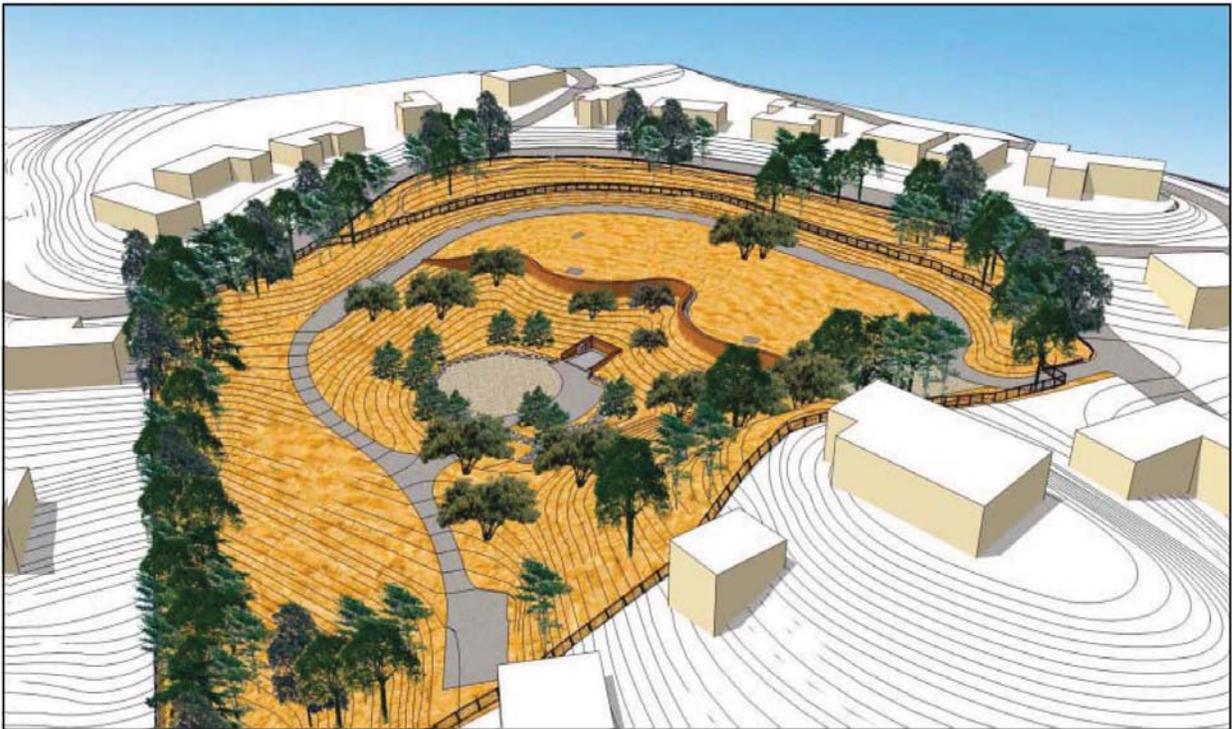


Estates Reservoir Replacement
Response To Comments Document
Final Environmental Impact Report

State Clearinghouse # 2008082060



East Bay Municipal Utility District



January 2010

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CHAPTER 1

INTRODUCTION

1.1 Introduction

This Response To Comments Document (RTC) has been prepared to accompany the Draft Environmental Impact Report (EIR) for East Bay Municipal's (EBMUD) Estates Reservoir Replacement Project (the Project). The Draft EIR identified the environmental consequences associated with construction and operation of potential alternatives identified by EBMUD, and recommended mitigation measures to reduce significant and potentially significant impacts. The RTC has been prepared pursuant to the CEQA Guidelines. It responds to the comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, in response to these comments. Together with the Draft EIR, this RTC document constitutes the Final EIR for the project.

The Final EIR is an informational document prepared by the lead agency that must be considered by decision-makers before approving or denying a proposed project. California Environmental Quality Act (CEQA) Guidelines (Section 15132) specify the following:

The Final EIR shall consist of:

- (a) The Draft EIR or a revision of the draft.
- (b) Comments and recommendations received on the Draft EIR, either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- (d) The responses of the lead agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the lead agency.

