Gateway Garden: (3) on the fairly flat Caltrans property near the abandoned bus stop west of the Gateway Garden; (4) coming down Hiller Drive west of the Gateway Garden along the street where few cars now park; and near Rockridge BART. The vacant City lot opposite Gateway might be a location for shuttle loading/unloading and a turn around along with the parking lot at the school entry. Bentley might enter into a win/win, cost effective lease with the City to convert the vacant lot into a parking lot and shuttle stop/turnaround.

The City and Bentley might also work with AC Transit, BART and some other private companies to try to come up with possible support in operating transit or shuttle support for the school. AC Transit might switch their buses that now have few riding passengers to new routes that could pick up/drop off many more Bentley students/staff. The money the School saves from not having to pay staff/administrator five days a week and two times each school day to serve for hours as Traffic Monitors could be used to compensate for shuttle expenses, and again more effectively help achieve the goals of Condition of Approval #14. If a shuttle had as one stop location the Rockridge BART station, more parents might have students take BART to the Rockridge BART station to catch a Bentley School shuttle bus or AC Transit bus at a designated time, such as a morning pickup.

On page 8, I feel the reference to the Independent Rule Enforcer report documenting Bentley's success in reducing either single student occupied vehicles or the success of each TCM program element creates a false hope as to the success of this flawed Draft TDM or of all of these program elements in achieving the overall stated goals. The Independent Rule Enforcer discussion on page 11 references Bentley hiring DKS Associates firm as a Independent Rule Enforcer, but I don't believe this was what the Planning Commission or NSHH expected was to be done. The Bentley School was supposed to hire and have at the curb employees to enforce a plan and monitor traffic safety issues. This hasn't happened I don't believe. I have yet to see any Traffic Enforcer out actively enforcing or getting Bentley School Traffic Monitors to enforce their internal rules regarding parking or traffic safety. Once a month monitoring by a firm isn't enough. We need real Traffic Enforcement staff at least several days a week.

The language on page 11 that indicates "The Independent Rule Enforcer shall determine the number of personnel needed to adequately monitor conditions" needs to be struck from any TDM and is counter to the conditions imposed or decided on by the Planning Commission. There should be 3 full-time Traffic Enforcement staff paid by Bentley that are

independent in relation to their authority. The monitoring by these Enforcement staff members or Independent Rule Enforcers should not be "once a month" but "daily" or on "each school day".

This Draft TDM falsely states "Bentley School deploys nine people to assist with traffic operations and drop-off and pick-up during school commute periods". Bentley School rarely had 9 people assigned to assist, and quite often had only two people performing the duties. The final TDM that is developed needs to be substantially revised to clarify what the City is going to do ensure Bentley quits cutting corners and ignoring the requirement for 9 Traffic Monitors and gets the Independent Rule Enforcers to report and address any failure by Bentley to comply with this important Condition.

The language in the Draft TDM is also not strong enough regarding the traffic assistants encouraging and reminding students, parents and faculty and staff of the rules included in the Traffic and Parking Handbook of the school. The so-called "rules" have not been enforced by Bentley, and the TDM needs to outline what the Independent Rule Enforcers will do as well as Bentley and its traffic monitors to cite those violating expectations or traffic or parking rules or Vehicle Code provisions, and providing reports to the City, Bentley School, the Neighborhood Liaison Committee, CEDA staff, and the Planning Commission on what problems and rule violations are occurring, by whom and how and when they have occurred and been addressed. Student monitors are also not likely to be effective in communicating with parents and staff regarding rule violations.

The discussion of the Use of Traffic Safety Warning Devices is also flawed. It starts again from a premise regarding the continued use of the current staging area on lower Hiller Drive. The relocation of the drop-off and pickup area would eliminate the use of the power flares or "any other devices". The sentence on page 10 allowing the school to replace the power flares with other devices is problematic, as we have seen that the use of traffic cones in the street by the school caused almost constant California Vehicle Code violations. We would be far better off if the power flares and traffic cones were not placed on lower Hiller Drive along with the drop-off and pickup area being relocated.

The Draft TDM language on page 12 referencing a "monitoring session" occurring only "monthly" is another flaw. Parisi Associates Transportation Consulting apparently hasn't observed five days a week the serious and life-threatening Vehicle Code violations with drivers crossing the centerlines on Hiller Drive every 2 minutes during the drop-off and pickup periods. We need monitoring by three Traffic Enforcement staff members each school day! We need monitoring that stops AC

Transit drivers and other drivers from driving down lower Hiller Drive on the wrong side of the centerlines, before a serious or deadly traffic accidents occurs. The monthly monitoring proposed for a more general Independent Rule Enforcer as opposed to three Independent Traffic Enforcers working daily is a major flaw in this Draft TDM.

The discussion of Special Events Traffic in this Draft TDM is also flawed and needs to be revised and rewritten. Instead of relying as this draft does on parking in school lots, some street parking, and parking up the hill at the Kaiser School, a TDM should be shifting the Special Events traffic and parking out of the area and use an alternate location such as the Lake Temescal parking lot of the East Bay Regional Park District and a shuttle, which is an approach the Bentley's former Business Manager indicated had worked well in the past. Bentley has too often scheduled evening and special events leaving no street parking on lower Hiller Drive or parking available for visitors to the Memorial Garden. It's time this stopped! The consultant for the City should not be including the sentence in this TDM that discourages use of a shuttle bus as in the current wording on page 12, but should be encouraging shuttle bus use for most special events regardless of the size of the event/# of cars/whether the event is in school hours.

Another flaw in the Draft TDM can be found on page 14 in the language calls for only an annual TDM Evaluation report prepared solely by the Bentley School. Traffic safety problems occur each week on lower Hiller Drive from my observations in the past over several years. The report should probably be quarterly, and the evaluation report should be more than a report from the Bentley School or Bentley's summation of the "Independent Rule Enforcer reports" that under the currently flawed Draft TDM would based on only a once-a-month monitoring by a firm versus 3 Independent Rule Enforcers reporting their regular observation from daily evaluations on school days. Bentley School has a history of misrepresenting facts, such as its enrollment figures or the number of Traffic Monitors it is deploying. It would be better for the evaluation reports to be a compilation of inputs from: the NSHH; the Neighborhood Liaison Committee; the Bentley School; the Traffic Enforcement staff; involved City/CEDA staff.

Gordon Piper, Chair, Oakland Landscape Committee

Administrative Draft dated June 28, 2010

Organization of Transportation Demand Management Program

Parisi Associates Transportation Consulting was retained by the City of Oakland to develop a Transportation Demand Management (TDM) program for Bentley School. This document details the elements of the TDM program, consistent with the City's Conditions of Approval for a Conditional Use Permit.

The overall goals of Condition of Approval #14, "Parking and Transportation Demand Management, approved by the City of Oakland's Planning Commission on October 21, 2009 and amended on April 7, 2010, are to:

1. In the short-term, reduce Single Student Occupant Vehicle trips by student guardians and Single Occupant Vehicle trips by faculty/staff by 25% from the baseline by the beginning of school year 2010.
2. In the long-term, reduce Single Student Occupant Vehicle trips by student guardians and Single Occupant Vehicle trips by faculty/staff by 35% from the baseline by the beginning of school year 2012.
3. Better manage the available on-site parking spaces.
4. Reduce traffic congestion on Hiller Drive and Tunnel Road.
5. Facilitate the student drop-off and pick-up process to ease traffic congestion and enhance student and driver safety.
6. Track and enforce the traffic rules and the TDM program.
7. Ensure that special events held at Bentley School do not interfere with the livaibility of the surrounding neighborhood.
8. Promote the City of Oakland's Transit First policies.
9. Reduce Bentley School's and the City of Oakland's carbon footprint.

This TDM program is organized in 11 sections consistent with Condition of Approval #14, "Parking and Transportation Demand Management":

A. Parking management strategies

B. Drop-off and pick-up process

C. Staggered timeframes for drop-off and pick-up

D. Reduction of vehicles driven

E. Number of persons to assist traffic

F Use of traffic safety warning devices

Attachment B-3

G. Transit and carpool subsidy program

H. Independent rule enforcers

I. Special events traffic

J. Memorandum of understanding with Oakland Police Department

K. Ongoing monitoring of recommended conditions

A. Parking Management Strategies

There are currently 50 off-road parking spaces dedicated to full-time faculty and staff. Twenty-three (23) of these spaces are located in Bentley School's upper lot located off of Hiller Drive, 20 spaces are located in the lower lot off of Tunnel Road, and four spaces (including a dedicated handicap space) are located at the top of the campus driveway. In addition to these 47 spaces, three more spaces are provided at the nearby Claremont Hotel, as part of an agreement with the hotel (see appendix).

There is currently on-street parking available for 15 vehicles between 8:30 a.m. and 2:30 p.m. along the west curb of Hiller Drive between Bentley School's driveway and Tunnel Road adjacent to Firestorm Memorial Garden. This area is signed "No Parking" between X:XX a.m. and Y:YY a.m. and X:XX p.m. and Y:YY p.m. ~~in the~~ when it is available for drop-off and pick-up of students. This is the flat portion of Hiller Drive that does not abut any residences.

All off-road parking spaces shall be assigned via permit to full-time faculty and staff. A parking delineation plan shall be prepared by the school each trimester indicating the assignment of each parking space and submitted to the City of Oakland based on current faculty/staff levels (see appendix). Preferential parking, i.e., those spaces closest to the school, shall be given to those persons that sign a carpooling or ridesharing agreement.

Bentley School's Head of School or his/her designee shall assure maximum use of the off-road parking spaces by assigning spaces unused by absent faculty or staff for their substitutes or other faculty or staff. Each day the Head of School or his/her designee shall notify substitutes or other faculty or staff in advance so that all the parking spaces are occupied.

Monitoring of recommended conditions (see Section K) based in part on Independent Rule Enforcer reports (see Section H) will document Bentley School's success in maintaining full-time and staff parking demands to levels within the 50 off-road parking spaces ~~(30 off-road spaces if the Tunnel Road parking is denied by the City of Berkeley)~~. If, based on monitoring, it is determined that additional parking demand is being generated by full-time faculty and staff, Bentley School shall either secure additional on-site parking or decrease parking demand through increased TDM efforts (see Section D), or both, within the cure period (see Section K).

B. Drop-off and Pick-up Process

Bentley School has developed an electronic Traffic and Parking Handbook for use by parents, faculty and staff (see appendix). The handbook was reviewed by Parisi Associates Transportation Consulting. The handbook provides information on the school's TDM program, including the maximum number of vehicle-trips allowed (see Section D). It also provides information to encourage trip-making by modes other than the single student occupant vehicle.

The Traffic and Parking Handbook provides detailed step-by-step instructions about student drop-off and pick-up via automobile (e.g., traveling along Hiller Drive, entering the school driveway loop, queuing on Hiller Drive for drop-off/pick-up). The handbook provides maps, drop-off/pick-up time information, and the school's traffic rules. It provides instructions for parking, including for special events. The handbook provides compliance policies and a parent/employee agreement.

The roles and responsibilities of those assisting during drop-off and pick-up periods are discussed in Section E.

Bentley School shall update the Traffic and Parking Handbook annually based upon the annual monitoring of recommended conditions (see Section K).

Bentley School shall post the electronic Traffic and Parking Handbook to the school's website and shall e-mail the handbook to all parents, faculty and staff at the beginning of each school year.

Monitoring of recommended conditions (see Section K) based in part on Independent Rule Enforcer reports (see Section H) will document drop-off and pick-up procedures. If, based on monitoring, it is determined that procedures need to be improved or revised , Bentley School shall modify such procedures and update the Traffic and Parking Handbook based on the Independent Rule Enforcer's and the City of Oakland's recommendations within the cure period (see Section K). Part of the assessment should include documentation of the number and type of infractions and assessed penalties by the school. The compliance of the rules (reduced infractions) should be associated with improved traffic conditions at the school.

C. Staggered Timeframes for Drop-off and Pick-up

Bentley School uses staggered bell times to diffuse traffic levels during morning drop-off and afternoon pick-up periods. These times are coordinated with the non-staggered bell times at nearby Kaiser School.

Bentley School's morning bell times are 8:20 a.m. for grades 6-8 and 8:25 a.m. for grades K-5. The school offers child care and activities for all grades starting at 7:30 a.m. The provision of child care and activities starting at least 50 minutes before the first bell time further reduces peaking traffic levels. Kaiser School's morning bell time, for all grade levels K-5, is at 8:45 a.m.

While Bentley School's staggered morning drop-off timeframes are close together and can result in traffic congestion, the school's morning traffic is generally dispersed by 8:45 a.m., the time when parent drivers of Kaiser School students start to arrive. This meets the intent of the condition which is to reduce the spiking of traffic peaks and to spread the traffic out over a longer time period.

On Mondays through Thursdays, Bentley School's afternoon bell times are 2:40 p.m. for grades K-1, 2:50 p.m. for grades 2-3, 3:15 p.m. for grades 4-5, and 3:30 p.m. for grades 6-8. On Fridays Bentley School provides earlier dismissal times of 1:00 p.m. for grades K-1, 1.20 p.m. for grades 2-3, 1:40 p.m. for grades 4-5, and 2:15 p.m. for grades 6-8. Kaiser School's afternoon bell time is at 3:00 p.m., except on Wednesdays when it is at 1:25 p.m.

Bentley School shall continue operating with two morning and three afternoon staggered bell times and shall continue to coordinate these times with Kaiser School's bell times at the beginning of each school year.

Bentley School shall continue to offer child care and activities starting at least 50 minutes before the first morning bell.

Monitoring of recommended conditions (see Section K) based in part on Independent Rule Enforcer reports (see Section H) will document Bentley School's success in maintaining acceptable traffic operations, e.g., acceptable vehicle queuing along Hiller Drive and acceptable level of service at the Tunnel Road intersection. If, based on monitoring, it is determined that unacceptable traffic operations result, Bentley School shall either further adjust the staggered bell times or decrease vehicle demand through increased TDM efforts (see Section D), or both, within the cure period (see Section K).

D. Reduction of Vehicles Driven

Baseline Conditions

Four potential baseline scenarios and proposals for reducing single student and single faculty/staff occupant vehicles driven to Bentley School are discussed below. Under the scenario selected for the TDM program, the number of vehicle trips accessing the school during peak periods shall be documented by Independent Rule Enforcers (see Section H).

On April 7, 2010, the City of Oakland's Planning Commission reviewed the request by Bentley School to retain five administrators on campus that according to Condition of Approval #27 were to be moved to the school's Lafayette campus. Bentley School requested that these persons be allowed to remain at the Oakland campus and provide a further vehicle trip reduction. After the hearing the Planning Commission postponed the decision until the TDM program was reviewed. The scenarios below also discuss this proposal.

Scenario 1: Approved Conditions of Approval

Under the approved Conditional Use Permit, Bentley School is allowed to employ up to 71 ~~full-time faculty and staff members~~employees and enroll up to 360 students at its Oakland campus. Assuming all trips were made by vehicle with each vehicle occupied by one faculty member, staff member or student, up to 431 vehicles would access the school during the morning peak period. The Conditional Use Permit requires Bentley School to reduce the number of single student and single ~~faculty/staff~~employee occupant vehicles accessing the school by 25% (to 323 trips) by Fall 2010 and by 35% (to 280 trips) by Fall 2012.

Assuming the Planning Commission accepts Bentley School's proposal to retain the five administrators at the Oakland campus but reduce the associated vehicle trips, the number of vehicles would be reduced to 318 by Fall 2010 and to 275 by Fall 2012.

Scenario 2: EIR Baseline Plus Project Conditions

The Environmental Impact Report (EIR) for the Bentley School Major Conditional Use Permit documented 352 enrolled students in school year 2007-2008, with 79 students arriving at school in the morning by bus. Using the EIR's figures as a baseline (deducting previous bus usage) and adding the approved 71 ~~full-time faculty and staff members~~employees, up to 344 vehicles would access the school during the morning peak period. A 25% reduction would require no more than 258 single student and single ~~faculty/staff~~employee occupant vehicles accessing the school by Fall 2010. A 35% reduction would require no more than 193 single student and single ~~faculty/staff~~employee occupant vehicles accessing the school by Fall 2012.

Assuming the Planning Commission accepts Bentley School's proposal to retain the five administrators at the Oakland campus but reduce the associated vehicle trips, the number of vehicles would be reduced to 253 by Fall 2010 and to 188 by Fall 2012.

Scenario 3: Variable Student Enrollment, Faculty and Staff

Another approach would be to determine the actual number of enrolled students and ~~full-time faculty and staff members~~employees at the beginning of each school year and apply required trip reductions to the total number of students~~, faculty and staff~~ and employees. For example, if in Fall 2010 there were 340 students and 62 ~~full-time faculty and staff~~employees, up to 402 vehicles would access the school during the morning peak period. A 25% reduction would require no more than 302 single student and single ~~faculty/staff~~employee occupant vehicles accessing the school. If the student and ~~faculty/staff~~employee numbers were the same in the Fall of 2012, then the 35% reduction would require no more than 261 single student and single ~~faculty/staff~~employee occupant vehicles accessing the school. However, if in Fall 2012 the numbers were to increase and there were 348 students and 65 ~~full-time faculty and staff~~employee, up to 413 vehicles would access the school during the morning peak period. A 35% reduction would require no more than 268 single student and single ~~faculty/staff~~ employeeoccupant vehicles accessing the school.

Assuming the Planning Commission accepts Bentley School's proposal to retain the five administrators at the Oakland campus but reduce the associated vehicle trips, the number of vehicle trips would be reduced by five in Fall 2010 and by five in Fall 2012.

Scenario 4: Hiller Highlands Neighborhood Proposal

An approach offered on May 20, 2010 by Hiller Highlands neighbors would be based on the number of vehicle-trips accessing Bentley School in 2007-2008 as documented in the Environmental Impact Report for the Bentley School Major Conditional Use Permit (Table IV.B-8). According to the EIR, 259 vehicles, including vehicles with more than one student per vehicle, were generated by the school during the morning peak period, excluding vehicles accessing the Tunnel Road parking lot. Assuming the Tunnel Road parking lot generated 20 additional ~~faculty and staff~~employee vehicles, a basis of 279 vehicles were generated. Using this baseline, a 25% reduction to 279 vehicle-trips would require no more than 209 vehicles accessing the school by Fall 2010. A 35% reduction would require no more than 181 vehicles accessing the school by Fall 2012.

It should be emphasized that Scenario 4 would be based on total vehicles counted in 2007-2008 and not on single student and single ~~faculty/staff~~employee occupant vehicles as applied in Scenario 1 (Approved Conditions of Approval), Scenario 2 (EIR Baseline Plus Project Conditions), and Scenario 3 (Variable Student Enrollment, ~~Faculty and Staff~~Employee), and therefore it does not credit the school with its carpooling efforts underway in 2007-2008.

Assuming the Planning Commission accepts Bentley School's proposal to retain the five administrators at the Oakland campus but reduce the associated vehicle trips, the number of vehicle trips would be reduced by five in Fall 2010 and by five in Fall 2012.

