

A. LAND USE

This section of the EIR describes existing land uses at and in the vicinity of the Project site, and evaluates the compatibility of the Project (i.e., legalizing the current enrollment and operational uses at Bentley School, and allowing for a maximum enrollment of up to 360 students) with existing land uses. No land uses within the Project site would change as part of the Project: school uses would continue to occupy the Project site. However, the new Major CUP would legalize the existing conditions at Bentley School (and increase maximum enrollment up to 360 students), which represents a change from what was permitted under the 1969 Major CUP. This section evaluates the consistency of existing conditions at the school with surrounding land uses. The Project's consistency with land use planning policies is discussed in Chapter V, Planning Policy.

1. Setting

The following subsection describes existing land uses in and around the Project site.

a. Existing Conditions and Land Use at the Project Site. The Hiller Campus of Bentley School (the Project site) encompasses approximately 4.2 acres on five contiguous parcels that straddle the City of Oakland/City of Berkeley border. The parcels located at 1 Hiller Drive in the City of Oakland include the main school driveway and the school's academic and administrative buildings (APN 048-7576-001-04 and APN 048H-7576-030-02). The parcels located at 251, 245, and 261 Tunnel Road in the City of Berkeley include a parking lot, the Headmaster's Residence, and a vacant lot (APNs 064-4231-015 through 064-4231-017).

The school campus consists of eight buildings, including classrooms, the kindergarten/first grade building, a library, a science building, an arts building, a multi-purpose building, and administration offices totaling approximately 30,000 square feet. There are also a student drop-off area, two parking lots consisting of 43 stalls, and outdoor play areas located on the site. The southern half of the site is occupied by five buildings, including the main administration building, two buildings housing the lower school classrooms, the library, and two manicured lawns. In addition, there are two small play areas located next to the lower school buildings. The northern portion of the site contains the gymnasium/auditorium and the building housing the middle school classrooms. There are also two blacktop playgrounds, a small open grass field, and one other building located on the remainder of the site.

The portion of the Project site in Oakland is designated Hillside Residential in the Oakland General Plan, and is zoned as One Family Residential Zone (R-30). The portion of the project site in Berkeley is designated Low Density Residential in the Berkeley General Plan and is zoned as Single Family Residential Zone (R-1H). These General Plan and Zoning designations, and their relationship to Bentley School, are discussed in detail in Chapter V, Planning Policy.

b. Existing Land Use in the Project Site Vicinity. The Project site is located in the Hiller Highlands, a residential neighborhood consisting primarily of single-family homes. Existing land uses in the vicinity of the Project site vicinity are shown in Figure III-2, and are described in more detail below.

The site is surrounded by civic and single-family residential uses. The site is surrounded by residential uses to the north, Hiller Drive on the east, the Firestorm Memorial Garden and Tunnel

Road on the south, and residential uses to the west. Kaiser Elementary School, operated by the Oakland Unified School District, is located one block northeast of the site at 24 South Hill Court. In addition, the Hiller Highlands Country Club is located north of the site at 110 Hiller Rd.

(1) North of the Project Site. The area north of the Project site contains a mix of residential and institutional land uses. Residential uses are predominantly characterized by single family detached homes, consisting of between one and three stories. Kaiser Elementary School is located northeast of the site. The school encompasses grades K-5 and has a total enrollment of 250 students. There are eight permanent classrooms, two portable classrooms, a computer lab, multi-purpose room, and library. In addition, a private daycare program is run on the site. This school was one of the few facilities in the area that survived the 1991 Oakland Hills Fire. In addition, the Hiller Highlands Country Club is located north of the site on Hiller Drive.



Photo IV.A-1: Kaiser School is a public elementary school located northeast of Bentley School.

(2) East of the Project Site. The area east of the Project site along Hiller Drive contains mostly single family residences. In addition, an undeveloped hill covered in eucalyptus trees is located along Hiller Drive and Caldecott Lane. The Kaiser Elementary School site is located behind the residences and eucalyptus trees.

(3) South of the Project Site. Directly south of the site is the Firestorm Memorial Garden, which was built to commemorate the victims of the 1991 fire. The garden occupies a thin strip of land between Hiller Drive and Tunnel Road/Highway 13. The garden consists mainly of flower beds, three benches facing Hiller Drive, a drinking fountain, and a memorial sculpture commemorating the 25 individuals that died in the fire. A bus stop is located adjacent to the garden on Hiller Drive. South of the garden is a complex intersection connecting Tunnel Road/Highway 13, Caldecott Lane, and Hiller Drive. Hiller Drive, adjacent to the Firestorm Memorial Garden, is used for pick-up/drop-off operations by Bentley School. See Figure III-3 for an aerial view of the Project site circulation system.



