VII. CEQA-REQUIRED ASSESSMENT CONCLUSIONS

As required by CEQA, this chapter discusses the following types of impacts that could be associated with the proposed Project: growth-inducing impacts; significant irreversible changes; cumulative impacts; effects found not to be significant; and unavoidable significant effects.

A. GROWTH INDUCEMENT

A project is considered growth-inducing if it would directly or indirectly foster substantial economic or population growth or the construction of additional housing.[1] Examples of projects likely to have *significant* growth-inducing impacts include extensions or expansions of infrastructure systems beyond what is needed to serve project-specific demand, or development of new residential subdivisions or industrial parks in areas that are currently only sparsely developed or are undeveloped.

The Project would not include the construction of housing. Therefore, it would not result in direct population growth on or around the school site. The Project would legalize current student enrollment along with hours and days of operation of school activities, and permit a maximum enrollment of up to 360 students. No new infrastructure, such as utilities and roads, would be developed to serve these students. The proposed enrollment would not induce direct or indirect population growth because Bentley School students already live in Oakland, or in surrounding communities. The Project would not cause a substantial number of households to move to the City.

The proposed Major CUP would permit 62 employees to work at Bentley School. The original 1969 Major CUP did not specify the number of permitted employees at the school (but was drafted under the assumption that school employees would be permitted to work at Bentley School). Since 62 staff members already work on the Hiller Campus, the Project would not result in any indirect population growth from the creation of new jobs. In addition, the Project would limit total employees at the school to 62, precluding future staffing increases without a revised use permit (and supplemental environmental review).

B. SIGNIFICANT IRREVERSIBLE CHANGES

An EIR must identify any significant irreversible environmental changes that could result from implementation of a proposed project. These may include current or future uses of non-renewable resources, and secondary or growth-inducing impacts that commit future generations to similar uses. CEQA dictates that irretrievable commitments of resources should be evaluated to assure that such consumption is justified.[2] The *CEQA Guidelines* describe three distinct categories of significant

[1] *CEQA Guidelines*, 2006. § 15126.2(d).

[2] *CEQA Guidelines*, 2006. § 15126.2(c).

irreversible changes: 1) changes in land use that would commit future generations; 2) irreversible changes from environmental actions; and 3) consumption of non-renewable resources.

1. Changes In Land Use Which Would Commit Future Generations

The proposed Project would not introduce new land uses to the Project site. The site is currently used as a school and the proposed Project would legalize the current uses on the site, including enrollment and operational characteristics. The Project site would continue to be used as a school campus, and the land use would not change. Therefore, the proposed Project would not commit future generations to a significant change in land use.

2. Irreversible Changes From Environmental Accidents

No significant irreversible environmental damage, such as what could occur as a result of an accidental spill or explosion of hazardous materials, is anticipated due to implementation of the proposed Project. The Project would not involve any demolition or construction on the site, or other activities that could release hazardous materials.

3. Consumption of Nonrenewable Resources

Consumption of nonrenewable resources includes conversion of agricultural lands, loss of access to mining reserves, and use of non-renewable energy sources. The Project site is located within a developed residential neighborhood in Oakland and Berkeley. Surrounding land uses include residential, institutional, and civic uses. No lands used for farming or mineral extraction are located within or in the vicinity of the Project site. Therefore, the proposed Project would not convert agricultural lands to non-agricultural uses or result in the loss of access to mining reserves. Legalizing existing school operations would not increase energy consumption to unsustainable levels. In addition, energy is used relatively efficiently because: 1) the existing school campus will be able to accommodate proposed student enrollment and no new acquisition of land or construction would be required; 2) the Project site is located near major East Bay population and job centers, potentially allowing for reduced vehicle trips; and 3) energy efficiency in transportation would be actively promoted by the school through the subsidization of AC Transit passes and operation of private alternative public transit for students unable or unwilling to use AC Transit. Therefore, the Project would not be expected to consume substantial additional amounts of energy and would not substantially deplete non-renewable fuel supplies.

