

July 6, 2016

Dear Ann –

With reference to case number ER16-010, I would like to pose concerns and questions for response by the developers as part of the CEQA/EIR scoping process.

With respect to earthquake safety of the proposed structures:

1. Where, exactly, do the faults and subfaults of the Hayward Fault lie in the area of the proposed development, particularly the Condo development, for which a 50' setback is required under Alquist-Priolo?
2. How will the faults and subfaults be located? When will the public be notified of the raw data and findings?
3. Will the area of planned development be thoroughly studied, with trenches at least every 50', to ensure that no fault lies beneath proposed multi-family dwellings or the garages that are proposed to underlie them?
4. Will the seismic studies performed by an impartial third party, with all methods and results available for public review?
5. Will the proposed plans be reviewed by a licensed and independent Geologist, per Alquist-Priolo requirements? When will that evaluation be made public?
6. Will the proposed plans be evaluated by a civil engineer and certified to meet code requirements for large structures in an earthquake? When will that evaluation be made public?
7. How do the garages beneath the proposed multi-dwelling structures affect the safety of those structures in an earthquake?
8. Were alternative plans considered, per CEQA requirements, that would be more safe for building occupants in a seismic event? What were those alternative plans? Were any plans that did not include under-dwelling garages considered?
9. The area is well-known for underground creeks. Was/Will a thorough study of underground water drainage be done in the proposed construction area?
10. Within the proposed development area, where, exactly, do all underground creeks and other water drainage features, lie?
11. What effect will the proposed construction have on the surrounding watershed if underground creeks are disturbed? How will any effects, including pollution and diversion, be avoided, minimized and remediated?
12. What effect will underground creeks in the area have on the foundations of the proposed garages and condominium complex?

13. What are the implications for earthquake safety due to the undermining of garage foundations by underground creeks?
14. How will prospective purchasers of the proposed condominiums be informed and educated about the vulnerabilities of the structure – which far outweigh those of smaller dwellings?
15. CEQA mandates consideration of alternative plans which would be safer in the event of an earthquake (given seismic safety is included in the EIR). Were exempt 2-story structures and elimination of under-dwelling garages considered as plan alternatives? If not, why not?
16. In the comparison of plan alternatives, how were inevitable tradeoffs between development size and human safety (in a seismic event) resolved? What was the value attached to human life?

With respect to the plan renderings disclosed thus far:

17. In reviewing available public filings, I note that the materials provided to the LPAB differed from those in the CUP (PLN #16053) in several significant areas:
 - a. There is no street view rendering provided in the LPAB Staff Report that is comparable with that in the lower rendering on sheet AR601 of the CUP filing.
 - b. There is no detailed elevation drawing provided in the LPAB Staff Report that is comparable with that on sheets AR301 and AR302 of the CUP filing.
 - c. The section view in the LPAB Staff Report (sheet AR004) is much less detailed than the section view in the CUP (sheet AR401).
 - d. In particular, the elevation drawings submitted with the LPAB Staff Report do not include the elevator towers which, as shown in the CUP filing apparently rise an additional 12.5' above the roofline.

When will accurate and detailed renderings and elevation drawings be provided to the LPAB? How much time will the LPAB have to review accurate renderings and elevation drawings before making their recommendation in fulfillment of their statutory role under Oakland City Council Ordinance 12438 to ensure that the proposal “be of quality and character that harmonizes with, and serves to protect the value of, private and public investment in the area”? When will the LPAB receive an elevation drawing that also includes the elevator towers and the effect of those towers on sight lines of surrounding properties?