Reduction of Single Student and Single Faculty/Staff Occupant Vehicles Driven

To achieve the required maximum number of vehicle-trips, Bentley School shall employ multiple TDM strategies for faculty, staff and students. The following are mandatory components to reduce the single student and single faculty/staff occupancy rates:

Carpooling:

- Develop a carpool matching system, each year, based on trip origins using GIS (faculty/staff and students)
- Prepare a annual carpool matching directory (faculty/staff and students)
- Assign preferential faculty/staff parking spaces to those who regularly carpool (faculty/staff)

Transit use:

- Facilitate attainment of and provide free AC Transit bus passes for students (students) [FE1]
- Provide commuter transit checks to reimburse faculty/staff for transit use (faculty/staff)

- Award "transit bucks" to students who arrive via transit (or carpool, walk or bike) to be used for school purchases (students)

Walking and bicycling:

- Award "transit bucks" to students who arrive by foot or bicycle (or carpool or transit) to be used for school purchases (students)
- Apply to join Alameda County's Safe Routes to School program (see appendix) (students)
- Install additional secure bike racks on campus and monitor use and increase supply as necessary (faculty/students)

Trip planning:

- Develop annual carpool trip plans for those living within 20 miles of the school, including a map showing faculty/staff home location in relation to other faculty/staff within area (faculty/staff)
- Develop annual transit trip plans for those living within 10 miles of the school, including a transit map, information on connecting routes and faculty/staff home location (faculty/staff)
- Develop annual bicycle trip plans for those living within 5 miles of the school, including a map with preferred bicycling routes and faculty/staff home location (faculty/staff)
- Develop annual walking trip plans for those living within 1 mile of the school, including a map with preferred walking routes and faculty/staff home location (faculty/staff)

Education and outreach:

- Establish a fully funded budget for the TDM program and reporting out of results on an annual basis (faculty/staff and students)
- Conduct a transportation survey of the student guardians, faculty and staff modes of travel to the campus (faculty/staff and students)
- Develop a school webpage summarizing the above TDM efforts and update annually (faculty/staff and students)
- Provide e-news correspondence each trimester regarding TDM measures (faculty/staff and students)
- Promote TDM through the school's Sustainability Leadership Program (students)
- Provide representation at and meet with neighborhood association regularly (faculty/staff and students)

The following are recommended components to reduce the single student and single faculty/staff occupancy rates:

Carpooling:

- Award "transit bucks" to students who arrive in a carpool (or walk, bike or use transit) to be used for school purchases (students)
- Award faculty/staff $5 for each daily carpool (or walk or bike) trip (faculty/staff)
- Hold a "carpool to school" raffle each trimester (faculty/staff)

Transit use:

- Institute buses and/or shuttles for temporary situations such as holidays and kindergarten walk-ups (students)

Walking and bicycling:

- Award faculty/staff $5 for each daily walking or bicycling (or carpool) trip (faculty/staff)
- Advocate for pedestrian and bicycle-related infrastructure improvements in local traffic projects (faculty/staff and students)

Monitoring of mandatory and recommended conditions (see Section K) based in part on Independent Rule Enforcer reports (see Section H) will document Bentley School's success in reducing single student occupant vehicles to the traffic levels discussed above (the monitoring will also document Bentley School's success in meeting the travel mode targets). If, based on monitoring, it is determined that single student occupant vehicle trips are not reduced to the required levels, Bentley School shall increase its TDM efforts related to above strategies within the cure period (see Section K).

Bentley School shall provide information for use in the monitoring report on the success of each TDM program element discussed above (e.g., number of AC bus passes provided to students, number of commuter checks issued to faculty and staff).

E. Number of Persons to Assist Traffic

Bentley School deploys nine people to assist with traffic operations and drop-off and pick-up during school commute periods.

Bentley School shall continue to deploy nine people, as follows:

- One flag person at school driveway entrance: The flag person shall position themselves at Hiller Drive at the entrance to the driveway loop. The flag person will safely meter conflicting northbound and southbound vehicles at the entrance to the loop driveway. The flag person will prevent U-turns at Hiller Drive at the driveway entrance. The flag person must wear an approved safety vest at all times and use a handheld stop sign whenever they are positioned in the street. The flag person shall be an adult and shall receive periodic training from the City of Oakland's Police Department Traffic Safety Division.

- One traffic assistant within school driveway loop: The traffic assistant shall be positioned inside the driveway loop and remind drivers that stopping to drop-off/pick-up students or passengers in the loop is not allowed and that they need to continue to the drop-off/pick-up lane on Hiller Drive. The traffic assistant will also remind students to use the pathway leading around the outside of the loop instead of walking through the parking lot or driveway loop. The traffic assistant shall be an adult and must wear an approved safety vest at all times.
- One traffic assistant at school driveway exit: The traffic assistant shall be positioned at the driveway exit and help guide drivers into the drop-off/pick-up lane on Hiller Drive. The traffic assistant will also remind students to use the pathway leading around the outside of the loop instead of walking through the parking lot or driveway loop. The traffic assistance will prevent left-turns from the driveway exit onto Hiller Drive during peak drop-off and pick-up periods. The traffic assistant shall be an adult and must wear an approved safety vest at all times.
- One traffic assistant at front of drop-off/pick-up lane on Hiller Drivee: The traffic assistant shall be positioned on the sidewalk nearest the firestorm memorial and furthest away from the school campus. The traffic assistant will greet vehicles arriving at the drop-off/pick-up lane by opening vehicle doors and assisting students out of or into the vehicles. The traffic assistant may also assist students in retrieving their backpacks or other items from the vehicle trunk. The traffic assistant shall ensure that drivers do not leave their vehicles and that their vehicle is safely put in gear with the parking brake applied while any doors or the trunk are open. The traffic assistant shall remind drivers to queue their vehicle as close to the next vehicle as is safe to do so, not to linger any longer than needed and to vacate the parking area after students have left or boarded the vehicle with their belongings. The traffic assistant shall remind drivers to merge into traffic safety and pursuant to the school's rules. The traffic assistant will also remind students to use the pathway leading around the outside of the loop instead of walking through the parking lot or driveway loop. The traffic assistant shall be an adult and must wear an approved safety vest at all times.
- Five traffic assistants at loop, driveway exit and drop-off/pick-up lane: These traffic assistants may be student members of the School Safety Patrol. They shall assist and be supervised by the adult traffic assistants in the duties described above, but not replace adults for any of the duties. These traffic assistants shall be directed to stand in a safe location clear of any vehicular path of travel, especially in the driveway where there is not clear pedestrian and vehicle separation. All student School Safety Patrol members shall be from upper elementary and middle school grades who are trained using American Automobile Association School Safety Patrol training curriculum and with the assistance of the City of Oakland's Police Department's Traffic Safety Division. All traffic assistants shall wear approved safety vests at all times.

Bentley School shall assure that nine people (including at least four adults) assist with traffic operations and drop-off and pick-up during school commute periods and shall provide two on-call trained substitutes in case any regular personnel are absent.

Traffic assistants shall encourage and remind students, parents, and faculty and staff of the rules included in the Traffic and Parking Handbook when they observe that such rules are not being followed.

Monitoring of recommended conditions (see Section K) based in part on Independent Rule Enforcer reports (see Section H) will document the performance of the flag person and traffic assistants. If, based on monitoring, it is determined that the flag person or traffic assistants are not performing the above tasks competently and safely, Bentley School shall retrain or replace the flag person or traffic assistants, within the cure period (see Section K). Bentley School should also retrain or replace the flag person or traffic assistants based on recommendations provided by the Independent Rule Enforcers immediately following a monitoring evaluation. If based on long-term monitoring it is determined that less than nine persons are needed to assist traffic by the Independent Rules Enforcer, Bentley School shall ~~be~~ have an option to reduce the number of traffic assistants deemed acceptable by the Independent Rules Enforcer with prior approval from the City of Oakland's Planning Commission.

F. Use of Traffic Safety Warning Devices

Bentley School currently deploys "power flare" safety lights, recommended by the City of Oakland's Police Department, along Hiller Drive during school drop-off and pick-up times. The school initially used trial power flares issued by the Police Department near the end of the 2008-2009 school year. At the end of the trail period, the school returned the devices and at the start of the 2009-2010 school year the school purchased eight of its own power flares.

Bentley School shall receive training on the maintenance and installation of the power flares from the City of Oakland's Police Department's Traffic Safety Division prior to the beginning of the 2010-2011 school year. Locations where the power flares are to be situated will be marked on the pavement in accordance with the Traffic Safety Division. The power flares shall be situated to maintain a travel way along Hiller Drive.

Bentley School shall maintain the power flares in working order, e.g., keep charged, replace parts, etc. and shall replace when necessary. All deployed power flares shall be in good working condition.

Bentley School shall deploy the power flares at least 130 minutes before drop-off and pick-up times and remove them no later than 30 minutes after drop-off and pick-up times. An adult traffic assistant must place and remove the power flares and be present at all times when the power flares are in use.

Bentley School shall replace or enhance the warning devices with other devices at the recommendation of the City of Oakland's Police Department or may do so at their own request with the approval of the Police Department.

Monitoring of recommended conditions (see Section K) based in part on Independent Rule Enforcer reports (see Section H) will document the use and placement of traffic safety warning devices, including the power flare safety lights. If, based on monitoring, it is determined that the traffic safety warning

devices are not properly used or placed , Bentley School shall correct the use of the traffic safety warning devices within the cure period (see Section K). Bentley School should also remedy the use of traffic safety warning devices based on recommendations provided by the Independent Rule Enforcers immediately following a monitoring evaluation.

G. Transit and Carpool Subsidy Program

TDM measures related to transit and carpool subsidies are discussed in Section D.

H. Independent Rule Enforcers

In April 2010 Bentley School, in consultation with the City of Oakland's Transportation Services Division and Planning and Zoning Division, hired DKS Associates, an Oakland-based transportation planning and engineering firm, to serve as an Independent Rule Enforcer to monitor and report on many of the conditions provided in this TDM program.

Monitoring shall be conducted once a month while school is in session through the 2011-2012 school year The number of monitoring sessions each schoolyear after 2011-2012 will be determined by the City of Oakland's Transportation Services Division and Planning and Zoning Division based in part of the school's performance in achieving the objections in the overall TDM program.

The monitoring shall be conducted once a month without advance notification given to the school. The monitoring shall be conducted on Tuesdays, Wednesdays or Thursdays. In addition, twice a year monitoring will be conducted on random during a special event that is expected to generate over 75 vehicles (see Section I). The Independent Rule Enforcer shall determine the number of personnel needed to adequately monitor conditions.

The Independent Rule Enforcer shall monitor and report on conditions related to the following sections in the TDM program:

A. Parking management strategies

B. Drop-off and pick-up process

C. Staggered timeframes for pick-up and drop-off

D. Reduction in single student occupant vehicles driven

E. Number of persons to assist traffic

F Use of traffic safety warning devices

I. Special events traffic

The Independent Rule Enforcer shall follow specific instructions for conducting the monitoring and shall complete a comprehensive checklist to document prevailing conditions (see appendix).

Within one week of each monthly monitoring session and special event monitoring session, the Independent Rule Enforcer shall submit the monitoring worksheets. Within two weeks after each trimester, the Independent Rule Enforcer shall submit a written report summarizing the results of the monitoring sessions during the subject trimester. The trimester reports shall include recommendations to remedy potential infractions, if appropriate.

The Independent Rule Enforcer worksheets and trimester reports shall be submitted to the City of Oakland's Transportation Services Division and Planning and Zoning Division, to the City of Oakland's Police Department's Traffic Safety Division, and to Bentley School's Traffic Coordination Committee.

The reports shall be used to prepare an annual TDM review. See Section K.

I. Special Events Traffic

Bentley School currently provides on-site parking for evening and weekend special events. When special events are predicted to generate over 75 vehicles, Bentley School partners with Kaiser School to handle overflow parking. Bentley School provides instructions to the school community regarding traffic and parking related to special events and notifies neighbors in advance of any special events.

Bentley School shall continue to provide on-site parking for evening and weekend special events. The campus shall be used to provide up to 30 additional on-site parking spaces by using the playground surface as well as the paved area near the Head of School's residence. Traffic assistants shall direct motorists to these locations, as well as to the general Hiller Drive and Tunnel Road parking lots, as appropriate. In addition, parking along the flat portion of Hiller Drive between Bentley School's driveway and Tunnel Road may be used for about 15 vehicles, as appropriate.

For special events that are expected to generate over 75 cars, Bentley School shall partner with Kaiser School to provide overflow parking. Traffic assistants shall direct traffic up Hiller Drive to Kaiser School, where an additional traffic assistant will direct motorists to a parking space. A shuttle van or bus shall be made available to transfer visitors from Kaiser School to Bentley School, with a return option following the conclusion of the event. Visitors will be able to walk between the schools instead of using a shuttle bus or van.

The school's Traffic and Parking Handbook (see Section B) shall be updated annually to list all anticipated special events, including those expected to generate over 75 vehicles. These events currently include "Back to School Night" in September (three evenings), the "Halloween Parade" (generally on October 31), and "Grandparent's Day" (on the last Friday before Thanksgiving).

When special events occur during school hours and the flat portion of Hiller Drive between Bentley School's driveway and Tunnel Road may be insufficient to accommodate the extra parking demand, the

school shall make use of alternative off-site parking and employ shuttle services to transfer visitors. For example, Bentley School could use the Temescal parking area and transfer visitors via school-owned vans with employee drivers or with commercial shuttle services.

For all special events, Bentley School shall deploy a traffic assistant to ensure that visiting motorists are aware of viable parking options and to prohibit motorists from parking along the public streets, except the flat portion of Hiller Drive between Bentley School's driveway and Tunnel Road.

All traffic assistants shall wear approved safety vests at all times.

For all special events, Bentley School shall issue instructions to the school community regarding its traffic and parking policies in regards to special events. These instructions shall be included in both the materials announcing the event as well as highlighted on the school's website. All communications shall emphasize the need to be respectful of the neighborhood.

All special events shall be placed on the school calendar at least one month before the event. Parking instructions for the events shall also be posted. In addition, Bentley School shall notify the Neighborhood Liaison Committee via e-mail about each special event at least one month prior to the event. No special events shall be held that have not been published on the school calendar and e-mailed to the committee at least one month in advance of the event. Bentley School will provide a hotline for neighbors to call for information regarding any events. The hotline will offer numbers for appropriate school staff, Independent Rule Enforcers, and City of Oakland Traffic Safety Division.

Monitoring of recommended conditions (see Section K) based in part on Independent Rule Enforcer reports (see Section H) will document Bentley School's performance in accommodating special event traffic and parking. If, based on monitoring, it is determined that unacceptable traffic and parking conditions occur during special events, Bentley School shall improve special event traffic and parking to within acceptable levels within the cure period (see Section K).

J. Memorandum of Understanding with Oakland Police Department

Bentley School currently has a Memorandum of Understanding (MOU) with the City of Oakland's Police Department's Traffic Safety Division (see appendix). Bentley School shall continue to be in good standing with the MOU.

The MOU covers, in part, the role and responsibility of the flag person (see Section E). If the flag person does not perform in accordance with the MOU, their performance is not corrected within the cure period (see Sections E, H and K), and the MOU is revised or revoked by the City of Oakland's Police Department's Traffic Safety Division for these reasons, Bentley School shall pay for a City of Oakland Police Officer (on-duty or off-duty) to perform the function of the flag person.

The City of Oakland's Police Department's Safety Division shall retain the right to prepare an addendum to the MOU to include procedures undertaken by the Independent Rule Enforcers (see Section H).

The City of Oakland's Police Department's Safety Division shall provide annual trainings to Bentley School's flag person and traffic assistants, including the School Safety Patrol members.

K. Ongoing Monitoring of Recommended Conditions

Annual Reporting

The TDM program requires periodic evaluation to determine how the program is achieving its goals.

Bentley School shall prepare an annual TDM Evaluation Report that summarizes the program over the preceding year, intended upcoming changes, and compliance with conditions of the program. The report will also include any suggested changes to the TDM program, if appropriate.

The report shall include average annual trip mode information, including arrival trips via single occupant vehicles, multi-occupant vehicles, bus, and by walking and bicycling. The report shall provide a comparison to historical findings.

The report shall discuss the success of the various TDM program elements and incentives undertaken by Bentley School, e.g., carpooling, transit use, walking and bicycling, trip planning, and education and outreach (see Section D).

The report shall summarize the results of the Independent Rule Enforcer reports for the year, including implemented traffic remedies.

Bentley School shall submit the annual TDM Evaluation Report to the City of Oakland's Transportation Services Division and Planning and Zoning Division for review and approval. Planning staff reserves the right to forward the report on to the full City of Oakland Planning Commission for the Commission's review and approval.

Trimester Reporting

See Section H of this report for trimester reporting from the Independent Rule Enforcers. The trimester reports shall include recommendations to remedy potential infractions, if appropriate. Such measures proposed by the Independent Rule Enforcers or Bentley School must be approved by the City of Oakland prior to implementation. The City of Oakland shall have one week to review and approve the proposed measures. Upon City of Oakland approval of enhanced or additional TDM measures, Bentley School shall be given one trimester period after the approval to meet the TDM goals.

Enforcement

If following one trimester after invoking enhanced or additional TDM measures the school still does not meet its TDM goals based on the Independent Rules Enforcers reports submitted to the city, or if the school fails to submit a TDM Evaluation Report, or if the report does not meet City of Oakland requirements outlined above, the City of Oakland's Transportation Services Division and Planning and Zoning Division may refer the matter to the City of Oakland Planning Commission for scheduling of a

compliance hearing to determine whether Bentley School's approvals should be revoked, altered, or additional conditions of approval imposed.

As a condition of failing to meet the TDM program's vehicle-trip reduction criteria, the City of Oakland could require Bentley School to permanently decrease its enrollment cap by two students per annum until the vehicle-trip threshold is met (this is currently equivalent to approximately $50,000 in school tuition).

The City of Oakland can also impose penalties for TDM program infractions such as lack of monitors, violations of the school traffic rules executed by Bentley community members, etc., based the observations of city officials, the Oakland Police Department, or the Independent Rules Enforcers on a per infraction fee pursuant to the City's Master Fee Schedule.

In determining whether reduced enrollment or other remedies are appropriate, the City of Oakland shall consider if Bentley School has demonstrated a good faith effort, based on evidence, to achieve the required vehicle-trip reduction, increased alternative mode shares, and/or to comply with the TDM program.

DRAFT

Oakland City Planning Commission

Case File Number REV10-0003; Related to CM04-411; ER07-006 April 7, 2010

Location:	**Bentley School; 1 Hiller Drive, 245, 251, and 261 Tunnel Road** **APN: 048H-7576-001-04, 048H-7576-030-02, 064 -4231-015 through 064 -4231-017**
Proposal:	Revisions to the following Bentley School Major Conditional Use Permit (CUP) Conditions of Approval: 1. Condition #1 to allow 62 full-time equivalents (FTE) with an employee cap of 71; 2. Condition #14d to reduce the number of single occupancy vehicles (SOV) driven by 25% of 431 (360 students and 71 employees) or 323 trips by the beginning of the fall trimester 2010 and by 35% or 280 by the beginning of the fall trimester 2012. 3. Condition #20 to permit a maximum of 62 FTE's / 71 employees. 4. Condition #27 *(Case File CM04-411)* to allow all K-12 administrators and staff and their associated offices to remain at the Hiller Drive campus and to require these persons to park off site (not on Hiller Drive or within the Hiller Highlands). The school has proposed to reduce the vehicle trips to 317 in fall 2010 and to 274 in fall 2012 if allowed until fall 2010 to demonstrate, through a vehicle trip monitoring metric in the TDM, that retention of these staff persons on the Hiller campus will not increase traffic above existing staffing levels (inclusive of six K-12 administrators). Clarifications to the following Conditions of Approval: 1. Condition #14a to provide assigned spaces to all full and part-time faculty and staff. Here faculty and staff mean 62 FTE's / 71 employees. *The existing parking spaces are already assigned to full and part-time staff. Additional details of parking management for school employees will be addressed in the Parking and Traffic Demand Management Plan (TDM).* 2. Condition #14g to provide free AC Transit bus passes to students and faculty *Faculty here means 62 FTE's / 71 employees*
Applicant:	Bentley School
Contact Person/Phone Number:	Duncan Lyon / (510) 843-2512
Owner:	Bentley School
Case File Number:	**REV10-0003**
Planning Permit Required:	Major Changes to Condition of Approval # 1 (Approved Use), # 14a (Parking Management Strategies) # 14d (Minimum Bus Ridership Reductions or SOV Reductions), #14g (Transit Subsidy Program), # 20 (School Enrollment / Hours of Operation / Employees), and #27 (Bentley School Administration).
General Plan:	Hillside Residential
Zoning:	R-30 One-Family Residential Zone
Environmental Determination:	An Environmental Impact Report was previously certified by the Planning Commission on October 21, 2009. As a separate and independent basis, the project was also found exempt from CEQA pursuant to CEQA Guidelines sections 15301, 15061(b)(3), 15378(a) and/or 15183. No further environmental review is required.
Service Delivery District:	II – North Oakland
City Council District:	1
Action to be Taken:	Decision on the application based on staff report
Finality of Decision:	Appeable to City Council
For Further Information:	Contact case planner **Heather Klein** at **510 238-3659** or by e-mail at hklein@oaklandnet.com.

Attachment C-1 #6

(Contains map showing the project site and general vicinity)

SUMMARY

The project applicant, Bentley School (School), is seeking to revise several of the approved Major Conditional Use Permit's (CUP) Condition of Approval, including Condition # 1, 14d, 20, and 27.

