



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

Memorandum

Date: August 8, 2016
To: All Reviewing Agencies
From: Scott Morgan, Director
Re: SCH # 2016072023
Claremont Hotel - Club Expansion and Residential Project

Pursuant to the attached letter, the Lead Agency has *extended* the review period for the above referenced project to **September 6, 2016** to accommodate the review process. All other project information remains the same.

cc: Darin Ranelletti
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

NOP Distribution List

County: Alameda

SCH#

2016072023

Resources Agency

- ☒ Resources Agency
Nadell Gayou
- ☐ Dept. of Boating & Waterways
Denise Peterson
- ☐ California Coastal Commission
Elizabeth A. Fuchs
- ☐ Colorado River Board
Lisa Johansen
- ☐ Dept. of Conservation
Elizabeth Carpenter
- ☐ California Energy Commission
Eric Knight
- ☐ Cal Fire
Dan Foster
- ☐ Central Valley Flood Protection Board
James Herota
- ☐ Office of Historic Preservation
Ron Parsons
- ☒ Dept of Parks & Recreation
Environmental Stewardship Section
- ☐ California Department of Resources, Recycling & Recovery
Sue O'Leary
- ☐ S.F. Bay Conservation & Dev't. Comm.
Steve McAdam
- ☒ Dept. of Water Resources
Nadell Gayou
- ☐ Fish and Game
- ☐ Dept. of Fish & Wildlife
Scott Flint
- ☐ Fish & Wildlife Region 1
Curt Babcock
- ☐ Fish & Wildlife Region 1E
Laurie Harnsberger
- ☐ Fish & Wildlife Region 2
Jeff Drongesen
- ☒ Fish & Wildlife Region 3
Craig Weightman
- ☐ Fish & Wildlife Region 4
Julie Vance
- ☐ Fish & Wildlife Region 5
Leslie Newton-Reed
- ☐ Fish & Wildlife Region 6
Tiffany Ellis
- ☐ Fish & Wildlife Region 6 I/M
Heidi Calvert
- ☐ Dept. of Fish & Wildlife M
Becky Ota

Other Departments

- ☐ Food & Agriculture
Sandra Schubert
- ☐ Dept. of Food and Agriculture
- ☐ Dept. of General Services
Public School Construction
- ☐ Dept. of General Services
Cathy Buck/George Carollo
- ☐ Delta Stewardship Council
Kevan Samsam
- ☐ Housing & Comm. Dev.
CEQA Coordinator
- ☐ Housing Policy Division
- ☐ Independent Commissions/Boards
- ☐ Delta Protection Commission
Michael Machado

- ☒ OES (Office of Emergency Services)
Monique Wilber
- ☒ Native American Heritage Comm.
Debbie Treadway
- ☐ Public Utilities Commission
Supervisor
- ☐ Santa Monica Bay Restoration
Guangyu Wang
- ☐ State Lands Commission
Jennifer Deleong
- ☐ Tahoe Regional Planning Agency (TRPA)
Cherry Jacques
- ☐ Cal State Transportation Agency CalSTA
- ☐ Caltrans - Division of Aeronautics
Philip Crimmins
- ☐ Caltrans - Planning
HQ LD-IGR
- ☒ California Highway Patrol
Suzann Ikeuchi
- ☐ Office of Special Projects
- ☐ Dept. of Transportation
- ☐ Caltrans, District 1
Rex Jackman
- ☐ Caltrans, District 2
Marcelino Gonzalez
- ☐ Caltrans, District 3
Eric Federicks - South
- ☐ Caltrans, District 4
Patricia Maurice
- ☐ Caltrans, District 5
Larry Newland
- ☐ Caltrans, District 6
Michael Navarro
- ☐ Caltrans, District 7
Dianna Watson