1.2 Environmental Review Process

On August 17, 2009, EBMUD (lead agency) released the EBMUD Estates Reservoir Replacement Project Draft EIR for public review (State Clearinghouse No. 2008082060). The public review and comment period on the Draft EIR began on August 17, 2009 and closed on October 16, 2009. This Response to Comments Document has been prepared based on comments submitted as a result of the public review period.

The Response to Comments Document will be circulated for a 10-day final review period to the City of Oakland Planning Department, responsible agencies, and others who commented on the Draft EIR. Following this review and receipt of any further comments, the EBMUD Board of Directors will consider these additional comments and any additional responses from staff prior to certification of the Final EIR.

The EBMUD Board of Directors anticipates certifying the Final EIR (a finding that the EIR complies with the requirements of CEQA) at a regularly scheduled Board meeting on January 26, 2010. Following EIR certification and prior to Project approval, the Board shall make findings for each significant environmental impact that are supported by substantial evidence in the record and shall adopt the Mitigation Monitoring and Reporting Program (MMRP).

Based upon material contained in the RTC and minor revisions to the Draft EIR provided in the Final EIR, recirculation of the EIR is not required under the CEQA Guidelines Section 15088.5 because no new significant information is added to the EIR, and under subsection (b) recirculation is not required where the new information added merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

1.3 Report Organization

Chapter 2 of this document contains copies of comments received during the comment period and responses to those comments. Each comment is numbered in the margin of the comment letter, and the responses to all of the comments in a particular letter follow that letter. The comments are referenced alphanumerically by letter and comment number; the comment letters are coded with the initials of the commenter or agency/organization acronym. For example, the first comment in the letter from the State Clearinghouse, Governor's Office of Planning and Research is SCH-1. Where a response includes a change to the text of the Draft EIR, a reference is made to Chapter 3, which contains corrections and clarifications made to the Draft EIR text.

Some issues were raised in numerous comments. As a result, four master responses addressing these comments are included in Section 2.1 of this Response To Comments Document. The master responses are listed below:

- 2.1.1 Master Response on Insurance and Damage Claims
- 2.1.2 Master Response on EBMUD Obligations to Comply with Local Ordinances, Obtain Local Agency Approvals and Permits, and Pay Local Agency Fees
- 2.1.3 Master Response on Social and Economic Costs
- 2.1.4 Master Response on Traffic and Circulation Hazards

The following is a list of all persons and organizations that submitted comments on the Draft EIR during the comment period:

Letter Code Commenter

State Agencies

SCH Terry Roberts, Director, State Clearinghouse, Governor's Office of
Planning and Research
DWR Department of Water Resources

Cities and Local Agencies

CO-CQ Sue Piper, City of Oakland Councilmember Quan's Office, District 4
CO-LPAB Delphine Provost, City of Oakland Landmarks Preservation Advisory Board
CP Jeffrey L Grote, City Administrator, City of Piedmont

Individuals and Businesses

ADB Anne and Daniel Bookin
BAB Barry and Andrea Breaux
BJ Barrett Johnson
BK Beatrix Kasten
BMH Bonnie and Melvin Ho
BRS B. Reid Settlemier
CB Colleen Brent
CP Chris Patillo
CS Cian Sanchez
DR David Rovno
DS Douglas Saunders
EA Ellen Ansel
EEB Eric and Erica Bachman
HTP Helen and Tom Pollock
JCL Joanne and Charles Loughran
JH James Hallock
JJPM Janice Jagelski and Patrick Morrin
JR John Rubin
JRUD Joan Ruderman
JS Jane Sinton
JSMS John St. John and Maria Saarinen
LK Lauren Kahn
LKJH Lauren Kahn and James Hallock
LWAH Lee Wilson and A. Hyatt
MB Martin Bennett
MBOS Mark Bostick
MBMM Mark Bostick and Marna Mignone
MD Michael Desler
MH Mary Hanna

MSJ	Michael and Susan Jordan
MV	Melinda Vahedi
PH	Phil Handin
RC	Roseanne Carrigan
RLW	Robert and Lila Walz
SKL	Scott and Kathy Law
SS	Susan Sprague
VV	Vahed Vahedi
WRCKR	Walter Reid and Carolina Katz Reid
EDPM	Estates Draft EIR Public Meeting

Chapter 2

COMMENTS AND RESPONSES

2.1 Master Responses

2.1.1 Master Response on Insurance and Damage Claims

Comments submitted at the Draft EIR public meeting and on the Draft EIR addressed insurance and damage claims.

