

## V. PLANNING POLICY

This chapter provides a discussion of the proposed Project's consistency with City of Oakland land use planning policies. Policy conflicts are not in and of themselves considered significant environmental impacts under CEQA if they would not result in physical environmental impacts. Potential conflicts between proposed and existing land uses in the vicinity of the Project site are addressed in Section IV.A, Land Use. Physical impacts associated with other potential policy conflicts are addressed in the appropriate technical sections of Chapter IV (e.g., Noise, Transportation and Circulation). Other local, regional or State plans and policies, such as those relating to air quality, are discussed in the topical sections of this EIR.

City of Oakland documents that pertain to land use within and around the Project site include several elements from the City's General Plan (Land Use and Transportation Element; Pedestrian Master Plan; Safety Element; Historic Preservation Element; and Open Space, Conservation, and Recreation Element); the City of Oakland Planning Code; and the North Oakland Hills Area Specific Plan. A summary of the purpose and major components of each of these plans is provided below, followed by a discussion of the proposed Project's consistency with applicable policies.

### A. PLANNING DOCUMENTS

The following section summarizes relevant land use-related plans, policies, and regulations adopted by the City of Oakland that are applicable to the proposed Project.

#### 1. City of Oakland General Plan

The City of Oakland General Plan (General Plan) is a comprehensive plan for growth and development in the City. The General Plan includes policies related to: land use and transportation; safety; open space, conservation and recreation; housing; historic resources; noise; and bikes and pedestrians. These topics are addressed within individual elements of the General Plan.

**a. Land Use and Transportation Element.** The Land Use and Transportation Element (LUTE) was adopted in March 1998.<sup>1</sup> In order to promote a more integrated planning process that incorporates City-wide needs with neighborhood decision-making, the LUTE includes general development policies for the City, in addition to district-specific policies. The LUTE is bound by a vision for the City that includes creating: "clean and attractive neighborhoods rich in character and diversity, each with its own distinctive identity, yet well-integrated into a cohesive urban fabric." An analysis of LUTE policies that are applicable to the Project are provided in Table V-1.

The LUTE includes land use designations for all parcels within the City of Oakland. The land use designation for the portion of the Project site in Oakland is Hillside Residential (HR). The LUTE characterizes the Hillside Residential designation as follows:

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<sup>1</sup> Oakland, City of, 1998. *General Plan, Land Use and Transportation Element*. March.

- *Intent:* Create, maintain, and enhance neighborhood residential areas that are characterized by detached, single unit structures on hillside lots. Typical lot sizes range from approximately 8,000 square feet to 1 acre in size.
- *Desired Character and Uses:* Future development within this classification should remain residential in character.
- *Intensity/Density:* Maximum allowable density is 5 principal units per gross acre.
- *Policy Framework Basis for the Classification:* Neighborhood Goals; Neighborhood Objectives N2, N3, N6, N7, N8, N10, N11 and related Open Space, Conservation, and Recreation Element policies.

According to the Guidelines for Determining General Plan Conformity, Community Education (which would include the activities of private schools such as Bentley School) is a permitted activity in the HR designation.

A portion of the Project site is located in the City of Berkeley. According to the City of Berkeley General Plan, Land Use Element, the parcels are located in an area classified as Low Density Residential, which is generally characterized by single-family homes. Appropriate uses for these areas include residential, community services, schools, recreational uses, home occupations, and open space and institutional facilities.

**b. Safety Element.** The City of Oakland General Plan Safety Element was updated in 2003 and contains sections dedicated to fire and geologic hazards in Oakland. The Geologic Hazards section of the Safety Element notes that earthquakes are the most pervasive safety hazard in Oakland because, unlike other hazards such as fires or floods, earthquakes are impossible to predict or contain. The Safety Element attempts to utilize certain tools, such as geotechnical studies, land use decisions, and adequate building codes, to reduce risks. Improved building design is emphasized over the restriction of new construction in certain areas. Refer to Section IV.E, Hazards, for a more detailed discussion of the Safety Element, particularly as it relates to wildfire hazards. Planning-related policies and actions in the Safety Element that are relevant to the Project are detailed in Table V-1.