18. There is no context view in either the CUP filing or the LPAB Staff Report that shows the proposed residential complex rendered in context with the Claremont Hotel itself, in a way that is comparable to the aerial context rendering of the proposed sports facilities and hotel building as shown on sheet G007 of the CUP filing. **When will such a context rendering be provided to the LPAB? How much time will the LPAB have to review accurate context renderings before making their recommendation in fulfillment of their statutory role under Oakland City Council Ordinance 12438 to ensure that “sight lines...from distant public views of the building from San Francisco and Oakland” and “an appropriate sense of open space around the hotel building” are preserved? Without an aerial context rendering of both hotel and proposed residential complex, how will the LPAB fulfill their statutory role to verify that “the proposal will...protect the value of...the historic landmarked building”?**

19. The view from Tunnel Road, as rendered on sheet AR601 of the CUP (11Feb16) differs substantially from the Tunnel Road view rendered on Sheet AR006 of the LPAB Report (13Jun16). However, without a street view rendering and detailed elevations of the structure vaguely represented on Sheet AR006, it is impossible to verify and evaluate the validity of that rendering. When will street views of the proposed residential complex – comparable to the lower rendering on sheet AR601 of the CUP filing – be provided that show a perspective rendering of the residential complex consistent with the Tunnel Road perspective shown in the LPAB Report?
20. When will a final, complete, and consistent package of renderings and elevations be made available? How will the public be noticed of the availability of the final, complete, and consistent package, and how will changes from previous releases be noted and reconciled? **How long will the LPAB and the public have to review accurate design information, based on a final, complete, and consistent package of renderings and elevations?**

With respect to traffic and traffic-based air pollution:

21. What will be the cumulative traffic loading impacts of the 45 residential units, event facilities, and increased club memberships be, in the following scenarios:
 - a. Before and after events where the proposed 100-seat tennis arena is in use?
 - b. Before and after events when the proposed event lawn is in use?
 - c. On days when Cal Football plays home games at their 62,467-seat stadium?
 - d. On regular weekday commute days during the fall and spring when university is in session?
 - e. In combination with planned developments in the College, Telegraph, and Shattuck Avenue corridors?
22. What methods will be used to study each of the above impacts, both individually and in combination? Who will perform the traffic study, and how can the public be assured of that entity's independence? Where will the data be posted for public review?
23. By how much will travel times in the Tunnel Road corridor between Hiller Drive and Domingo Avenue increase in each of the above (question 21) scenarios?
24. What will the impact of the above (question 21) scenarios be on traffic in the northern end of Highway 13 – and the surrounding communities – be, particularly if traffic backs up for the length of Tunnel Road, as it may during commute hours when school is in session?
25. What will the impact of the above (question 21) scenarios be on traffic on Ashby Avenue – and the surrounding communities – be, particularly if traffic backs up for the length of Ashby Avenue, as it may during commute hours when school is in session?
26. What is the additional airborne particulate loading that can be expected due to increased travel times and increased idle time in the Tunnel Road corridor between Hiller Drive and Domingo Avenue? How will that affect homeowner health and home values in the Tunnel Road corridor between Hiller Drive and Domingo Avenue, and surrounding neighborhoods? How would such impacts be allowed under Section 7 of Ordinance 12438?
27. What is the additional airborne particulate loading that can be expected due to increased travel times and increased idle time along Ashby Avenue? How will that affect homeowner health and

home values along Ashby Avenue and surrounding neighborhoods? How would such impacts be allowed under Section 7 of Ordinance 12438?

28. What is the additional airborne particulate loading that can be expected due to increased travel times and increased idle time at the northern end of Highway 13? How will that affect homeowner health and home values at the northern end of Highway 13, and surrounding neighborhoods? How would such impacts be allowed under Section 7 of Ordinance 12438?
29. How has the City of Berkeley been involved in evaluating the traffic impacts of the proposed developments?

Thank you, Ann Clevenger, for your and your office's diligence in requiring the developer to respond to these questions as is required by law, for facilitating unimpeded public access to accurate, complete, and up-to-date plans, and for ensuring that all of these materials – and the answers to relevant questions – are correct, consistent, accessible, and available for the required period of public review and comment.

With regards,
Bryan Grziwok
Berkeley