- ☐ Caltrans, District 8
Mark Roberts
- ☐ Caltrans, District 9
Gayle Rosander
- ☐ Caltrans, District 10
Tom Dumas
- ☐ Caltrans, District 11
Jacob Armstrong
- ☐ Caltrans, District 12
Maureen El Harake
- ☐ Cal EPA
- ☐ Air Resources Board
- ☐ Airport & Freight
Cathi Slaminski
- ☐ Transportation Projects
Nesamani Kalandiyur
- ☐ Industrial/Energy Projects
Mike Tollstrup
- ☐ State Water Resources Control Board
Regional Programs Unit
- ☐ Division of Financial Assistance
- ☐ State Water Resources Control Board
Cindy Forbes - Asst Deputy
- ☐ Division of Drinking Water
- ☐ State Water Resources Control Board
Div. Drinking Water #
- ☐ State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
- ☐ Division of Water Quality
- ☐ State Water Resources Control Board
Phil Crader
- ☐ Division of Water Rights
- ☐ Dept. of Toxic Substances Control
CEQA Tracking Center
- ☐ Department of Pesticide Regulation
CEQA Coordinator

- ☐ Regional Water Quality Control Board (RWQCB)
- ☐ RWQCB 1
Cathleen Hudson
- ☒ RWQCB 2
Environmental Document Coordinator
- ☐ RWQCB 3
Central Coast Region (3)
- ☐ RWQCB 4
Teresa Rodgers
- ☐ RWQCB 5
Los Angeles Region (4)
- ☐ RWQCB 5F
Central Valley Region (5)
- ☐ RWQCB 5R
Central Valley Region (5)
- ☐ RWQCB 6
Lahontan Region (6)
- ☐ RWQCB 6V
Lahontan Region (6)
- ☐ RWQCB 7
Colorado River Basin Region (7)
- ☐ RWQCB 8
Santa Ana Region (8)
- ☐ RWQCB 9
San Diego Region (9)
- ☐ Other

#2016072023



CITY OF OAKLAND

Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2114, Oakland, California, 94612 - 2032

Governor's Office of Planning & Research

August 5, 2016

AUG 08 2016

STATE CLEARINGHOUSE

To Berkeley Residents and Agencies:

The City of Oakland notified agencies and nearby residents of a Notice of Preparation ("NOP") for a proposed project (Case Number ER16-010) at 41 Tunnel Road (the "Claremont Hotel") on May 31, 2016. The NOP, attached to this letter, states that the comment period on it ended on July 6, 2016.

Based on discussions with the Governor's Office of Planning and Research (OPR) and an internal review of the City's address lists, the City has decided it would be prudent to extend the comment period from July 6, 2016 to 30 days after the date of this mailing. Accordingly, the comment period on the NOP will now end on September 6, 2016. All the other information in the NOP remains unchanged.

The City will consider every comment it has received to date, including comments made at the two scoping hearings, conducted on June 13th before the Landmark Advisory Preservation Board and July 6th before the Planning Commission. If you have already commented on the NOP, please do not send the same comments again. In addition, when making comments, please keep in mind their purpose, which is to help the City shape the EIR that it will prepare to analyze the environmental impacts of the proposed project. The City will offer future opportunities to comment on the proposed project itself.

The City looks forward to hearing from you. Please send comments on the NOP to me at the following address:

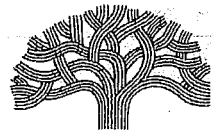
Ann Clevenger
City of Oakland, Bureau of Planning
250 Frank H. Ogawa Plaza
Suite 2114
Oakland, CA 94612
aclevenger@oaklandnet.com

Sincerely,

Scott Miller, for

Ann Clevenger

CITY OF OAKLAND



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

Planning and Building Department

(510) 238-3941

Bureau of Planning

FAX (510) 238-6538

TDD (510) 238-3254

NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE CLAREMONT HOTEL – CLUB EXPANSION AND RESIDENTIAL PROJECT

The City of Oakland's Planning and Building Department, Bureau of Planning, is preparing a Draft Environmental Impact Report (EIR) for the proposed Claremont Hotel – Club Expansion and Residential Project (the project) as identified below, and is requesting comments on the scope and content of the Draft EIR. The Draft EIR will address the potential physical, environmental effects that the project may have on each of the environmental topics outlined in the California Environmental Quality Act (CEQA). The City has not prepared an Initial Study.

The City of Oakland is the Lead Agency for the project and is the public agency with the greatest responsibility for approving the project or carrying it out. This notice is being sent to Responsible Agencies and other interested parties. Responsible Agencies are those public agencies, besides the City of Oakland, that also have a role in approving or carrying out the project. When the Draft EIR is published, it will be sent to all Responsible Agencies and to others who respond to this NOP or who otherwise indicate that they would like to receive a copy.

