

II. SUMMARY

A. PROJECT UNDER REVIEW

This Environmental Impact Report (EIR) has been prepared as a planning tool, and is not legally required, as it assesses the environmental impacts of existing conditions at Bentley School. The new Major Conditional Use Permit (CUP) sought by the Bentley School, a private school located in the North Oakland/Berkeley Hills, would govern the enrollment and operation of Bentley School's Hiller Campus, which occupies a 4.2-acre site that straddles the City of Oakland/City of Berkeley border. A detailed description of the proposed Project is provided in Chapter III, Project Description. The proposed Project would legalize and permit the school's existing day-to-day operations, which are currently in violation of the Major CUP granted by the Oakland City Council in 1969. These violations are considered to be a code enforcement matter rather than a California Environmental Quality Act (CEQA) issue. As such, an EIR is not legally required, but has been prepared as a planning document to respond to community concerns associated with the Project. No significant environmental impacts would result from the Project and therefore no mitigation measures would be required.

B. SUMMARY OF IMPACTS AND MITIGATION MEASURES

This summary provides an overview of the analysis contained in Chapter IV, Setting, Impacts and Mitigation Measures and Chapter VI, Alternatives. CEQA requires a summary to include discussion of: 1) potential areas of controversy; 2) significant impacts; 3) recommended mitigation measures; 4) cumulative impacts; and 5) alternatives to the proposed Project.

1. Potential Areas of Controversy

The City received a total of 41 letters during the EIR scoping period, in addition to verbal comments made at the Planning Commission meeting on May 16, 2007 (see Appendix A). Other comments were submitted in written and verbal form by community members prior to formal initiation of the environmental review process. Potential areas of controversy surrounding the proposed Project are listed below.

- compatibility of school operations with surrounding residential and civic land uses
- traffic and circulation (both vehicular and pedestrian) on local roads and highways, including cumulative traffic associated with other uses in the area
- emergency evacuation
- parking
- transit
- air pollution associated with vehicles
- noise exposure

2. Significant and Less-than-Significant Impacts

Under CEQA, a significant impact on the environment is defined as: a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the Project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.¹

As discussed in Chapter IV of this EIR, the proposed Project would not result in any significant environmental impacts that would require mitigation pursuant to CEQA. All environmental impacts associated with the Project would be less than significant based on the significance criteria used by the City of Oakland. However, recommendations for further improving the school's less-than-significant impacts on the neighborhood are incorporated into the various topical sections of the EIR. Recommended measures to further reduce already less-than-significant impacts are not required by CEQA. These recommended measures are included in this EIR because the City, school, and community at large have expressed interest in reducing the school's effects on the surrounding neighborhood, and the EIR, as a publicly-available document, is an appropriate forum for such recommendations. These recommendations will be considered by decisionmakers during the course of Project review. See Table II-1 for a list of all impacts associated with the Project. All impacts would be less than significant with Standard Conditions of Approval and do not require mitigation measures.

3. Significant Unavoidable Impacts

As discussed in Chapter IV of this EIR, the proposed Project would not result in significant unavoidable impacts to the environment:

4. Alternatives to the Project

The four alternatives to the proposed Project discussed in Chapter VI include the following:

- The **No Project alternative**, which assumes that the student enrollment at Bentley School would be subject to the conditions of the original 1969 Major CUP. Student enrollment would be limited to 200, and the school's operations would be consistent with what was approved in 1969.
- The **Reduced Enrollment alternative**, which assumes that the student enrollment at Bentley School would be limited to 280 students, and that school operations would be the same as those that would occur as part of the Project.
- The **Public Transit alternative**, which assumes that Bentley School would have a maximum enrollment of 360 students, 160 of which would be required to use alternative forms of transportation. In addition, this alternative assumes that all other school operations (i.e., other than transportation mode to and from school) would be the same as those that would occur as part of the Project.
- The **Tunnel Road Drop-Off alternative**, which assumes that Bentley School would have a maximum enrollment of 360 students, and that approximately one-third of the student body would be dropped off along Tunnel Road instead of on Hiller Drive. This alternative also assumes that all other school operations would be consistent with those that would occur as part of the Project.

¹ CEQA Sections 21060.5 and 21068.

The proposed Project would not result in significant environmental impacts. However, alternatives have been developed that could further reduce the Project’s already less-than-significant environmental impacts, including effects on the surrounding neighborhood. The No Project alternative is identified as the environmentally superior alternative, followed by the Public Transit alternative. Each alternative is described and analyzed in Chapter V of this EIR.

