From:	linda harris
To:	Klein, Heather
Cc:	Neighbors for Safety in Hiller Highlands
Subject:	Re: FW: Bentley: Compliance Matrix
Date:	Monday, November 10, 2014 4:49:45 PM

Heather: Thanks for the draft matrix. I note that the colors are absent and there are a couple of COA sections that have no comments in the last column.

On a different subject...I received a copy of Darin Ranalletti's response to Gordon's staffing questions. Neighbors were not notified of the meeting in October or the school's decision to not apply for a revision to the CUP. We deferred commenting on the school's 5/30 appeal letter in anticipation of the CUP amendment application which you indicated would be decided together. Mr. Ranalletti indicated that the appeal and review of plan to come into compliance would be considered soon. Will you please forward Bentley's Compliance Plan when you receive it and let us know when we can submit our detailed comments.

We are not aware why Bentley made this decision but we have comments to submit on Bentley's (Ann Mudge 5/30/14) interpretation that staff limit is "at any one time". There is substantial discussion on the record in the commission hearings that indicates it was not Commissioners' intention to allow an "up to" staff limit at any given time. Neither the Commission nor the TDM include methodology for monitoring and reporting the staff level limits in this way. In a document which included so many specifics relating to time and vehicles, it is unlikely Commissioners would have overlooked the "at any one time" concept. Neighbors would certainly have opposed this language. In fact, the amendment to the number of staff, already agreed to by neighbors suggests that it was generally understood that staff limits were absolute and were an important tool for reducing impacts in the community and not simply during peak traffic periods. If 71 staff applies only at a "one time" timeframe, the school could have twice as many people associated with the operations at the school. It is inevitable that increasing staff (even if you could monitor at one time) will mean more vehicles through the neighborhood and longer periods of higher occupancy even if the under maximum at any one time.

This interpretation is a substantial and fundamental change in the CUP that deserves an open discussion including Neighbors for Safety in Hiller Highlands.

Have you sent a notice of noncompliance in regard to the excess vehicle trips documented on the September DKS report?

Thank you,
Linda

On Mon, Nov 10, 2014 at 2:07 PM, Klein, Heather <HKlein@oaklandnet.com> wrote:

> Attached is the School's annual compliance matrix. However, please note, I have not had a chance to review this yet.
>
> 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: Klein, Linda C. [mailto:lklein@coxcastle.com]
Sent: Wednesday, October 29, 2014 7:07 PM
To: Klein, Heather
Cc: Mudge, Annie; Arlene Hogan (afhogan@bentleyschool.net); Kori Thomas (kthomas@bentleyschool.net)
Subject: Bentley: Compliance Matrix

Hi Heather,

Attach please find the 2013-2014 School Year Compliance Matrix and exhibits. Please let me know if something is amiss. Note that I will be out of the office on Thursday and Friday, but back again on Monday.

Best,

Linda

Linda C. Klein

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