

September 6, 2016

Dear Ann –

With reference to case number ER16-010, I would like to pose concerns and questions for inclusion in the CEQA/EIR scoping process.

With respect to the proposed tennis stadium:

1. Are developers aware of California Superior Court judgment 345512 which places a noise injunction, in perpetuity, upon the Claremont and its operators, specifically forbidding cheering and handclapping which may be heard in neighboring homes?
2. In light of this, how can the planned tennis stadium, with elevated seating funneling sound directly into neighboring homes from a distance of less than 100 yards be permitted? (See diagram of distances to homes, attached.)
3. For the same reason, how can construction of a basketball court less than 30 yards from neighboring homes be permitted?
4. Developers claim that the capacity of the tennis stadium is only 100 persons, however examination of their drawing shows more than 2400 square feet of projected area devoted to bleacher benches. This would be more than enough bleacher capacity for as many as 400 spectators. How do the developers explain this discrepancy between their stated and their architectural plans? How is the proposed bleacher capacity being measured? How is the stadium capacity being limited?
5. Will the fire marshal impose specific limits on the capacity of the stadium? How will the fire marshal determine those limits? How will those limits be enforced?
6. What requirements/accommodations for egress in the event of an emergency are there? How do the developers plans meet those requirements?

With respect to on-site parking:

7. The plan proposes 30 new parking spaces for club and hotel use. It is not evident from plans where these spaces will be located. Where will these additional 30 spaces to be located?
8. How are these 30 parking spaces considered adequate for the expansion proposed?
9. How are the 30 added parking spaces allocated among the many proposed areas of non-residential expansion, including:
 - a. 250 new club memberships
 - b. 6000 square feet of additional club space
 - c. Tennis stadium with apparent capacity for 400 spectators
 - d. Event lawn for events (with 100+ attendees and catering and other services)
 - e. Additional swimming pool
 - f. Additional employees to staff expanded facilities, manage events, and maintain expanded facilities

10. How many on-site spaces should (by code) be required to accommodate the planned expansion, including both items listed in #9 above and parking demands not listed in #9?
11. If on-site parking is inadequate, where will new club members, tennis fans, event attendees, and employees park?
12. If on city streets, what impact will that have on surrounding businesses on Domingo, Claremont, and in Elmwood? What efforts have been made to inform and solicit input from businesses on Domingo, Claremont, and in Elmwood? Given that parking impacts to these businesses are inevitable, how do developers propose to mitigate the impact to these businesses?
13. What additional vehicle load will the circulation of cars seeking parking add to local road networks? What impact will that have at nearby intersections? What impact will that have in terms of added pollution (particulate, CO2)? How will the addition of slow-moving cars seeking parking affect traffic circulation in the area? How will such slow-moving cars combine cumulatively with the impact of additional car trips associated with the proposed residential units? How will that combined impact affect traffic loading, pollution, and safety on surrounding streets and highways?
14. Since most off-site parking impacts would be felt primarily in Berkeley, what is the involvement of Berkeley city offices (planning, public works) in reviewing and approving on-site parking plans?

With respect to the plan renderings disclosed thus far:

15. With reference to my email dated 06Jul16 (attached for reference), I noted several concerns with respect to incomplete disclosure of plans by the developer (Items 17-20). While planning has posted a website with a collection of project information, **no new plans that might address the inadequacy of the plans as disclosed have been presented.** How, for example, can the public (or the LPAB) comment on potential aesthetic impacts when no elevations that show building massing relative to and adjacent to the landmark hotel have been released? How can any aspect of the project be correctly evaluated if the plans are not fully disclosed and/or still changing?
16. Staff notes “As with previous projects, and as permitted by CEQA (Section 15004(c)), the EIR process and project review, to the maximum extent feasible, should be coordinated and run concurrently.” What are CEQA requirements for complete plan disclosure? What procedures will be followed for changes in proposed plans and new disclosures that are made later in the review process?
17. Complete and accurate disclosure, with renderings and detailed plans, is necessary for any evaluation, by the public or by planning committees, particularly for:
 - a. Assessment of aesthetic impact of proposed structures proximal to historic structures
 - b. Assessment of proposed construction on the grounds of the hotel, which are a protected California Historic Resource
 - c. Assessment of the adequacy of on-site parking
 - d. Assessment of emergency vehicle access and emergency site egress routes
 - e. Assessment and evaluation of impacts to the landmark hotel and its surroundings as required by the LPAB

18. How does Oakland City Planning justify ending the public comment period for EIR scoping when complete plans – adequate for evaluation of aesthetic, historic, access, and other significant impacts – have not been disclosed to the public?