C. CUMULATIVE IMPACTS

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 that are individually limited but cumulatively considerable. These impacts can result from a proposed project alone, or together with other projects. The *CEQA Guidelines* state: "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. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time."[3]

1. Methodology

When evaluating cumulative impacts, CEQA envisions the use of either a list of past, present, and probable future projects, including projects outside the control of the lead agency, or a summary of projections in an adopted planning document, or some reasonable combination of the two approaches. 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. The only large scale currently planned project in the vicinity of the Project site is the Federal Highway Administration and the California Department of Transportation's Caldecott Improvement Project. This project proposes to alleviate traffic congestion along Route 24 by constructing a fourth bore of the Caldecott Tunnel. This project was taken into account in determining the cumulative impacts of the proposed Project.

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. Growth on local roadways around the Project site was not shown in the Alameda Countywide model. Therefore, land use data were evaluated to determine cumulative growth that would contribute to traffic (and air quality and noise emissions) on local streets. 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 growth rate represents a conservative estimate. The cumulative analyses of the other environmental

[3] *CEQA Guidelines*, 2006. § 15355.

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. In addition, information on specific development projects in the vicinity of the site (i.e., Caldecott Tunnel Improvement Project) was sought, and the more site-specific cumulative effects of these projects were taken into account in the Project cumulative analysis.

2. Cumulative Effects of the Proposed Project

The following analysis examines the cumulative effects of the proposed Project. The potential cumulative effects of the proposed Project are summarized below for each of the topics that are analyzed in Chapter IV of the EIR. This analysis is also included in each of the topical sections in Chapter IV. No significant cumulative impacts have been identified.

a. Land Use. 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. 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. School enrollment growth in the area would not fundamentally change the residential character of the area or result in other significant cumulative land use impacts.

b. Transportation and Circulation. Refer to Section IV.B., Transportation and Circulation, for a detailed evaluation of the cumulative transportation-related impacts of the proposed Project. The cumulative traffic analysis completed for the proposed Project indicates that the addition of Project trips to a theoretical No Project condition would be expected to worsen traffic operations at the intersection of Tunnel Road and Warren Freeway from LOS C to LOS D in the AM peak hour and from LOS B to LOS C in the after school peak hour. These levels of service would continue to be acceptable (LOS D or better), according to City of Oakland standards. The Project would increase the cumulative delay at the intersection of Tunnel Road/Vicente Road in the AM peak hour by approximately 44 seconds. However, this increase in delay would not be considered significant based on the City's significance criteria. The Caldecott Improvement Project is a major project proposed in the vicinity of Bentley School. However, according to the Final Environmental Assessment and Environmental Impact Report prepared for the Caldecott project, access to the project construction zone would primarily be via SR 24, Fish Ranch Road, and Old Tunnel Road.[4] Therefore, Caldecott project construction traffic is not expected to substantially affect the operation of intersections in the vicinity of Bentley School in the cumulative condition. The Project would not adversely affect the pedestrian/bike environment, or transit service, and would not result in associated significant impacts in the cumulative condition. Therefore, the Project would not result in significant cumulative transportation and circulation impacts.

c. Air Quality. A cumulative impact would occur if the Project would result in any individual significant air quality impact, or if the Project would result in a fundamental conflict with the local general plan, when the general plan is consistent with the regional air quality plan. As discussed in

[4] U.S. Department of Transportation, Federal Highway Administration, and California Department of Transportation, 2007. *Final Environmental Assessment/Environmental Impact Report*. August.

Section IV.C, Air Quality, vehicle trips associated with a maximum enrollment at Bentley School of 360 students would not result in significant Project-specific air pollution emissions. The cumulative 1-hour and 8-hour CO concentrations for the year 2025 without and with the Project would be below the federal and State CO standards. The 1-hour CO levels would range from 2.9 ppm to 3.6 ppm, much lower than the State CO standard of 20 ppm. The 8-hour CO levels would range from 2.0 ppm to 2.5 ppm, also much lower then the State and federal standard of 9 ppm. In addition, the City of Oakland's General Plan is in general conformance with the California Air Plan (CAP). The proposed Project would not result in land use changes on the Project site and would not require a General Plan amendment. Therefore, the proposed Project would be consistent with the CAP and would not result in cumulative air quality impacts. In addition, Project-related emissions of greenhouse gases would not represent a cumulatively considerable contribution to global climate change. The Project's greenhouse gas emissions would be minimized by virtue of the location of the Project site in Oakland, which is walkable, is well-served by transit, and has the potential for short vehicle trips.