This Master Response responds to all or part of the following comments:

JJPM-8	MB-2-5
JJPM-9	PH-2-4
EDPM-8	

Background on Issues of Concern to Neighbors

In community meetings as well as in comments on the Draft EIR, residents living adjacent to the Estates Reservoir site have expressed concern that project construction activities could activate soil movement/landslides or damage homes. While EBMUD recognizes these concerns, it should be emphasized that EBMUD internal procedures and methods regarding insurance coverage and claim evaluation are not subject to the CEQA. These issues are addressed in the Draft EIR in Section 3.3 (Geology, Soils, and Seismicity) and Section 3.9 (Noise and Vibration) and are summarized below.

As described in the Draft EIR and below, the mitigation measures have eliminated and/or reduced the risk of damage to property from construction-induced vibrations to a level that is Less than Significant with mitigation. Thus, based on expert evaluation, the vibrations occurring during construction activities are not expected to induce slope failures or structural damage to real property and homes. Notwithstanding these facts, and to address the concerns about insurance coverage and the claim evaluation process, EBMUD provides the following background information regarding the nature of its insurance policies and the claim process that EBMUD will employ to facilitate the intake, evaluation, and resolution of any claim.

Potential for Slope Instability and Activation of Landslides

The Draft EIR (pages 3-3.12 through 3-3.15) evaluates the potential for project construction activities to produce unstable slopes that could damage facilities. The Draft EIR includes a review of published data addressing earthquake induced slope failures and earthquake magnitudes that typically trigger slope failures, as well as a discussion of soil and slope factors that could create instability from different construction activities. The

analysis concludes that with implementation of Mitigation Measures 3.3-1, 3.3-2, 3.3-3a, 3.3-3b, 3.3-4, and 3.3-5, the potential for impacts related to unstable new slopes from excavation, groundshaking, settlement or uplift of compressible soils, soil erosion or soil stockpiling would be Less than Significant.

Potential for Vibration to Damage Property

The vibration evaluation presented in the Draft EIR (pages 3-9.19 to 3-9.20) relied on previous analyses by Wilson Ihrig & Associates, Inc. and ESA Inc. for detonation projects. The analysis evaluates the potential for vibration related to demolition of the existing concrete liner at Estates Reservoir and concludes that implementation of Mitigation Measure 3.9-3, which limits surface vibration to no more than 0.5in/secPPV, measured at the nearest residential or sensitive receptor would be sufficient to reduce the potential impact to a Less than Significant level. Based on this analysis, vibration from the concrete liner excavation is not expected to result in any structural damage to homes, and there is only a very low probability that cosmetic damage could occur (Draft EIR page 3-9.19, paragraph 3). The assumption that any cosmetic damage could occur is also very conservative. The proposed performance standard is four times more restrictive than that recommended by the U.S. Bureau of Mines (Draft EIR page 3-9.19).

Mitigation Measures to Avoid Damage to Properties

The Draft EIR (page 3-9.20) contains detailed a specific mitigation measures to avoid vibration-induced damage. The key mitigation measure is the establishment of a performance standard to limit vibration to a level shown to avoid structural damage and to minimize, if not eliminate, the potential for any cosmetic damage. Surface vibrations will be limited to no more than 0.5 in/sec PPV, measured 100 feet from the source or at the nearest structure, whichever is closer. Additional language has been added to address the remote event that project construction could cause damage to residences:

Measure 3.9-3: To prevent cosmetic or structural damage to adjacent or nearby structures, EBMUD will incorporate into contract specifications restrictions on construction whereby surface vibration will be limited to no more than 0.5 in/sec PPV, measured at the nearest residential or other sensitive structure. In the unlikely and remote event that the project is demonstrated to have caused any damage to residences, compensation will be provided to repair any damage caused by the construction. With homeowner permission, EBMUD will conduct pre-construction surveys of homes, sensitive structures and other areas of concern within the area of potential effects due to concrete demolition. During construction, a Project Liaison will be assigned to facilitate communication and expedite claims processing within the legal framework available to all parties.