These revisions would change:

1. The approved use and permitted number of employees from 62 staff members to 62 FTE's and 71 employees.
2. The required SOV reduction driven by 25% of 431 (360 students and 71 employees) or 323 trips by the beginning of the fall trimester 2010 and by 35% or 280 by the beginning of the fall trimester 2012.
3. Permit all K-12 faculty and staff and their offices to remain on the Hiller campus but prohibit them from parking on Hiller Drive or within Hiller Highlands. As an additional alternative for the Planning Commission's consideration, the School is offering to add all of these persons trips (as opposed to a % of these persons trips) to the single occupancy vehicle (SOV) reduction strategy if permitted until the fall 2012 if allowed until fall 2010 to demonstrate, through a vehicle trip monitoring metric in the TDM, that retention of these staff persons on the Hiller campus will not increase traffic above existing staffing levels (inclusive of six K-12 administrators).This would amount to a reduction of 317 vehicle trips by fall 2010 and to 274 in 2012.

These revisions would require clarifications to several other Conditions of Approval. Condition 14a (Parking Management Strategies) would be clarified to means that assigned spaces to all full and part-time faculty and staff includes 62 FTE's / 71 employees. Condition 14g would be clarified to require transit subsidies and free AC Transit bus passes to students and faculty, meaning 62 FTE's / 71 employees.

The purpose of this meeting is to consider the revisions and clarifications to the current Major CUP submitted by Bentley School summarized in the *Project Description* section. Staff has provided the Planning Commission with four options for consideration.

PROPERTY LOCATION

Bentley School is located along Hiller Drive, near the intersection of Hiller Drive and Tunnel Road. The School property encompasses approximately 4.2 acres on five contiguous parcels and straddles the City of Oakland and City of Berkeley border. The Headmaster's Residence, an illegal parking lot striped with 20 spaces, and a vacant lot are located in Berkeley. The Oakland campus (2.4 acres of 4.2 acre school property) supports a middle school (grades 6-8) and lower school (grades K-5) with a current enrollment (2009/2010 school year) of 345 students.

PROJECT BACKGROUND

On October 21, 2009 the Planning Commission granted, with Conditions of Approval, a Major CUP to legalize and permit a student enrollment of 360; hours of operation for academic, childcare and physical education activities; and weekday evening, weekend and summer events at the school. The proposal included the option to change the grade levels from K-8th grade students to K-5th grade students. The

School did not request that Conditions #1, 20, or 27 be altered or removed at the October 21st hearing nor did the School appeal the project with these Conditions to the City Council.

On January 6, 2010, Bentley School submitted a letter to staff requesting a change to Condition of Approval #27 as outlined below in the *Project Description* section (See Attachment A). The School also asked staff to consider the revision a Minor Change subject to review and approval by the Director of City Planning per Condition of Approval #3. Based on an e-mail submitted earlier by Bentley School (See Attachment B) and as reiterated in the letter, the number of possible persons that would be affected by the revision would be six persons (three persons in the business office and three persons in the development office).

On January 26, 2010, staff sent a letter to the School with the determination that the revision could not be considered Minor Change and therefore, must be approved by the Planning Commission (See Attachment C). The school then filed an application for a revision to Condition #27 on January 29, 2010.

During the review of the application submitted by the School to revise Condition #27, both staff and the neighbors requested that the School provide additional documentation on the number of persons employed the School and their job titles. In response, the School submitted a letter on March 5, 2010 requesting clarification on whether Condition 1 and Condition 20 referred to FTE's or employees (Attachment D). Staff determined, on March 8, 2010 (Attachment E) that both Condition 1 and Condition 20 referred to employees. Based on staff's determination, the School submitted a request for a Major Change to Condition 1 and Condition 20 on March 10, 2010 (Attachment F) from 62 employees to 62 FTEs and 71 employees. That request also included a change to Condition 14a and 14d for the Planning Commission's consideration. Furthermore, the letter reiterated that only six persons would be affected by revisions to Condition 27.

PROJECT DESCRIPTION

The applicant is proposing to revise Conditions of Approval including #1, 14d, 20, and 27. These revisions are as follows in underline and strikeout text below:

1. **Approved Use**
   Ongoing
   a) The project shall be operated in accordance with the authorized use as described in the application materials, and the staff report, and as amended by the following conditions.
   b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below for the Bentley School, under Oakland Planning Code Section 17.134:.
   vii: Faculty and staff not to exceed 62 Full-Time Equivalents (FTEs) or 71 employees.

14 d) **Minimum bus ridership requirement:**
The project applicant shall reduce the number of single occupancy vehicles (SOV) driven by 25% of ~~422 (360 students and 62 faculty and staff) by the beginning of the fall trimester 2010 and by 35% by the beginning of the fall trimester 2012~~ 431 (360 students and 71 employees) or 323 trips by the beginning of the fall trimester 2010 and by 35% or 280 by the beginning of the fall trimester 2012. The applicant shall utilize a variety of options including AC Transit and private shuttle busing, vanpooling, carpooling, walking, and bicycling to achieve this reduction. In the interim, the applicant shall retain the current use of AC Transit and the private shuttle bus and make reasonable good faith efforts to increase bus ridership until the mandatory reductions become effective. The TDM plan shall specifically discuss (i) all alternative transit options and make recommendations regarding how to achieve the trip reduction; (ii) how the school will

monitor and report the numbers to the city; (iii) how the city can determine compliance; and (iv)recommend appropriate enforcement options including, a cure period, enrollment reductions, etc. Once city staff has conditionally approved the plan (after review and comment), it shall be noticed Planning Commission agenda item for review and approval.

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20. School Enrollment /Hours of Operations/Employees

The maximum school enrollment at Bentley School Hiller Drive campus shall not exceed 360 students, including any enrollment fluctuations. The school shall submit the enrollment numbers to the Planning and Zoning Division at the beginning of each semester or no later than the date required by the State. The school shall also submit the enrollment numbers to the Neighborhood Liaison Committee. The school shall be allowed to change the grade distribution from K-8th grade to K-5th grade. School hours are 8:30 a.m.-3:30 p.m., Monday through Friday unless altered by state requirements or negotiated with Kaiser School as part of a staggered traffic plan. Physical education or extracurricular sport classes are permitted during the hours of 7:30 a.m. to 6:00 p.m., Monday through Friday. The school is allowed a maximum of 62 FTEs or 71 employees.

27. Bentley School Hiller Administration

~~The Project Applicant shall move all of the all school administration offices and persons not directly associated with the Hiller Drive campus (Lower School and Middle School) academic program to the other campus in Lafayette, no later than the beginning of the first semester after this approval. At a minimum these include: Office of the Head of School, Development, Finance, Admissions, and Parent Association.~~ All K-12 administrators and staff and their associated offices shall be permitted to remain at the Hiller Drive campus. However, these persons will be required to park off site (not on Hiller Drive or within the Hiller Highlands).

As an additional alternative for the Planning Commission's consideration, the School is offering to add all of these persons trips (as opposed to a % of these persons trips) to the single occupancy vehicle (SOV) reduction strategy if permitted until the fall 2012 if allowed until fall 2010 to demonstrate, through a vehicle trip monitoring metric in the TDM, that retention of these staff persons on the Hiller campus will not increase traffic above existing staffing levels (inclusive of six K-12 administrators).This would amount to a reduction of 317 vehicle trips by fall 2010 and to 274 in 2012.

The School cites the following reasons for the revision to Conditions 1, 14a, 14d, and 20:

1. The Environmental Impact Review (EIR) stated that, "school staffing would be limited to a maximum of 62 full time equivalent (FTE) employees."

2. Prehearing Conditions of Approval 1 (vii) stated, "Fulltime faculty not to exceed 62 staff" (Note: this condition was revised to read "Faculty and staff not to exceed 62," instantly revising our occupancy levels beyond prehearing levels. A similar revision was made to Condition 21).

3. Gary Patton's letter on January 26, 2010, asserts that Planning Staff "wanted the Hiller Campus to maintain adequate staffing levels. Planning Staff did not want to be in the position of dictating what adequate staffing was for the school. Planning Staff did want to limit use of the Hiller Campus…to address the intensity of use."

4. We feel that our Traffic Demand Management (TDM) plan reflects the ways in which the school would address intensity of use for our existing staffing levels. We ask Planning Staff for the opportunity to demonstrate in the remaining months of this school year by way of our traffic

current execution on Hiller Drive that the charge from the Planning Commission to operate as a school with a smaller footprint is in full effect and thereby addresses intensity of use concerns.

The School cites the following reasons for the revision to Conditions 27:

"1. This move would create new on site parking spaces, move more cars off of Hiller Drive, and allow for the best operation of these vital offices.

2. These six staff members are trained traffic monitors and constitute a substantial portion of our traffic monitoring team. This modification would thereby allow for best compliance with the traffic demands outlined in the C.U.P.

3. Our analysis of moving these offices to Lafayette indicates an increase in car trips to and from the Hiller Campus by these administrators and staff and by those on the Hiller Campus needing to meet with them.

4. Our plans to create space for such an administrative move were predicated on construction of a new middle school on our Lafayette site. That project is no longer viable due to financial reasons."

GENERAL PLAN ANALYSIS

Land Use and Transportation Element of the General Plan

The Land Use and Transportation Element (LUTE) General Plan designation for the project site is Hillside Residential (HR). The General Plan states the *intent* of the HR designation is "to create, maintain, and enhance neighborhood residential areas that are characterized by detached, single unit structures on hillside lots." The *desired character* of "future development within this classification should remain residential in character." The School, with approval of the Major CUP on October 21, 2009, conforms to the Hillside Residential General Plan designation.

ZONING ANALYSIS

The zoning of the site is R-30 or One Family Residential Zone. The R-30 zone is intended to create, preserve, and enhance areas for single-family dwellings in desirable settings for urban living, and is typically appropriate to already developed lower density dwelling areas of the city. The School, with approval of the Major CUP on October 21, 2009, conforms to the Planning Code Section 17.16.050.

Per Section 17.116.070: Off-street parking-Civic Activities, one parking space is required for each three employees for a K-12 school in the R-30 zone. The upper parking lot with 23 spaces complies with off-street parking requirement even if the number of employees increased from 62 to 71. The proposed revisions to Condition #1, 20, and 27 are still in compliance with the Planning Code.

ENVIRONMENTAL DETERMINATION

An Environmental Impact Report (EIR) was prepared for the Major CUP project, under the requirements of CEQA, pursuant to Public Resources Code Section 21000 *et. seq.* and was certified by the Planning Commission on October 21, 2009 The Major CUP project was also found to be exempt from CEQA pursuant to CEQA Guidelines sections 15301, 15061(b)(3), 15378(a) and/or 15183, each of which provided a separate and independent basis for CEQA compliance and when viewed collectively provided an overall basis for CEQA compliance.

While the EIR analyzed potential impacts resulting from school traffic to and from the site, the EIR did not identify any potentially significant environmental impacts related to the Major CUP project. However, recommended measures were identified in the DEIR and were included in select environmental topic areas as suggestions for addressing neighborhood concerns about Bentley School's operations that did not rise to the level of significance of a physical impact. These recommended measures were not mitigation measures as defined by CEQA, and were not required to reduce significant impacts of the project.

Conditions #1, 20 or 27 were not included in the EIR as recommended measures or Standard Conditions of Approval. These Conditions were project-specific Conditions of Approval. The changes to Conditions 14a and 14d were recommended measures and Standard Conditions of Approval (TDM) in the EIR. However, none of these Conditions were required to reduce significant unavoidable impacts related to traffic. As such any revision to these Conditions would not result in any significant unavoidable traffic impacts.

The City hereby finds and determines on the basis of substantial evidence in the record that the previously certified October 2009 EIR fully analyzes the potential environmental effects of the proposed revisions to conditions of approval. In compliance with CEQA and CEQA Guidelines, including without limitation Public Resource Code Section 21166 and CEQA Guideline Sections 15162 and 15164, the City has determined that there are no substantial changes proposed in the project, or the circumstances under which the project is undertaken, and there is no "new information of substantial importance" that would require major revisions of the EIR due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified significant effects. Thus, no further environmental review is required.

KEY ISSUES

Staff has reviewed the School's submittals and the information submitted by the neighborhood. The key issues in analyzing the requested revisions are the same as those as outlined at the October 21, 2009 Planning Commission hearing: traffic and intensity of use at the school.

Intensity of Use (Number of Employees) at the Hiller Campus (Condition 1 and 20)
Due to the fact that the Hiller campus is only 2.4 acres, staff wanted to address the intensity of use of the property as part of the Major CUP project and the Conditions of Approval. Staff set this number to 62 staff members which is what we believed was on the campus as an existing condition. Staff specifically did not decrease the number of school personnel because staff did not want to be in the position of dictating what was adequate staffing for the school. However, we did want to limit the intensity of the school use to only Hiller Campus staff. In this way if the school wanted to hire an additional teacher they school would not need to apply for a Major Conditional Use Permit to increase staff.

The school is now requesting that the number be changed to 71 employees based on the fact that this was their existing staffing levels at the time of the public hearing. Although it is unfortunate that the school did not correct the actual employees at the time of the public hearing, instead relying on an interpretation in the EIR of FTEs, staff still believes that the City should not decrease personnel at that the School beyond what they have now. In essence the staffing levels have not changed or intensified with this request. However, staff would recommend that the Planning Commission solely use employees not FTE's as the metric as this is much more easily verified. Furthermore, if the Planning Commission chooses to reduce the number of administrators on Hiller Campus the number of overall employees should be taken into account.

Traffic (Condition 1, 14a, 14d, 14g, and 20)
Staff has reviewed the School's proposal to address traffic related to the increase number of staff on campus as part of the TDM. This approach to further reduce the number of SOV trips is consistent with the intent of the TDM Condition, reduce traffic on Hiller Drive or within Hiller Highlands.

Although the TDM is not being considered for approval at this time and is still being refined by staff, the additions made by the Planning Commission to the lower parking lot condition seem to support this approach. That Condition was revised to state that if the parking lot was not approved by the City of Berkeley that the School could roll those SOV trips into the total reduction in Condition 14d. Furthermore, with clarifications to Condition 14a and 14g which would include these additional staff members in the parking management strategies and the transit subsidies, staff believes that the trip reduction will further decrease.

Intensity of Use (Number of Administrators) at the Hiller Campus (Condition 27)
As detailed in Attachment E, the School has 71 employees and of those 12 are administrative personnel. Of those 12, six persons are specifically named in Condition 27. The School claims that it is no longer feasible to move these administrators off-site since the School is no longer considering the relocation of the Middle School to Lafayette. Staff is unsure why the relocation of these administrative personnel is tied solely to the completion of the Middle School Campus and the School does not provide additional information.

For obvious reasons it is infeasible to eliminate all administrators from the campus. While it is unfortunate that the School did not challenge the Condition or appeal the Condition to the City Council it does seem that the staff is pared down and that all of these persons play an important part in school operations. Again, as they were already on campus at time the Planning Commission approved the project, the intensity of use at the campus has not increased. With the addition of extremely stringent conditions, additional administrators might be necessary and it might be infeasible to require those persons to move the Lafayette campus.

Number of staff members and roles as traffic monitors

The School has indicated that these administrative persons are necessary because they are integral in either the traffic monitoring or implementation of the emergency management plan. The question seems to be how many staff is necessary to efficiently run the school and whether there is available staff to assume these duties. Based on the information provided by the School, there are 47 faculty members who teach children, 8 childcare personnel, 3 maintenance staff, and 12 administrators. Staff does not believe that teachers should take over these responsibilities. Teachers are there to teach children not direct traffic. The hours for childcare are also not conducive to traffic monitoring. That leaves the administrative staff and the maintenance personnel. Since two maintenance staff work after peak traffic time periods, only thirteen people would be available to help with the monitoring. Considering the Condition requires 9 persons to facilitate traffic, plus alternates if someone is not available, it seems reasonable that these six persons would need to remain on campus. Staff does not believe that it is optimal to have persons driving specifically to the campus, when they otherwise would not have, in order to facilitate the peak traffic.

Furthermore, staff would agree that having School personnel with direct authority to change school policies regarding traffic would be beneficial in a traffic monitoring role. For example, having the Head of School monitoring traffic, enforcing the traffic roles, witnessing traffic problems, facilitating the traffic pick-up and drop-off procedures sends a clear message to parents and other staff that these are significant issues.

Staff still believes that the intensity if use at the site is an issue. Therefore, despite, agreement with the School's reason's for including these personnel on campus, staff recommends that the Condition remain but be modified to require the relocation if the Middle School in Lafayette is constructed and that the School must develop an alternative solution to their traffic monitoring and emergency management plan needs.

Traffic (Condition 27)

Staff agrees with the School's argument that if these 6 persons were not permitted to park on Hiller Drive or within Hiller Highlands that this would be beneficial to the community. Staff also agrees that there could be additional car trips on Hiller Drive if these persons needed to commute to and from Lafayette to address school operation matters at the Hiller campus since there no restriction in the Condition that addresses this issue. However, the School has not provided any detail to staff regarding where these persons will park, how they will travel to the Hiller campus, or how the School plans to monitor or enforce the prohibition on parking and driving to the campus. Without this detail, staff is concerned with the revisions to this Condition.

Furthermore, since the TDM is not ready for approval and staff does not know if it will be ready to implement being school is released for the summer, staff is concerned with the alternative proposal that compliance with this Condition be postponed until fall of 2010 based on monitoring of SOV trips. If the Planning Commission should consider this proposal they should address these issues.

CONCLUSION

The proposal to revise Condition #1, 14a, 14d, 14g, 20 and 27 conforms to the General Plan and the Planning Code. In general staff agrees with the revisions to Conditions 1, 14d, and 20 and the clarifications to 14a and 14g. While staff agrees with several of the School's points in favor of the revising Condition 27, we also have concerns regarding the specific details of enforcement and monitoring as well as use of the site for administrators instead of academic personnel. Based on these concerns, staff is unable to recommend approval of the revision to that Condition. Staff has offered several options for the Commission's consideration including full approval, approval with modifications, approval and exceedance of the Condition but postponement based on future compliance, and denial.

RECOMMENDATION

Staff recommends that the Commission:

1. Take public testimony;
2. Affirm staff's environmental determination;
3. Approve the changes to:
   a) Condition 1. vii: Faculty and staff not to exceed 62 Full-Time Equivalents (FTEs) or 71 employees
   b) 14d: to reduce the number of single occupancy vehicles (SOV) driven by 25% of 431 (360 students and 71 employees) or 323 trips by the beginning of the fall trimester 2010 and by 35% or 280 by the beginning of the fall trimester 2012.
   c) 20: The school is allowed a maximum of 62 FTEs or 71 employees

4. Clarify that faculty and staff as noted in Conditions 14a and 14g refer to 71 employees

5. With respect to Condition 27, take one of the following actions: Staff would recommend either b or c.

   a. Approve revisions to Condition 27, permitting all K-12 faculty and staff and their offices remain on the Hiller Campus; **OR**

   b. Approve revisions to Condition 27, permitting all K-12 faculty and staff and their offices remain on the Hiller Campus, but require the Project Applicant to develop, as part of the TDM, a monitoring and enforcement program related to the prohibition of parking within Hiller Highlands or Hiller Drive; **OR**

   c. Approve the revisions to Condition 27 but require these same administrators to move to the Lafayette campus if the Middle School is constructed in the future and amend the TDM and the emergency management plan to address the adequate staffing associated with these plans; **OR**

   d. Postpone compliance with Condition 27 if the School can demonstrate, through the vehicle trip monitoring metric outlined in the TDM and approved by the Planning Commission, that traffic does not exceed 317 trips per day starting the beginning of the first semester until 2012 and 274 trips per day starting the beginning of the semester 2012. If the School cannot demonstrate a reduction, compliance is immediately required.

6. Make a finding that the previously adopted findings for approval of the Major CUP project still apply because:
   - The project still complies with the Zoning Ordinance and General Plan
   - The project is still compatible with the neighborhood because the TDM and SOV trips will be decreased with approval of 14 d, the traffic.
   - These trips occur outside the peak drop-off and pick up times and the SOV trips associated with 6 persons is negligible.
   - The school still provides an essential service.
   - The revisions to these conditions do not result in a significant CEQA impact or change to the previous CEQA findings.