Table II-1: Impact Table

Environmental Impacts	Level of Significance	Recommended Measure and Standard Conditions of Approval
A. LAND USE		
The Project would not divide an established community.	NS	N/A
Uses on the Project site would not conflict with surrounding land uses.	LTS	N/A
The Project would not conflict with any applicable land use policies, including the City of Oakland General Plan and Municipal Code.	LTS	N/A
The Project would not conflict with a habitat conservation plan.	NS	N/A
The Project, along with other projects planned for the area, would not have a cumulative land use impact on the area.	LTS	N/A
B. TRANSPORTATION AND CIRCULATION		
The Project would not exceed level of service standards at signalized or unsignalized intersections.	LTS	N/A
Public transit facilities would be able to adequately serve the Project site.	LTS	N/A
The Project would generate less than 100 PM peak hour vehicle trips, and these trips would be accommodated by Metropolitan Transportation System facilities.	LTS	N/A
The Project would not result in any physical changes to emergency access routes.	LTS	N/A
The Project would not result in any changes to current roadway geometry or change other design features that would not comply with Caltrans design standards.	LTS	N/A
Transferring the Middle School to the Lafayette Campus, and backfilling the vacancies with Lower School students would not lead to significant congestion impacts.	LTS	N/A
Adequate parking supply exists in the vicinity of the Project site to accommodate school visitors throughout the day.	LTS	N/A
The Project would not change air traffic patterns.	NS	N/A
After the proposed transfer of Middle School students, fewer students may use AC Transit.	LTS	<u>Recommended Measure TRANS-1</u> : Since AC Transit requires a minimum level of ridership to sustain its service to Bentley School, the School should work with AC Transit (and continue to support transit ridership) to ensure that existing bus service is continued. If AC Transit service is discontinued, then the school should provide private shuttle service to replace the AC Transit service.

Table II-1 *Continued*

Environmental Impacts	Level of Significance	Recommended Measure and Standard Conditions of Approval
Garbage pick-up coincides with the busiest part of the morning peak period, due to the location of the dumpsters.	LTS	<u>Recommended Measure TRANS-2:</u> School staff has indicated that the typical garbage pick-up time is arranged to occur outside of the busiest student drop-off hour. However, the school should work with the appropriate waste management agency to ensure that garbage pick-up at the school does not occur between 8:00 a.m. and 8:45 a.m.
Drivers sometimes leave their cars unattended in the loading area.	LTS	<u>Recommended Measure TRANS-3:</u> Currently, during the after school pick-up period, the school stations one traffic assistant at the Firestorm Memorial Garden, and two traffic assistants (including one flag person) at the parking area within the driveway loop. The school should station at least one more traffic assistant near the exit point of the driveway loop during the after-school pick-up period. Together, these three staff members (excluding the flag person) should ensure that all drivers remain in their vehicles, and that the queue moves efficiently. In the morning peak hour, the school typically assigns nine people (including one flag person) to assist in the drop-off activities along the Firestorm Memorial Garden and driveway loop. Field observations confirm that this level of staffing is adequate to ensure that the queue continues to move. This number of staff members should continue to be assigned to ensure continued efficient flow during the morning peak
Parents and students occasionally ignore rules and signs, and jaywalk across Hiller Drive.	LTS	<u>Recommended Measure TRANS-4:</u> The school should continue to educate parents/guardians and students, and to better enforce the no jaywalking policy. The school should ensure that parents/guardians park only on the west side of Hiller Drive, or on Hiller Drive north of Hill Court, where there is a crosswalk for pedestrians to safely cross the street. Parents/guardians who do not comply with the proposed regulation should be penalized as set forth in the school's Traffic and Parking Handbook.
Traffic cones demarcating the loading zone are frequently knocked over by vehicles, causing a hazard for the main traffic stream on southbound Hiller Drive.	LTS	<u>Recommended Measure TRANS-5:</u> The school should coordinate with City of Oakland staff to purchase, install and maintain delineators (which are attached to the pavement and thus less prone to be displaced by motor vehicles), instead of orange traffic cones. The delineators would be more stable than cones and