Photo IV.A-2: Firestorm Memorial Garden with cars parked in the drop-off zone.

(4) West of the Project Site. Directly west of the Project site is Tunnel Road/Highway 13. The school buildings are separated from this roadway by the vacant parcels and parking lot owned by the school, and the sloping topography of the area. The area west of the Project site and Tunnel Road/Highway 13 is a wooded area with residential uses located approximately 400 feet west of the roadway.

c. Planned Projects in the Project Site's Vicinity. The Project site is located in a neighborhood with little planned large-scale development, due to the primarily residential nature of the area, hilly topography, and lack of parcels that are suitable for development. Typical development in the vicinity of the Project site includes infill single-family residential construction and home renovation and expansion projects. One specific project located near the Project site is the Federal Highway Administration's and the California Department of Transportation's Caldecott Improvement Project. This project proposes to alleviate traffic congestion along State Route 24 by constructing a fourth bore of the Caldecott Tunnel. Construction of the fourth bore is expected to begin in 2009 and end in 2014.

d. Land Use Changes Following the 1991 Oakland Hills Fire. Following the Oakland Hills fire, there was significant public support for rebuilding the burned residential neighborhoods. The option of not rebuilding, but instead adding the burned area to the existing system of regional parks, was not seriously considered. In the context of such public support, the destroyed neighborhoods were rebuilt after the fire. The residential lots in the Oakland Hills are typically small and, after the fire, homeowners were initially permitted to reconstruct their homes within the same footprint as the original homes. Approximately 14 months after the fire, a new overlay zone was adopted for the area by the City of Oakland that permitted enlargement of rebuilt structures by 10 percent and provided an exemption for any plan submitted before its date of effectiveness, regardless of the size of the proposed development. As a result of this ordinance, hundreds of free-standing homes of eclectic design were built to within 10 to 15 feet of each other. In many cases, rebuilt homes were larger than ones that had existed prior to the fire. While land uses in the hills have not changed since the fire, the pattern of rebuilding is somewhat denser than before the fire. Also, roadways in the hillside neighborhoods were typically not straightened or widened after the fire to facilitate evacuation. While the new homes are considered safer in some respects, due in part to the required flame-resistant roofs and absence of large-scale flammable vegetation, the density of homes could exacerbate problems created during future emergencies in the hillside areas.¹

e. Relevant Policies. Relevant policies in the City's General Plan are described below:

- **Policy N2.1:** Designing and Maintaining Institutions. As Institutional uses are among the most visible activities in the City and can be sources of community pride, high-quality design and upkeep/maintenance should be encouraged. The facilities should be designed and operated in a manner that is sensitive to surrounding residential and other uses.
- **Policy N2.3:** Supporting Institutional Facilities. The City should support many uses occurring in institutional facilities where they are compatible with surrounding activities and where the facility site adequately supports the proposed uses.
- **Policy N.2.5:** Balancing City and Local Benefits of Institutions. When reviewing land use permit applications for establishment or expansion of institutional uses, the decision-making body should take into

¹ Platt, Rutherford, 1998. Planning and Land Use Adjustments in Historical Perspective, *Cooperating with Nature: Confronting Natural Hazards with Land-Use Planning for Sustainable Communities*.

account the institution's overall benefit to the entire Oakland community, as well as its effects on the immediate surrounding area.

- **Policy CO-12.1: Land Use Patterns Which Promote Air Quality.** Promote land use patterns and densities which help improve regional air quality conditions by: (a) minimizing dependence on single passenger autos; (b) promoting projects which minimize quick auto starts and stops, such as live-work development, mixed use development, and office development with ground floor retail space; (c) separating land uses which are sensitive to pollution from the sources of air pollution; and (d) supporting telecommuting, flexible work hours, and behavioral changes which reduce the percentage of people in Oakland who must drive to work on a daily basis.

2. Impacts and Mitigation Measures

The following section presents a discussion of the impacts related to land use that could result from implementation of the proposed Project. The section begins with the criteria of significance, establishing the thresholds to determine whether an impact is significant. The latter part of this section presents the land use impacts that would result from the proposed Project.

a. Thresholds of Significance. The proposed Project would have significant land use and planning impacts if it would:

- Physically divide an established community;
- Result in a fundamental conflict between adjacent or nearby land uses;
- Fundamentally conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and actually result in a physical change in the environment; or
- Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan.

b. Less-than-Significant Land Use Impacts. Implementation of the proposed Project would result in the following less-than-significant land use impacts.