   IN THE ALTERNATIVE to #1-6 above, take public testimony, affirm staff's environmental determination, and deny the requested revisions to the Conditions of Approval, based on the findings that, the proposed revisions will result in the school being incompatible with the neighborhood and adversely affect livability. Furthermore, the proposed revisions do not reduce the intensity of use at the Hiller campus as was intended by the Planning Commission and the revisions will be ineffective in reducing SOV traffic and because:
   - Planning staff and the Planning Commission have not approved the TDM.
   - The proposed revisions will not result in administrators taking transit.
   - The proposed revisions will result in more SOV traffic because persons will come to the Hiller campus to meet with these administrators.
   - Other persons can assume the traffic and emergency management roles of these administrators.
   - The proposed revisions will be unenforceable by the School or City staff

Approved for forwarding to the
City Planning Commission:

for

WALTER COHEN
Agency Director
Community and Economic Development Agency

ERIC ANGSTADT
Deputy Director
Community and Economic Development Agency

Prepared by:

Heather Klein
Planner III

Attachments:

A. January 6, 2010, February 18, 2010 Bentley School letter regarding Condition of Approval #27
B. October 19, 2009, e-mail submitted by Bentley School regarding number of staff
C. January 26, 2010, Determination Letter from staff regarding the minor change to Condition of Approval #27
D. March 5, 2010, Bentley School letter clarification of Condition # 1 and 20 regarding the number of employees
E. March 8, 2010, Determination letter by staff that Condition #1 and 20 meant 62 employees
F March 10, 2010, Bentley School letter regarding Condition # 1, 14a, 14d, and 20.
G. October 21, 2009 Findings for Approval
H. Public Comments

CITY OF OAKLAND

DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3941
FAX (510) 238-6538
TDD (510) 238-3254

April 13, 2010

Arlene Hogan
Bentley School
1 Hiller Drive
Oakland, CA 94618

RE: Case File No. REV10-0003, ER07-006; 1 Hiller Drive, 251 Tunnel Road, 245 Tunnel Road, and 261 Tunnel Road

Dear Ms. Hogan,

Your application to revise Condition #1 and Condition #20 of the Bentley School Major Conditional Use Permit (Case File CM04-411) was **APPROVED** at the City Planning Commission meeting of **April 7, 2010**. Your application to revise Condition #27 was postponed and revised at the same meeting. Your application to revise Condition #14d was denied and will be reviewed with the Transportation Demand Management Plan at a later date. The Planning Commission also approved revisions to Condition #14a and 14g based on the changes to Condition #1 and Condition #20. The Commission's action is indicated below. This action becomes final ten (10) days after the date of this letter unless an appeal to the City Council is filed by **April 19, 2010**.

This decision is appealable to the Oakland City Council and such appeals must be filed by no later than ten (10) days from the date of the announcement of the decision (no later than 4:00 pm on Monday, November 9, 2009). An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **Heather Klein**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Planning Commission or wherein its decision is not supported by substantial evidence and must include payment of $ **1181.93** in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court.

A signed Combined Notice of Exemption and Determination is enclosed certifying that the project has been found to be exempt from CEQA review, and although not legally required, an Environmental Impact Report was prepared for the project. You have advised me that you have recorded this document. You **must** record the NOE/NOD, the Environmental Declaration, and the De Minimis Impact Findings at the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612, at a cost of $50.00 made payable to the Alameda County Clerk. Please bring the original NOE/NOD related documents and five copies to the Alameda County Clerk, and return one date stamped copy to the Zoning Division, to the attention of **Heather Klein, Planner III**. Recordation of the NOE/NOD reduces the statute of limitations on challenges to your project, based on environmental issues, to 35 days after the NOE/NOD is recorded with the County. In the absence of a recorded NOE/NOD, the statute of limitations for challenges extends to 180 days.

Attachment C-2

If you have any questions, please contact the case planner, **Heather Klein** at (510) **238-3659** or **hklein@oaklandnet.com**.

(X) Granted with required conditions. **(Vote: 5 ayes (Boxer, Colbruno, Galvez, Gibbs, and Zayas-Mart) 0 noes, 2 absent Huntsman, Truong,))**

Very Truly Yours,

ERIC ANGSTADT
Deputy Director
Community and Economic Development Agency

cc: Neighbors for Safety Hiller Highlands
Leila Moncharsh
Ray Derania, Building Services Division
Bill Quesada, Inspection Services
Jon Ewigleben, Engineering Services/Permit Processing

Modifications to the conditions of approval as directed by the City Planning Commission at the **April 7, 2010** meeting are indicted in underlined type for additions and ~~cross-out type~~ for deletions.

STANDARD CONDITION OF APPROVAL

1. Approved Use

Ongoing

a) The project shall be operated in accordance with the authorized use as described in the application materials, and the staff report, and as amended by the following conditions.

b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below for the Bentley School, under Oakland Planning Code Section 17.134:.

i. A Major Conditional Use Permit to increase the school enrollment to a maximum of 360 students,
ii. Childcare operations for school students only from 7:30-8:30 a.m. and 2:40-6:00 p.m.
iii. School operations from 8:30 a.m.-3:30 p.m., Monday through Friday
iv. Physical Education activities from 7:30 a.m. to 3:30 p.m.
v. Extracurricular Sport Classes from 3:00 p.m. to 6:00 p.m.
vi. Change in grade levels from K-8th to K-5th Grade
vii. Faculty and staff not to exceed ~~62~~ 71 employees
viii. Events: 20 evening events per school year during the hours of 6:00 p.m.-9:00 p.m., not including neighborhood/ community meetings; 10 Saturday events per school year during the hours of 9:00 a.m.-6:00 p.m.. no Sunday events permitted; 2 single day summer events per year during the hours of 8:00 a.m.-6:00 p.m. and only on weekdays. The school is not permitted to hold summer classes, camps, sports, daycare or any other activity during the summer and the school is not permitted to rent out the facility for any other use.

c) The CUP supersedes and extinguishes the 1969 CUP.

14. Parking and Transportation Demand Management

Within 120 days after Planning Approvals and Ongoing.

The applicant shall retain a qualified traffic consultant ("Traffic Consultant") with prior TDM experience, based on a City approved scope of work, and submit for review and approval by the Planning and Zoning Division, Transportation Services Division, and OPD-Traffic Safety staff, a Transportation Demand Management (TDM) plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. The applicant shall implement the approved TDM plan. The TDM shall include strategies to increase pedestrian, transit, and carpools/vanpool use. The TDM strategies below shall, at a minimum, be incorporated in the TDM plan:

a) Parking management strategies:

Bentley School shall provide assigned spaces to all full and part time faculty and staff (71 employees) and not volunteers or visitors. Staff that contract with the school to carpool shall be given priority spaces in order to reduce single occupancy vehicles. Any transit subsidies shall include school staff. All of these spaces must be used before on-street spaces for staff can be used. The school shall send the contracts to Planning and Zoning staff at the beginning of the school year. The TDM shall also investigate additional parking spaces for staff on other areas of the school owned property to maximize off-street parking. The project applicant shall make a good faith effort to pursue these options in order to reduce the amount of on-street parking and shall provide written documentation of such good faith efforts to the City.

g) Transit Subsidy Program:

The project applicant shall develop a Transit Subsidy Plan that includes continuing to provide free AC Transit bus passes to students and faculty (71 employees) and continue to sponsor the operation of Michael's Transportation Service (or an equivalent service).

20. School Enrollment /Hours of Operations/ Employees

The maximum school enrollment at Bentley School Hiller Drive campus shall not exceed 360 students, including any enrollment fluctuations. The school shall submit the enrollment numbers to the Planning and Zoning Division at the beginning of each semester or no later than the date required by the State. The school shall also submit the enrollment numbers to the Neighborhood Liaison Committee at the same time. The school shall be allowed to change the grade distribution from K-8th grade to K-5th grade. School hours are 8:30 a.m.-3:30 p.m., Monday through Friday unless altered by state requirements or negotiated with Kaiser School as part of a staggered traffic plan. Physical education or extracurricular sport classes are permitted during the hours of 7:30 a.m. to 6:00 p.m., Monday through Friday. The school is allowed a maximum of ~~62~~ 71 employees.

27. Bentley School Hiller Administration

Postpone compliance with Condition 27 until the TDM is reviewed and approved by the Oakland City Planning Commission. However, in the interim, the project applicant shall provide proof/evidence within 30 days (May 7, 2010) that the five administrators (Director of Development and Communications, Development Data Base Manager, Business Manager, Accounts Payable Coordinator, and Accounts Receivable Coordinator) are parking off campus, not on Hiller Drive or within Hiller Highlands.

The Project Applicant shall move all of the all school administration offices and persons not directly associated with the Hiller Drive campus (Lower School and Middle School) academic program to the other campus in Lafayette, no later than the beginning of the first semester after this approval. At a minimum these include: ~~Office of the Head of School,~~ Development, Finance, Admissions, and Parent Association.

Applicant and/or Contractor Statement

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission action on April 7, 2010. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant: _____(date)
Signature of Contractor _____(date)

APPROVED BY: City Planning Commission: 04/07/10 (date) 5 ayes, 0 noes, 2 absent (vote)
City Council: _____(date)_____(vote)

COMBINED NOTICE OF EXEMPTION AND DETERMINATION
California Environmental Quality Act (CEQA)

TO: Alameda County Clerk
1225 Fallon Street
Oakland, CA 94612

Office of Planning and Research
State Clearinghouse
1400 10th Street, Suite 222
Sacramento, CA 95814

DATE: April 9, 2010

FROM: City of Oakland
Community and Economic Development Agency, Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

SUBJECT. Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code

PROJECT TITLE: **Bentley School;; Case File REV10-0003 and ER07-006**	
STATE CLEARINGHOUSE NUMBER (If submitted to State Clearinghouse): **2007052013**	
CONTACT PERSON: **Heather Klein**	TELEPHONE NUMBER: **(510)238-3659**
PROJECT LOCATION: **1 Hiller Drive, 251 Tunnel Road, 245 Tunnel Road, and 261 Tunnel Road; APN: 048H-7576-001-04, 048H-7576-030-02, 064-4231-015 through 064 -4231-017**	
PROJECT DESCRIPTION: **Bentley School's proposal to revise Conditions of Approval associated with the previous case file CM04-411 and the Bentley School Major Conditional Use Permit (CUP)Project.**	

This Notice of Determination is to advise that the City of Oakland finds and determines on the basis of substantial evidence in the record that the previously certified October 2009 EIR fully analyzes the potential environmental effects of the proposed revisions to conditions of approval. In compliance with CEQA and CEQA Guidelines, including without limitation Public Resource Code Section 21166 and CEQA Guideline Sections 15162 and 15164, the City has determined that there are no substantial changes proposed in the project, or the circumstances under which the project is undertaken, and there is no "new information of substantial importance" that would require major revisions of the EIR due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified significant effects. Thus, no further environmental review is required.

Staff previously found that the Major CUPProject was exempt from CEQA pursuant to CEQA Guidelines Section 15301, which is a category for minor alterations to existing facilities. The property has been operating as a school for a number of years and the applicants are not proposing further physical changes or expansions to this facility. Separately and independently, the Planning Commission finds the Project to be exempt under CEQA Guidelines section 15061(b) (3), which provides that only projects that can be considered to have an environmental effect are subject to CEQA. As this Project is virtually the same as the baseline footprint when the application came in and includes no physical expansion, it is reasonable to state that this would apply as CEQA directs the City to look at proposed changes to the environment, not existing ones. Likewise, the Planning Commission finds the Project to also be exempt from CEQA under Guidelines section 15378(a), since this is not a project as it, again, involves no physical changes. As a further separate and independent basis from the other CEQA findings, pursuant to CEQA section 21083.3 and Guidelines section 15183, the Planning Commission finds: (a) the project is consistent with Land Use and Transportation Element (LUTE) of the General Plan, for which an EIR was certified in March 1998; (b) feasible mitigation measures identified in the LUTE EIR were adopted and have been, or will be, undertaken; (c) this EIR evaluated impacts peculiar to the project and/or project site, as well as off-site and cumulative impacts; (d) uniformly applied development policies and/or standards (hereafter called "Standard Conditions of Approval") have previously been adopted and found to, that when applied to future projects, substantially mitigate impacts, and to the extent that no such findings were previously made, the City Planning Commission hereby finds and determines that the Standard Conditions of Approval substantially mitigate environmental impacts (as detailed below); and (e) no substantial new information exists to show that the Standard Conditions of Approval will not substantially mitigate the project and cumulative impacts. Each of the foregoing provisions provides a separate and independent basis for CEQA compliance and when viewed collectively provides an overall basis for CEQA compliance. **Pursuant to Section 711.4(d)(1) of the California Fish and Game Code, statutory and categorical exemptions are also exempt from Department of Fish & Game fees.**

Although there was no legal requirement for further CEQA review, in the interests of being conservative and responsive to community concerns, the City nevertheless prepared an Environmental Impact Report in full compliance with CEQA, as detailed below for the CUP Project. The EIR provided a further separate and independent basis for CEQA compliance.

This is to advise that previously, on October 21, 2009, the City of Oakland's Planning Commission certified an Environmental Impact Report (EIR) for to increase the student enrollment from 200 to 360 students; change the school operation hours; and allow for childcare, physical education and extracurricular sports classes; and weekday evening, weekend, and summer events at the school. This proposal also includes the number of on-site faculty, as well as the option to change the grade levels from K-8th grade to K-5th grade. The Planning Commission found that:

The City of Oakland as _X_ the Lead Agency, __ a Responsible Agency, for the above described project has approved and has made the following determinations regarding the above described project on October 21, 2009:

1. The Project ___ will, _X_ will not, have a significant effect on the environment.
2. _X_ An Environmental Impact Report was prepared and certified for this project pursuant to the provisions of CEQA on October 21, 2009.

   ____ A Negative Declaration was prepared for project this pursuant to the provisions of CEQA.

   ____ A Mitigated Negative Declaration was prepared for project this pursuant to the provisions of CEQA.

   The ___ Negative Declaration, ___ Mitigated Negative Declaration, __X___EIR, and record of project approval may be examined at: Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, (510) 238-3941.

3. Mitigation measures __ were, _X_ were not, made a condition of approval of the project.

4. A Statement of Overriding Considerations ___ was, _X_ was not, adopted for this project.

5. Findings _X_ were, __were not, made pursuant to the provisions of CEQA (14 California Code of Regulations, Section 15091).

4/13/10
Date:

for
ERIC ANGSTADT
Deputy Director
Community and Economic Development Agency
Environmental Review Officer

NOD.doc (Rev. 5/08)

BENTLEY SCHOOL

Planning and Zoning Services Division
Attention: Heather Klein
Dalziel Building
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612-2032

Dear Planning Commission Staff, January 6, 2010

Bentley School requests a minor change to Condition 27: **Bentley School Hiller Administration**, which stipulates that we "move all administration offices and persons not directly associated with the Hiller Drive Campus academic program to the other campus in Lafayette." We would like to modify Condition 27 to require all K-12 administrators and staff (six people) to park off site (not on Hiller Drive or within the Hiller Highlands) and retain existing offices on the Hiller Campus. Our reasons follow:

1. This move would create new on site parking spaces, move more cars off of Hiller Drive, and allow for the best operation of these vital offices.

2. These six staff members are trained traffic monitors and constitute a substantial portion of our traffic monitoring team. This modification would thereby allow for best compliance with the traffic demands outlined in the C.U.P.

3. Our analysis of moving these offices to Lafayette indicates an increase in car trips to and from the Hiller Campus by these administrators and staff and by those on the Hiller Campus needing to meet with them.

4. Our plans to create space for such an administrative move were predicated on construction of a new middle school on our Lafayette site. That project is no longer viable due to financial reasons.

We view this request as a minor change since it is consistent with the intent of the original condition—fewer cars on Hiller Drive and enables us to support best the other conditions. We appreciate your careful consideration of our request.

Sincerely,

Duncan Lyon
Assistant Head of School

[redacted]

Hiller Campus - 1 Hiller Drive - Oakland, CA 94618 T-510/843-2512 F-510 843-5162
Lafayette Campus - 1000 Upper Happy Valley Road - Lafayette, CA 94549 T-510/843-2512 F-925/299-0469

Attachment C-3.

BENTLEY SCHOOL

Heather Klein, CGBP, LEED AP
Planner III
City of Oakland
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Dear Ms. Klein:

February 18, 2010

On Wednesday, February 17, 2010, the Bentley School ("the School") submitted its Transportation Demand Management (TDM) Plan to the City of Oakland. The TDM attempts to codify best transit practices to make the School a model of parking and traffic efficiency as we respect the environment and our neighbors by decreasing vehicle trips to and from campus in a manner that is educative, encouraging, and enforceable.

The School's Conditions of Approval establishes a single occupancy vehicle (SOV) vehicle reduction target of 317 (25% reduction of 422). In its TDM plan, the School establishes a stronger commitment to reduce the threshold listed therein to 311 in Fall 2010 and to 268 in Fall 2012 if allowed until fall 2010 to demonstrate by way of the vehicle trip monitoring metric above that the existing staffing levels (inclusive of six K-12 administrators) enhance monitoring and do not intensify current site use.

The School believes that by allowing the six administrators specified in Condition 27 to remain on the Hiller Campus, the spirit of its Condition Use Permit will be strengthened in the following ways:

Existing Conditions Have Nominal Traffic Impact
The School's administrator and staff traffic is a small proportion of the overall school traffic. The largest reductions in traffic will be gained by reducing student-related trips, not administrator and staff trips. The School has a plan to reduce administrator and staff trips and parking demand in its TDM, as well as student related vehicle trips.

Staff traffic, which is lower than student-related traffic, occurs at different times (before morning drop-off and after afternoon pick-up), so it is not additive to overall traffic congestion.

Additionally, our analysis of moving these offices to Lafayette indicates an increase in car trips to and from the Hiller Campus by these administrators and staff and by those on the Hiller Campus needing to meet with them. Given that our K-8 (nine grades) is

located in Oakland and our 9-12 (four grades) is located in Lafayette, those needing in person meetings with business office personnel (i.e. human resources matters) would necessarily increase vehicle trips from and returning to the Hiller Campus.

Vital to Safe and Smooth Traffic Monitoring
These six staff members are trained traffic monitors and constitute a substantial portion of the School's traffic monitoring team. The requested modification would thereby allow for best compliance with the traffic demands outlined in Condition 14e, specifically the TDM Plan. To best execute the TDM Plan, the School has assigned administrators and high-level staff to the roles of assisting. This has enabled us to train a reliable team known to all parents and students. The removal of six monitors (as currently written in Condition 27) will require teaching staff to fill the gap, taking teachers out of the classroom and away from their academic duties. The administrative presence sends the clear message that transportation execution is a high priority.

Proposed TDM Identifies Parking Alternatives Off Hiller Drive
The School's requested change to Condition 27 would create new onsite parking spaces, move more cars off Hiller Drive, and allow for the best operation of these vital offices. The School has identified adequate parking space at the Head of School residence for six spaces and is working to find additional off street locations in Berkeley as a contingency. Moreover, consistent with our single occupancy vehicle reduction target, at least two of the six administrators will come to school via public transportation and carpool.

A Move Is Not Financially Viable
Plans to create space for such an administrative move were predicated on construction of a new middle school on our Lafayette site. That project is no longer viable due to financial reasons. While there is land for new construction on the Lafayette parcel, occupancy of existing buildings on the Lafayette Campus precludes new offices for six people. A portable building would be the most likely solution.

Therefore, the School requests that the six administrators specified in Condition 27 be incorporated into the execution of the TDM Plan and its vehicle counts, reported by Independent Rules Enforcers as outlined in Condition 14i. The School views this request as consistent with the intent of the original condition—fewer cars on Hiller Drive and enables us to support best the other traffic calming conditions currently underway.

We appreciate your careful consideration of our request.

Sincerely,

Duncan Lyon
Assistant Head of School

Klein, Heather

From: Duncan Lyon [dlyon@bentleyschool.net]
Sent: Monday, October 19, 2009 5:19 PM
To: Klein, Heather
Subject: RE: Bentley school staff

Hi Heather:

Six is the answer. Three in the business office. Three in the development office (that group which raises the balance of money that tuition does not so we can break even).

Anything else?

