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Cc:	Angstadt, Eric
Subject:	Bentley School Hearing, Compliance and Monitoring Concerns, CUP and TDM Concerns
Date:	Tuesday, February 15, 2011 11:48:43 AM

I am writing as the immediate neighbor of the Bentley School and a member of the Neighbors for Safety in Hiller Highlands to express my concerns about the monitoring of and compliance with the CUP conditions for the Bentley School and also concerns about the Transportation Demand Management Program covered by the CUP and problems with this program.

This pertains to Case File Number CM04-411; ER07-006; REV 10-003. I understand the Planning Commission is meeting on Wednesday to discuss this case and review Bentley Schools' compliance or lack of compliance with the CUP conditions set forth by the Planning Commission. I ask you consider the following information/feedback in your deliberations and actions.

As you are aware the CUP limits "vehicle trips accessing the campus" to 242. I understand this has been interpreted to mean that the school must keep both morning and afternoon transit period to under 242 vehicles. I understand the Transportation Demand Management Plan (TDM) requires "The number of vehicle-trips accessing the school shall be documented by independent Rule Enforcer".

I wanted to share my concern and finding that the TDM requirement of the number of vehicle trips be documented by Independent Rule Enforcer is not being effectively complied with. For example, today the three enforcement staff members employed by the school were at the school from 7:30 to approximately 9 a.m. I spoke to the three Rule Enforcers from DKS Consultants today to inquire if they were monitoring the vehicle trips accessing the campus and learned this morning and this week:
* The Rule Enforcers are only monitoring vehicle trips once per month and then only between the hours of approximately 7:30 a.m. to 9 a.m. and 2:20 p.m. to 4 p.m. They indicated they or no Rule Enforcers are monitoring vehicle trips to the campus before 7:30 a.m., between 9 a.m. and 2:20 p.m., and after 4 p.m. This leaves a substantial number of hours during each school day and during most of each month when the independent Rule Enforcers are not "documenting" as required the number of vehicle trips to the campus. Rule Enforcement activities appear to be more an exception (or very part time) under current practices of the City/Planning Commission in effect rather than a rule that neighbors can count on being enforced effectively to ensure CUP and TDM compliance.
* The Rule Enforcers spokesperson indicated today that they thought it was a bit vague as to the time period that they were supposed to be monitoring the number of vehicle trips accessing the school. They noted when I asked who needed to define this more clearly for them that this would be the Planning Commission members. It appears that the Planning Commission members have to date not adequately defined for the Rule Enforcers and City staff their expectations for the documenting of the number of vehicle trips accessing the school. Neither the Rule Enforcers, the City staff or the Planning Commission has documented the number of vehicle trips accessing the school, based on the information that was provided to me today by the spokesperson for the Rule Enforcers.

* The monitoring of the number of vehicle trips during the hours the Rule Enforcers are monitoring once a month does not accurately document the number of vehicles accessing the campus either during the morning or the afternoon on school days. This is problematic as it allows the school to effectively not comply with the CUP condition, and City staff and the Planning Commission have not adequately ensured compliance with the CUP limit for "vehicle trips accessing the campus" being limited to 242.
* The methodology being followed by Rule Enforcers at this time only partially counts vehicle trips accessing the campus during morning and afternoon periods during "peak periods" as opposed to counting the total during the full morning period or the full afternoon period. The current methodology undercuts the CUP condition and effective monitoring of vehicle trips both during the morning and afternoon. The period for counting vehicles should be longer and capture accurately the total number of vehicle trips accessing the campus.
* The Rule Enforcers also stood only on Hiller Drive this morning and did not appear to monitor the number of vehicles accessing the campus through entrances on Tunnel Road, which might also lead to Rule Enforcers undercounting and lack of accurately documenting vehicle trips accessing the campus. To determine the number of vehicles accessing the campus, monitors or Rule Enforcers should observe vehicle trips to/from all school -related behicle and parking-access areas, including: Hiller Drive drop off; Hiller Drive/North Hill Court park and walk traffic; Tunnel Road drop off and cars parked in all campus parking areas.
* I understand that Bentley School has been notified that they are in noncompliance for the morning period with the number of vehicles accessing the campus and have to correct this or face enforcement steps. While I appreciate this effort, I believe the Rule Enforcers employed by Bentley and that the City staff and Planning Commission have failed to accurately document and address the lack of compliance in the afternoon period in regard to the number of vehicle trips accessing the campus. Just monitoring the number of vehicle trips between 2:20 p.m. and 4 p.m. does not accurately document the number of vehicle trips accessing the campus. There are many vehicle trips accessing the campus outside these peak hours that are not being documented, and which should be to ensure effective enforcement of the CUP condition and compliance with the TDM requirement for Independent Rule Enforcer documenting vehicle trips. The corrective curing of lack of compliance by Bentley School should extend to both the morning and afternoon. The time period during which vehicle trips are observed and counted should be as comprehensive as possible.

* The TDM includes a diverse set of goals including reducing the school's carbon footprint and reducing impact in the neighborhood. The City has an obligation to come as close as possible to accurately counting all vehicle trips accessing the campus and enforcing more effectively the CUP limits in order to meet these goals. The Planning Commission needs to provide clearer guidance and to make sure the CUP conditions are enforced and the total vehicle trips accurately documented as required in the TDM.

There are impacts on the neighbors and also the public garden (Firestorm Memorial Garden) by the excessive number of vehicle trips in violation of the CUP condition. I serve as the Chair of the Oakland Landscape Committee that has the permit from Caltrans/the State of California for the Firestorm Memorial Garden property and am concerned about the continuing excessive number of vehicle trips accessing the campus, and heavy parking on Hiller Drive in front of the garden during school hours.

During the first part of the school year, I found that on occasion some Bentley School staff and vendors were parking on Hiller Drive in violation of the CUP

for periods longer than an hour. The short period in which the Independent Rule Enforcers were monitoring at the school during peak periods did not ensure compliance with the no parking on Hiller Drive/Tunnel Road expectation of the Planning Commission and the promises from the Bentley School to stop this parking.

The Planning Commission needs to work on ensuring more effective, continuing monitoring by Independent Rule Enforcers and City staff of the CUP conditions and the TDM requirements than has been evidenced to date. The part-time Independent Rule Enforcement done only once per month for a few hours a school day has allowed violations of the CUP conditions to occur and encourages continuing violations. We need the Planning Commission, the City Community and Economic Development Agency, and City staff to step up and ensure more effective monitoring, documenting of problems/violations, and enforcement of CUP conditions and TDM requirements. We had as neighbors approximately 15 years of CUP violations relative to enrollment at Bentley School that the City and Planning Commission did not adequately address. It's time for the Planning Commission and City staff to more effectively monitor and enforce the requirements of CUP conditions and the TDM Program for the Bentley School.

Gordon Piper, 33 Hiller Drive, immediate neighbor of Bentley School