**c. Historic Preservation Element.** The Historic Preservation Element (HPE) defines goals, objectives, policies and actions that encourage preservation and enhancement of Oakland's older buildings, districts and other physical environmental features having special historic, cultural, educational, architectural, or aesthetic interest or value.<sup>2</sup>

HPE policies define the criteria for legal significance that must be met by a resource before it is listed in Oakland's local register of historical resources. Based on a City-wide preliminary architectural inventory completed by the Oakland Cultural Heritage Survey (OCHS), pre-1945 properties have been assigned a significance rating of A, B, C, D, or E and assigned a number (1, 2, or 3) which indicates district status. The ranking system indicates a property's status as a historical resource and identifies those properties warranting special consideration in the planning process.

The goals of the Historic Preservation Element include the following:

- Goal 1: To use historic preservation to foster the economic vitality and quality of life in Oakland by:

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<sup>2</sup> Oakland, City of, 1994. *General Plan, Historic Preservation Element*. March 8.

- Stressing the positive community attributes expressed by well-maintained older properties;
  - Maintaining and enhancing throughout the City the historic character, distinct charm, and special sense of place provided by older properties;
  - Establishing and retaining positive continuity with the past thereby promoting pride, a sense of stability and progress, and positive feelings for the future;
  - Stabilizing neighborhoods, enhancing property values, and conserving housing stock, increasing public and private economic and financial benefits, and promoting tourist trade and interest through preservation and quality maintenance of significant older properties;
  - Preserving and encouraging a city of varied architectural styles and environmental character reflecting the distinct phases of Oakland's cultural, social, ethnic, economic, political, and architectural history; and
  - Enriching the quality of human life in its educational, spiritual, social, and cultural dimensions through continued exposure to tangible reminders of the past.
- **Goal 2:** To preserve, protect, enhance, perpetuate, use, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural or aesthetic interest or value. Such properties or physical features include buildings, building components, structures, objects, districts, sites, natural features related to human presence, and activities taking place on or within such properties or physical features.

The building on the Bentley School campus that houses the administration offices and the childcare facilities is designated by the OCHS as a C3 building, meaning that it is of secondary historical importance and is not located in a historic district. The building was built by Stanley Hiller in 1936 and served as the main residence for the Hiller family. The building originally consisted of 14 bedrooms and was located on a 3.85-acre heavily landscaped estate that contained a swimming pool, large garage, workshop, and barn. When Bentley School acquired the site in 1969, the existing buildings were retrofitted to accommodate classrooms and administrative offices. The present day administrative building was the only building on the Project site to survive the 1991 Oakland Hills fire.

**d. Open Space, Conservation, and Recreation Element.** The Open Space, Conservation, and Recreation (OSCAR) Element was adopted by the Oakland City Council in June 1996. The OSCAR Element is the official policy document that guides the management of open land, natural resources, and parks in Oakland.<sup>3</sup> It contains goals, objectives, policies and actions on a diverse group of topics ranging from biological resources to community facilities. The various topics addressed in the OSCAR Element are connected by the concept that Oakland can be a more attractive City and a better place to live: through the conservation of natural resources; by growing in harmony with the environment; and by meeting recreational needs in new and creative ways. Policies and actions relevant to the proposed Project are detailed in Table V-1.

**e. Pedestrian Master Plan.** The Pedestrian Master Plan is intended to promote pedestrian safety and access to ensure that Oakland is a safe, convenient, and attractive place to walk.<sup>4</sup> It establishes a Pedestrian Route Network that includes streets, walkways, and trails that connect to schools, libraries, parks, neighborhoods, and commercial districts throughout the City. The Pedestrian Master Plan is a part of the LUTE. An analysis of key Pedestrian Master Plan policies that are applicable to the Project is provided in Table V-1 at the end of this chapter.

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<sup>3</sup> Oakland, City of, 1996. *General Plan, Open Space, Conservation, and Recreation Element*. June.

<sup>4</sup> Oakland, City of, 2002. *General Plan, Pedestrian Master Plan*. November.

The goals of the Pedestrian Master Plan include the following:

- *Pedestrian Safety.* Create a street environment that strives to ensure pedestrian safety.
- *Pedestrian Access.* Develop an environment throughout the City – prioritizing routes to school and transit – that enables pedestrians to travel safely and freely.
- *Streetscaping and Land Use.* Provide pedestrian amenities and promote land uses that enhance public spaces and neighborhood commercial districts.
- *Education.* Educate citizens, community groups, business associations, and developers on the safety, health, and civic benefits of walkable communities.
- *Implementation.* Integrate pedestrian considerations based on federal guidelines into projects, policies, and the City’s planning process.