Responses to this NOP and any questions or comments should be directed in writing to or via email to: Ann Clevenger, City of Oakland, Bureau of Planning, 250 Frank H. Ogawa, Suite 2114 Oakland, CA 94612; (510) 238-6980 (phone); (510) 238-4730 (fax) or by e-mail at aclevenger@oaklandnet.com. Written comments on the NOP must be received at the above mailing or e-mail address **by 4:00 p.m. on July 6, 2016**. Please reference case number **ER16-010** in all correspondence.

In addition, comments may be provided at the EIR Scoping Meetings to be held before the Landmarks Preservation Advisory Board and the City Planning Commission.

All comments should focus on potential impacts on the physical environment, ways in which potential adverse effects might be minimized, and alternatives to the project in light of the EIR's purpose to provide useful and accurate information about such factors.

PUBLIC SCOPING HEARINGS:

The Landmarks Preservation Advisory Board will conduct a public scoping hearing focusing on the Cultural Resource related aspects of the Draft EIR for the project on **Monday, June 13, 2016, at 6:00 p.m.** in Sgt. Mark Dunakin Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza, Oakland, CA.

The City Planning Commission will conduct a public scoping hearing on the Draft EIR for the project on **Wednesday, July 6, 2016, at 6:00 p.m.** in Sgt. Mark Dunakin Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza, Oakland, CA.

PROJECT TITLE: Claremont Hotel – Club Expansion and Residential Project

PROJECT LOCATION: The project site is a portion of the properties that comprise the Claremont Hotel, Club and Spa, and is approximately 19.2 acres at 41 Tunnel Road, located primarily within the City of Oakland. A 0.24-acre portion of the site is located within the City of Berkeley; however, no new structures are proposed within Berkeley. The project site is situated at the base of the Claremont Hills, and as shown in Figure 1. It is generally bounded by Claremont Avenue, Domingo Avenue, Tunnel Road/State Route 13, the Berkeley Tennis Club, as well as Alvarado Road. The site is comprised of eleven parcels in the City of Oakland (Accessor Parcel Numbers [APN] 48H-7670-19, 48H-7670-20, 48H-7670-21, 48H-7670-22, 48H-7670-23, 48H-7670-24, 48H-7670-25, 48H-7670-27, 48H-7670-28-3, 64-4225-04, and 64-4225-05) and three parcels entirely within the City of Berkeley (APNs 48H-7670-26, 48H-7670-29-2, and 64-4226-24).

PROJECT SPONSOR: Claremont Hotel Properties, LP.

EXISTING CONDITIONS: The Claremont Hotel, a designated City of Oakland Landmark, is located in the northern/central portion of the approximately 19.2-acre project site. No modifications are proposed to the hotel building, except for replacement of the existing porte cochère (which was added in the 1980s). Landscaping, pedestrian paths, and vehicle access driveways and parking areas surround the hotel. Landscaped lawns slope down from the hotel on the west, toward the surface parking lots and tennis courts. The northwest portion of the site is comprised of club facilities and a swimming pool complex. Surface parking and a fire access lane are located northeast and southeast of the hotel. Further northeast is a natural area, predominated by eucalyptus trees. The project site is accessible from two primary entrances: an entry from Tunnel Road and an entry from Russell Street and Domingo Avenue. The project site is located in a primarily residential area, with neighborhood serving commercial and retail uses located immediately across Domingo Avenue and Tunnel Road. The project site is not included on any list compiled pursuant to Government Code Section 65962.5.

PROJECT DESCRIPTION: The proposed project entails the expansion and improvement of the subject property as summarized below, shown in Figure 2, and detailed in Table 1 below:

- **Site and Circulation Improvements** – At various locations throughout the site, realign site access, modify on-site circulation and parking, replace the existing porte cochère, and landscape improvements;
- **Club Expansion and Improvements** – At the northwest portion of the site, update and expand existing club facilities including both indoor and outdoor facilities; increase membership by 15 percent (up to 250 new members), from 1,600 to a maximum of 1,850 members; and
- **New Residential Units** – At the southeast portion of the site, construct a 43 unit for-sale residential building on existing surface parking lots and two single-family homes adjacent to the Tunnel Road entry to the site.

