From: Gordon Piper
To: Klein, Heather
Subject: Re: Seeking clarification re Employee Condition on Bentley CUP
Date: Tuesday, March 11, 2014 1:24:02 AM

Could you clarify what you base your contention that the Commission in any vote or comments in establishing the limit of 71 full-time and part-time employees limiting the counting of the employees to those that worked solely on the Hiller campus or had offices on the Hiller campus? Is there any tape recording that supports this was a position taken or communicated by any Planning Commission member at its meeting at which the CUP limitation was discussed and approved? If so, can you please make the tape or a transcript of the specific comments that you are basing your understanding of the definition of "employee" which you have underlined in your email. I don't recall that have been discussed or indicated as a definition that was to be used by Bentley School or staff, and would like to see how you arrived at this understanding. I look forward to promptly receiving clarification as to how you arrived at this definition and understanding. If you are aware of some other writing from all Commission members that indicated this was the definition of employee to be utilized, could you provide a copy of this document/writing?

Could you also clarify the name or names of the one maintenance employee at the Hiller campus in 2012, 2013, and 2014?

I also would like to know if in your research regarding the Strings Academy learning whether you determined whether any of three Strings Academy employees received W-2's that might further support the indications made in writing by the Bentley School that these were faculty and instructors, and not "vendors". Do the Strings Academy instructors receive W-2's or 1099's in 2011,2012, and 2013? Did the Jazz Band Teacher receive a W-2 or a 1099 in 2012 and 2013?

Gordon Piper

On Mon, Mar 10, 2014 at 2:49 PM, Klein, Heather <HKlein@oaklandnet.com> wrote:

> Susan and Gordon,
>
> I received your e-mails and voicemails regarding staffing at Bentley School. I had a chance to discuss the issue of the Director of IT and the Strings Academy staff with the School. Furthermore, I reviewed the previous list of employees that was approved by the Planning Commission in 2010, the version from 2012 and the most recent submittal. As I have discussed at the multiple Planning Commission meetings and in e-mails to the neighbors, City staff did not want to be in the position of constantly determining staff which could be fairly fluid depending on the needs of a school.
>
> It is the Department's understanding that the Commission defined staff as those persons, aside

from the Head Master whose house is located on the Bentley campus, who were solely associated with the running of the Hiller Campus or whose offices were located at the Hiller campus. Specially, this meant all Bentley K-8 faculty, administrators, maintenance staff, and childcare staff and is consistent with the lists that the School has submitted. Currently, there are 45 faculty, 17 administrative staff, 8 childcare workers, and 1 maintenance staff for a total of 71 employees. In 2012, there were 44 faculty, 14 administrative staff, 7 childcare workers, and 1 maintenance staff for a total of 66 employees. In 2010, there were 47 faculty, 8 childcare workers, 3 maintenance staff and 13 administrative staff for a total of 71 employees.

The Director of IT 's office is in Lafayette. He occasionally needs to come to the Hiller Campus to discuss IT related situations with Bentley staff such as the Technology Associate . However, he was not considered part-time staff for the Hiller campus at the time that the Planning Commission approved the staffing list. Therefore, City staff consider him a vendor. Vendors are not considered full or part time staff. The Strings Academy staff is a vendor providing musical instruction and is similar to athletic coaches or tutors. They are not faculty.

As previously discussed in the City's letter dated April 5, 2012 and attached to this e-mail, City staff outlined the process by which the neighbors could request a formal determination from the City which could be appealed. If you wish to file a determination regarding the Director of IT or the Strings Academy, please submit a letter to the Zoning Permit counter with an initial fee of $300.65. City staff will review your request and provide you the Department's formal response. Any party may then appeal that decision to the full Planning Commission.

I hope this clarifies your concerns regarding the IT Director and the Strings Academy staff.

Best,

Heather Klein, CGBP, LEED AP BC&D

Planner III

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Please consider the environment before printing this email

From: Susan Piper [mailto:susangpiper@gmail.com]
Sent: Friday, February 28, 2014 12:40 PM
To: Klein, Heather
Cc: Gordon Piper
Subject: Seeking clarification re Employee Condition on Bentley CUP

Hi Heather,

Can you please explain how the Planning Department defines part-time employees with respect to the Bentley CUP?

There are Bentley employees based in Lafayette who come to the Hiller Campus several times a week as part of their jobs (for example. the IT Director, some Lafayette-based faculty who serve as coaches or music instructors, etc.).

The CUP doesn't directly address this-- it just limits the total number of full and part time employees on the Oakland campus.

We would appreciate hearing your rationale, so that we can understand how the Planning Department interprets this situation in relation to the CUP employee limit.

Thanks.

Gordon and Sue Piper

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