The Pedestrian Master Plan designates a Pedestrian Route Network that extends throughout Oakland. The closest designated walking route to the Project site is along Tunnel Road.<sup>5</sup>

## 2. City of Oakland Planning Code

The Oakland Planning Code (Title 17 of the Oakland Municipal Code) implements the policies of the General Plan and certain other City plans, policies, and ordinances. The Planning Code divides the City into zones, each of which is assigned different regulations. These regulations direct the construction, nature, and extent of building use.

The portion of the Project site in Oakland is located in an R-30 (One-Family Residential) zone. The portion of the project site in Berkeley is zoned as a Single Family Residential Zone (R-1H). According to the Oakland Planning Code, the R-30 zone is intended to create, preserve, and enhance areas for single-family dwellings in desirable settings for urban living, and is typically appropriate in already-developed, lower-density dwelling areas of the City.<sup>6</sup> Chapter 17.16, R-30 One-Family Residential Zone Regulations, includes the following regulations:

- *Density and Height:* The R-30 zoning designation permits one primary dwelling unit on each lot. A Secondary Unit may also be permitted, subject to Section 17.103. The maximum height for buildings in areas that exceed a gradient of twenty percent shall be 25 feet, except that the highest portion of a pitched roof on a principal building may extend up to 30 feet, subject to additional conditions.
- *Permitted Activities:* Permitted uses in an R-30 zone are permanent residential and residential care facilities. Permitted civic uses include essential services, limited childcare, and telecommunications. Community education is a conditionally permitted activity.
- *Lot Size:* In an R-30 zone, every lot shall have a minimum lot area of 5,000 square feet and a minimum lot width of 45 feet. Every lot shall have a minimum frontage of 25 feet.

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<sup>5</sup> Ibid.

<sup>6</sup> Oakland, City of. *Municipal Code (Title 17)*. Website: [bpc.iserver.net/codes/oakland/ DATA/TITLE17 /Chapter\\_17\\_16\\_R\\_30\\_ONE\\_FAMILY\\_.html](http://bpc.iserver.net/codes/oakland/ DATA/TITLE17 /Chapter_17_16_R_30_ONE_FAMILY_.html)

- *Lot Coverage:* The coverage for lots containing only residential facilities with up to two dwelling units shall not exceed 40 percent or 2,000 square feet (whichever is greater), unless the area exceeds a gradient of 20 percent.
- *Yards:* The minimum front yard depth on every yard shall be 20 feet, except on steep slopes where a lesser depth is allowed. The minimum rear yard depth on every lot shall be 20 feet.
- *Parking:* Off-street parking and loading shall be provided as prescribed in Section 17.116, which requires two spaces for each primary dwelling, one additional space for a secondary unit, and one off-street parking space for every three employees for community assembly activities.
- *Community Education:* Community Education is a conditionally permitted activity in the R-30 zone.

The Project site was previously located in the S-14 Community Restoration Development Combining Zone. The development regulations in the zone permitted reconstruction after the 1991 Oakland Hills Fire. This zoning code was eliminated from the Planning Code effective April 1, 2007.

### **3. North Oakland Hill Area Specific Plan**

The North Oakland Hill Area Specific Plan (Specific Plan) encompasses a wide swath of the Oakland Hills stretching from the vicinity of Claremont Canyon south to the vicinity of Shepherd Canyon Road. The Project site is located approximately 2,500 feet southwest of the nearest Specific Plan boundary. The Specific Plan, which was adopted by Oakland City Council on November 11, 1986, was the product of a multi-year planning process. The impetus for the Specific Plan originated in a proposal by the East Bay Municipal Utility District (EBMUD) to reclassify water storage and distribution facilities in the hills area so that they could be used to serve residential development (increasing development pressures in the area). The Specific Plan was developed after the hillside area served by the EBMUD facilities was rezoned to reduce density and to allow for clustering of development. The purpose of the Specific Plan is to plan hillside development in such a way as to avoid environmental problems associated with intensified development, including erosion, view obstruction, fire hazards, and traffic. The Specific Plan thus establishes design standards for hillside development and protocol for the preservation of significant views and vegetation, and anticipates increasing housing units in the area from 400 units to 718 units (and total population from 1,020 residents to 1,831 residents). The Specific Plan does not encompass Bentley School, but it seeks to address some of the environmental concerns that have been raised about the Project, including traffic congestion, fire truck access, and emergency evacuation.