Duncan Lyon
Assistant Head of School
Bentley School
1 Hiller Drive
Oakland, CA 94618
(510) 843-2512 x2468

From: Klein, Heather [mailto:HKlein@oaklandnet.com]
Sent: Monday, October 19, 2009 5:08 PM
To: Duncan Lyon
Subject: Bentley school staff

Hi Duncan,
I'm wondering how many all-school staff are located on the Bentley campus? Specifically any administration staff full or part time that is associated with both the Hiller and the Lafayette campus.

Heather Klein, CGBP, LEED AP
Planner III
City of Oakland

250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612
ph: (510) 238-3659
fax:(510) 238-6538
email: hklein@oaklandnet.com

Please consider the environment before printing this e-mail

BENTLEY SCHOOL

Planning and Zoning Services Division
Attention: Heather Klein
Dalziel Building
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612-2032

Dear Planning Commission Staff, March 10, 2010

Having received the determination letter of March 8 wherein, for the first time, the City clarified the definition of school staffing levels, we are requesting endorsement of staffing levels at the time of the CUP hearing on the October 21, 2009. As the school employs a mix of full and part-time faculty and staff, we seek codification of 62 FTE with employee cap of 71, which reflects our staffing levels at the time of the October hearing. Our bases for this request are:

- The Environmental Impact Review (EIR) stated that, "school staffing would be limited to a maximum of 62 full time equivalent (FTE) employees"

- Prehearing Conditions of Approval 1 (vii) stated, "Fulltime faculty not to exceed 62 staff" (Note: this condition was revised to read "Faculty and staff not to exceed 62," instantly revising our occupancy levels beyond prehearing levels. A similar revision was made to Condition 21).

- Gary Patton's letter on January 26, 2010, asserts that Planning Staff "wanted the Hiller Campus to maintain adequate staffing levels. Planning Staff did not want to be in the position of dictating what adequate staffing was for the school. Planning Staff did want to limit use of the Hiller Campus…to address the intensity of use."

We feel that our Traffic Demand Management (TDM) plan reflects the ways in which the school would address intensity of use for our existing staffing levels (see below for revised sections 14(a) and 14(d) of the TDM language reflecting 62 FTEs/71 employees). We ask Planning Staff for the opportunity to demonstrate in the remaining months of this school year by way of our traffic current execution on Hiller Drive that the charge from the Planning Commission to operate as a school with a smaller footprint is in full effect and thereby addresses intensity of use concerns.

Sincerely,

Duncan Lyon
Assistant Head of School

Hiller Campus - 1 Hiller Drive - Oakland, CA 94618 T-510/843-2512 F-510 843-5162
Lafayette Campus - 1000 Upper Happy Valley Road - Lafayette, CA 94549 T-510/843-2512 F-925/299-0469

HILLER CAMPUS STAFFING

FULL / PART TIME FACULTY (47) – those teaching children (hours: FT:8-4, PT: variable)
FULL / PART TIME CHILD CARE (8) – those supervising children (hours: split shifts)
MAINTENANCE (3) – two custodial staff (hours: 4-11 p.m.)
ADMINISTRATIVE STAFF (12) – see job title details below
1. ***Director of Development and Communications**** (neighborhood liason)
2. **Development Data Base Manager***
3. ***Business Manager****
4. ***Accounts Payable Coordinator****
5. ***Accounts Receivable Coordinator****
6. ***Head of School*** (1/2 time Lafayette)
7. *Head of Lower School***
8. *Head of Middle School/Assistant Head***
9. *Assistant to the Lower and Middle School Heads**
10. *Director of Admissions K-8**
11. Admissions Assistant/Assistant to the Head of School*
12. Receptionist

NOTES:
* Indicates those able to assist traffic (i.e. not supervising children)
**Heads of Lower and Middle Schools available for traffic when not teaching
Bold indicates those pertinent to Condition 27
Italics indicates key team leader for Emergency Management Plan

REVISED SECTIONS 14(a) and 14(d) of TDM REFLECTING 62 FTEs/71 EMPLOYEES

14 (a). PARKING MANAGEMENT STRATEGIES

The School shall provide assigned parking spaces to all full and part time faculty and staff. All of these spaces must be used before on street spaces for staff can be used. Spaces will not be assigned to volunteers or visitors. For the start of the 2010-2011 school year, the School will implement a "Carpool to School" program that includes, but is not limited to, parking space prioritization for carpoolers, transit stipends, carpool stipends, and eligibility into a "Carpool to School" raffle each trimester

In addition, the School will organize a carpool-matching system for staff and faculty. The School currently has 47 on-site parking spaces available for faculty and staff (23 spaces in the upper lot located off of Hiller Drive, 20 spaces in the lower low located off of Tunnel Road, and four parking spaces located at the top of the campus driveway). All of these are assigned to full time faculty and staff. Parking for an additional 15 vehicles is available between 8:30 a.m. and 2:30 p.m. along the west side of Hiller Drive between the School's driveway and Tunnel Road. This is the flat portion of Hiller Drive that does not abut any residences. *Details regarding parking and transit for staffing levels of 62 FTEs/71 employees are outlined in section 14(d) which contains language pertaining to alternative transit options and Single Occupancy Vehicle reduction targets for faculty and staff.*

The School will monitor the demand for parking generated by full and part time faculty and staff and the success of the School's transit and carpool efforts. If it is determined that additional on-site parking spaces are needed for full and part time faculty and staff, the School will extend a good faith effort to secure additional on-site spaces, pending physical, environmental and other constraints. Near term areas for additional on-site parking include: the Head of School Residence and the top of campus driveway. If additional on-site spaces are necessary, the School will phase in additional spaces over time and will evaluate the success of the transit and carpool programs. The School will provide written documentation to the City of Oakland on an annual basis regarding full and part time faculty and staff parking demand, carpool use and transit use, as well as potential efforts to expand on-site parking supply. Documentation will commence in October 2010.

14 (d). REDUCTION OF SINGLE STUDENT OCCUPANT VEHICLES DRIVEN

According to the City of Oakland's Conditions of Approval:

The School shall reduce the number of single occupancy vehicles (SOV) driven by 25% of *431 (360 students and 62 FTEs/71 employees)* by the beginning of the fall trimester 2010 and by 35% by the beginning of the fall trimester 2012. The School shall utilize a variety of options including AC Transit and private shuttle busing, vanpooling, carpooling, walking, and bicycling to achieve this reduction. In the interim, the School shall retain the current use of AC Transit and the private shuttle bus and make reasonable good faith efforts to increase bus ridership until the mandatory reductions become effective. The Transportation Demand Management Plan shall specifically discuss (i) all

alternative transit options and make recommendations regarding how to achieve the trip reduction; (ii) how the school will monitor and report the numbers to the city; (iii) how the city can determine compliance; and (iv) recommend appropriate enforcement options including, a cure period, enrollment reductions, etc. Once city staff has conditionally approved the plan (after review and comment), it shall be noticed on the Planning Commission agenda for review and approval.

Alternative Transportation Options:
The School's efforts to reduce the number of vehicles dropping off and picking students and the number of vehicles dropping off or picking up just one student will consist of the following approaches:

- Carpools: A key aspect of the School's alternative transportation option program will be an ongoing emphasis on carpooling. Since the approval of the School's Conditional Use Permit in October 2009, the increase in carpooling among School parents and employees is substantial. To build on this momentum, the School will form a parent-driven community carpool program to enable casual and regularly established carpools. The School will support the parent committee by facilitating communications and providing data services including mapping and internet tools. The carpooling program will include a GIS carpool matching system. The system's development will include participation by the School's students. A trip match directory will be developed each year.

- Public Transit: The School will continue to promote the use of transit, including the AC Transit Subsidy Program, private buses and shuttles. Additionally, the School may institute additional bus/shuttle programs to cope with temporary situations including holidays, kindergarten walk-ups (early fall trimester), etc. The School will continue to offer a private bus service for all students on both campuses.

- Walking and Bicycling to School: The School will continue to promote its walking and bicycling program for older students and staff. Additionally, the School will continue to advocate for pedestrian and bicyclists infrastructure improvements in local traffic projects (including the Forth Bore project).

- Education and Encouragement: The School will request inclusion in Alameda County's Safe Routes to School program. The SR2S program is a comprehensive and proven approach to getting more children walking and bicycling safely to school. It gives children and parents skills, encouragement, and inspiration through a range of activities, events and lessons, while also addressing local pedestrian and personal safety concerns, as well as environmental considerations.

For the start of the 2010-2011 school year, the School will promote vehicle trip reduction strategies for faculty and staff by providing parking space prioritization for carpoolers, transit stipends, carpool stipends, and eligibility into a "Carpool to School" raffle each trimester. In addition, the School will organize a carpool-matching system for staff and faculty.

The School will continue to survey the community to gauge acceptance of transportation options and solicit additional opportunities for improvement, as appropriate. Additionally, the School will continue to communicate to the community about alternatives through in-person meetings and online communications every trimester, as well as through our Sustainability Leadership Program.

Monitoring and Reporting Trip Reduction
In order to meet the City of Oakland's targets, the School will need to reduce one-way vehicle trips by the values shown below.

Table 2. Vehicle Trip Monitoring
Period Vehicle Trips
(Drop-off or Pick-up)
Baseline *431**
Fall 2010 *323***
Fall 2012 *280****
*(360 Student Enrollment + 62 FTE/*71* employees = *431*)
**(*431* x .75= *323*)
***(*431* x .65 = *280*)

Note Relating to Condition 27: The School will reduce its vehicle trip targets, as listed above, to *317 in fall 2010 and to 274 in fall 2012 if allowed until fall 2010* to demonstrate by way of the vehicle trip monitoring metric above that the existing staffing levels (inclusive of six K-12 administrators) enhance monitoring and do not intensify current site use.

Note Relating to early implementation and reporting: *The School will implement its TDM and begin Independent Rule Enforcer(IRE) reporting of its listed vehicle trip targets within two weeks upon TDM approval rather than beginning reporting in fall 2010, as currently specified.*

Reporting and Compliance
The School's performance will be reported via the Independent Rule Enforcer (IRE) monitoring report. Please see Section H for further information. Compliance will be based on the IRE monitoring reports.

Enforcement Options
In the event that the School does not meet the targeted number of vehicle trips, the School will be granted a Cure Period of one trimester, during which the School will take necessary actions to achieve compliance. If the School fails to reach the target reduction following the Cure Period the School will be required to submit a revised Transportation Demand Management Plan to City staff for approval. Subsequent failure will require Planning Commission to revisit condition 14 (d) for additional repair.

Neighbors for Safety in Hiller Highlands
Neighbors.safety.hiller.highlands@gmail.com

March 25, 2010

Dear Heather:

Please find NSHH comments on Bentley's applications for amendments to the 2009 CUP. We will appreciate having these comments included in the packets provided to Planning Commissioners prior to the April 7, 2010 meeting.

As you know, all of these issues were emotionally charged and hotly contested over five years and an EIR. Major concessions were requested with the subject conditions finally agreed upon. These conditions, as set forth as part of the CUP, were specifically agreed to by Bentley. These conditions were the product of careful negotiation, consideration, and mediation. They were not to be used as a strategy for obtaining the CUP and then attempting to negotiate around the agreed upon conditions. It appears that such a tactic is being attempted at this time. Such conduct must not be condoned.

NSHH is opposed to all applications to amend CUP Conditions of Approval 1, 27, 14d, 14g for the additional following reasons. (Detailed comments on each amendment application are included in the two attachments.)

- In October, 2009, Bentley accepted a new CUP which permitted a substantial enrollment increase along with twenty eight operating conditions, including conditions 1 and 27 which the school now wants to dilute.

- The set of twenty eight conditions were carefully considered by Planning Staff, EIR consultants and neighbors. Combined, these conditions provide a map for how the school's increased size and operation must be operated to reduce intensity of use, traffic, parking and environmental footprint.

- NSHH did not appeal the Planning Commission's decision in October 2009 because the Planning Commission approved CUP conditions which neighbors believed could make the school more compatible with the neighborhood.

- NSHH believed that the Conditions of Approval would be enforced and would not be piecemeal amended.

- Planning Staff has not accepted or approved Bentley's Traffic Demand Management Plan and the TDM has no relationship to compliance or enforcement of Conditions 1 and 27. Furthermore, Bentley's suggested alternatives based on the not yet approved TDM would be difficult to monitor and enforce.

- CUP Conditions 1 and 27 can be measured and enforced. They will reduce intensity of use at the Hiller Campus and improve traffic and safety near the school site and meet the goals of the Planning Staff and Planning Commission.

Thank you for your consideration,
Neighbors for Safety in Hiller Highlands

ATTACHMENT C-4.

RE: Bentley proposed amendment to condition 27
Re Administrative Staff relocation
NSHH comments are inserted in red
3/25/10

BENTLEY SCHOOL

Heather Klein, CGBP, LEED AP
Planner III
City of Oakland
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Dear Ms. Klein:

February 18, 2010

On Wednesday, February 17, 2010, the Bentley School ("the School") submitted its Transportation Demand Management (TDM) Plan to the City of Oakland. The TDM attempts to codify best transit practices to make the School a model of parking and traffic efficiency as we respect the environment and our neighbors by decreasing vehicle trips to and from campus in a manner that is educative, encouraging, and enforceable.

The School's Conditions of Approval establishes a single occupancy vehicle (SOV) vehicle reduction target of 317 (25% reduction of 422). In its TDM plan, the School establishes a stronger commitment to reduce the threshold listed therein to 311 in Fall 2010 and to 268 in Fall 2012 (allowed until fall 2010) to demonstrate by way of the vehicle trip monitoring metric above that the existing staffing levels (inclusive of six K-12 administrators) enhance monitoring and do not intensify current site use.

NSH challenges Bentley's assertion that COA 27 applies to only six people. We request that they provide complete documentation and independent verification. We challenge Bentley's restating of Condition 27. Condition 27 does not require that traffic monitors move to Lafayette and it doe not require top administrators to serve as monitors.

The City and neighbors have repeatedly expressed a concern about the current intensity of use on the Hiller Campus. Bentley's plan, if Condition #27 is amended, is to maintain current use in enrollment and staff levels. Removing administrators will decrease intensity of use and move many daily activities and vehicle trips, from the Hiller Campus.

The School believes that by allowing the six *administrators* specified in Condition 27 to remain on the Hiller Campus, the spirit of its Condition Use Permit will be strengthened in the following ways:

> *Condition 27 specifies that Bentley shall move all of the school administration offices and persons not directly associated with the Hiller Campus academic program to the other campus by 3/8/10. This includes, at a minimum, Office of Head of School, Development, Finance, Admissions and Parent Association. We have identified numerous job titles from Bentley documents that would also come under Condition 27.*
>
> *Bentley repeatedly misstates the condition.*
>
> *In addition, in regard to Condition 21, the EIR reported that Bentley had 62 FTE employees, 10 of whom were part time. This suggests that Bentley has counted 10 part time employees as 5 FTE employees. Bentley should provide a complete roster of their entire staff to City or a third party for verification.*

Existing Conditions Have Nominal Traffic Impact

The School's administrator and staff traffic is a small proportion of the overall school traffic. The largest reductions in traffic will be gained by reducing student-related trips, not administrator and staff trips. The School has a plan to reduce administrator and staff trips and parking demand in its TDM, as well as student related vehicle trips.

> *COA 27 is highly related to Intensity of Use. Moving these administrators shifts the center of the school to Lafayette where Bentley has made an investment in its future and spent most of its money. Condition 27 is particularly important in the COA package because it is one of the conditions which can be easily measured and by City staff whereas Bentley's suggestion that their staff will stay and park in various alternate locations is difficult to monitor and enforce..*

Staff traffic, which is lower than student-related traffic, occurs at different times (before morning drop-off and after afternoon pick-up), so it is not additive to overall traffic congestion.

> *Traffic related to these staff positions occurs throughout the day because of meetings. Currently, Upper school staff needing to meet would be travelling to Hiller -- the direction of the travel will simply be reversed. But in addition, the business and leadership positions would require meeting with outside consultants such as accountants, business people, bankers, parents, who would, presumably meet at the new office location.*

Additionally, our analysis of moving these offices to Lafayette indicates an increase in car trips to and from the Hiller Campus by these administrators and staff and by those on the Hiller Campus needing to meet with them. Given that our K-8 (nine grades) is located in Oakland and our 9-12 (four grades) is located in Lafayette, those needing in

person meetings with business office personnel (i.e. human resources matters) would necessarily increase vehicle trips from and returning to the Hiller Campus.

It would be helpful to see the traffic analysis that Bentley refers to. It is hard to believe that when there is a split campus there wouldn't be somewhat similar traffic in both directions. This condition simply reverses the direction for school related meetings and offers the benefit that other necessary meetings will no longer occur on Hiller. In addition for cost and environmental reasons, many meetings which used to be face to face are likely to us alternative electronic or mobile arrangement which reduce the footprint.

Many meetings such as human resources matters can and will be done easily by phone once staff is relocated. People tend to plan their time to avoid duplicate trips and so it is likely that people who need to see Human Resources in person could do so on the way to Hiller and not make a round trip to and from as suggested. Enforcement of this condition will reduce the number of meetings, intensity of use and traffic.

Vital to Safe and Smooth Traffic Monitoring

These six staff members are trained traffic monitors and constitute a substantial portion of the School's traffic monitoring team. The requested modification would thereby allow for best compliance with the traffic demands outlined in Condition 14e, specifically the TDM Plan. To best execute the TDM Plan, the School has assigned administrators and high-level staff to the roles of assisting. This has enabled us to train a reliable team known to all parents and students. The removal of six monitors (as currently written in Condition 27) will require teaching staff to fill the gap, taking teachers out of the classroom and away from their academic duties. The administrative presence sends the clear message that transportation execution is a high priority.

Only the flag person receives periodic training from OPD. The COA does not require the removal of monitors and there is no specification in the COA that the monitors must be top level administrators. In fact, several of the current monitors ***are not*** *staff who would be moved under 27 and they can continue to train others and stabilize the crew. This is an empty argument.*

In addition, Bentley's new TDM calls for training students to assist with this function. The COA requires that the school have trained alternates to cover these positions. The school has a large body of people including administrators, teachers, parents, part time staff and hired contractors who can be trained for this job. Safe Routes to Schools and other school models should be consulted.

It is highly unusual that only Bentley's top administrators are capable of doing this job. Perhaps, within the TDM, the school can develop another way to communicate "the clear message that transportation execution is a high

priority". Schools throughout the City are functioning with trained volunteers to manage their traffic.

We have seen very little exercise of authority among high level administrators monitoring the drop off line. Buses still go the wrong way and park incorrectly and drivers still make incorrect turns and occasionally jaywalk. There is no evidence that monitors need to be top administrators. The school, however, needs to be accountable for adequately and appropriately staffing the loading zone.

Proposed TDM Identifies Parking Alternatives Off Hiller Drive

The School's requested change to Condition 27 would create new onsite parking spaces, move more cars off Hiller Drive, and allow for the best operation of these vital offices. The School has identified adequate parking space at the Head of School residence for six spaces and is working to find additional off street locations in Berkeley as a contingency. Moreover, consistent with our single occupancy vehicle reduction target, at least two of the six administrators will come to school via public transportation and carpool.

The same increase in onsite parking spaces and reduced traffic will occur once the required staff is moved from the campus.

Since the Berkeley properties are not approved for parking lots creating more spaces on them is premature. Can Bentley provide more information on who it is working with to find additional off street locations in Berkeley?

NSHH is opposed to granting amendments to the Conditions of Approval based on Bentley's promise that it will make a best effort to meet the Planning Commissioners objectives. The, condition should be enforced as they were written.

A Move Is Not Financially Viable

Plans to create space for such an administrative move were predicated on construction of a new middle school on our Lafayette site. That project is no longer viable due to financial reasons. While there is land for new construction on the Lafayette parcel, occupancy of existing buildings on the Lafayette Campus precludes new offices for six people. A portable building would be the most likely solution.

Where Bentley relocates its staff on the Lafayette campus is at its own discretion. A portable building seems like a quick and inexpensive solution. Bentley leadership has known since 2008 when they suspended their capital campaign that they did not have funding for the Middle School in Lafayette. Bentley should have appealed this condition rather than trying to erase it with a minor administrative change. Bentley signed this legal document just 4 months ago and if they aren't going to abide by it then the enrollment limit should be reduced.