Insuring Projects and Processing Claims

Project Insurance

EBMUD

EBMUD has a self-insured retention of \$10 million and an additional insurance policy with American International Group, Inc. American International Group, Inc. is one of the largest insurance companies in the world and has an American Best rating of A++ XV (the highest available). Policy limits for property damage and other insurable risks are well in excess of any amounts that could possibly be claimed. Consequently, EBMUD has the financial ability, through insurance coverage or otherwise, to pay any compensation for damages. EBMUD intends to carry such insurance for the foreseeable future. Because EBMUD funds are available to handle all claims assigned to EBMUD up to \$10 million, it is unlikely that the insurance company would be involved in handling claims arising from the project.

EBMUD Requirements for Construction Contractors

No contractor has yet been selected for the project and none will be until after the Final EIR is certified and the project is approved. The contract specifications for the project require that the contractor carry public liability insurance on a per-occurrence basis. The contractor's insurance is reviewed as part of the contract award process and must meet EBMUD specifications. The project specifications require the contractor to compensate the claimant for the reasonable cost of repair of any damage caused by its work. EBMUD will establish, as part of the specifications, the requirement for the contractor to coordinate with EBMUD's Project Liaison for potential claims and complaints. The Project Liaison will assist as described below and will be immediately available to facilitate the process of any third party claim or complaint with the contractor if evidence shows the contractor to be at fault. The Project Liaison will remain the contact for the claimant.

Project Liaison, Filing a Claim, and Claim Processing

In the event that a person wishes to file a claim, that person would contact the Project Liaison assigned to the project. The liaison will be available by phone and e-mail; the liaison's contact information will be posted on EBMUD's website, www.EBMUD.com, and will be available prior to the start of construction. The Project Liaison will provide an EBMUD form and written procedures for the claimant to follow. The form must be accompanied by any available supporting documentation from the claimant (e.g., photographs, videos, measurements, description of damage, repair quote[s]), and the date and time that the incident occurred. All claims should be filed immediately. EBMUD will add to the claim's information file any information developed from preconstruction surveys conducted pursuant to Mitigation Measure 3.9-3. Once this information is assembled, usually within a few working days, the claim is processed. EBMUD will conduct a prompt inspection (within five working days) pursuant to Measure 3.9-3 to assess the damage.

For complex claims not related to the contractor, the claim will immediately be assigned to a third-party or in-house claims adjuster. The adjuster reviews the claim and repair quotes, and engages appropriate experts if needed to assist in analyzing the claim, establishing the amount of damage or cost, and provides a response. If liable, EBMUD would settle the claim. The liaison will remain the contact for the claimant and will facilitate the process.

The above description is intended solely to provide information concerning EBMUD's insurance coverage and how it intends to handle claims that may arise. Measure 3.9-3 is not intended to change, modify or alter EBMUD's legal responsibilities. Similarly, the claim process described above is not intended to change, modify or alter any legal responsibilities a claimant may have to submit a claim within the time established by law.

Specific Questions/Comments And Responses

Several comments addressed individual homeowners' insurance policies and whether these would cover a landslide and whether a slide could lead to a cancelation of coverage.

EBMUD has no expertise in individual homeowner insurance programs and policies. This is a question that homeowners should discuss with an insurance company. Regarding the risk of landslides induced by project construction, as noted earlier in this Master Response, several measures have been included to reduce the potential for impacts related to unstable new slopes. The focus of the measure addressing vibration from construction in the Draft EIR is avoidance of damage to property. Revised Measure 3.9-3 (described above, 2.1.1) provides that if damage attributable to the project occurs as a result of surface vibration, it will be repaired. The establishment of a Project Liaison will facilitate communication and expedite claims processing within the legal framework available to all parties.

Commenters also asked how long the insurance would cover a landslide after project construction has been completed. In the case of damage to real property, such as a home, structure, land, or other fixed property, the claim must be filed within 12 months following the occurrence. Most other claims must be filed within six months of the occurrence. Once a claim is filed, the file remains open until the claim is resolved.

Some commenters stated that EBMUD has an obligation to remove any barriers to compensating the neighbors should damage occur and that a neighbor should not be forced to file a claim and then leave it to EBMUD to decide whether the project "caused" the damage. Commenters also pointed to Proposition 51 regarding assignment of fault.