The proposed project would, in part, require modifications to the existing Conditional Use Permit, a Tentative Parcel Map to provide separate parcels for the residential uses, and Design Review for the new residential units. Variances also may be required.

Table 1: Summary of Existing Conditions and Proposed Project Uses and Facilities

Uses and Facilities	Existing	Proposed Project	Total with Project
Hotel Uses			
Hotel (Guest Rooms)	276	0	276
Residential Uses			
Residential Units	0	45 units	45 units
Residential Area ¹	0	70,000 sf	70,000 sf
Club Uses			
Club Members	1,600	250	1,850
Club Facilities	35,000 sf	6,000 sf	41,000 sf
Tennis Courts	10	0	10
Swimming Facilities	4 facilities (1 large pool, 1 lap pool, 1 kid's pool, 1 whirlpool)	1 new adult pool	5 total facilities
Other			
Parking Spaces	481	98 new spaces (30 for club/hotel use; minimum of 68 for residential use (1.5/unit)	579

Notes:

¹ Net saleable residential area.

sf = square feet

PROBABLE ENVIRONMENTAL EFFECTS: It is anticipated that the project may have significant environmental impacts related to the following environmental topic areas, which will be evaluated in the Draft EIR: **Aesthetics, Air Quality, Historic Architectural Resources, Geology and Soils, Greenhouse Gas Emissions, Land Use and Planning, Noise and Vibration, and Traffic and Transportation.** It is anticipated that the project will have no environmental impacts or not have significant environmental impacts on **Agriculture and Forest Resources, Biological Resources, Archeological and Paleontological Resources, Energy, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Population and Housing, Public Services, Recreation, Shadow and Wind, and Utilities and Service Systems.** Nevertheless, these environmental factors will be analyzed in the Draft EIR.

The Draft EIR will also examine a reasonable range of alternatives to the project, including the CEQA-mandated No Project Alternative and other potential alternatives that may be capable of reducing or avoiding potential environmental effects.