## **B. POLICY CONSISTENCY**

As noted earlier, conflicts with policies do not in and of themselves result in a significant effect on the environment. As stated in Section 15358(b) of the *CEQA Guidelines*, “[e]ffects analyzed under CEQA must be related to a physical change.” The City’s planning policy significance criterion states that a project would result in a significant impact if it would “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*” (emphasis added). Even a response in the affirmative, however, does not necessarily indicate that a project would have a significant effect, unless a significant adverse physical change would occur. For a significant impact to occur under this criterion, a project would have to be inconsistent with a policy adopted for the purpose of environmental protect-

tion and this inconsistency would have to be associated with a significant physical impact. Therefore, a detailed discussion of impacts and mitigation measures is not included in this section as inconsistencies with the planning policies in and of themselves to do not constitute a significant environmental impact.

## 1. City of Oakland General Plan

Regarding a Project's consistency with the General Plan in the context of CEQA, the Oakland General Plan states the following:

The General Plan contains many policies which may in some cases address different goals, policies and objectives and thus some policies may compete with each other. The Planning Commission and City Council, in deciding whether to approve a proposed project, must decide whether, on balance, the project is consistent (i.e., in general harmony) with the General Plan. The fact that a specific project does not meet all General Plan goals, policies and objectives does not inherently result in a significant effect on the environment within the context of the California Environmental Quality Act (CEQA).<sup>7</sup>

The proposed Project's relationship to policies within the General Plan is summarized in Table V-1. The Project's overall consistency with the policy documents is discussed below.

**a. Land Use and Transportation Element.** As previously described, the Project site is designated Hillside Residential in the City of Oakland General Plan. This land use designation is used primarily in the hilly areas of Oakland where residential character is affected by slope and environmental, transportation, and fire safety concerns.

The proposed Project is generally consistent with the General Plan designation of the project site. Community education is a permitted activity in areas designated for Hillside Residential uses. In addition, as noted in Table V-1, the proposed Project would be generally consistent with applicable policies in the LUTE. The new Major CUP would support institutional facilities (Policy N2.3) and would make childcare available before and after school (Policy N2.3). Policy N2.1 states that schools should be operated in a manner that is sensitive to surrounding residential uses. A finding that the proposed Project is consistent with this policy would ultimately be made by City decision-makers. However, based on the analysis in this EIR, the proposed Project would not result in significant physical environmental impacts, including impacts that would substantially adversely affect surrounding residential uses. Existing conditions at the school, which would be legalized as part of the Project, do not generate significant levels of traffic, noise, or air pollution based on the criteria of significance used by the City. This same conclusion would apply to the proposed maximum enrollment of up to 360 students. Therefore, the proposed Project would not be inconsistent with Policy N2.1 such that physical impacts would result. The Project would legalize existing student enrollment and hours of operations, and would allow for a maximum enrollment of up to 360 students, and would not result in significant environmental impacts. As such, the proposed Project would not conflict with the Oakland General Plan's land use designation for the Project site.

The proposed Project is also generally consistent with the Berkeley General Plan, which classifies the project site as a Low Density Residential area. This classification allows schools and recreational uses

<sup>7</sup> Oakland, City of, 2005. City Council Resolution No. 79312 C.M.S. June.

(and presumably parking for such uses). However, when granting the permit for the use of the parking lot, it would be the City of Berkeley's responsibility to determine the consistency of the proposed Project with its General Plan.

**b. Safety Element.** The proposed Project is generally consistent with the Safety Element of the City of Oakland General Plan. Legalizing the current enrollment and hours of operation at Bentley School, and allowing for a maximum enrollment of up to 360 students would not substantially adversely affect the City's emergency response, fire prevention, or fire fighting capabilities, in accordance with Policy FI-1, and would not interfere with periodic safety inspections of the campus, as stated in Policy FI-2.5. In addition, the new Major CUP would not result in any alterations to the physical environment at or around the Project site. As such, the Project would not adversely affect wildfire reduction strategies and would be consistent with Policy FI-3. Therefore, the Project would generally not conflict with the Safety Element.

