CITY OF OAKLAND

DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3941
FAX (510) 238-6538
TDD (510) 238-3254

COMBINED NOTICE OF RELEASE AND AVAILABILITY OF THE RESPONSE TO COMMENTS DOCUMENT AND NOTICE OF A PUBLIC HEARING 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 though 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 Berkley 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, the option to change grade levels, 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. 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. The DEIR identifies no significant or significant unavoidable impacts; therefore, no mitigation is required. The DEIR was made available for public review on October 28, 2008 and distributed to applicable local and State agencies. The public was notified of the availability of the DEIR through direct mailings and through an announcement posted on the City's website. Copies of the DEIR were made available at the City and on the City's website. The CEQA-mandated 45-day public comment period ended on December 11, 2008. The City also held a public hearing with the Planning Commission during the comment period, on December 3, 2008. The public provided verbal comments at this meeting. Following the public and agency review period, a Response to Comments Document was

prepared to respond to written and verbal comments received on the DEIR. The Response to Comments Document, together with the DEIR, constitutes the Final EIR for the Project. Copies of the Response to Comments Document (and 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 Response to Comments Document (and DEIR) 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 certification of the Final EIR and the Project on October 21, 2009 at 6:00 p.m. in Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza.

For further information, please contact Heather Klein at (510) 238-3659 or at HKlein@oaklandnet.com.

Oct 9, 2009
File Number ER07-006/CM04-411

Eric Angstadt
Deputy Director
Community and Economic Development Agency
Environmental Review Officer