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Community and Economic Development Agency
Planning & Zoning Services Division

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**COMBINED NOTICE OF RELEASE AND AVAILABILITY OF THE
DRAFT ENVIRONMENTAL IMPACT REPORT AND
NOTICE OF PUBLIC HEARINGS ON THE
BENTLEY SCHOOL MAJOR CONDITIONAL USE PERMIT**

PROJECT TITLE: Bentley School Major Conditional Use Permit
CASE NO. ER07-006/CM04-411
PROJECT SPONSOR: Bentley School
PROJECT LOCATION: 1 Hiller Drive, Oakland, CA 94618

DESCRIPTION OF PROJECT: The Bentley School (school) is an independent private school composed of a Lower School (Kindergarten through grade 5) and Middle School (grades 6 through 8). The school's Hiller Campus is located at 1 Hiller Drive in the North Oakland/Berkeley Hills, near the intersection of Hiller Drive and Tunnel Road/Highway 13. The school property encompasses approximately 4.2 acres on five contiguous parcels and straddles the City of Oakland and City of Berkeley border. 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). The Project site is not on the Cortese List. The proposed Project would legalize and permit the Bentley School's existing day-to-day operations, which are currently in violation of the Major Conditional Use Permit (CUP) granted by the Oakland City Council in 1969. The new Major CUP would reflect existing (or current) conditions by permitting a maximum enrollment of 360 students (approximately eight more students than enrolled during the 2007/2008 school year), expanded hours of operation for a variety of school activities, and a limited number of weekend, evening, and summer events. The new Major CUP would also permit a maximum of 62 employees at the school, which also reflects existing conditions. In addition, the Project includes a comprehensive busing, carpooling, parking, traffic, and circulation plan, and emergency evacuation program, which have been implemented at Bentley School. The new CUP would not permit any construction or physical alterations to the campus and would not result in any physical impacts.

ENVIRONMENTAL REVIEW: The Project is considered to be a code enforcement matter rather than a California Environmental Quality Act (CEQA) issue. The applicant is seeking to legalize its existing operations and allow for a maximum enrollment of up to 360 students, but is not proposing a significant physical increase/expansion of the existing activity/facility as it now operates. Thus, the existing conditions are virtually the same as the future conditions with the Project and therefore, there is no change in the physical conditions and thus no environmental impacts under CEQA. Thus, CEQA review is not legally required. Nevertheless, in the interest of being conservative and responsive to community concerns, a Draft Environmental Impact Report (DEIR) was prepared for the Project, under the requirements of CEQA, pursuant to Public Resources Code Section 21000 *et. seq.* The DEIR analyzes potentially significant environmental impacts in the following environmental categories: Land Use; Transportation and Circulation; Air Quality (including Global Climate Change); Noise; Hazards; and Public Services. All other environmental categories were found to have no impacts. The Draft EIR identifies no significant or significant unavoidable impacts; therefore, no mitigation is required. Copies of the DEIR are available for review or distribution to interested parties at no charge at the Community and Economic Development


Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 5:00 p.m. The Draft EIR may also be reviewed at the following website:

<http://www.oaklandnet.com/government/ceda/revised/planningzoning/MajorProjectsSection/environmentaldocuments.html>.

PUBLIC HEARINGS: The City Planning Commission will conduct a public hearing on the Draft EIR and the Project on **December 3, 2008 at 6:00 p.m. in Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza.**

The City of Oakland is hereby releasing this DEIR, finding it to be accurate and complete and ready for public review. Members of the public are invited to comment on the EIR and the Project. There is no fee for commenting, and all comments received will be considered by the City prior to finalizing the EIR and making a decision on the Project. Comments on the DEIR should focus on the sufficiency of the EIR in discussing possible impacts on the physical environment, ways in which potential adverse effects might be minimized, and alternatives to the Project in light of the EIR's purpose to provide useful and accurate information about such factors. Comments may be made at the public hearing described above or in writing. Please address all written comments to Heather Klein, Planner III, City of Oakland, Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612; 510-238-6538 (fax); or e-mailed to HKlein@oaklandnet.com. Comments should be received no later than 4:00 p.m. on December 11, 2008. Please reference case number ER07-006/CM04-411 in all correspondence. If you challenge the environmental document or Project in court, you may be limited to raising only those issues raised at the Planning Commission public hearing described above, or in written correspondence received by the Community and Economic Development Agency on or prior to 4:00 p.m. on December 11, 2008. After all comments are received, a Final EIR will be prepared and the Planning Commission will consider certification of the Final EIR and render a decision on the Project at a later meeting date to be scheduled. For further information, please contact Heather Klein at (510) 238-3659 or at HKlein@oaklandnet.com.

October 28, 2008
File Number ER07-006/CM04-411



Dan Lindheim
Director
Community and Economic Development Agency
Environmental Review Officer