**c. Open Space, Conservation and Recreation Element.** The proposed Project is generally consistent with the Open Space, Conservation and Recreation Element. The proposed Project would carry out Action Rec-5.1.3, which calls for expanded recreational opportunities for youth through the extension of operational hours at certain facilities, and Action Rec-7.2.1, which calls for the provision of after-school programs at every junior high and middle school in the City. The proposed Project would promote these actions by permitting extracurricular sports classes and childcare activities to occur on weekdays until 6:00 p.m. In addition, the Project would be consistent with Policy CO-12.3 because it would implement a transportation management plan that would address trip demand, transit, and parking issues. According to the analysis conducted as part of Section IV.B, Transportation and Circulation, the Project would not cause a significant impact to signalized and unsignalized intersections on roads around the Project site.

However, neighbors have raised concerns related to legalizing the current student enrollment and the proposed maximum enrollment of up to 360 students, and the impact that enrollment would continue to have on the local transportation network. In order to address these concerns, Bentley School adopted a transportation plan in 2005, which would continue to be implemented as part of the Project. Policy CO-12.1 requires that land use patterns promote good air quality. While the Project would not result in any physical alterations to the campus, it would include the legalization of the current student enrollment, which has caused an increase in the number of automobiles driven to and from the Project site compared to permitted use levels in the 1969 Major CUP. However, current student enrollment at the site does not generate levels of air pollution such that air quality standards are violated (and the same would hold true for a maximum enrollment of up to 360 students). Therefore, the proposed Project would not be inconsistent with CO-12.1.

**d. Historic Preservation Element.** The proposed Project is generally consistent with the Historic Preservation Element. The City of Oakland's Cultural Heritage Survey (OCHS) rated the administrative building as a structure of secondary historical importance that is not located in a historic district. The proposed Project would not alter the administration building and would be consistent with the Historic Preservation Element.

**e. Pedestrian Master Plan.** The proposed Project is generally consistent with the Pedestrian Master Plan, as it would include a comprehensive transportation program containing a pedestrian safety component. One part of the program would continue to discourage guardians and students from

jaywalking across Hiller Drive and would instead encourage them to use the crosswalk located at the intersection of Hiller Drive and North/South Hill Courts near Kaiser School. While the proposed Project would not include any new pedestrian facilities, the streets adjacent to the Project site and the Project site itself contain adequate sidewalks and pathways for the volume of pedestrian activity generated by the school. The proposed student enrollment and operational characteristics that would occur as part of the Project would not compromise the effectiveness of these pedestrian facilities. Therefore, the Project would not conflict with policies in the Pedestrian Master Plan.

## **2. Planning Code**

The Project site is located in an R-30 (One-Family Residential) zone. According to the Planning Code, this zone is intended to create, preserve, and enhance areas for single-family dwellings in desirable settings for urban living, and is typically appropriate in already developed lower-density residential areas of the city.<sup>8</sup> Under this designation, “limited childcare” (12 or fewer children) is permitted by right and “community education” is a conditionally permitted activity. The Planning Code also requires that one off-street parking space be provided for every three employees. The school has 62 employees, requiring a total of 21 parking spaces. This requirement is fulfilled by the 23 spaces provided in the front parking lot; the back parking lot provides an additional 20 spaces for staff. Since the proposed Project does not include any new construction or physical alterations to the site, the other requirements of the Planning Code, such as density and height restrictions, would not be applicable. As such, the proposed Project would be consistent with the zoning designation, with a Major Conditional Use Permit.

## **3. North Oakland Hill Area Specific Plan**

The proposed Project is not located within the North Oakland Hill Area Specific Plan, and would not conflict with any Specific Plan policies. However, the Specific Plan was developed to address some of the environmental issues associated with the Project, including fire hazards, traffic, and emergency evacuation. Therefore, a description of the Specific Plan was included in this section for informational purposes.