(1) Divide an Established Community. The physical division of an established community typically refers to the construction of a physical feature (such as an interstate highway or railroad tracks) or removal of a means of access (such as a local road or bridge) that would impair mobility within an existing community, or between a community and outlying areas.

The proposed Project would not result in any new construction or physical changes to the site. The School constructed a walkway in 2008 on the south side of the Hiller Drive parking lot that connects the on-site drop-off area to the public sidewalk. This walkway is not considered part of the Project, and was constructed with a ministerial permit granted by the City.

The new Major CUP would legalize the existing enrollment and hours and days of operation, and allow for a maximum enrollment of up to 360 students. The legalization of these uses would not require construction of new roadways or other features that would change access within or around the site. The school site would remain physically unchanged. In addition, vehicle, pedestrian, and bike access around the school would not change as a result of the Project because the Project would not

create or remove roadways, sidewalks, or bike lanes. Therefore, the proposed Project would not divide an established community, and would not result in a significant environmental impact.

(2) Conflict with Surrounding Land Uses. The proposed Project would not result in any new construction or changes in land use on the site. Instead, the new Major CUP would legalize existing operational characteristics, including an enrollment of up to 360 students, and would extend the hours and days of operation of Bentley School from what was permitted under the 1969 CUP. This subsection examines the compatibility of existing uses on the Project site with the land uses in the surrounding neighborhood.

As described above, the Project site is located in a primarily residential neighborhood that also contains institutional and civic land uses. Kaiser School and the Hiller Highlands community, including a Country Club and golf course, are located north of the site, the Firestorm Memorial Garden is to the south, and Tunnel Road/Highway 13 and Hiller Drive bound the site on the west and east, respectively. Residential uses surround the site on all sides.

In the San Francisco Bay Area, schools are typically located in residential neighborhoods. One land use argument for siting school facilities in neighborhoods, such as the Hiller Highlands area, is that neighborhood schools can be reached by walking and biking, which offer the potential to considerably reduce motor vehicle emissions.² The Project site has good access to major arterial streets, which contain bus lines. In addition, the presence of academically-strong schools may make neighborhoods more attractive.

Although school uses may generate activities that are perceived by residents as nuisances (e.g., bus service in the morning, short periods of traffic congestion), in the case of the proposed Project, these nuisances do not result in physical environmental impacts based on the criteria of significance used by the City. The current enrollment and hours and days of operation generally do not alter the predominantly residential character of the surrounding area. As such, granting a new Major CUP would not cause Bentley School to become inherently incompatible with surrounding residential land uses.

The proposed intensity of uses at Bentley School is comparable to that at Kaiser Elementary School. While total enrollment is slightly higher at Bentley School (360 students, compared to 250 students at Kaiser School), Kaiser School also currently operates after-school enrichment classes that last until 6:00 p.m. In addition, a private company, Adventure Time, operates a child care program at Kaiser Elementary on weekdays from 7:00 a.m. to 6:00 p.m. The proposed Project would legalize the extension of hours of operation of the Project site, but would generally mirror the hours of operation already in place at Kaiser Elementary. A limited number of weekend and evening events (until 9:00 p.m.) would be permitted at Bentley School under the terms of the Major CUP. However, these events would not be considered a fundamental change in school use patterns that would result in land use impacts.

The Firestorm Memorial Garden is located immediately south of the Project site. The proposed Project would be generally compatible with this adjacent open space use. In the mornings and

² Ewing, R., C. Forinash, and W. Schroerer, 2005. *Neighborhood Schools and Sidewalk Connections, What are the Impacts on Travel Mode Choice and Vehicle Emissions*. EPA Report 231-R-03-004. Environmental Protection Agency, Development, Community, and Environment Division. Website: onlinepubs.trb.org/Onlinepubs/trnews/trnews237environment.pdf. April.

afternoons, parents are required to pull around through the parking lot and into the drop-off/pick-up zone that is located next to the Hiller Drive frontage of the Memorial Garden (see Figure III-3 on Page 19). Currently, the garden appears to be in very good physical condition (likely because of diligent maintenance by volunteers). The layout of the garden reduces the chance that students would use it in a way that violates the sanctity of the space. The garden is a thin strip of land that is covered in flower beds, has 25 memorial plaques, and three benches located on the sidewalk facing away from the garden. There are no trails or pathways that wind through the site. In the mornings and afternoons, children walk on the sidewalk located at the periphery of the garden, and without paths going through the site, only infrequently wander through the garden. Faculty/staff presence in the loading/unloading zone adjacent to the Memorial Garden also ensures that the park is not misused.

