

IV. SETTING, IMPACTS AND MITIGATION MEASURES

The Bentley School Major Conditional Use Permit analyzed in this EIR is different than most projects undergoing environmental review in that the future Project conditions are approximately the same as the current baseline conditions (the difference between existing student enrollment and Project student enrollment is eight students). As such, this EIR analyzes the impact of current conditions at Bentley School on each environmental topic that has been identified as warranting detailed evaluation. Topics warranting detailed evaluation were identified through preliminary environmental analysis conducted by City staff and LSA Associates, Inc., and through verbal and written comments submitted during the EIR scoping period. Sections A through F of this chapter describe the environmental setting of the Project as it relates to each specific environmental issue evaluated in the EIR, and the less-than-significant impacts that are expected to result from implementation of the Project, relevant City policies, and Standard Conditions of Approval (where applicable).

The following discussion provides an overview of the scope of the analysis included in this chapter, organization of the sections, the methods for determining what impacts are significant, and the applicability of the City's Uniformly Applied Development Standards (also referred to as Standard Conditions of Approval).

A. ISSUES ADDRESSED IN THE DRAFT EIR

The following environmental topics are analyzed in this chapter:

- Land Use
- Transportation and Circulation
- Air Quality (including Global Climate Change)
- Noise
- Hazards
- Public Services

Topics determined to not be directly relevant to the proposed Project are briefly discussed in Chapter VII, under Effects Found Not to Be Significant, and include Aesthetics, Agricultural Resources, Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Mineral Resources, Population and Housing, Recreation, and Utilities and Service Systems.

B. FORMAT OF ISSUE SECTIONS

Each environmental topic considered in this chapter comprises two primary sections: (1) setting and (2) impacts. An overview of the general organization and the information included in the two sections is provided below:

- *Setting.* The setting section for each environmental topic generally provides a description of the physical setting for the Project site in the “existing” condition (with an enrollment of 352 students). In regard to the proposed Project, the “baseline” condition (with an enrollment of 200 students) implies a theoretical condition that would exist if Bentley School was limited to the enrollment and operational characteristics permitted under the existing 1969 Major CUP. In most of the topical sections in this chapter (e.g., in describing existing conditions relating to land use or public services), it is infeasible to discuss “theoretical” baseline conditions that would exist under the 1969 Major CUP; in these cases, conditions that exist around the time the Notice of Preparation was published for the EIR are described. An overview of regulatory considerations that are applicable to the specific environmental topic is also provided in this section.
- *Impacts.* The impacts section for each environmental topic presents a discussion of the impacts resulting from existing conditions at Bentley School. These existing conditions would be legalized through approval of the new Major Conditional Use Permit. The section begins with the criteria of significance, which establish the thresholds to determine whether an impact is significant. The latter part of this section presents any impacts that would result from the proposed Project. All impacts associated with the Project would be less than significant. Therefore, no mitigation measures are identified (although recommended measures and Standard Conditions of Approval are identified, where appropriate, to further reduce certain already less-than-significant neighborhood impacts). These recommended measures will be considered by decisionmakers during the course of Project review.

C. DETERMINATION OF SIGNIFICANCE

Under CEQA, a significant effect is defined as a substantial, or potentially substantial, adverse change in the environment.¹ The guidelines implementing CEQA direct that this determination be based on scientific and factual data. Each environmental analysis section of this chapter is prefaced by a summary of criteria of significance.

The criteria utilized in this EIR are from the City of Oakland’s Thresholds/Criteria of Significance Guidelines, and are based on State and local laws, City of Oakland planning documents (including the General Plan), and applicable provisions of CEQA. The City requires the use of its Thresholds unless the location of the project or other unique factors warrant the use of different thresholds. The Thresholds are intended to implement and supplement provisions of the *CEQA Guidelines* for determining the significance of environmental effects, including Sections 15064, 15064.5, 15065, 15382, and Appendix G, and form the basis of the City’s Initial Study and Environmental Review Checklist. If the Project’s impacts do not meet or exceed the significance criteria established by Oakland, they are not considered “significant,” and no mitigation is required by CEQA.

The Thresholds are intended to be used in conjunction with the City’s Uniformly Applied Development Standards and Conditions of Approval, which are incorporated into projects as Conditions of Approval regardless of the determination regarding a project’s environmental impacts. However, because the Project would not result in physical changes to the site, and thus would not result in any physical impacts to the environment, only a few of the City’s Standard Conditions of Approval could apply to this Project.

¹ Public Resources Code 21068.

D. CUMULATIVE ANALYSIS CONTEXT

CEQA defines cumulative impacts as “two or more individual effects which, when considered together, are considerable, or which can compound or increase other environmental impacts.” Section 15130 of the *CEQA Guidelines* requires that an EIR evaluate potential environmental impacts when the project’s incremental effect is cumulatively considerable. “Cumulatively considerable” means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. These impacts can result from a combination of the proposed project together with other projects causing related impacts. The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects.

