

July 31, 2016

Ann Clevenger, Planner III, AICP  
City of Oakland, Bureau of Planning  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland, CA 94612

Cc: Members of the City of Oakland Planning Commission

Dear Ms. Clevenger and Members of the City Planning Commission,

I'm an Oakland resident who attended the July 6, 2016 meeting of the City Planning Commission scoping session re: Claremont Hotel proposals. At that time, I commented on the noise issues which would be part and parcel of the development plan, and I gave to the Planning Commission a complete copy of the perpetual noise injunction signed by Judge William Brailsford, dated June 23, 1965, Judgment No. 345572. I trust that all members of the Planning Commission have read it by now.

This injunction perpetually enjoins the Claremont Hotel and all successors from using loud speakers, public address systems, bands or orchestras on the grounds of the Claremont hotel, so that the noise and sounds thereof can be heard in any or all of the plaintiffs' homes so as to deprive them of their peaceful enjoyment thereof. Also prohibited were singing, cheering, hand clapping, and use of a starting pistol. And also prohibited were the use of the garbage incinerator and garbage disposal between the hours of 9:00 P.M. and 7:00 A.M., so as to deprive the residents of their peaceful enjoyment of their said homes.

I'm writing this now, for consideration as part of the EIR, because the situation has not changed. The 40 or so homes on Stonewall Road, all located within the City of Oakland, are situated on a slope upwards from the Claremont Hotel, which slope and the basin below it wherein resides the hotel, all act like one side of a reflective bowl, within which noise generated from the grounds of the hotel rises upwards and is naturally amplified, making life miserable for the inhabitants of those 40 homes. This is why the perpetual injunction was granted many years ago, and the acoustical environment in which our homes are situated has not changed.

Part of the development plan proposed by the Claremont Hotel includes bleachers stated to seat 200 persons, but an independent analysis reveals that it could hold up to 400 persons. Regardless of whether it will seat 200 or 400 people, I would like to reiterate what I stated at the July 6 meeting, namely that bleachers are usually built so that spectators can watch competitive sports events, and with competition there are usually public address systems, shouting and clapping and other noises all of which are prohibited by this injunction.

Therefore, I would like to request that the stadium proposal not be approved.

Similarly, we have to look closely at the basketball court proposal, and ascertain, in advance, what type of noise that would generate, and whether such would be allowed under the terms of the injunction.

I should add that on July 9, which was the Saturday immediately following your last board meeting, the poolside band music was again accompanied by very disturbing (to us residents, as well as I have found, people on the grounds of the hotel itself) amplification. Last year, after several Saturdays like this, I contacted the Claremont Hotel management, and the amplification stopped for the remainder of the summer season.

This time, I contacted Mr. Len Czarnecki, the hotel general manager, during the week immediately following the loud amplified sound, and he acted very responsibly to stop this policy of amplification of band music, and we have heard no amplified music on any of the 3 Saturdays since then.

I've been a member of the Claremont Hotel Club for the past 45 years, and I'm sure that my dues, as well as those of the other 1600 memberships, have helped to sustain the hotel. We all want the hotel to be a part of our community, but it should continue to live in harmony with its neighbors as it has been for the past 101 years, and curtail any development plans which would irrevocably degrade the quality of life of its neighbors.

Respectfully submitted,

Ronald H. Berman, MD  
Oakland, CA