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<sup>8</sup> Oakland, City of. *Municipal Code (Title 17)*. Website: [bpc.iserver.net/codes/oakland/ DATA/TITLE17/Chapter\\_17\\_16\\_R\\_30\\_ONE\\_FAMILY\\_.html](http://bpc.iserver.net/codes/oakland/ DATA/TITLE17/Chapter_17_16_R_30_ONE_FAMILY_.html)

**Table V-1: Relationship of the Proposed Project to Applicable City of Oakland General Plan Policies**

Policy #	Policy	Relationship
<b>City of Oakland General Plan, Land Use and Transportation Element</b>		
<b>Transportation Policies</b>		
Policy T3.11	<b>Prioritizing Parking.</b> Parking in residential areas should give priority to adjacent residents.	Bentley School, through its transportation program, has taken steps to ensure that on-street parking use is minimized by school employees. The school has striped both parking lots and assigned parking spaces to reduce the number of faculty and staff cars parked on the street. In addition, under the school’s Traffic and Parking Handbook, any cars that are parked illegally will receive “red letters” and will eventually be fined if the violation reoccurs.
<b>Neighborhood Policies</b>		
Policy N2.1	<b>Designing and Maintaining Institutions.</b> 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.	The proposed Project would be operated in a manner that does not result in physical environmental impacts on surrounding land uses. The school was in mediation with one group of neighbors for two years over traffic and emergency access concerns. While the two groups have not been able to reach a compromise, the proposed Project would include a comprehensive transportation and emergency evacuation plan. The plan attempts to reduce school-related congestion along Hiller Drive and establish an emergency evacuation plan that would ensure student safety while reducing congestion on local streets. The Project would not generate significant levels of traffic congestion, noise, or air pollution.
Policy N2.3	<b>Supporting Institutional Facilities.</b> 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.	The proposed Project would legalize existing uses at the Bentley School campus, including a child care program and extended physical education and after-school activity hours. The Project would allow an increased intensity of uses compared to what was approved as part of the 1969 Major CUP. The existing enrollment and operational characteristics of the school, which would be legalized as part of the Project, do not adversely affect surrounding land uses.
Policy N2.5	<b>Balancing City and Local Benefits of Institutions.</b> When reviewing land use permit applications for establishment or expansion of institutional uses, the decision-making body should take into account the institution’s overall benefit to the entire Oakland community, as well as its effects on the immediate surrounding area.	The proposed Project would legalize the existing student enrollment and allow for a maximum enrollment of up to 360 students. Implementation of the proposed Project would not result in substantial adverse physical impacts to the area surrounding Bentley School. However, it is the role of City decision-making bodies to determine whether the project would “benefit” the community.

Table V-1 *Continued*

Policy #	Policy	Relationship
Policy N12.2	<b>Making Day Care Available.</b> High quality day care should be made available throughout Oakland, appropriately sited and designed based on its capacity and attributes. The City should, when appropriate and feasible, require major development projects to provide on or off-site facilities or other means to address potential child care inadequacies and encourage the inclusion of child care centers in major residential and commercial developments near transit centers, community centers, and schools.	The Project would allow Bentley School to continue operating a childcare program on the school site. The program currently operates before and after school and is designed to accommodate varied drop-off times and children waiting for after-school activities. Childcare includes, but is not limited to, science clubs, sports, and chess. The childcare services would only be available to students enrolled in the school. Without the Major CUP, the school would not be permitted to operate childcare services, and the City would lose childcare services.
<b>Safety Element</b>		
<b>Fire Hazards</b>		
Policy FI-1	Maintain and enhance the city’s capacity for emergency response, fire prevention and fire fighting.	Legalizing the current enrollment and hours of operation at Bentley School, and allowing for a maximum enrollment of up to 360 students would not substantially adversely affect the City’s emergency response, fire prevention, or fire fighting capabilities.
Policy FI-2.5	Continue to conduct periodic fire-safety inspections of commercial, multi-family and institutional buildings.	Bentley School would continue to be subject to periodic fire-safety inspections. Legalizing the current enrollment and hours of operation would not affect the ability of the fire department to conduct such inspections.
Policy FI-3	Prioritize the reduction of wildfire hazards, with an emphasis on prevention.	The new Major CUP would not result in any alterations to the physical environment at or around the Project site. As such, the Project would not adversely affect wildfire reduction strategies.
<b>Historic Element</b>		
Policy 3.8	The highest rated PDHPs (see “Local Register of Historic Resources”) will be subject to design review and may require environmental review under the California Environmental Quality Act/CEQA. Demolition or major alteration may necessitate an EIR.	The Project would not result in any alterations to the historic Hiller residence.