Therefore, the School requests that the six administrators specified in Condition 27 be incorporated into the execution of the TDM Plan and its vehicle counts, reported by Independent Rules Enforcers as outlined in Condition 14i. The School views this request as consistent with the intent of the original condition—fewer cars on Hiller Drive and enables us to support best the other traffic calming conditions currently underway.

> *NSHH dropped its opposition to the enrollment increase in favor of other conditions on intensity of use including the calendar, hours of operation and, traffic and parking improvements. The school has not complied with many of these conditions yet it is operating with all of the privileges it sought in the CUP. NSHH sees no reason to extend more benefits to Bentley until it has a track record of operating consistently within the conditions of their CUP.*
>
> *NSHH disagrees with Bentley's conclusion and believes that:*
>
> - *Vehicle traffic will be reduced throughout the day by transferring all of the staff specified in COA 27 to Lafayette.*
> - *Intensity of Use will be reduced.*
> - *Borderline occupancy of some rooms will be improved*
> - *Remaining administrative staff; parents, volunteers, students or hired monitors can be trained to be as effective as the current monitors.*

We appreciate your careful consideration of our request.

Sincerely,

Duncan Lyon
Assistant Head of School

NSHH Comments on Bentley Application to Amend Condition 1 (FTE)

(and related Conditions 14d, 14g and 27)
NSHH comments Shown in RED
3/25/10

Planning and Zoning Services Division
Attention: Heather Klein
Dalziel Building
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612-2032

Dear Planning Commission Staff, March 10, 2010

Having received the determination letter of March 8 wherein, for the first time, the City clarified the definition of school staffing levels, we are requesting endorsement of staffing levels at the time of the CUP hearing on the October 21, 2009. As the school employs a mix of full and part-time faculty and staff, we seek codification of 62 FTE with employee cap of 71, which reflects our staffing levels at the time of the October hearing. Our bases for this request are:

- The Environmental Impact Review (EIR) stated that, "school staffing would be limited to a maximum of 62 full time equivalent (FTE) employees"

Final language for Condition 1 was clearly shown as a markup of earlier drafts in the notice Approval letter dated October 29, 2009. NSHH read the final documents carefully when they were published and was aware of this important clarification of staff limits in the final COA. NSHH believes that it was the Planning Commission's intent to reduce vehicle traffic and intensity of use. Bentley accepted and signed these conditions in October **without appeal**. The compliance deadline has passed.

Using an FTE equation could potentially increase vehicle traffic and intensity of use.

- Prehearing Conditions of Approval 1 (vii) stated, "Fulltime faculty not to exceed 62 staff" (Note: this condition was revised to read "Faculty and staff not to exceed 62," instantly revising our occupancy levels beyond prehearing levels. A similar revision was made to Condition 21).

Bentley seems to be suggesting that the earlier drafts should take precedence over the final conditions formalized at the PC hearing. It is hard to believe that Bentley did not read and understand the conditions before accepting and recording this important document.

- Gary Patton's letter on January 26, 2010, asserts that Planning Staff "wanted the Hiller Campus to maintain adequate staffing levels. Planning Staff did not want to be in the position of dictating what adequate staffing was for the school. Planning Staff did want to limit use of the Hiller Campus…to address the intensity of use."

Bentley's excerpt leaves out Mr. Patton's statement that "Planning Staff specifically did not intend for Condition 21 to be a loophole for Condition 27."

Neither of Bentley's proposed amendments will advance the Staff and Commission goals of reducing intensity of use at the Hiller campus. Both amendments would increase overall staff and traffic at the site.

NSHH is opposed to diluting these important quantifiable conditions based on Bentley's additional promises of greater enforcement. These conditions are part of a whole package of conditions that, taken together, are a map for operating a larger school operation in the context of a residential neighborhood with two neighboring schools.

We feel that our Traffic Demand Management (TDM) plan reflects the ways in which the school would address intensity of use for our existing staffing levels (see below for revised sections 14(a) and 14(d) of the TDM language reflecting 62 FTEs/71 employees). We ask Planning Staff for the opportunity to demonstrate in the remaining months of this school year by way of our traffic current execution on Hiller Drive that the charge from the Planning Commission to operate as a school with a smaller footprint is in full effect and thereby addresses intensity of use concerns.

Heather Klein's letter dated 3/12/2010 described the TDM plan as inadequate. Bentley has been given an additional month to complete the missing elements including setting goals and specific targets and enforcement measures that must include reducing enrollment.

The TDM is irrelevant to these two proposed amendments at this time because Bentley's TDM draft is inadequate and has been sent back to the drawing board. Bentley bases their request to modify Condition 1 and 27 on an inadequate TDM draft.

The condition to cap faculty and staff at 62 should remain in effect as it is written and enforcement should proceed without further delay.

Sincerely,

Duncan Lyon

Assistant Head of School

HILLER CAMPUS STAFFING

FULL / PART TIME FACULTY (47) – those teaching children (hours: FT:8-4, PT: variable)
FULL / PART TIME CHILD CARE (8) – those supervising children (hours: split shifts)
MAINTENANCE (3) – two custodial staff (hours: 4-11 p.m.)
ADMINISTRATIVE STAFF (12) – see job title details below
1. ***Director of Development and Communications**** (neighborhood liason)
2. **Development Data Base Manager***
3. ***Business Manager****
4. ***Accounts Payable Coordinator****
5. ***Accounts Receivable Coordinator****
6. ***Head of School*** (1/2 time Lafayette)
7. *Head of Lower School***
8. *Head of Middle School/Assistant Head***
9. *Assistant to the Lower and Middle School Heads**
10. *Director of Admissions K-8**
11. Admissions Assistant/Assistant to the Head of School*
12. Receptionist

NOTES:
* Indicates those able to assist traffic (i.e. not supervising children)
**Heads of Lower and Middle Schools available for traffic when not teaching
Bold indicates those pertinent to Condition 27
Italics indicates key team leader for Emergency Management Plan

The TDM has not been approved and thus, it is not relevant to the consideration of the modifying conditions 1 and 27.

However, even in the TDM draft, the school will begin having students and additional staff trained by OPD to conduct traffic monitoring. It will not be necessary for the school's top administrators to be located at the Hiller Campus to open car doors and monitor traffic. In addition, there is nothing in the CUP that precludes using volunteer parents or traffic management personnel for the monitoring function. All persons facilitating the traffic program should be subsidized and encouraged to participate in Bentley's transit programs.

Since the Neighborhood Liaison Committee meets in the evenings and conducts all of its additional functions by email it is not necessary that the director of Development and Communications work at the Hiller Campus for the purpose of participating in the NLC meetings.

Condition 27 should be enforced immediately. Bentley should be required to provide complete details on the number of staff at the campus. In addition to the six positions listed above, Human Resources and any other non-teaching staff must be moved from the Hiller Campus per condition 27. The Parent Association, which meets regularly at the Hiller Campus during the day and some evenings, must move its regular day and evening meetings and fund raising off the Hiller campus per Condition 27. Bentley should comply with Condition 1 which caps Hiller Drive staff at 62.

Compliance of these two conditions will help achieve the Planning Commission's goal of reducing parking, traffic and intensity of use.

REVISED SECTIONS 14(a) and 14(d) of TDM REFLECTING 62 FTEs/71 EMPLOYEES

As noted above, the TDM draft is not adequate and has not been approved. Thus TDM elements pasted into the request for amendment to the CUP Condition 1 & 27 are irrelevant to the review of the proposed amendments.

14 (a). PARKING MANAGEMENT STRATEGIES

The School shall provide assigned parking spaces to all full and part time faculty and staff. All of these spaces must be used before on street spaces for staff can be used. Spaces will not be assigned to volunteers or visitors. For the start of the 2010-2011 school year, the School will implement a "Carpool to School" program that includes, but is not limited to, parking space prioritization for carpoolers, transit stipends, carpool stipends, and eligibility into a "Carpool to School" raffle each trimester

In addition, the School will organize a carpool-matching system for staff and faculty. The School currently has 47 on-site parking spaces available for faculty and staff (23 spaces in the upper lot located off of Hiller Drive, 20 spaces in the lower low located off of Tunnel Road, and four parking spaces located at the top of the campus driveway). All of these are assigned to full time faculty and staff. Parking for an additional 15 vehicles is available between 8:30 a.m. and 2:30 p.m. along the west side of Hiller Drive between the School's driveway and Tunnel Road. This is the flat portion of Hiller Drive that does not abut any residences. *Details regarding parking and transit for staffing levels of 62 FTEs/71 employees are outlined in section 14(d) which contains language pertaining to alternative transit options and Single Occupancy Vehicle reduction targets for faculty and staff.*

The School will monitor the demand for parking generated by full and part time faculty and staff and the success of the School's transit and carpool efforts. If it is determined that additional on-site parking spaces are needed for full and part time faculty and staff,

the School will extend a good faith effort to secure additional on-site spaces, pending physical, environmental and other constraints. Near term areas for additional on-site parking include: the Head of School Residence and the top of campus driveway. If additional on-site spaces are necessary, the School will phase in additional spaces over time and will evaluate the success of the transit and carpool programs. The School will provide written documentation to the City of Oakland on an annual basis regarding full and part time faculty and staff parking demand, carpool use and transit use, as well as potential efforts to expand on-site parking supply. Documentation will commence in October 2010.

Bentley has not completed the TDM, it is not approved, and they have not provided data that they have reduced vehicle trips, parking and intensity of use or increased bus ridership.

Thus, there is no justification for increasing the limits on staff. Enforcement should begin immediately without further delay.

14 (d). REDUCTION OF SINGLE STUDENT OCCUPANT VEHICLES DRIVEN
According to the City of Oakland's Conditions of Approval:

The School shall reduce the number of single occupancy vehicles (SOV) driven by 25% *of 431 (360 students and 62 FTE's/71 employees)* by the beginning of the fall trimester 2010 and by 35% by the beginning of the fall trimester 2012. The School shall utilize a variety of options including AC Transit and private shuttle busing, vanpooling, carpooling, walking, and bicycling to achieve this reduction. In the interim, the School shall retain the current use of AC Transit and the private shuttle bus and make reasonable good faith efforts to increase bus ridership until the mandatory reductions become effective. The Transportation Demand Management Plan shall specifically discuss (i) all alternative transit options and make recommendations regarding how to achieve the trip reduction; (ii) how the school will monitor and report the numbers to the city; (iii) how the city can determine compliance; and (iv) recommend appropriate enforcement options including, a cure period, enrollment reductions, etc. Once city staff has conditionally approved the plan (after review and comment), it shall be noticed on the Planning Commission agenda for review and approval.

Under Conditions 1 and 14d the school is required to **retain the current use of AC Transit and shuttles (COA 1 and 14d) and ...**good faith effort to increase bus ridership, shuttles (14d) specifically address how to achieve the **trip reductions** in the TDM. (14d). The CUP conditions were developed to offset the granting of increased permitted enrollment by limiting staff size, auto traffic and intensity of use by several means.

Bentley has not completed its TDM or provided data to suggest that the use of AC Transit or shuttles or carpools has increased or intensity of use has decreased since the granting of the CUP.

NSHH is opposed to modifications to the CUP conditions based on promises to enforce a not yet complete TDM.

Alternative Transportation Options:
The School's efforts to reduce the number of vehicles dropping off and picking students and the number of vehicles dropping off or picking up just one student will consist of the following approaches:

Bentley appears to be piecemealing elements of the unfinished TDM into the COAs. These modifications substantially rewrite the COAs that were vetted through the long review process. NSHH is opposed to piecemeal amendments to the CUP.

- Carpools: A key aspect of the School's alternative transportation option program will be an ongoing emphasis on carpooling. Since the approval of the School's Conditional Use Permit in October 2009, the increase in carpooling among School parents and employees is substantial. To build on this momentum, the School will form a parent-driven community carpool program to enable casual and regularly established carpools. The School will support the parent committee by facilitating communications and providing data services including mapping and internet tools. The carpooling program will include a GIS carpool matching system. The system's development will include participation by the School's students. A trip match directory will be developed each year.

- Public Transit: The School will continue to promote the use of transit, including the AC Transit Subsidy Program, private buses and shuttles. Additionally, the School may institute additional bus/shuttle programs to cope with temporary situations including holidays, kindergarten walk-ups (early fall trimester), etc. The School will continue to offer a private bus service for all students on both campuses.

- Walking and Bicycling to School: The School will continue to promote its walking and bicycling program for older students and staff. Additionally, the School will continue to advocate for pedestrian and bicyclists infrastructure improvements in local traffic projects (including the Forth Bore project).

- Education and Encouragement: The School will request inclusion in Alameda County's Safe Routes to School program. The SR2S program is a comprehensive and proven approach to getting more children walking and bicycling safely to school. It gives children and parents skills, encouragement, and inspiration through a range of activities, events and lessons, while also addressing local pedestrian and personal safety concerns, as well as environmental considerations.

For the start of the 2010-2011 school year, the School will promote vehicle trip reduction strategies for faculty and staff by providing parking space prioritization for carpoolers, transit stipends, carpool stipends, and eligibility into a "Carpool to School" raffle each

trimester. In addition, the School will organize a carpool-matching system for staff and faculty.

The School will continue to survey the community to gauge acceptance of transportation options and solicit additional opportunities for improvement, as appropriate. Additionally, the School will continue to communicate to the community about alternatives through in-person meetings and online communications every trimester, as well as through our Sustainability Leadership Program.

To date, Bentley has a poor record of complying with COA 24 which created the Neighborhood Liaison Committee. Although the committee has convened, Bentley has repeatedly failed to timely provide the most important documents, including all of their applications for amendments to the CUP, so they can be reviewed and discussed and transferred back to community members

Bentley's TDM is not complete or approved. NSHH is opposed to modifying the COAs by increasing staff caps and traffic allowances in exchange for promises of future compliance.

Bentley has not provided information on the Sustainability Leadership Program or its relevance to the amendment at issue.

Monitoring and Reporting Trip Reduction
In order to meet the City of Oakland's targets, the School will need to reduce one-way vehicle trips by the values shown below.

Table 2. Vehicle Trip Monitoring
Period Vehicle Trips
(Drop-off or Pick-up)
Baseline *431**
Fall 2010 *323***
Fall 2012 *280****
*(360 Student Enrollment + 62 FTE/*71* employees = *431*)
**(*431* x .75= *323*)
***(*431* x .65 = *280*)

Note Relating to Condition 27: The School will reduce its vehicle trip targets, as listed above, *to 317 in fall 2010 and to 274 in fall 2012 if achieved until fall 2010* to demonstrate by way of the vehicle trip monitoring metric above that the existing staffing levels (inclusive of six K-12 administrators) enhance monitoring and do not intensify current site use.

The TDM is not complete or approved. The baseline for measuring trip reductions and the target vehicle traffic are not yet determined.

A great deal of time went in to observing and measuring the current levels of traffic at the Hiller site in the CUP application, the traffic studies and the traffic video. The Planning Commission, as noted in Condition 14d intended that the school's traffic, its carbon footprint and intensity of use should be reduced on an escalating basis over the next three years. Bentley's draft TDM targets for vehicle traffic are higher than their current use.

Given the intention of the Planning Commission to reduce traffic, carbon footprint and intensity of use, it is hard to understand why the language of this condition would be interpreted as allowing for an increase in SOV by approximately 90 cars more than the current use described in the CUP application and which the school is supposed to be maintaining per condition 1 and 14.

Note Relating to early implementation and reporting: *The School will implement its TDM and begin Independent Rule Enforcer(IRE) reporting of its listed vehicle trip targets within two weeks upon TDM approval rather than beginning reporting in fall 2010, as currently specified.*

It seems odd that Bentley is offering to advance a deadline for compliance when they have already delayed the deadline for providing a complete TDM. It is a moot point to offer to begin an early implementation which can't possibly occur before May when only 2-3 weeks of school remain.

Reporting and Compliance

The School's performance will be reported via the Independent Rule Enforcer (IRE) monitoring report. Please see Section H for further information. Compliance will be based on the IRE monitoring reports.

Again, Bentley is offering to substitute elements of the TDM into the CUP and Conditions of Approval. The TDM has not been reviewed or approved at this time.

Enforcement Options

In the event that the School does not meet the targeted number of vehicle trips, the School will be granted a Cure Period of one trimester, during which the School will take necessary actions to achieve compliance. If the School fails to reach the target reduction

following the Cure Period the School will be required to submit a revised Transportation Demand Management Plan to City staff for approval. Subsequent failure will require Planning Commission to revisit condition 14 (d) for additional repair.

These enforcement options preserve all of Bentley's benefits from the CUP, indefinitely prolong the period for compliance and include no meaningful inducements to comply. A meaningful inducement for compliance must include an enforcement action of reducing enrollment.

NSHH opposes the proposed modifications to Conditions 1 and 27 and asks that the City move forward with enforcement of all conditions of the CUP.

Klein, Heather

From: R Gordon Piper [rgpiper@sbcglobal.net]
Sent: Monday, March 22, 2010 6:32 PM
To: Klein, Heather
Cc: \'Donna Karch\'; linda harris
Subject: Re: Bentley Employees; Hours of Operation

So can you tell me how you determined that staff working until 7:35 or 7:40 in the evening with no scheduled event is not a violation of the CUP hours of operations, and why you believe the instances instances I reported are not violations? Did Bentley School provide any documentation to you regarding these instances, and if so can I see what they provided? Isn't Bentley School supposed to provide a response to CUP Hotline complaints in 48 hours? Can you explain what your standards or criteria are for determining if there is compliance with the CUP hours of operations?

Can you also tell me how many employees you determined that the Bentley School now has and how this was determined or when? I previously asked for this information when you asked if there were any questions, and have still received no response from you.
Gordon Piper

From: "Klein, Heather" <HKlein@oaklandnet.com>
To: R Gordon Piper <rgpiper@sbcglobal.net>
Sent: Mon, March 22, 2010 9:23:19 AM
Subject: RE: Bentley Employees

As for the hours of operation, this information was passed along to the Planning Commission. We do not believe that these are instances are violations of the CUP hours of operation. The school is currently in compliance with all the conditions.

Heather Klein, CGBP, LEED AP
Planner III
City of Oakland

250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612
ph: (510) 238-3659
fax:(510) 238-6538
email: hklein@oaklandnet.com

Please consider the environment before printing this e-mail

From: R Gordon Piper [mailto:rgpiper@sbcglobal.net]
Sent: Monday, March 22, 2010 8:13 AM
To: Klein, Heather
Subject: Bentley Employees

You asked sometime back if there were any questions relative to Bentley School and I asked for clarification regarding the number of actual employees had. Can you advise if you or anyone at CEDA followed up and made a determination on how many employees they currently have, and if they are in violation of the 62 employee limit set forth in the CUP? I would appreciate your feedback on this.

I also would like to know what if anything that you or anyone at CEDA have done in relation to the continuing violations of the Hours of Operations condition of the CUP. Has the information on this been shared with the Planning Commission members? Have you gotten feedback from Bentley School or any clarification as to what steps are being taken if any to correct and stop these violations? I would like to know what steps are being taken by City staff if any to address CUP violations.

Gordon Piper

NEIGHBORS FOR SAFETY IN HILLER HIGHLANDS

Neighbors.safety.hiller.highlands@gmail.com

TO: Heather Klein March 22, 2010

RE: Bentley Proposed Amendments to the CUP

Dear Heather:

Thank you for sending the additional documents. We appreciate that staff concluded that the TDM was inadequate in a number of significant ways and that further work is required before it can be approved. Unfortunately, as we expected, Bentley's failure to heed your calls in December and January for an early decision on the scope of work and hiring a consultant has delayed action or enforcement of the TDM, probably until the end of the school year.

Regarding the process for review of Bentley's proposed amendments:

1. Did Bentley submit an application and fee for both Condition #1 amendment and for the Condition #14d, g amendments included in their amendment request dated 3/10/2010? Your determination letter dated 3/8/10 indicated that Bentley would need to pay a fee along with the application to amend by 3/10.
2. Devereaux Smith sent an email to Donna saying that although their appeal to amend COA #1 is dated 3/10/10, it was not completed or submitted to Planning Commission until 3/15.
3. Did the addition of Condition #1 to the 4/7/10 PC agenda comply with public notification deadlines? We received your email notification on 3/18 and the printed agenda on 3/19.
4. A great deal of staff and community time is spent on this piecemeal amending of the CUP. The CUP and conditions are good documents that we all agreed to, whether we liked each condition or not, and we hope that enforcement will proceed without further piecemeal and delaying amendments. The Commissioners were clear that being granted the full enrollment after years of noncompliance came with a cost.
5. Is Bentley paying for staff time for these amendments?