Table II-1 *Continued*

Environmental Impacts	Level of Significance	Recommended Measure and Standard Conditions of Approval
Parents occasionally make illegal U-turns north of the school on Hiller Drive, resulting in safety hazard.	LTS	would also enhance visibility. <u>Recommended Measure TRANS-6:</u> The school should continue to educate parents/guardians regarding potential hazards of U-turn movements on Hiller Drive. Parents/guardians who do not comply with the proposed regulation should be penalized as set forth in the school's Traffic and Parking Handbook. A feasible U-turn location is the cul-de-sac on N. Hill Court.
Parents occasionally make an illegal left-turn onto Hiller Drive from the parking lot, resulting in a safety hazard.	LTS	<u>Recommended Measure TRANS-7:</u> The school should continue to educate parents/guardians about the driveway exit left turn prohibition, and better enforce the prohibition. Parents/guardians who do not comply with the proposed regulation should be penalized as set forth in the school's Traffic and Parking Handbook.
At the exit of the school driveway, right-turning vehicles do not always yield to southbound traffic, resulting in a safety hazard.	LTS	<u>Recommended Measure TRANS-8:</u> The school should continue to educate parents/guardians, and reiterate that there is only one through traffic lane and that exit vehicles are required to yield to the southbound through traffic. Parents/guardians who do not comply with the proposed regulation should be penalized as set forth in the school's Traffic and Parking Handbook.
The school's promotion of public transit should be continued and expanded.	LTS	<u>Recommended Measure TRANS-9:</u> The school should continue to provide free AC Transit bus passes to students, and continue to sponsor the operation of Michael's Transportation Service. In addition, in order to further reduce vehicle trips in and out of the school during the peak hours, the school should consider sponsoring additional shuttle services for students in areas under-served by transit.
The traffic and parking handbook on its own is likely not effective in ensuring full compliance with the school's transportation rules.	LTS	<u>Recommended Measure TRANS-10:</u> School staff should establish mandatory meetings with parents/guardians to review transportation instructions and penalties for violators. These meetings should be conducted once per semester.

Table II-1 *Continued*

Environmental Impacts	Level of Significance	Recommended Measure and Standard Conditions of Approval
<p>The school contributes to peak hour traffic congestion in the morning and afternoon.</p>	<p>LTS</p>	<p><u>Recommended Measure TRANS-11:</u> The school should establish staggered drop-off times in the morning, with durations of staggering similar to the afternoon pick-up schedule. The afternoon staggered pick-up times should be coordinated with Kaiser Elementary School so that no pick ups are scheduled between 2:55 p.m. and 3:20 p.m., to avoid contributing to peak Kaiser Elementary School traffic. Consultation shall also occur with AC Transit.</p>
<p>The school has not established adequate long-term monitoring to ensure that established policies and other traffic-control measures are being enforced.</p>	<p>LTS</p>	<p><u>Recommended Measure TRANS-12:</u> The school should hire, in consultation with the City of Oakland, two independent and qualified rule enforcers to ensure that the school maintains an adequate number of staff/volunteers to assist with pick-up and drop-off activities, and to ensure that guardians and the school comply with the traffic and parking rules outlined in the Traffic and Parking Handbook, Emergency Management Plan, and Recommended Measures outlined in the Bentley School Major Conditional Use Permit Final EIR. The independent rule enforcers should submit a written monitoring report to the Community and Economic Development Agency Planning Division and Public Works Agency Traffic Engineering Division once a month outlining: 1) vehicle queue lengths in the morning and afternoon (numbers should be reported every 10 minutes); 2) identification of excessive queues (northbound queues on Hiller Drive extending to the signalized intersection of Hiller Drive and Tunnel Road and/or blockage of southbound traffic on Hiller Drive north of the school driveway); 3) changes in traffic management that have been implemented to reduce or eliminate excessive queues/potential for blockage of emergency vehicles; 4) incidents of illegal behavior, and follow-up actions regarding individuals with numerous violations, per the Traffic and Parking Handbook; and 5) penalties imposed on drivers that violate rules. Initially, reports should be submitted once a month during the entire current school year following planning approval and the applicant should petition the Director of Planning to reduce the frequency of monitoring and reporting if compliance is achieved.</p>