The methodology used for assessing cumulative impacts typically varies depending on the specific topic being analyzed. For example, the geographic and temporal (time-related) parameters related to a cumulative analysis of air quality impacts are not necessarily the same as those for a cumulative analysis of noise impacts. This is because the geographic area that relates to air quality is much larger and regional in character than the geographic area that could be affected by potential noise impacts from a proposed project and other cumulative projects/growth. The cumulative noise impacts are more localized than air quality and transportation impacts, which are more regional in nature. Accordingly, the parameters of the respective cumulative analyses in this document are determined by the degree to which impacts from this Project are likely to occur in combination with other development projects.

Since 2000, the City of Oakland has developed and maintained a cumulative growth scenario and land use database primarily for use in cumulative transportation analyses for Oakland EIRs. Oakland’s growth scenario is developed using a forecast-based approach (i.e., an approach based on regional forecasts of economic activity and demographic trends). The Association of Bay Area Governments (ABAG) projections provide the City-wide and regional economic and demographic inputs. The scenario also incorporates extensive local information and input regarding the locations for growth and change within the City, including past, present, existing, pending, and reasonably foreseeable future development in the area surrounding the Project site.

The cumulative transportation, air quality, and noise analyses in this EIR rely on the most recent version of the Alameda Countywide Travel Demand Model, which was prepared by Dowling Associates, Inc. for the Alameda County Congestion Management Agency. The travel demand model was used to identify regional traffic volume growth rates on major roadways around the Project site. Land use data were evaluated to determine cumulative growth that would contribute to traffic (and air quality and noise emissions) on local streets, because growth rates on local streets were not captured in the Alameda Countywide model. For the purposes of the cumulative transportation, air quality, and noise analysis, a 5 percent nominal growth rate over the next 25 years was assumed for the cumulative conditions on local residential streets around Bentley School. This rate represents a conservative estimate of growth (capturing traffic and other adverse effects) in the vicinity of the site. The cumulative analyses of the other environmental topics (e.g., land use, hazards) also assume a 5 percent nominal rate of growth in the immediate Project area, based on the City’s land use data. Besides the Caldecott Tunnel Improvement Project, there are no major planned, proposed, or approved specific projects in the vicinity of the site that would need to be analyzed for other more site-specific impacts.

E. UNIFORMLY APPLIED DEVELOPMENT STANDARDS AND CONDITIONS OF APPROVAL

The City's Uniformly Applied Development Standards and Conditions of Approval (referred to in the EIR as Standard Conditions of Approval or Conditions of Approval) are incorporated into projects as conditions of approval regardless of a project's environmental determination. As applicable, the Standard Conditions of Approval are adopted as requirements of an individual project when a project is approved by the City and are designed to, and will, substantially mitigate environmental effects. For the Bentley School Major Conditional Use Permit EIR, all of the relevant standard conditions have been incorporated as part of the Project.

In reviewing project applications, the City determines which Standard Conditions of Approval are applied, based upon the zoning district, community plan, and the type(s) of permit(s)/approvals(s) required for the project. Depending on the specific characteristics of the project type and/or project site, the City will determine which Standard Conditions of Approval apply to a specific project; for example, Standard Conditions of Approval related to creek protection permits will only be applied to projects on creekside properties.

Because these Standard Conditions of Approval are mandatory City requirements, the impact analysis assumes that these will be imposed and implemented by the Project. If a Standard Condition of Approval would reduce a potentially significant impact to a less-than-significant level, the impact will be determined to be less than significant and no mitigation is imposed.

The Standard Conditions of Approval incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection, Stormwater Management and Discharge Control Ordinance, Oakland Tree Protection Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System (NPDES) permit requirements, Housing Element-related mitigation measures, California Building Code, and Uniform Fire Code, among others), which have been found to substantially mitigate environmental effects. Where there are peculiar circumstances associated with a project or project site that will result in significant environmental impacts despite implementation of the Standard Conditions of Approval, the City will determine whether there are feasible mitigation measures to reduce the impact to less-than-significant levels. No such impacts would result from the new Major Conditional Use Permit.

F. RECOMMENDED MEASURES

CEQA Guidelines section 15126.4 states that mitigation measures are not required to reduce environmental effects found to be less than significant. Recommended measures are included in select topical sections as suggestions for addressing neighborhood concerns about Bentley School's operations that do not rise to the level of significance of a physical impact, based on the City's criteria of significance. These recommended measures are not mitigation measures as defined by CEQA, and are not required to reduce significant physical impacts of the Project (none of which have been identified in this EIR). Therefore, the recommended measures will be considered by decisionmakers during the course of Project review, and may be required as conditions of Project approval, but are not a required component of this EIR.