Regarding Bentley's Amendment Request for Conditions #1 and #14d, g:

1. Your 3/12/10 letter to Mr. Parisi called out numerous deficiencies in the TDM as it is written and referred it back for "a lot more work" on some key elements.
2. Bentley has based their request to modify Condition #1 and #14d,g on promising they will comply with the draft TDM which is inadequate and not approved.
3. Bentley has inserted excerpts from the TDM as if these have been approved and are being implemented.

4. NSHH is concerned that this process of Bentley **promising** to comply with a TDM that still needs more work in exchange for Commission approval of amendments to the Conditions of Approval , could become circuitous and completely derail Staff, Commission and Community efforts to create a viable, working, and enforceable document.
5. We urge you to consider Bentley's requests to amend both Condition #27 and Condition #1, dealing with staff levels, in the context of the whole set of CUP conditions and not in the context of its draft TDM.

Regarding 25% SOV vehicle reduction in Condition #14d:

We have spent a lot of time trying to understand the apparent conflict between the CUP requirement that, on one hand, the school "retain the current use of AC Transit and private shuttle and make reasonable good faith efforts to increase bus ridership...and to achieve the mandatory trip reduction (#1 &#14d COA); and on the other hand interpreting condition #14d in a way that allows the school to increase SOVs above the current use that conditions #1 and #14 require.

NSHH has prepared additional comments on the SOV target which illustrate a way to blend the condition's two requirements to both maintain current use and also to achieve a meaningful reduction in SOV traffic. We would like to review these ideas with you before you complete your staff report on the proposed amendments to Condition #1 and #27 and while the TDM is still in development

Regarding Other Conditions:

1. What is the status of enforcing the limitations on hours of operations and event and weekend activity? As you can see from our review of the school calendar, Bentley has already exceeded its evening and weekend limits.
2. Bentley's new emergency plan shows that all grades will use Tunnel Road for evacuation. The sidewalk covered by the landslide debris from Bentley's property should be cleared for safer pedestrian travel on Tunnel Road for both their own students and the public.

Thank you again for your efforts on this project. We will send our comments on the vehicle reduction targets for condition #14d separately and hope that you will consider them in the staff report and we would welcome the chance to discuss our ideas with you for clarification.

Linda Harris

For NSHH

Klein, Heather

From: SAM JAMES [sjames12345@msn.com]

Sent: Saturday, March 20, 2010 5:18 PM

To: dsmith@bentleyschool.net; donna_karch@yahoo.com

Cc: dlyon@bentleyschool.net; milt.capsimalis@gmail.com; Klein, Heather; lynette.francis@kp.org; fsseifried@comcast.net; jbgene@yahoo.com; sandi.bonacini@gmail.com; mpshep@aol.com; tulaeconomou@gmail.com; jimdexter@aol.com

Subject: RE: Recent Submittal.

Well, Devereaux I am not sure I know what you are talking about as far as what was discussed in the meeting. The point that you seem to be missing is that the school has failed to meet all the deadlines and now you appear to be asking the planning commission to ease the CUP requirements of the school even though there has been no appreciable improvement in the traffic congestion. What is worse, is that the school seems to be doing this behind the backs of the NLC members. Have a good weekend.

Sam James, HH4

Subject: RE: Recent Submittal.
Date: Fri, 19 Mar 2010 15:43:10 -0700
From: dsmith@bentleyschool.net
To: donna_karch@yahoo.com
CC: dlyon@bentleyschool.net; milt.capsimalis@gmail.com; HKlein@oaklandnet.com; lynette.francis@kp.org; fsseifried@comcast.net; jbgene@yahoo.com; SJames12345@msn.com; sandi.bonacini@gmail.com; mpshep@aol.com; tulaeconomou@gmail.com; JimDexter@aol.com

Hello Donna, thanks for checking in on this, I have two quick things: The date we actually submitted the document to the Planning Commission was March 15th, so by the time of our meeting on March 10th, the letter was still in draft form. Also, I had spent quite a bit of time preparing the materials we had committed to discussing on the March 10 Agenda and was not prepared to distribute the materials subsequently submitted on March 15th. As you recall, at the meeting, Jim Dexter did raise the question and we did briefly discuss the topic and the (then) proposed hearing date of April 7. I'm glad you have the document now. Have a good weekend, Devereaux Smith.

From: Donna Karch [mailto:donna_karch@yahoo.com]
Sent: Thursday, March 18, 2010 4:54 PM
To: Devereaux Smith
Cc: Duncan Lyon; milt.capsimalis@gmail.com; HeatherKlein; lynette.francis@kp.org; fsseifried@comcast.net; jbgene@yahoo.com; SJames12345@msn.com; Sandi Bonacini; mpshep@aol.com; Tula Economou; JimDexter@aol.com
Subject: Re: Recent Submittal.

Devereaux,

Is there a reason this was not on the Agenda of the March 10th NLC meeting? The School's letter is the same date as the meeting, and yet it was not mentioned, and therefore no discussion occurred.

The application should have been an agenda item as these proposed changes have a major impact on the entire neighborhood.

Donna

--- On **Thu, 3/18/10, Devereaux Smith <*dsmith@bentleyschool.net*>** wrote:

From: Devereaux Smith <dsmith@bentleyschool.net>
Subject: Recent Submittal.
To: lynette.francis@kp.org, fsseifried@comcast.net, jbgene@yahoo.com, SJames12345@msn.com, "Sandi Bonacini" <sandi.bonacini@gmail.com>, mpshep@aol.com, "Donna Karch" <donna_karch@yahoo.com>, "Tula Economou" <tulaeconomou@gmail.com>, JimDexter@aol.com
Cc: "Duncan Lyon" <dlyon@bentleyschool.net>, milt.capsimalis@gmail.com, "Klein, Heather" <HKlein@oaklandnet.com>
Date: Thursday, March 18, 2010, 4:28 PM

I am pleased to forward our recent March 10, 2010 submittal to the Planning Commission and to report that this trimester, Spring 2010, there are 343 students enrolled at the Hiller campus. Thank you, Devereaux Smith.

The New Busy is not the old busy. Search, chat and e-mail from your inbox. Get started.

3/9/10

According to its 2009-2010 School Calendar Bentley will have 101 daytime events/activities which involve visitors, volunteers and families coming/going from the Hiller campus in cars. Some of these involve a few people and other involves many people. That is 101 events on 183 total days of school and business and administrative meetings are not even listed on the calendar. A lot of attention has been paid to the traffic during drop-off/pick up but that is only part of the picture. All of the daily events and meetings also contribute to the footprint.

We are sending you the information on which we based our conclusion that COA #27 includes more than the 6 people Duncan identified (3 people from the Business Office and 3 people from the Development Office). We found that Department Names, Job Titles and Job descriptions vary but hope that you can get more clarity from Bentley. Since COA# 27 states "at a minimum" we assume that job titles or descriptions which aren't named in the Condition will be relocated if it is determined that they are currently located on the Hiller campus and are not directly related to the academic program per COA #27.
Bentley's 2008-2009 Annual Report lists these administrative offices:
Headmaster
Lower School Head
Middle School Head
Upper School Head
Director of Finance and Operations
Director of Admissions
Director of Development and Communications
Director of College Counseling
Director of Technology
Only two of these administrative positions (highlighted) are directly related to the LS and MS academic program. Seven are not directly related to the academic program on Hiller. Most or all of these offices have assistants.

In addition, Bentley's staff directory and other material mention these positions which would come under Condition #27 if they are currently located on the Hiller campus:
Director of Advancement
Human Resources
Chief Financial Officer
Data Base manager
Office Manager
Director of Marketing
Financial Aid Coordinator
Registrar
Athletic Director
Director of Childcare
Student Support Coordinator
Independent School Consultant
numerous "non teaching" staff

No maintenance or facilities employees for the school are listed in the directory but should be considered under condition #1B and #27.

Duncan Lyon has indicated that the Head of School office cannot be relocated because the Headmaster lives on the campus the location of Ms. Hogan's residence is not relevant to this condition. Her office is located in the Hiller Administration building not in her residence.

Duncan also indicated that Bentley doesn't have a PTA. They do have a Parent Association as referenced in COA #27. The fact that Bentley's Parent Association (known as BPA) is not a Parent Teacher Association (PTA) isn't relevant to this condition. Most important is that both of these positions hold numerous meetings that bring additional traffic to Hiller in daytime and evenings. Most of them are not noted on the school calendar.

It is our understanding that along with moving people and their "offices", all of the functions, including meetings, would also be moved. There is no reason that moving these offices elsewhere will increase traffic on Hiller because the associated meetings will be held at the new location. Both of these departments are specifically mentioned in COA #27 as being among the departments that, "at a minimum", would be moved.

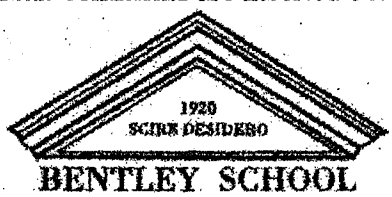
In order to come up with the correct number of people/offices to move under COA #27, titles and department names and office locations need to be clarified. We thank you for getting this information cleared up.

NSHH is opposed to Bentley's proposed amendment because ANY and all reductions in staff or students will reduce the school's footprint, address the occupancy limitations of the facility and improve traffic/parking and safety in the neighborhood. Further, we are mindful of the 6 years that Bentley's application has been under review and the countless hours that have been invested by the City, the Community, and the Planning Commission to create a CUP that meets the school's financial need for increased enrollment and the community's need for a compatible and lower impact school operation.

Bentley is already enjoying the benefit of operating with the enrollment that they requested and were granted during the CUP process BUT Bentley is not yet compliant with the majority of the conditions that the Planning Commission imposed. NSHH encourages Planning Staff and the Commission to deny piecemeal modifications to the CUP and COAs and, without delay, enforce the CUP that was approved (without appeal by Bentley or Neighbors) just four months ago.

Thank you,
Linda Harris on behalf of NSHH

Note: NSHH comments are inserted between text



Heather Klein, CGBP, LEED AP
Planner III
City of Oakland
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Dear Ms. Klein: February 18, 2010

On Wednesday, February 17, 2010, the Bentley School ("the School") submitted its Transportation Demand Management (TDM) Plan to the City of Oakland. The TDM attempts to codify best transit practices to make the School a model of parking and traffic efficiency as we respect the environment and our neighbors by decreasing vehicle trips to and from campus in a manner that is educative, encouraging, and enforceable.

> *From online: a TDM includes targets (specific measurable things you want to achieve);and Strategies to achieve the targets and objectives; Measurements of success and remedies when targets are not achieved.*

The School's Conditions of Approval establishes a single occupancy vehicle (SOV) vehicle reduction target of 317 (25% reduction of 422). In its TDM plan, the School establishes a stronger commitment to reduce the threshold listed therein to 311 in Fall 2010 and to 268 in Fall 2012 it allowed until fall 2010 to demonstrate by way of the vehicle trip monitoring metric above that the existing staffing levels (inclusive of six K-12 administrators) enhance monitoring and do not intensify current site use.

> *We challenge Bentley's assertion that COA 27 applies to only 6 people. We request that they provide complete documentation and independent verification. We challenge Bentley's restating of Condition 27. It doesn't require monitors to move and it doesn't require top administrators to serve as monitors.*
>
> *The City and neighbors have repeatedly expressed a concern about the current intensity of use on Hiller. Bentley's plan is to maintain current use in enrollment and staff levels. In addition, individual classroom and offices spaces have previously been sited by the fire department for occupancy and overcrowding with materials. Removing administrators will decrease intensity of use and move many daily activities and car trips, from the Hiller campus.*

The School believes that by allowing the six *administrators* specified in Condition 27 to remain on the Hiller Campus, the spirit of its Condition Use Permit will be strengthened in the following ways:

> *Condition 27 specifies that Bentley shall move all of the all school administration offices and persons not directly associated with the Hiller Drive campus academic program to the other campus by 3/8/10. This includes, at a minimum, Office of Head of School, Development, Finance, Admissions and Parent Association. We have identified numerous job titles from Bentley documents that would also come under #27.*
>
> *Bentley repeatedly misstates the condition.*
>
> *In addition, in regard to Condition #21 the EIR reported that Bentley had 62 FTE employees, 10 of whom were part time. This suggests that Bentley has counted 10 part time employees as 5FTE employees. Bentley should provide a complete roster of their entire staff to City for verification.*

Existing Conditions Have Nominal Traffic Impact

The School's administrator and staff traffic is a small proportion of the overall school traffic. The largest reductions in traffic will be gained by reducing student-related trips, not administrator and staff trips. The School has a plan to reduce administrator and staff trips and parking demand in its TDM, as well as student related vehicle trips.

> *COA #27 is most related to Intensity of Use of all the COAs. The move of these administrators shifts the center of the school to Lafayette where Bentley has made an investment in its future and spent most of its financial resources. Condition #27 was an important consideration in NSHH not filing an appeal in part because this condition can be enforced by City staff whereas parking in various alternate locations is difficult to monitor.*
>
> *The school should continue to reduce administrator and staff trips and parking demand as was intended by the Planning Commission. Condition 27 has the benefit of reducing intensity of use as well as traffic.*

Staff traffic, which is lower than student-related traffic, occurs at different times (before morning drop-off and after afternoon pick-up), so it is not additive to overall traffic congestion.

> *Traffic related to these staff positions occurs throughout the day because of meetings. Currently, Upper school staff needing to meet would be travelling to Hiller – the direction of the travel will simply be reversed. But in addition, the business and leadership positions would require meeting with outside consultants such as accountants, business people, bankers, parents, who would, presumably meet at the new office location.*

Additionally, our analysis of moving these offices to Lafayette indicates an increase in car trips to and from the Hiller Campus by these administrators and staff and by those on the Hiller Campus needing to meet with them. Given that our K-8 (nine grades) is located in Oakland and our 9-12 (four grades) is located in Lafayette, those needing in person meetings with business office personnel (i.e. human resources matters) would necessarily increase vehicle trips from and returning to the Hiller Campus.

> *It would be helpful to see the traffic analysis that Bentley refers to. It is hard to believe that when there is a split campus there wouldn't be somewhat similar traffic in both directions. This condition simply reverses the direction for school related meetings and offers the benefit that other necessary meetings will no longer occur on Hiller. In addition for cost and environmental reasons, many meetings which used to be face to face have alternative electronic or mobile arrangements.*
>
> *Many meetings such as human resources matters can and will be done easily by phone once staff is relocated. People tend to plan their time to avoid duplicate trips and so it is likely that people who need to see Human Resources in person could do so on the way to Hiller and not make a round trip to and from as suggested. Enforcement of this condition will reduce the number of meetings, intensity of use and traffic.*

Vital to Safe and Smooth Traffic Monitoring

These six staff members are trained traffic monitors and constitute a substantial portion of the School's traffic monitoring team. The requested modification would thereby allow for best compliance with the traffic demands outlined in Condition 14e, specifically the TDM Plan. To best execute the TDM Plan, the School has assigned administrators and high-level staff to the roles of assisting. This has enabled us to train a reliable team known to all parents and students. The removal of six monitors (as currently written in Condition 27) will require teaching staff to fill the gap, taking teachers out of the classroom and away from their academic duties. The administrative presence sends the clear message that transportation execution is a high priority.

> *Only the flag person receives periodic training from OPD. The COA does not require the removal of monitors and there is no specification in the COA that the monitors must be top level administrators. In fact, several of the current monitors* ***are not*** *staff that would be moved under #27 and they can continue to train others and stabilize the crew. This is an empty argument.*
>
> *In addition, Bentley's new TDM calls for training students to assist with this function. The COA requires that the school have trained alternates to cover these positions. The school has a large body of people to call upon including administrators, teachers, parents, part time staff and hired contractors who can*

be trained for this job. Safe Routes to Schools and other school models should be consulted.

It is highly unusual that only Bentley's top administrators are capable of doing this job. Perhaps, within the TDM, the school can develop another way to communicate "the clear message that transportation execution is a high priority". Schools throughout the city are functioning with volunteers and paid staff to manage their traffic.

We have seen very little exercise of authority among the high level administrators monitoring the drop off line. The buses still go the wrong way and park incorrectly and drivers still make incorrect turns and occasionally jaywalk. There is no evidence that monitors need to be top administrators. The school, however, needs to be accountable for adequately and appropriately staffing the loading zone.

Proposed TDM Identifies Parking Alternatives Off Hiller Drive

The School's requested change to Condition 27 would create new onsite parking spaces, move more cars off Hiller Drive, and allow for the best operation of these vital offices. The School has identified adequate parking space at the Head of School residence for six spaces and is working to find additional off street locations in Berkeley as a contingency. Moreover, consistent with our single occupancy vehicle reduction target, at least two of the six administrators will come to school via public transportation and carpool.

The same increase in onsite parking spaces and reduced traffic will occur once the required staff is moved from the campus.

Since the Berkeley properties are not approved for parking lots at this time, creating more spaces on them is premature. Can Bentley provide more information on who it is working with to find additional off street locations in Berkeley?

Duncan is suggesting a trade for benefit of consideration. The city does not need to trade important and carefully considered COAs for Bentley's promise that it will make a best effort to meet the Planning Commissioners objectives. Bentley has yet to comply with the majority of the conditions – they aren't in a bargaining position. In any case, , all administrators and staff should be educated, encouraged and incentivized to use alternate transportation.

A Move Is Not Financially Viable

Plans to create space for such an administrative move were predicated on construction of a new middle school on our Lafayette site. That project is no longer viable due to financial reasons. While there is land for new construction on the Lafayette parcel, occupancy of existing buildings on the Lafayette Campus precludes new offices for six people. A portable building would be the most likely solution.

Where Bentley relocates its staff on the Lafayette campus is at its own discretion. A portable building seems like a quick and inexpensive solution. Bentley leadership has known since 2008 when they suspended their capital campaign tthat they did not have funding for the MS in Lafayette. Bentley should have appealed this condition rather than trying to erase it with a minor administrative change. Bentley signed this legal document just 4 months ago and if they aren't going to abide by it then the enrollment increase should be revised.

Therefore, the School requests that the six administrators specified in Condition 27 be incorporated into the execution of the TDM Plan and its vehicle counts, reported by Independent Rules Enforcers as outlined in Condition 14i. The School views this request as consistent with the intent of the original condition—fewer cars on Hiller Drive and enables us to support best the other traffic calming conditions currently underway.

Bentley had one intention with the CUP application – to increase their enrollment – they got it. NSHH dropped its opposition to the enrollment increase in favor of other conditions on intensity of use including the calendar, hours of operation and, traffic and parking improvements. The school has not complied with most of these conditions yet it is operating with all of its privileges. We see no reason to extend more benefits to Bentley until it has a track record of operating consistently within the limits of their CUP.

NSHH disagrees with Bentley's conclusion and believes that:

- *Car traffic will be reduced throughout the day by transferring all of the staff specified in COA #27 to Lafayette.*
- *Intensity of Use will be reduced..*
- *Borderline occupancy of some rooms will be improved*
- *Remaining administrative staff; parents, volunteers, students or hired monitors can be trained to be as effective as the current group. There will be natural attrition in this job over time in any case.*

We appreciate your careful consideration of our request.

Sincerely,

Duncan Lyon
Assistant Head of School

Klein, Heather

From: Paulette Langguth [pl2gs@sbcglobal.net]
Sent: Wednesday, February 24, 2010 9:25 PM
To: Klein, Heather
Cc: Neighbors.Safety.Hiller.Highlands@gmail.com
Subject: Bentley School Amendment

Ms. Klein: I strongly urge you to deny Bentley School's request to amend condition #27. Not only will this amendment water down the agreement but if all parties involved in this matter start adding to and changing the agreement this issue will remain unresolved for an unacceptable length of time. While there is no question that the agreement is less than perfect, I understand that it is adequate as written and that it provides language addressing non-compliance. I appreciate the time you have spent on this agreement and your interest in the safety of our residents and the school's students.