Table II-1 *Continued*

Environmental Impacts	Level of Significance	Recommended Measure and Standard Conditions of Approval
		<p><u>Recommended Measure TRANS-13:</u> The Oakland Fire Marshall's Office should make regular, unannounced visits to the school (the frequency, timing, and types of visits should be at the Fire Marshall's discretion based on need for visits and compliance by the school) to verify that adequate emergency vehicle access is being maintained during peak pick-up and drop-off periods. The Fire Marshall should consult with the independent rule enforcer(s) to identify modifications to the circulation rules, if emergency access problems are identified. The school should fund these Fire Marshall services.</p> <p><u>Recommended Measure TRANS-14:</u> The school should designate a Board of Trustees member to be responsible for overseeing the school's commitment to reducing traffic congestion and preserving emergency access. The appointed member should receive regular updates from the rule enforcer(s) regarding the effectiveness of implemented traffic measures, work with the rule enforcer(s) and school staff to correct problems, provide regular updates on traffic/emergency access issues to the Board, ensure the Traffic and Parking Handbook is up-to-date and effective, and ensure that adequate funding is allocated to maintain and enhance all transportation programs.</p>
C. AIR QUALITY		
The Project would be consistent with the Clean Air Plan.	LTS	N/A
The Project would not generate odors.	NS	N/A
The Project would not cause an exceedance of State or federal carbon dioxide (CO) standards.	LTS	N/A
The Project would not exceed thresholds of significance for reactive organic gases (ROG,) nitrogen oxides (NO _x), or particulate matter-large (PM ₁₀).	LTS	N/A
The Project site would not be close to a substantial source of toxic air contaminants.	LTS	N/A
The Project would not substantially contribute to global climate change.	LTS	N/A
D. NOISE		
The Project would not result in construction-related noise or vibration impacts.	NS	N/A
The Project would not generate groundbourne noise or vibration.	NS	N/A
The Project would not be exposed to significant levels of aircraft-related noise.	NS	N/A

Table II-1 *Continued*

Environmental Impacts	Level of Significance	Recommended Measure and Standard Conditions of Approval
Noise levels generated by the Project would not exceed City standards.	LTS	<u>Standard Condition of Approval 32: Operational Noise-General Ongoing.</u> Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.
Traffic noise levels would not exceed City standards.	LTS	N/A
E. HAZARDS		
The Project would not interfere with an adopted emergency response plan; however, parts of the school's Emergency Management Plan could be enhanced through clarified language or by actions on the part of the school.	LTS	<u>Recommended Measure HAZ-1:</u> The school should consider the following measures: <ul style="list-style-type: none"> • In evacuation situations where students are required to walk along Tunnel Road towards the City of Berkeley, it is important to maintain a clear and safe route for pedestrian access. It has been reported that there is debris on the side of Tunnel Road (SR 13) adjacent to the school that could restrict pedestrian access. The school should coordinate with Caltrans to provide regular maintenance to ensure that a safe route is provided for pedestrians. • Language should be incorporated into the Emergency Management Plan advising guardians not to enter the school campus during a neighborhood evacuation so that traffic conflicts with drivers attempting to leave the area are avoided. • Language should be incorporated into the Emergency Management Plan notifying guardians that, in the event that an emergency requires a fire truck/ambulance to enter Hiller Drive, motorists accessing the school should comply with the California Vehicle Code and pull over to the right to yield a clear path for emergency vehicles.
The Project would not increase the exposure of people or structures to significant risk of loss, injury, or death due to wildland fires.	LTS	<u>Standard Condition of Approval 63: Vegetation Management Plan</u> Prior to issuance of a demolition, grading, and/or construction and Ongoing

Table II-1 *Continued*

Environmental Impacts	Level of Significance	Recommended Measure and Standard Conditions of Approval
HAZ-1 <i>Continued</i>		a) The project applicant shall submit a vegetation management plan to the Planning and Zoning Division and Fire Services Division that includes if deemed appropriate, but not limited to the, following measures: <ul style="list-style-type: none"> i. Removal of dead vegetation overhanging roof and chimney areas; ii. Removal of leaves and needles from roofs; iii. Planting and placement of fire-resistant plants around the house and phasing out flammable vegetation; iv. Trimming back vegetation around windows; v. Removal of flammable vegetation on hillside slopes greater than 20%; vi. Pruning the lower branches of tall trees; vii. Clearing out ground-level brush and debris; viii. Stacking woodpiles away from structures. b) The project applicant shall enter into a maintenance agreement with the City that ensures that landscaping will be maintained and adhere to measures listed above.
F. PUBLIC SERVICES		
The Project would not increase demand on police services to the point where the construction of new police facilities would be required.	LTS	N/A
The Project would not increase demand on fire services to the point where the construction of new fire facilities would be required.	LTS	N/A
The Project would not increase the demand on public schools.	NS	N/A
The Project would not increase the demand on library services.	NS	N/A
The Project would not increase the demand on the Firestorm Memorial Garden, or any other parks and recreation facilities, to the point where construction of new facilities would be required.	LTS	N/A

NS = Not Significant

LTS = Less Than Significant

N/A = Not Applicable

Source: LSA Associates Inc., 2008.

