From: Susan Piper
To: Klein, Heather
Subject: Re: Why we believe Bentley"s Appeal Requiries Major CUP review
Date: Monday, June 30, 2014 11:15:40 AM

Okay. Thanks. Have a good 4th of July!

Sue

On Mon, Jun 30, 2014 at 11:12 AM, Klein, Heather <HKlein@oaklandnet.com> wrote:

> Yes, that's correct. I just wanted to clarify that this will not be a new Major CUP.
>
> **Heather Klein,** Planner III **|** City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510)238-3659 | Fax: (510) 238-6538 | Email: hklein@oaklandnet.com | Website: www.oaklandnet.com/planning
>
> **Please** consider the environment before printing this email
>
> **From:** Susan Piper [mailto:susangpiper@gmail.com]
> **Sent:** Monday, June 30, 2014 11:04 AM
> **To:** Klein, Heather
> **Cc:** Neighbors for Safety in Hiller Highlands
> **Subject:** Re: Why we believe Bentley's Appeal Requiries Major CUP review
>
> My concern is that the decision be made in a public forum where we will be able to speak. I think this is what you are saying-- that because it needs to go to the Planning Commission is will be a public forum, correct?
>
> Sue
>
> On Mon, Jun 30, 2014 at 10:13 AM, Klein, Heather <HKlein@oaklandnet.com> wrote:
>
> Sue,
>
> The Bentley School Conditional Use Permit was approved on October 21, 2009. Condition of Approval #3 of the Conditional Use Permit states:

3. Scope of This Approval; Major and Minor Changes

Ongoing

The project is approved pursuant to the Planning Code only. Minor changes to approved plans, conditions of approval, facilities or use may be approved administratively by the Director of City Planning or designee and brought to the City Planning Commission as a noticed, informational Director's Report within 30 days. Minor changes include, but are not limited to, the reporting criteria or the number of monitoring personnel in Conditions of Approval #16, and 19. Major changes to approved plans, conditions of approval, facilities or use shall be reviewed by the City Planning Commission as a revision to the Major CUP. Major changes include, but are not limited to, the following: an increase in staff, increase in hours of operation (day care, school hours, or events), increase in the number or days of special events, or termination/revocation of the MOU by OPD. See Condition of Approval #25 regarding other changes to that would require preparation and approval of a permit for a Master Plan.

The Planning Code does not limit the number of staff for Community Education Activities. Therefore, a Conditional Use Permit, Major or Minor, is not required per the Planning Code.

However, based on the Condition of Approval included above, the Director of Planning is unable to administratively approve the change to increase the number of staff. This change must be reviewed by the Planning Commission at a public hearing. The application itself will likely be a Revision to the Conditional Use Permit, not a Major or Minor Conditional Use Permit, similar to the School's requested Amendments that were discussed at the April 7, 2010 Planning Commission hearing.

I hope this helps clarify the type of permit anticipated and process based on the information I know to date.

Best,

Heather Klein, Planner III **|** City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510)238-3659 | Fax: (510) 238-6538 | Email: hklein@oaklandnet.com | Website: www.oaklandnet.com/planning

Please consider the environment before printing this email

From: Susan Piper [mailto:susangpiper@gmail.com]
Sent: Friday, June 27, 2014 3:46 PM
To: Klein, Heather
Cc: Kalb, Dan; Bolotina, Olga; Ranelletti, Darin
Subject: Why we believe Bentley's Appeal Requiries Major CUP review

The first "determination" letter dated 3/8/10 clarified that it was not FTEs but actual employees that the PC was concerned about. In (Determination Letter for Case File No. CM04-411. COA 1.b.vii) to Duncan Lyon on 3/8/2010 you wrote:

> *It is staff's belief that the Planing Commission wanted to cap the number of staff at 62. Staff does not believe that it was their (Commission's) intent to reference FTE's, as this would result in an indefinite number of persons on the campus and more vehicle trips on Hiller Drive. This assumption is supported by the fact that the Planning Commission approved the project with Condition 3 which requires a Major Change for any increase in staff levels.*

Your April 13, 2010 notified Arlene Hogan that the school's modification to 1.b.vii. was approved and the language of the condition was changed to "*71 employees"*.

To further support the intention of the PC to limit vehicles and actual people - <u>not an indefinite number of persons</u> - on the <u>campus</u> (not just at peak periods when arriving or departing) the PC revised Condition 27 to say:

> *The project applicant shall provide proof/evidence within 30 days (5/7/10) that the five administrators (Dir. of Dev. & Communications, Data Base Manager, Business Manager, Accounts Payable Coordinator and Accounts Receivable Coordinator) are parking off campus, not on Hiller Drive or within Hiller Highlands.*

We do not believe that this particular requirement was ever acted on by Bentley, as some of these positions are showing up on the employee reports, including the one from April 2014.

The bottom line is that neighbors want Bentley to fully comply with the conditions of the CUP, not just check off a box on a list. Having the discussion in the public venue of the Planning Commission will provide transparency and hopefully, accountability.

Sue Piper

Neighbors for Safety in Hiller Highlands