Paulette Langguth
3 Captains Cove
Oakland, CA 94618
(Resident, Hiller Highlands Phase Four)

Klein, Heather

From: Chad Zucker [czucker@zibagroup.com]
Sent: Tuesday, February 23, 2010 11:10 AM
To: Klein, Heather
Cc: 'Kimia Zucker'
Subject: RE: Bentley School Major Change to Condition of Approval #27

Here's another comment on this: I think this change was with regard to the requirement to move many administrative office workers from the Hiller campus.

This is the most ridiculous constraint. The most important issue as I understand it is the congestion on Hiller. But with 360 students coming and going en-masse when school starts or ends, and only modest congestion, it is ridiculous to think that there will be a material difference if about 4 or 5 administrative staff are forced to have offices on the Lafayette campus instead:

A: The numbers are insignificant
B: The staff are coming and going at non-peak periods
C: It seems an undue burden on school administrators (many of whom are making very modest incomes) to have them extend their commute significantly to go through the Caldecott.

-Chad Zucker

From: Klein, Heather [mailto:HKlein@oaklandnet.com]
Sent: Tuesday, February 23, 2010 10:54 AM
Cc: Wald, Mark; Patton, Gary; Wald, Zachary
Subject: Bentley School Major Change to Condition of Approval #27

Dear Interested Parties,

Planning Staff has decided to pull this item from the March 3rd agenda. Although this is not the ideal situation, staff needs to conduct more information gathering in order to frame a recommendation to the Planning Commission. I expect this gathering period to take about 2 weeks, but I have not yet rescheduled a date for the hearing. I will let you know when I have a date.

Thank you for the comments received so far. These will be taken into consideration. Please let me know if you have any questions or if you would like to be removed from this distribution list in the future.

Best,

Heather Klein, CGBP, LEED AP
Planner III
City of Oakland

250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612
ph: (510) 238-3659
fax:(510) 238-6538
email: hklein@oaklandnet.com

Please consider the environment before printing this e-mail

Klein, Heather

From: Deanne Detmers [deanne@bia4autism.org]
Sent: Tuesday, February 23, 2010 11:08 AM
To: Klein, Heather
Subject: Re: Bentley School Major Change to Condition of Approval #27

Hi Heather,

I was not aware that you were interested in receiving comments on this issue and am not sure if you are still collecting them. Here are some additional thoughts:

- The planning commission nor the neighborhood should be in a position of dictating the details of how a business operates internally. I think having the city dictate which level of employees is not allowed on a site is absurd. Limiting the number of vehicles or persons is more of a macro (not micro) issue that seems more reasonable. Stating specific titles of people on a given site in the CUP is not in the purview of the Planning Commission.

- Unlike, other neighborhoods there is ample street parking on Hiller Drive and it is never and issue to find parking within a few feet of one's home. I have lived there several years and always found street parking to not be a problem unlike other neighborhoods in Oakland.

Deanne Detmers
46 Hiller Drive (Bentley neighbor)

From: "Klein, Heather" <HKlein@oaklandnet.com>
Cc: "Wald, Mark" <MWald@oaklandcityattorney.org>; "Patton, Gary" <GPatton@oaklandnet.com>; "Wald, Zachary" <ZWald@oaklandnet.com>
Sent: Tue, February 23, 2010 10:54:06 AM
Subject: Bentley School Major Change to Condition of Approval #27

Dear Interested Parties,

Planning Staff has decided to pull this item from the March 3rd agenda. Although this is not the ideal situation, staff needs to conduct more information gathering in order to frame a recommendation to the Planning Commission. I expect this gathering period to take about 2 weeks, but I have not yet rescheduled a date for the hearing. I will let you know when I have a date.

Thank you for the comments received so far. These will be taken into consideration. Please let me know if you have any questions or if you would like to be removed from this distribution list in the future.

Best,

Heather Klein, CGBP, LEED AP
Planner III
City of Oakland

250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Klein, Heather

From: Elizabeth van Patten [mtnoaks@mac.com]
Sent: Tuesday, February 23, 2010 9:48 AM
To: Klein, Heather
Cc: neighbors.safety.hiller.highlands@gmail.com
Subject: Bentley School's proposed modification to CUP

Dear Ms. Klein,

As a resident of Hiller Highlands, I am writing to oppose Bentley School's proposed modification to the agreement reached, after very long and difficult negotiations, just a few months ago. I believe that this attempt, coming so soon after resolution of a conflict requiring huge amounts of time and money to negotiate, shows bad faith on the part of the school. As I understand it, the conditions Bentley cites for the proposed modification existed and were known to the school before the CUP was agreed to by both sides, so it is very difficult to understand why Bentley waited until now to request these changes.

Even under the new conditions imposed by the CUP, traffic along the lower reaches of Hiller Drive is still very congested and difficult to navigate during school drop-off and pickup times because of the existence of two schools within a very small area. The provisions of
the CUP were designed to mitigate this situation as much as possible.
If the City allows Bentley to begins weakening these provisions already, the result will be to returning us to the dangerous situation that led to this entire process.

In short, Bentley needs to live up to the obligations it agreed to and the City must hold it to that agreement. In addition, the School needs to provide documentation showing the number of school staff working at the Hiller site so that Condition #27 can be properly enforced.

I urge the City to reject Bentley's proposed amendment to the CUP in fairness to the entire Hiller community and for the safety of everyone who has to drive or walk through that area. Enforcement of the CUP is scheduled to begin on March 8 and that should take place, with all its original provisions intact.

Thank you for your consideration of this request.

Elizabeth van Patten

Klein, Heather

From: Pat Rougeau [prougeau@mac.com]
Sent: Monday, February 22, 2010 4:30 PM
To: Klein, Heather
Cc: Neighbors.Safety.Hiller.Highlands@gmail.com
Subject: Bentley Conditional Use Permit: REV 10-113

Dear Ms Klein,

I am writing to oppose Bentley's proposed amendment to Condition #27.
This major modification is dilutive to the intent of Condition of Approval #27 to reduce the school's footprint in the community. Please require documentation of the number of school staff working at the Hiller campus to determine the true number of staff and offices that must be moved under Condition #27.

Thank you,

Pat Rougeau
1844 Grand View Drive
Oakland, CA 94618

(510)845-6735

katherine fung • 40 schooner hill, oakland, ca 94618 • tel: (510) 540-6188 • fax: (510) 540-6187 • email: kkfgeo@gmail.com

February 22, 2010

Ms. Heather Klein
City Planner

Subject: **Case: REV 10-003**
Bentley School Amendment to
Condition #27 of CUP

Dear Ms. Klein:

I understand that Bentley School has applied to make "minor" modifications to Condition #27 of the Conditional Use Permit. I want to voice my objection to such modification.

From reading the Condition of Approval #27:

> "Bentley School Hiller Administration: The Project Applicant shall move all of the all school administration offices and persons not directly associated with the Hiller Drive campus (Lower School and Middle School) academic program to the other campus in Lafayette, no later than the beginning of the first semester after this approval. At a minimum these include: Office of the Head of School, Development, Finance, Admissions, and Parent Association."

To me, the intent of the agreed-upon provision is very clear cut -- to reduce the number of administrators at the Hiller campus.

From their letter to the City dated January 6, 2010, their requests of having these administrators park off-site defeats the purpose of reducing the number of people using the facility. Their argument of just reducing the traffic does not conform to the real intent of the provision.

Bentley's Argument	My Take
Point #1: "This move would create new on site parking spaces, move more cars off of Hiller Drive, and allow for the best operation of these vital offices."	If the administrative officers were to be relocated, that would also have created "new onsite parking spaces." Their point is really moot.

Bentley's Argument	My Take
Point #2. "These six staff members are trained traffic monitors and constitute a substantial portion of our traffic monitoring team. This modification would thereby allow for best compliance with the traffic demands outlined in the C.U.P."	I am hopeful that training traffic monitors would not be such a difficult task, and other staff members at the Hiller campus should be able to accomplish. I would be more surprised to see the six administrators including the Head of School, Finance Officer, Admissions Office come out and direct traffic.
Point #3: "Our analysis of moving these offices to Lafayette indicates an increase in car trips to and from the Hiller Campus by these administrators and staff and by those on the Hiller Campus needing to meet with them."	I will be surprised if the administrators attending the meetings will schedule any meeting at the Hiller campus during the drop off and pick up times, because the traffic is so bad at the school entrance. Furthermore, I cannot see that they will have daily meetings with all six members of the administrative at the Hiller campus. Yes, maybe they can reduce the car trips, but do not alleviate any of the traffic issues that they have created in the first place.
Point #4: "Our plans to create space for such an administrative move were predicated on construction of a new middle school on our Lafayette site. That project is no longer viable due to financial reasons."	When Bentley signed the agreements on the provisions of the CUP in October, they knew fully that they would need to find an alternative location for the administrators. It is not news that the economy is in bad shape. In the short 3 months between October and January, they decided not build the middle school in Lafayette? I find that really hard to believe.

If Bentley has a problem with this provision, they should have appealed before they signed on the dotted line, and not at this time. It appears to me that this is their typical tactic of getting around the system, by breaking up issues into small and

seemingly innocuous pieces so they appear to be more palatable to the general public.

I understand that Bentley is also requesting that the Head of School not be moved, as she lives on the premise. Welcome to the real world: most of us working people travel to our office. Where she lives has no bearing on where she works. The provision stipulates that the office of the Head of School be relocated.

In addition, I have a hard time in believing that only 6 administrators could run the school. I urge the City to investigate the true number of administrators currently working at the Hiller campus, who would need to be relocated under Condition #27.

It has been a long time since Bentley has been violating the original use permit to sneak their way to today's condition. Now that they have agreed on the conditions for the Use Permit, it is high time for them to abide by the rules of the deal.

Thank you for your attention.

Sincerely yours,

Katherine Fung

Katherine K. Fung

Klein, Heather

From: Neighbors for Safety in Hiller Highlands [neighbors.safety.hiller.highlands@gmail.com]
Sent: Thursday, February 18, 2010 9:55 AM
To: Klein, Heather
Cc: Patton, Gary; Wald, Mark; Quesada, Bill
Subject: Conditions 14, 21 and 27

Dear Heather,

Condition 27 states, "The Project Applicant shall move all of the all school administration offices and persons not directly associated with the Hiller Drive campus (Lower and Middle School) **academic program** to the other campus in Lafayette, no later than the beginning of the first semester after approval. At a minimum these include: Office of the Head of School, Development, Finance, Admissions, and Parent Association." At a minimum, this includes five specific departments. Based on past school directories and employee lists, we believe that as many as 20 people could be relocated to Lafayette under Condition 27. Has Bentley provided the City with any verifiable documentation regarding the number of people who would be moved? Have they provided any verifiable documentation regarding the total number of staff (Condition 21)?

Per the Conditions of Approval, February 19th is the date that Bentley must comply with COA #14. 14H states that the "applicant must hire at least three independent Rule Enforcers, unless the project applicant can demonstrate to the City's satisfaction that adequate monitoring and enforcement can occur with less Rule Enforcers." What is the status of Condition 14, and how does the increase in staff relate to Conditions 21 and 27?

Sincerely,

Donna Karch on behalf of NSHH

Klein, Heather

From: Neighbors for Safety in Hiller Highlands [neighbors.safety.hiller.highlands@gmail.com]
Sent: Thursday, February 18, 2010 8:34 AM
To: Klein, Heather
Cc: Patton, Gary; Wald, Mark; Quesada, Bill
Subject: Bentley re COA 27

Heather:

We have received the email below from Duncan Lyon and are unclear about the information he has provided:

1. He says the directory is not a good source of information but does not provide an alternative source. The directory includes 63 staff at the Hiller campus but does not include auxiliary staff so even if one staff person is on leave, it is likely that they have more than 62 staff. We would like to know that the City has a verifiable source for the staff count so that this condition can be checked for compliance.

2. Bentley has a Parent Association but not a PTA as Duncan wrote.The Parent Association is named specifically in Condition #27.The Parent Association meets regularly on the Hiller campus and could account for a measurable reduction in weekday meetings and traffic on Hiller Drive when they are relocated to another site.

3. The Head of School is also named specifically in the COA #27.Where the Head of School lives is not relevant to the enforcement of this condition. The intention is that her business office and activities should be located somewhere other than the Hiller campus.

4. Condition #27 stipulates that certain staff and **their offices** be relocated. The idea, as we understood this condition, was to locate this staff so that all of their business functions, including support staff and meetings, would occur off the Hiller site. There is no reason that this relocation would increase traffic at Hiller. We understand that you and the Planning Commissioners interpreted this condition as a way to reduce Bentley's footprint in the community.

5. If Bentley believed that the Head of School and the Parent Association and other non-academic staff positions could not be moved, why didn't they appeal this condition before they accepted it?

Sincerely,
Donna Karch on behalf of NSHH

From Duncan Lyon:

to Neighbors for Safety in Hiller Highlands <neighbors.safety.hiller.highlands@gmail.com>
cc HKlein@oaklandnet.com, "Arlene F. Hogan" <afhogan@bentleyschool.net>
date Wed, Feb 17, 2010 at 3:23 PM
subject Website and Condition 27
mailed-

hide details 3:23 PM (17 hours ago)

by bentleyschool.net

All:

"I understand several weeks ago Regarding Condition 21, last week Duncan Lyons informed you that Bentley School has 62 employees. However, the schools website identifies 63 administrators and teachers. The school must also employ secretaries, janitors, custodians, maintenance staff, gardeners, security, etc."

Above is a sample of the questions regarding our website and Condition 27. Please note that the website is not the best place from which to count our faculty and staff. The website is for contains teachers on leave their replacements as one example.

To be clear, the six positions of accounts payable, accounts receivable, CFO/Controller, database manager, annual fund coordinator, and development director are those stipulated in our amendment request. Admissions is K-8, we have not PTA and the Head of School resides on campus and already maintains an office in Lafayette.

Please contact me with any questions resulting from this.

Regards,
Duncan

p.s. Donna Karch is the only name viewable on the emails from the "Neighbors for Safety in Hiller Highlands. In order to continue to respond to emails from this heading, we would appreciate knowing exactly with whom we are corresponding. Thanks!

Klein, Heather

From: R Gordon Piper [rgpiper@sbcglobal.net]
Sent: Tuesday, February 16, 2010 9:53 PM
To: Klein, Heather
Cc: linda harris; \'Donna Karch\'; \'Nadine Rhodes Prah\'; Barry Ghanbari
Subject: Bentley School Major Change to Condition 27 Questions and Condition 21 Compliance

I would like to know how many full, part-time, contract and consultants that Bentley currently has involved in its academic program, and how many individuals are currently on the Bentley campus by name, job title and status (fulltime, part-time, contract, and consultants that are currently on the Oakland campus that would be relocated if this condition was being enforced at this time. This would help in evaluating the proposed change and the compliance with the requirement in Condition 21 limiting the number of staff at the Oakland campus. I understand several weeks ago Regarding Condition 21, last week Duncan Lyons informed you that Bentley School has 62 employees. However, the school's website identifies 63 administrators and teachers. The school must also employ secretaries, janitors, custodians, maintenance staff, gardeners, security, etc. So, what have you determined relative to compliance with Condition 21?

These are the questions I have in relation to the proposed Major Change to Condition 27, which I believe other neighbors would also like answers to or prompt evaluation of to assist us and the Planning Commission in evaluating these important matters and conditions that need to be carefully reviewed.
Gordon Piper, 33 Hiller Drive

Klein, Heather

From: Neighbors for Safety in Hiller Highlands [neighbors.safety.hiller.highlands@gmail.com]
Sent: Thursday, February 04, 2010 2:09 PM
To: Klein, Heather
Cc: Patton, Gary; Wald, Mark; Quesada, Bill; Neighbors for Safety in Hiller Highlands List
Subject: Questions re Modification to COA 27

Dear Heather,
The neighbors have several questions regarding Bentley's request for a modification to Condition 27.
The Basic Application, which Bentley submitted does not show a check mark in the Conditional Use Permit (Major) box.It is our understanding that this amendment will be a major change to a major CUP. Shouldnt that be noted on the application?
The application does not showthat Bentley paid any fees, and does not indicate a Permit Tracking Number.Is that information available?
If Bentley's January 6, 2010 letter to the Planning Commission Staff is the official amendment request, we would like further clarification of their proposed changes to Condition 27.It appears that Bentley is requesting an elimination of the staff relocation language and adding new language that would require six staff members to park somewhere (not specified) other than not on Hiller Drive or within the Hiller Highlands.
Condition 27 states, The Project Applicant shall move all of the all school administration offices and persons not directly associated with the Hiller Drive campus (Lower and Middle School) **academic program** to the other campus in Lafayette, no later than the beginning of the first semester after approval. At a minimum these include: Office of the Head of School, Development, Finance, Admissions, and Parent Association. At a minimum, this includesfive specific departments. Based on past school directories and employee lists, we believe that as many as 25 people could be relocated to Lafayette under Condition 27.Has Bentley provided any verifiable documentation regarding the number of people who would be moved? Have they provided any verifiable documentation regarding the total number of staff (Condition 21)?
Having read Bentleys January 29, 2010 Amendment to Condition of Approval #27 application, we are concerned that once again the school is taking a piecemeal approach to changing their CUP. It has only been three months since they accepted the CUP and its Conditions.They have failed to meet compliance deadlines on a number of the conditions, and now want to amend their CUP or perhaps delay compliance with Condition 27.
On January 26, your wrote The purpose of Condition 27 was to 1) address the intensity of use at the Hiller campus while allowing the school to adequately staff the academic program and the administration of the Hiller campus; and 2) to reduce traffic and parking on Hiller Drive. We agree with your assessment, and oppose any change to Condition 27.
Sincerely,
Donna Karch on behalf of NSHH

Klein, Heather

From: Neighbors for Safety in Hiller Highlands [neighbors.safety.hiller.highlands@gmail.com]
Sent: Wednesday, February 03, 2010 2:56 PM
To: Klein, Heather
Cc: Neighbors for Safety in Hiller Highlands List
Subject: Bentley re Condition #27

Dear Heather,

Did Bentley file an appeal re staff's denial of Condition #27?

Has Bentley submitted any reports? Is the scope of work available for the traffic study?

Although Condition #24 C) requires Bentley to submit copies of reports to the Neighborhood Liaison Committee at the same time they are submitted to the City, the school has failed to do so.

Thanks,

Donna

Klein, Heather

From: Neighbors for Safety in Hiller Highlands [neighbors.safety.hiller.highlands@gmail.com]
Sent: Friday, January 22, 2010 3:02 PM
To: Klein, Heather
Cc: Patton, Gary; Wald, Mark; Quesada, Bill; Leila Moncharsh; dboxer@gmail.com; Neighbors for Safety in Hiller Highlands List
Subject: Conditions of Approval 21 and 27

Dear Heather,
We would like clarification regarding Condition 27 (The Project Applicant shall move all of the all school administration offices and persons not directly associated with the Hiller Drive campus (Lower and Middle School) **academic program** to the other campus in Lafayette, no later than the beginning of the first semester after approval. At a minimum these include: Office of the Head of School, Development, Finance, Admissions, and Parent Association.)

Bentley is requesting a minor change to Condition 27. The neighbors oppose any change to this condition.
In his letter of January 6, 2010, Duncan Lyon wrote, Our plans to create space for such an administrative move were predicated on construction of a new middle school on our Lafayette site. That project is no longer viable due to financial reasons. However, Bentley School was aware that the Middle School was not going to be built in Lafayette prior to the school agreeing to the Conditions of Approval.
Condition 27 is very important to the neighbors for a number of reasons, including traffic, parking, and intensity of use. The Parent Association has many meetings, which bring many added vehicles into our neighborhood. Neighbors conceded on the schools increased enrollment, with the understanding that Bentley had agreed to limit the number of employees on the Hiller Campus to only those staff members related to the **academic program** at the Hiller Campus.
In the schools response to Condition 21, they state that they have a staff of 62 on the Hiller Campus. The school has 18 classes (two each K-8). We would like a list of job titles, job descriptions, etc. for the 62 employees. We find it implausible that only six staff members are not related to the Lower and Middle Schools **academic program**.
The Planning Commissioners are well aware of the intensity of use issue and are familiar with Bentley's use being out of scale.
In October, Bentley agreed to the Conditions of Approval. Now, prior to properly accepting or recording the signed conditions, they are asking for changes. Neighbors cooperated in good faith, and expect Bentley to honor the COAs.

Sincerely,
Donna Karch on behalf of NSHH