Table V-1 *Continued*

Policy #	Policy	Relationship
<b>City of Oakland General Plan, Open Space, Conservation and Recreation Element</b>		
<b>Open Space Policies</b>		
Policy OS-2.2	<b>Schoolyard Enhancement.</b> Enhance the availability and usefulness of Oakland’s schoolyards and athletic fields as open space resources by (a) working with the Oakland Unified School District to make schoolyards and school athletic fields available during non-school hours; (b) softening the harsh appearance of schoolyards by varying paving materials, landscaping, and restoring elements of the natural landscape; and (c) encouraging private schools, including church schools, to improve the visual appearance of asphalt yard areas.	The proposed Project would make schoolyards available during non-school hours for enrolled students, but would not include plans for public access. However, the campus does have an appealing visual appearance due to the presence of landscaping on all unpaved portions of the site.
<b>Conservation Policies</b>		
Policy CO-12.1	<b>Land Use Patterns Which Promote Air Quality.</b> 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.	The proposed Project would permit up to 360 students to enroll at Bentley School. The current enrollment (352 students) has resulted in a less-than-significant increase in traffic and air pollution, compared to the enrollment numbers permitted under the 1969 Major CUP, and the same conclusion would apply to a maximum enrollment of up to 360 students. However, as part of the proposed Project, Bentley School has implemented a comprehensive transportation program designed to reduce trip demand, and enhance circulation safety and transit options. The Project, which would more efficiently utilize land in an already-developed area, would not generate significant amounts of air pollution.
Policy CO-12.3	<b>Transportation Systems Management.</b> Expand existing transportation systems management and transportation demand management strategies to reduce congestion, vehicle idling, and travel in single passenger autos.	The revised Major CUP would include a comprehensive transportation program that addresses circulation safety, trip demand, transit, parking, and emergency evacuation. The plan would promote transit use and reduce the number of students arriving at the school in single-occupancy vehicles.
<b>Recreation Policies and Actions</b>		
Action REC-5.1.3	<b>Opportunities for Youth.</b> Expand recreational opportunities for young people to provide a viable, positive alternative to anti-social behavior. Consider extended hours of operation at certain recreation centers, evening sports events, and other after-hours activities oriented towards Oakland youth.	Under the proposed Project, the hours of operation for physical education and extracurricular sport classes would be extended. Physical education would be permitted from 7:30 a.m. to 3:30 p.m. and extracurricular sport classes would be permitted from 3:30 p.m. to 6:00 p.m.

Table V-1 *Continued*

Policy #	Policy	Relationship
Action REC-7.2.1	<b>After-School Programs.</b> Strive to provide After-School programs in every junior high or middle school in the City by the year 2000. Explore funding sources to expand the After-School Program.	The proposed Project would permit after-school programs to take place on the campus. It would permit a childcare program to operate on weekdays from 2:40 p.m. to 6:00 p.m., and also would also permit extracurricular sport classes to operate on campus from 3:30 p.m. to 6:00 p.m. Without the Major CUP, the school would not be permitted to operate childcare operations and after-school sports classes on campus.
<b>City of Oakland General Plan, Pedestrian Master Plan Policies</b>		
Policy PMP 1.1	<b>Crossing Safety.</b> Improve pedestrian crossings in areas of high pedestrian activity where safety is an issue.	The proposed Project includes a transportation program that would encourage students and parents to utilize the crosswalk located at the intersection of North/South Hills Court (near Kaiser School), instead of jaywalking across Hiller Drive. The Project does not include any plans to add a crossing closer to the entrance of the school; such a crosswalk would not be desirable because all pick-ups and drop-offs are required to occur on the west side of Hiller Drive (immediately adjacent to the school).
Policy PMP 1.3	<b>Sidewalk Safety.</b> Strive to maintain a complete sidewalk network free of broken or missing sidewalks or curbs.	The Project would not alter or otherwise affect the sidewalk network surrounding the project site. However, the Project includes a comprehensive transportation program that would ensure that pedestrians are able to travel safely around and through the school.
Policy PMP 2.2	<b>Safe Routes to School.</b> Develop projects and programs to improve pedestrian safety around schools.	The proposed Project would institute a comprehensive transportation program that would ensure that pedestrians are able to travel safely around and through the school.
Policy PMP 2.3	<b>Safe Routes to Transit.</b> Implement pedestrian improvements along major AC transit lines and at BART stations to strengthen connections to transit.	The Project would not physically alter pedestrian facilities, but would ensure that safe pedestrian connections exist between transit services and the school campus.

Source: LSA Associates Inc., 2008.