



July 5, 2016

Ms. Ann Clevenger  
Planner, Bureau of Planning  
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Oakland, CA 94612  
by e-mail at [aclevenger@oaklandnet.com](mailto:aclevenger@oaklandnet.com).

**Re: Proposed Project at 41 Tunnel Road; PLN16053; ER16-010**

Dear Ms. Clevenger:

These comments are submitted on behalf of the Berkeley Architectural Heritage Association (BAHA). As an active supporter of the application to landmark the Claremont Hotel, we are disappointed to see a proposed project that threatens to make such major alterations to this venerable and beautiful landmark's surroundings.

Subdividing the hotel grounds will reduce its value as a landscape cultural resource. It is one of the only historic hotels in Oakland and should be maintained for future generations as a hotel, not a quasi-recreation club and condo development. The fact that the drawings demonstrate little imagination or skill that in any way equals that of the architect who designed the hotel structure is also disheartening. Surely, the hotel owners can find a better location for condos and two houses than this unique site.

Of primary concern to BAHA, besides the potential diminution of the significant grounds surrounding the hotel structure, are the views from Berkeley up the hill towards the hotel. We believe the alternatives should include foregoing raising the tennis courts or doing

anything that even slightly blocks the viewshed to the hotel. The view of the hotel's grandeur is enjoyed by residents and visitors and should not be lost.

Another major concern is the impact of the expansion plans on Tunnel Road traffic. In the 1950s, there was consideration of a plan to widen the road as it is really only designed for two lanes and has always been a major arterial leading into Berkley. That plan would have required demolishing a great many architecturally significant houses and landscapes bordering the road. Fortunately, the plan was abandoned, minor "bandaids" were applied to the road over the years, and it is now constantly congested. Tunnel Road cannot handle even one more car and if it becomes more of a "stand-still" parking lot during commuter hours, it will reduce interest in purchasing and maintaining the historic houses along its route. Its side streets will become the substitute route for drivers, further negatively impacting the housing.

While we endorse the comments made by neighbors and the LPAB, there is one further issue that needs considerable attention in the EIR and has not already been fully discussed. Part of the purpose of a scoping session is for the lead agency to hear public comments regarding issues that should be covered in an EIR:

### **15083. Early Public Consultation**

Prior to completing the draft EIR, the lead agency may also consult directly with any person or organization it believes will be concerned with the environmental effects of the project. Many public agencies have found that early consultation solves many potential problems that would arise in more serious forms later in the review process. This early consultation may be called scoping. Scoping will be necessary when preparing an EIR/EIS jointly with a federal agency.

- (a) Scoping has been helpful to agencies in identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important.
- (b) Scoping has been found to be an effective way to bring together and resolve the concerns of affected federal, state, and local agencies, the proponent of the action, and other interested persons including those who might not be in accord with the action on environmental grounds.

- (c) Where scoping is used, it should be combined to the extent possible with consultation under Section 15082.

The “serious problems “that can occur later after an EIR is prepared include the court setting aside the permits and ordering the lead agency to obtain a more thorough discussion of potential impacts. (*City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4<sup>th</sup> 362.)

Here, the LPAB made comments that BAHA echoes and supports. However, despite input from the LPAB and neighbors, the staff report does not cover issues, which were mentioned and that could present negative environmental impacts to the hotel, a magnificent part of Oakland. A major issue given no recognition in the staff report is hydrology. The CEQA initial study checklist asks several questions concerning a potential project, which are relevant to the instant project. The lead agency should ask whether the proposed project potentially would have a significant impact because it may “c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?”

The neighbors have reported in their letters and comments that there are underground streams that pass through the site. They also have indicated that the Berkeley Tennis Club, located directly downhill from the proposed project site, has been forced to redesign its drainage system due to the amount of water that drains into that property. The proposed project contemplates replacing pervious garden with impervious rooftops, constructing another swimming pool, and undergrounding parking facilities.

Oakland and Berkeley hills are notorious for presenting drainage problems *without* the presence of underground streams and substantial grading below ground. Here, the project basically leaves almost nothing on the project site untouched and it is inconceivable that no drainage plan would be necessitated. At one of the community meetings, the developer representative mentioned replacing drainage pipes. However, that is not a substitute for the lead agency requiring a complete study of the current drainage system, the amount of runoff currently passing through the site, and whether there is any reason to believe that the proposed project will add to that runoff which would then proceed downhill into the Berkeley Tennis Club and into housing. The EIR should also study whether there will be any alterations to the underground streams due to the project.

Another issue in the hydrology section of the initial study checklist includes whether the proposed project will “d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?”

It is unreasonable to believe that with the amount of grading, undergrounding of parking facilities, and digging of a competition size pool that there would be no changes to the existing drainage pattern due to the proposed project. Neighbors filed a Public Records Act request with the City of Oakland seeking any expert reports. As of this writing, none have been produced by the planning department - an ominous sign. If there has been no hydrology report submitted by the developer, we question how on earth the planning staff could even know the current drainage plan and compare it with the drainage plan for the completed project. In the Oakland and Berkeley hills, geological changes due to projects go hand-in-hand with drainage issues. The expenses from the combination of adequate geological and drainage mitigations often render proposed projects infeasible, which could well explain why this project never went forward years ago when it was first revealed.

It is important to consider carefully the language used in this next section of the checklist: Would the project potentially “e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?” The section does not limit the assessment to just what the project itself may create, but includes studying runoff “contributed” by the proposed project. It is inconceivable that this proposed project will not *contribute* runoff water from the new impervious 70,000 square feet of residential rooftops, and any new roadways and driveways to access them. How much additional runoff does the developer’s hydrologist anticipate will be created due to the whole project? Also, given the amount of grading and the undergrounding of parking facilities, how will the current or a proposed new drainage system handle the excess runoff? As to the contemplated drainage system, what will be its capacity to handle a 25-year flood, a 50-year flood, etc? In the event that the runoff exceeds the drainage capacity, it could well damage the cultural resources, including the hotel gardens, on the project site and historic resources located downhill from the site.

In recent years, the Water Quality Board has become fierce in its protection of underground streams, preferring that they be daylighted when they are not so deep that

they are actually in aquifers. A catchall question in the checklist is whether the proposed project may potentially “f) Otherwise substantially degrade water quality?” Shallow underground streams do not stay underground to the ocean. They often carry fish and serve wildlife in other ways. During construction, how does the developer contemplate making sure that debris does not enter these streams. In the event of an earthquake, what is the plan for protecting the water quality in these streams?

Another issue is whether the project may potentially “i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?” Obviously we are not concerned about dams, but if any of the above problems occurred, the Berkeley Tennis Club, the commercial area on Domingo, the downhill housing – including architecturally significant houses, would be placed at risk. Therefore, the handling of the drainage is a key consideration and should be thoroughly studied.

At the time Hiller Highlands was developed, a mudslide occurred, which went down into the houses as far away as across on the other side of Tunnel Road, flooding basements and other parts of houses. Since the hotel was first constructed, it has undergone minor changes and additions, but nothing as ambitious as the proposed project, which leaves no part of the property, except the hotel structure, intact. The checklist raises the question whether the proposed project potentially may result in “j) Inundation by seiche, tsunami, or mudflow?” In the event of a heavy rain, it is very likely that a similar fate will occur on the hotel property as occurred on the Hiller Highlands property. This issue needs to be studied in an EIR.

Thank you for considering our comments.

Sincerely,

Leila H. Moncharsh, Chairperson  
BAHA Preservation Action Committee