From: R Gordon Piper
To: Klein, Heather; Vien Truong; blake.huntsman; Madeleine Zayas-Mart; Jonelyn Whales; Chris Pattillo; michael.colbruno@gmail.com
Cc: Lkharris73@gmail.com
Subject: Re: Request, Investigation of Apparent CUP Violation
Date: Wednesday, March 28, 2012 1:16:12 PM

The Bentley School website previously included the following information welcoming to its "facultly and staff" for the 2010-2011 school year new Athletic Director Rob Rafeh:

Welcome New Faculty and Staff

Bentley is proud to introduce outstanding new faculty and staff to our Community, joining us for the start of the 2010-2011 school year. Each of our new Faculty brings experience and passion to their chosen fields. Please take a moment to say Hello when the new school year begins.

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Robb Hedges

The welcome of new faculty and staff went on to indicate regarding Athletic Director Rob Rafeh:
"We are excited to announce that **Rob Rafeh** is joining Bentley School as our new Athletic Director. Coach Rafeh comes to Bentley from the International High School/French –American International School in San Francisco. Mr. Rafeh, a San Francisco native attended George Washington High School in San Francisco. He received a B.S. in Kinesiology and a minor in Athletic Coaching from San Francisco State University.
Coach Rafeh has been working with and coaching in the independent schools since 1998. In addition to the International School, he has worked at Schools of the Sacred Heart, Stuart Hall, The Urban School of San Francisco and the Head-Royce School. He has coached a variety of sports from cross-country, soccer & boys volleyball (at the middle school level), but his first love is as a basketball coach. He helped lead the Urban School's girls basketball team to the school's first ever BCL-West League championship and their first and only NCS girl's basketball championship. He coached the boy's basketball team at Head-Royce for 5 years, leading them to 3 BCL- East championships, along with the schools 2nd ever trip to the CIF State Basketball championships and a top 8 finish in the state rankings in 2008-0..."

I ask the Planning Commission and its staff to clarify how a " vendor" is defined under the provisions of the TDM and how an "employee" is defined, and what is a "faculty" member and "staff" under the definitions being used by the Planning Commission and your staff. I ask for clarification as to how it was determined at the start of the 2010-2011 school year that the Athletic Director was a "faculty and staff" member that was welcomed and that this year when Mr. Rafeh continues to serve in the same position that he is now no longer considered a "faculty and staff" member, but reportedly is classified as a vendor. I ask that you review whether Mr. Radeh has supervisory responsibilities over several of the individuals shown on the Bentley School website as being members of the physical education staff. Can you also clarify where in the previous and amended Conditions of Approval it indicates that the Athleltic Director is not considered a staff member, and explain why this position was classified as a "vendor" when Mr. Radeh was welcomed as a "faculty and staff" member as shown above on Bentley School's website? It may be appropriate to review pay records for the school as filed with the California Employment Development Department to determine in fact whether Mr. Radeh has been classified by Bentley as an employee or as a member of its faculty and staff.

There are other individuals parking on Hiller Drive, including an individual driving a Dodge van with license plate JDJ172 parked between 10 a.m. and 12:45 today, who previously indicated to me she is a teacher at the school. The teacher was also parked on lower Hilller Drive yesterday in the afternoon, and apparently moves the car after lunch.This would apparently violate section A on page 4 as Ms. Klein clarifies in her email today.

I also observed Lexus with license plate 36248B1 parked this morning between 9 a.m. and 11:30 a.m. There also is another Volvo that has been parked since approximately 8:30 a.m. to 1 p.m. in front of Linda Harris' house that had a single occupant walking into the school. I ask staff and the Planning Commission to take stepsnow and in the future to require regular monitoring of the parking on Hiller Drive and to address the apparent TDM violation(s), and to make an accurate determination as to whether there are TDM violations.

There were more than a dozen vehicles parked for more than the 30 minute limit this morning, and it's hard to determine with out some monitoring by the City and staff for the Planning Commission whether more of these individuals were faculty, staff, vendors, visitors, or parents. This would be a good time to begin reviewing this in more detail and to address the parking problem in our neighborhood. I ask the Planning Commission to carefully review this situation and to determine whether or not the Bentley School has violated the TDM requirement in Section A on page 4 and whether it is or is not in compliance with the CUP conditions/requirements at this time.
Gordon Piper