With respect to traffic and traffic-based air pollution:

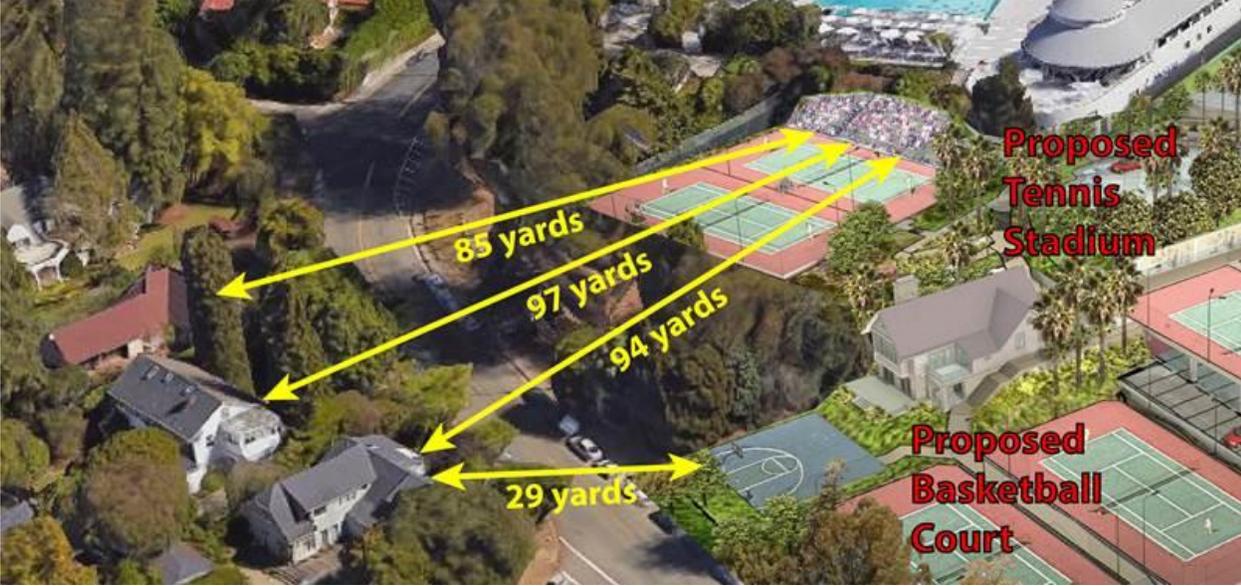
19. I include by reference here questions #21-29 in my 06July email, requesting study of cumulative traffic and pollution impacts:
- g. Before and after events where the proposed 100-seat tennis arena is in use
 - h. Before and after events when the proposed event lawn is in use
 - i. On days when Cal Football plays home games at their 62,467-seat stadium
 - j. On regular weekday commute days during the fall and spring when university is in session
 - k. In combination with planned developments in the College, Telegraph, and Shattuck Avenue corridors
20. In addition, what are the safety impacts to homeowners whose driveways exit onto Tunnel road? How will these homeowners safely enter the flow of traffic under increased loads due to saturation at local intersections?
21. When traffic saturates, gaps in traffic which allow safe entry and egress to and from cross streets disappear. Accordingly, what are the safety impacts to drivers:
- a. Entering and exiting Oak Ridge Road from north- and south-bound Tunnel Road?
 - b. Entering Alvarado Road from north- and south-bound Tunnel Road; exiting Alvarado Road onto northbound Tunnel Road?
 - c. Entering and exiting The Uplands from north- and south-bound Tunnel Road?
 - d. Entering and exiting Bridge Road from north-bound Tunnel Road?
22. If mitigations need to be made to address cumulative loading, pollution, and safety impacts, what will the impacts (cumulative loading, pollution, safety) of those mitigations be? Which is to say if, for example, one or more intersections that are now unregulated require signaling, what would the knock-on effects of that signaling be? How will such knock-on impacts be incorporated in the assessment of impacts relative to the No Project alternative? How will knock-on impacts (in addition to primary impacts) be noticed to the public, evaluated, and mitigated as a condition of any project that has traffic- and safety-related impacts?
23. Since Tunnel Road is a state highway, what review is CalTrans undertaking of the traffic impacts of this project?

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

Diagram showing proximity of proposed tennis stadium to nearby homes protected by the in-force noise injunction is below.



About the image: The above photo illustration is a composite of two images: (1) the developer’s perspective rendering of the proposed sports facilities (at planned size and location) inlaid into (2) a view of the hotel and surroundings, visualized with Google Earth. The rendering was submitted to the Oakland Planning Department on 25Feb16 by Hart Howerton and Levy Design Partners for Signature Development, contractor with the Fairmont chain and the Richard Blum group, owners of the Claremont Hotel. Stadium capacity estimate based on projected seat area in plans, allocating 6 sq.ft. per seat. Image of hotel and surroundings are compliments Google and Landsat, visualized using Google Earth. All distances based on developer’s stated drawing scale.