Some Hiller Highlands residents have expressed concern that vehicles, associated with the school, park in front the Memorial Garden. The garden was installed to honor and remember the victims of the 1991 Oakland Hills Fire, and there is a concern that parked cars block visual access to the space and thus diminish the garden's meditative qualities. For most of the week (Monday-Thursday), peak hours of school-related activity in the pick-up/drop-off zone adjacent to the Firestorm Memorial Garden extend from 7:00-9:00 a.m. and 3:00-4:00 p.m. During these times, the area around the Memorial Garden is relatively busy, with cars pulling up to the curb and loading/unloading students, and faculty/staff members managing traffic flow. For much of the rest of the day, the area around the Memorial Garden is relatively quiet, although vehicles are often legally parked along the segment of Hiller Drive adjacent to the garden. Although students walk past the Memorial Garden, this activity occurs for a relatively short duration during school days (and during the summer and school holidays, school-associated activity at the Memorial Garden is minimal). Although pick-up and drop-off activities associated with the school may intrude on the tranquility of the Memorial Garden, this temporary (but recurring) impact would not be considered significant because the usability of the Memorial Garden is maintained at all times and periods of high activity are limited to two or three hours a day. Legalizing existing school operational characteristics would not be incompatible with the Firestorm Memorial Garden.

The Project site is located near local and regional roadways, including Hiller Drive, Tunnel Road/Highway 13, Caldecott Lane, and Highway 24. Both highways provide access throughout the East Bay. Section IV.B, Transportation and Circulation, includes a discussion of potential roadway hazards associated with the proposed Project. The Project would not result in significant roadway hazards. Highway 13 does not present any immediate dangers to Bentley School students because the speed limit is only 25 miles per hour (mph) near Bentley School, and students access Tunnel Road only to board or disembark buses (which do not require students to cross the roadway). The intersection at Highway 13, Tunnel Road, Caldecott Lane, and Hiller Drive creates a physical barrier that limits pedestrian access to the site. Since this complex intersection does not have any pedestrian crosswalks, it could be difficult and dangerous for students to walk across the intersection and reach Hiller Drive safely from the west.



Photo IV.A-3: Hiller Drive/Caldecott Lane Intersection

However, only a few students walk to the school from points that require them to walk through the intersection. Therefore, the school is generally compatible with the nearby roadway network.

For the reasons described above, the proposed Project is generally compatible with surrounding land uses, and would not result in a significant impact to the area's residential character.

(3) Conflict with Land Use Policy. A conflict between a project and an applicable policy is not considered a significant physical environmental impact in and of itself. A policy inconsistency is considered to be a significant adverse environmental impact only when it would result in a significant adverse physical impact based on the established significance criteria. For instance, if a project is inconsistent with a General Plan policy prohibiting fences, and the fence that would be constructed as part of the project would divide an established community, then that policy inconsistency could be considered a significant environmental impact. Chapter V, Planning Policy, discusses the Project's conformance with applicable plans or policies adopted for the purposes of mitigating an environmental effect.

(4) Habitat Conservation Plan/Natural Community Conservation Plan. The Project site is not subject to any adopted Habitat Conservation Plan or Natural Community Conservation Plan (HCP/NCCP). Therefore, the Project would not conflict with such a plan.

(5) Cumulative Impacts. The project site is located in a neighborhood that is unable to accommodate new large-scale development due to a lack of parcels that are suitable for development and steep topography. Typical development in the vicinity of the project site includes infill single-family residential construction and home renovation and expansion. The only large-scale planned project in the vicinity of the Project site is the Federal Highway Administration's and the California Department of Transportation's Caldecott Improvement Project. This project proposes to alleviate traffic congestion along State Route 24 by constructing a fourth bore of the Caldecott Tunnel a little less than 1 mile from the project site. Implementation of the proposed Project and cumulative projects would not alter the character of the neighborhood and would not place incompatible uses next to each other. These conclusions would also apply to potential future growth at Kaiser Elementary School (which is not expected to be substantial) in conjunction with the proposed Project.

c. Significant Land Use Impacts. Implementation of the proposed Project would not result in any significant land use impacts because the Project would not cause any changes to the current land use on the Project site.