May 31, 2016

File Number ER16-010

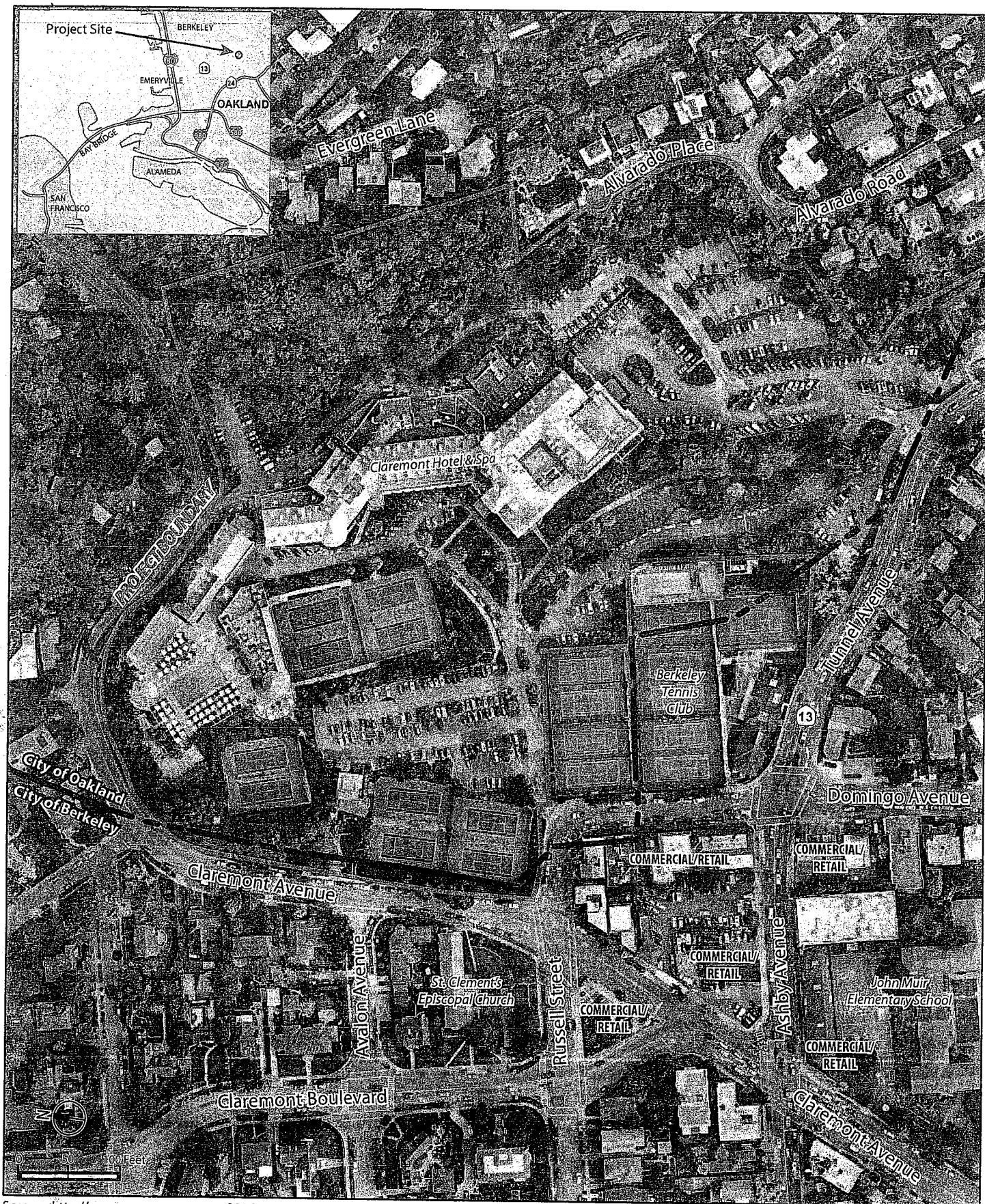


Darin Ranelletti
City of Oakland
Environmental Review Officer

Attachments:

Figure 1 Project Site

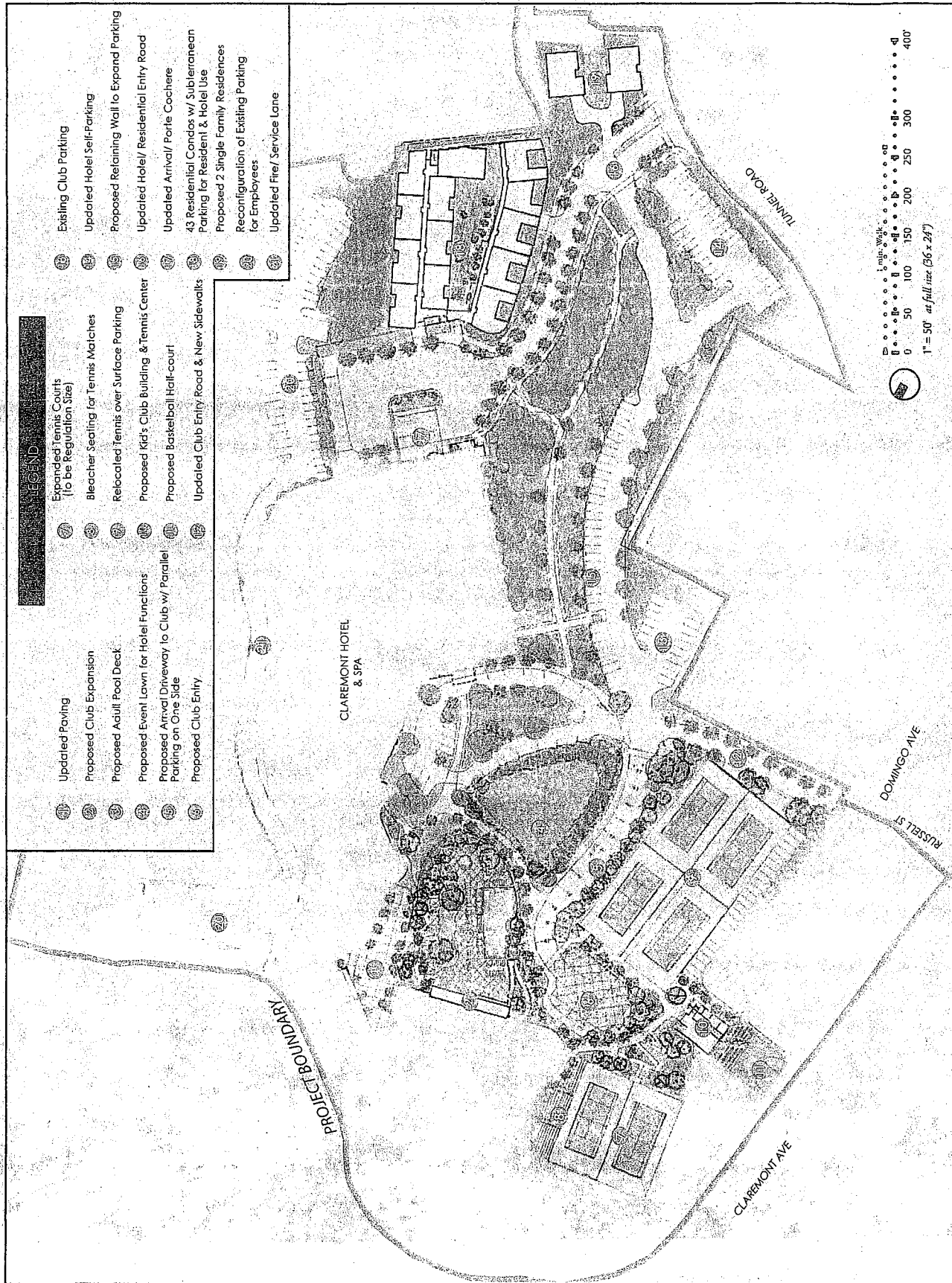
Figure 2 Proposed Project Site Plan



Source: <http://maps.us.nearmap.com>, 2016

Claremont Hotel – Club Expansion and Residential Project

Figure 1
Project Site



Source: Hart | Howerton LTD., 2016

Claremont Hotel - Club Expansion and Residential Project

Figure 2
Proposed Project Site Plan

NATIVE AMERICAN HERITAGE COMMISSION

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Twitter: @CA_NAHC



July 29, 2016

Darin Ranelletti
City of Oakland
250 Frank H. Owgawa Plaza, Suite 3315
Oakland, CA 94612

RE: SCH#2016072023, Claremont Hotel-Club Expansion and Residential Project, Alameda County

Dear Mr. Ranelletti:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public

agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).
7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

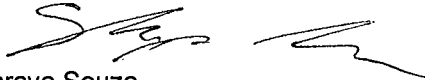
To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

- b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions, please contact me at my email address: sharaya.souza@nahc.ca.gov.

Sincerely,



Sharaya Souza
Staff Services Analyst
cc: State Clearinghouse

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

P.O. BOX 23660, MS-10D

OAKLAND, CA 94623-0660

PHONE (510) 286-5528

FAX (510) 286-5559

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July 28, 2016

SCH #: 2016072023

04-ALA-2016-00013

ALA-013-PM 10.58

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

Claremont Hotel Club Expansion and Residential Project – Notice of Preparation

Dear Ms. Clevenger:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Claremont Hotel Club Expansion and Residential Project. The new Caltrans mission, vision, and goals signal a modernization of our approach to California's transportation system, in which we seek to reduce statewide vehicle miles traveled (VMT) by 15 percent by 2020 and increase non-auto modes of active transportation. Caltrans aims to increase non-auto mode shares by 2020 through tripling bicycle, and doubling pedestrian and transit trips. These targets also support the Metropolitan Transportation Commission's (MTC) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), which promotes the increase of non-auto mode shares by ten percentage points and a decrease in automobile VMT per capita by ten percent. The following comments are based on the Notice of Preparation.

Project Understanding

The proposed project would update and expand existing club facilities including both indoor and outdoor facilities; increasing maximum membership by 15 percent (up to 250 new members), from 1,600 to a maximum of 1,850 members. The proposed project would also construct a 43-unit residential building on existing surface parking lots and two single-family homes adjacent to the Tunnel Road entry to the site. At various locations throughout the site, the proposed project would realign site access, modify on-site circulation and parking. The project site is adjacent to Tunnel Road, State Route 13, which becomes Ashby Avenue in Berkeley.