From: "Klein, Heather" <HKlein@oaklandnet.com>
To: R Gordon Piper <rgpiper@sbcglobal.net>; Vien Truong <vienv.truong@gmail.com>; blake.huntsman <Blake.Huntsman@seiu1021.org>; Madeleine Zayas-Mart <mzmdesignworks@gmail.com>; Jonelyn Whales <jaw1123@aol.com>; Chris Pattillo <Pattillo@pgadesign.com>; michael.colbruno@gmail.com
Cc: Lkharris73@gmail.com; Wendi Berardi <wberardi@bentleyschool.net>
Sent: Wednesday, March 28, 2012 10:03 AM
Subject: RE: Request, Investigation of Apparent CUP Violation

Gordon,
Per the previous and the amended Conditions of Approval, the Athletic Director is not considered staff but a vendor. The updated Condition 14D states:

> **a) Total Vehicle Reductions:**
> The project applicant shall cause to be counted all vehicles associated with the School's students, faculty, and staff, as previously defined by the Planning Commission with approval of the TDM on July 21, 2010, during a one-hour monitoring period in both the morning and the afternoon. Furthermore, visitors, vendors, suppliers, the AC Transit bus or other multi-occupant vehicles chartered by the School shall not be included in the vehicle count. The morning monitoring period shall begin at 7:30 am and shall end at 8:30 am. The afternoon monitoring period shall begin at 2:45 pm and shall end at 3:45 pm. One trip shall equal one vehicle either arriving at or departing from, an on-campus drop-off, or at an on-campus parking location, but not both arriving and departing from these locations, or one vehicle parking for less than 30 minutes on Hiller Drive within a single monitoring period. For example, if a vehicle is counted when it arrives at an on-campus drop-off, the vehicle is not counted again when the vehicle departs from the on-campus drop-off during the same monitoring period. The school shall be considered out of compliance with this condition if the trimester report prepared by the Independent Rule Enforcers per the approved TDM concludes that the total counted vehicles during any one-hour monitoring period averaged over the trimester exceeds 242 vehicle trips.

In addition, the approved TDM states in section A on page 4: "No faculty or staff is allowed to park on Hiller Drive, including North Hills Court, for more than 30 minutes" and in section D on page 7: "Trips counted shall include all vehicles associated with the School's students, faculty, and staff, as previously defined by the Planning Commission with approval of the TDM on July 21, 2010."

Finally, the Independent Rule Enforcers have not noted any violation of this condition during their monitoring periods.

These conditions were final as of March 19th since no appeal was filed. Staff has determined the School to be in compliance.

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

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Please consider the environment before printing this e-mail

From: R Gordon Piper [mailto:rgpiper@sbcglobal.net]
Sent: Tuesday, March 27, 2012 5:52 PM
To: Klein, Heather ; "Vien Truong"; "blake.huntsman"; "Madeleine Zayas-Mart"; "Jonelyn Whales"; "Chris Pattillo"; michael.colbruno@gmail.com
Cc: Lkharris73@gmail.com
Subject: Request, Investigation of Apparent CUP Violation

I wanted to request an investigation and action to address an apparent violation of the CUP provision prohibiting parking by Bentley staff for more than 30 minutes on Hiller Drive . Today I observed a male with a huge bag of balls getting out of a car at 2:40 p.m. that he had parked across the street from my house on Hiller Drive and walking into the Bentley School . The car with license plate 5KIP550 remained parked until after 5 p.m. at the same location on Hiller Drive . I called the Bentley School at 4:25 p.m. and spoke to two people about the apparent CUP violation and asked if the person carrying the balls into the school was a Bentley School employee. I was advised the person was the Athletic Director for Bentley. The car remained parked for another 40 minutes after I called and raised my concern regarding why this individual, reportedly the Athletic Director for Bentley School , was parking on Hiller Drive for over the established 30-minute limit mandated in the CUP. It does not appear the Bentley School is in compliance with this CUP provision, and I ask that the Planning Commission and City staff address this continuing problem and apparent violation of the CUP. I previously have observed a Bentley School coach with a bag of balls parking for more than 30 minutes on Hiller Drive in violation of the CUP condition imposed by the Planning Commission. There are regularly many vehicles parked on Hiller Drive for more than 30 minutes and parking congestion is a continuing problem. I request the Planning Commission mandate a thorough investigation to evaluate and report to the Planning Commission and neighbors on this apparent violation of your CUP provisions. If there is a violation, I ask that you take appropriate corrective action to stop these continuing violations once and for all.
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Heather Klein, CGBP, LEED AP
Planner III
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Oakland Ranked #5 Place to Visit in the World!
- New York Times 2012

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