d. Noise. The proposed Project would not result in the construction of any new mechanical systems or buildings. The proposed Project would not be expected to substantially increase the number of deliveries to the school compared to theoretical no Project conditions. Existing noise sources would continue to contribute to future cumulative ambient noise levels on the site, and would result in a less-than-significant impact on sensitive receptors in the Project site vicinity. The proposed Project would result in less-than-significant cumulative increase in traffic noise levels. The largest increase, of only 0.8 dBA, would occur on Hiller Drive on the segment from Tunnel Road to the school's exit driveway. This increase is well below the City's established significance criterion of a 5 dBA permanent increase and well below the 3 dBA limit of an increase that would be perceptible by the average human. Therefore, the proposed Project would not contribute considerably to cumulative noise levels. According to the Final Environmental Assessment and Environmental Impact Report prepared for the Caldecott Tunnel Improvement Project, access to the project construction zone would primarily be via SR 24, Fish Ranch Road, and Old Tunnel Road, and thus construction vehicles would not expose Bentley School to high noise levels in the cumulative condition. In addition, noise levels immediately surrounding the staging area for the Caldecott project (which would be located over ¼-mile from Bentley School) would be 3 dBA L_{eq} or less, and would not be perceptible at Bentley School in the cumulative condition.[5]

e. Hazards. Implementation of the proposed Project and cumulative projects would incrementally increase the exposure of people and structures to earthquake and wildfire hazards. Planned and foreseeable projects in the vicinity of the Project site would be required to meet the requirements of Title 24, Part 2 of the California Building Code, sections 4251-4290, 4291-4299, and 4421-4446 of the California Public Resources Code, the City of Oakland Municipal Code's fire protection standards for construction, and any other applicable requirements, which would reduce the impact of earthquake and wildfire hazards. The Project would legalize the current enrollment and operational characteristics of Bentley School, and allow for a maximum enrollment of up to 360 students. Evacuations would be conducted in accordance with an evacuation plan, which was designed to accommodate 360 students, and would not be expected to create substantial amounts of congestion that would impede neighborhood evacuation. The school's evacuation protocol involves transferring students by foot to pre-arranged evacuation sites or retaining students on-campus until the threat has subsided. In addition, parents are prohibited from retrieving their children during an

[5] Ibid.

emergency until notified to do so by Bentley School. This protocol would minimize Project-related traffic on local roads during an emergency and would not substantially increase the neighborhood's exposure to hazards. Implementation of the proposed Project would not contribute considerably to any cumulative hazardous impacts.

f. Public Services. Implementation of the proposed Project and cumulative projects would not increase the demand for public services beyond current levels. Due to the relatively small amount of projected growth in the vicinity of the Project site, it can be concluded that the proposed Project and cumulative projects would be adequately served by existing public services and would not require the construction of new service facilities that would themselves result in significant environmental impacts.

D. EFFECTS FOUND NOT TO BE SIGNIFICANT

Based on discussion with City staff, review of public scoping comments (Appendix A), review of data pertaining to the Project site and its surroundings, and visits to the Project site, the proposed Project is not expected to result in significant impacts related to the following topics, which are not further evaluated in the EIR. These topics were scoped out of detailed analysis.

1. Cultural and Paleontological Resources. The administration building on the Bentley School campus has been designated as a property of "secondary importance" by the Oakland Cultural Heritage Survey. The proposed Project would not involve any change to the building. No ground disturbance would occur as part of the Project. As such, the Project would not affect known or unknown cultural or paleontological resources.

2. Aesthetic Resources. The proposed Project would not involve demolition or construction activities or substantially alter the visual character of the surrounding neighborhood in any way. Landscaping would continue to shield much of the school's facilities and internal operations from Hiller Drive. In addition, because the Project would not include any construction or physical changes to the site, it would not compromise scenic views.