Lead Agency

As the Lead Agency, the City of Oakland (the City) is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities, and Lead Agency monitoring should be fully discussed for all proposed mitigation measures.

Ms. Ann Clevenger, City of Oakland

July 28, 2016

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Transportation Management Plan

A Transportation Management Plan (TMP) or construction TIS may be required of the developer for approval by Caltrans prior to construction where traffic restrictions and detours affect State highways. TMPs must be prepared in accordance with California *Manual on Uniform Traffic Control Devices*. For further TMP assistance, please contact the Office of Traffic Management Plans/Operations Strategies at 510-286-4579 and see the following website:

<http://www.dot.ca.gov/hq/traffops/engineering/mutcd/pdf/camutcd2014/Part6.pdf>

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State right-of-way (ROW) requires an encroachment permit that is issued by Caltrans. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the following address:


David Salladay, District Office Chief
Office of Permits, MS 5E
California Department of Transportation, District 4
P.O. Box 23660
Oakland, CA 94623-0660

See the following website for more information:

<http://www.dot.ca.gov/hq/traffops/developserv/permits>

Should you have any questions regarding this letter, please contact Jesse Schofield at 510-286-5562 or jesse.schofield@dot.ca.gov.

Sincerely,


for PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

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

July 28, 2016

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

Re: Notice of Preparation of a Draft Environmental Impact Report for the Claremont Hotel – Club Expansion and Residential Project (Reference Case Number ER16-010)

Dear Ms. Clevenger:

East Bay Municipal Utility District (EBMUD) did not receive the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Claremont Hotel – Club Expansion and Residential Project located in the City of Oakland (City). Please ensure that all future environmental documentation notices are addressed to:

East Bay Municipal Utility District
Manager of Water Distribution Planning Division, MS 701
P.O. Box 24055
Oakland, CA 94623-1055

EBMUD has the following comments.

WATER SERVICE

EBMUD's Summit Pressure Zone, with a service elevation range between 500 feet and 700 feet, serves the existing Claremont Hotel. EBMUD's Tunnel Regulator Pressure Zone, with a service elevation range between 200 feet and 600 feet, will serve the proposed new development. EBMUD owns and operates a distribution pipeline in an EBMUD right-of-way (see R/W 2 on the enclosed drawings) on the east side of the Claremont Hotel, which provides continuous service to EBMUD customers in the area. The integrity of this pipeline needs to be maintained at all times. Any proposed construction activity in EBMUD rights-of-way would be subject to the terms and conditions determined by EBMUD including relocation of the water mains and/or rights-of-way at the project sponsor's expense.

Individual units in a structure of three stories in height or less are required to be individually metered. A water main extension, at the project sponsor's expense, will be required to serve the proposed development. When the development plans are finalized, the project sponsor should

contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

CUMULATIVE IMPACTS

EBMUD is in the early planning phase (including preparation of appropriate environmental documentation) of evaluating alternate pipeline alignments to replace an existing 16-inch pipeline as part of the Summit Pressure Zone Transmission Pipeline Project. One of the alternate pipeline alignments is along Domingo Avenue, Russell Street and Claremont Avenue located adjacent to the Claremont Hotel. Contingent upon completion and approval of the environmental documentation for the Summit Pressure Zone Transmission Pipeline Project, construction of a new pipeline could occur as early as summer 2018. The project sponsor should coordinate the construction schedule of the Claremont Hotel – Club Expansion and Residential Project to minimize the cumulative impacts of the two projects.

WASTEWATER SERVICE

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from this project and to treat such flows provided that the wastewater generated by the project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to reinterpretation of applicable law, EBMUD's National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD's WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system ("Satellite Agencies") hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance (www.eastbaypsl.com), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and

elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in WWF discharges. If sufficient I/I reductions are not achieved, additional investment into the region's wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

To ensure that the proposed project contributes to these legally required I/I reductions, the lead agency should require the project applicant to comply with EBMUD's Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

WATER CONSERVATION

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

If you have any questions concerning this response, please contact Timothy McGowan, Senior Civil Engineer, Water Service Planning at (510) 287-1981.

Sincerely,



David J. Rehnstrom
Manager of Water Distribution Planning

DJR:SHJ:dks
sb16_150

Enclosures: Drawing 1497B498
Drawing 1497B500