3. Population and Housing. The Project would not introduce a new mix of uses on the Project site, and in particular, would not introduce new housing to the site. The proposed Project would not demolish or construct housing, and would not directly change the residential population in Oakland or Berkeley. In addition, the project would cap staff levels at 62, which represents approximately the current employment on the site. As such, no indirect population growth would occur. Therefore, implementation of the project would not result in significant indirect population growth or other significant population and hosing-related impacts.

4. Agricultural Resources. The Project site and its immediate surroundings are located within a developed residential area of Oakland/Berkeley that is not classified by the State of California Department of Conservation, Division of Land Resource Protection as important farmland.[6] Bentley School has not converted agricultural uses to non-agricultural uses or otherwise constrained

[6] California Department of Conservation, 2007. *Farmland Mapping and Monitoring Program, 2004-2006 Farmland Conversion Data.*

agricultural activities, and no agricultural land would be converted if existing school operations are legalized.

5. Biological Resources. The Project site is covered by a mixture of native and non-native plants, buildings, and paved areas, and is in an area with low-density residential development. The Project would not result in the removal of vegetation from the site, or other physical changes to the landscape of the site. Wildlife and plants present within the Project site are adapted to urbanized areas and would not be adversely affected by the proposed uses on the school campus. Therefore, the Project would result in less-than-significant impacts to biological resources.

6. Mineral Resources. The proposed Project is located on an already-developed site that has not been used for mineral extraction. The Project would not introduce new land uses to the Project site and would not reduce the availability of a known mineral resource.

7. Geology, Soils, and Seismicity. Because the Project would not include construction or ground-disturbing activities, it would not result in erosion, change soil conditions on the site, or expose buildings to earthquakes or other geology-related instabilities (including those associated with the hilly topography of the site). However, the Project would expose 360 students to earthquake hazards associated with a site located near an active fault line (i.e., the Hayward Fault, which is located approximately 500 feet south of the Project site). All buildings on the site, with the exception of the administration building, were constructed after the 1991 Oakland Hills Fire and were individually permitted by the City. These buildings were required to be constructed in accordance with the applicable building code, including all provisions related to construction in the seismically-active Alquist-Priolo Fault Zone. In addition, the administration building would have been required to undergo a seismic retrofit, per applicable City requirements. Therefore, occupants of the buildings on the Project site would not be exposed to a substantial risk of loss, injury, or death associated with earthquakes.

The proposed Project would also not expose neighborhood residents to a substantial adverse risk associated with earthquakes. As discussed in Section IV.E, Hazards, the proposed Project would not interfere with an emergency evacuation plan, including the Oakland Standard Emergency Management System (SEMS) emergency plan. The Bentley School Emergency Management Plan would ensure that students remain on-site during or immediately after an earthquake and/or are evacuated by foot to off-site locations. Based on the school's emergency plan, no students would be evacuated by vehicle from the campus. The Emergency Management Plan also includes provisions for alerting parents/guardians of appropriate pick-up times/locations for retrieving students, and would minimize vehicle congestion associated with emergencies. The proposed student enrollment is not expected to result in vehicle congestion on local streets during an emergency (including an earthquake), or otherwise expose local residents to adverse risks.

8. Hydrology and Water Quality. The proposed Project would not result in any physical changes to the site and would not increase impervious surface coverage or change drainage patterns. In addition, the proposed Project would not place structures in flood hazard zones or existing waterways.

9. Public Utilities. Implementation of the proposed Project would permit 360 students to enroll at Bentley School. The demand for water, wastewater treatment, or storm water conveyance associated with this enrollment level is accommodated by existing facilities. In addition, legalized enrollment

would not adversely affect solid waste generation or energy demand. The utility agencies that serve the Project site have adequate capacity to serve development anticipated in the Oakland General Plan. The proposed Project would be consistent with the Oakland General Plan and would thus be adequately served by the various utilities.

E. SIGNIFICANT UNAVOIDABLE IMPACTS

The proposed Project would result in no significant and unavoidable impacts.