EBMUD disagrees that the act of filing a claim is a barrier; filing a claim notifies EBMUD of the claimed damage and initiates EBMUD's investigation into the incident. The determination of responsibility would be based on the physical evidence in the claim file, including any supporting documentation prepared by the claimant, logs of monitoring conducted pursuant to adopted mitigation measures, and additional monitoring that may be conducted pursuant to requirements contained in the contract

specifications. EBMUD believes that the requirements it imposes on the construction contractor regarding insurance, as well as its own insurance and claim processing practices, are fair and adequate and would ensure that in the event the project is demonstrated to have caused damage, such damage would be compensated for, consistent with the requirements of revised Mitigation Measure 3.9-3 (as noted above).

Regarding Proposition 51, codified in California Civil Code section 1431.1 et seq., the purpose of the law was to rectify inequities in the application of the legal doctrine of joint and several liability for non-economic damages (e.g., pain and suffering). EBMUD disagrees that this statutory requirement will adversely affect the claims process.

Some comments stated that EBMUD should establish a fund during and for a reasonable period after construction such that if a neighbor produces a before and after photograph showing relevant damage, they are immediately compensated “no questions asked” rather than having the additional burden of proving negligence and/or causation. These comments further stated that as to more significant damage, EBMUD should establish a letter of credit with reasonable conditions such that neighbors are not forced to fight to be made whole.

EBMUD, however, cannot compensate any damages without first assessing the incident and determining responsibility. The suggested approach, for EBMUD to immediately compensate homeowners via a special fund based on before and after photographs with “no questions asked”, is inconsistent with EBMUD procedures for evaluating claims, EBMUD’s responsibilities as a public agency for managing its funds, and the system of jurisprudence with respect to proving causation. EBMUD is precluded from paying the debt of another party (for example, the contractor) without clear justification and assignment of responsibility. The existing claims process is fair and adequate, and no special fund is warranted.

2.1.2 Master Response on EBMUD Obligations to Comply with Local Ordinances, Obtain Local Agency Approvals and Permits, and Pay Local Agency Fees

A number of commenters have requested that EBMUD consider local agency regulations, permits and other requirements.

JRUD-1-1

It is EBMUD’s long-standing practice to work closely with host jurisdictions and the neighborhood community during project planning and to conform to local land use plans and policies to the extent possible. In furtherance of this practice, EBMUD has held or attended numerous public meetings in the project area during the Estates Project planning process. These have included six public/community meetings and two Oakland Landmarks Preservation Advisory Board meetings. EBMUD has also met and/or communicated with local agency representatives and elected officials throughout the

planning process. These meetings have involved EBMUD staff and EBMUD Board members.

As the Estates Project proceeds through the design and construction phases, EBMUD will continue to consult with local entities on issues, including safety and security, road closures and work hours. To further local agency coordination, EBMUD also typically assigns a community affairs representative to projects.

It should be noted, however, that California Government Code Section 53091(d) specifies that “Building ordinances of a county or city shall not apply to the location or construction of facilities for the production, generation, storage, treatment, or transmission of water, wastewater, or electrical energy by a local agency.” Subsection (e) further states that “Zoning ordinances of a county or city shall not apply to the location or construction of facilities for the production, generation, storage, treatment, or transmission of water...” Consequently, EBMUD is not subject to certain local ordinances and permit requirements. Nonetheless, it is EBMUD’s practice to always coordinate closely with host jurisdictions and the neighboring community during project planning, and to implement its projects consistent with local requirements and in the interest of minimizing any adverse environmental effects, to the extent feasible. EBMUD will obtain encroachment permits from local agencies for projects that involve substantial work in public roadways and will comply with reasonable conditions that are incorporated into those permits.

EBMUD is also subject to applicable state and federal environmental and resource protection requirements in implementing its projects. These include streambed alteration agreements with the California Department of Fish and Game, Section 404 permits from the U.S. Army Corps of Engineers for any potential impacts to wetlands or waterways, Clean Water Act stormwater discharge authorizations, and Clean Water Act section 401 water quality certifications from the Regional Water Quality Control Board for any discharges to waterways, among others.

EBMUD is a municipal utility district as defined by the Municipal Utility District Act. Public Utilities Code Section 12801 sets forth the broad authority under which municipal utility districts such as EBMUD can construct, own, operate, control or use works or parts of works for supplying the inhabitants of the district with water.

EBMUD also has the authority to construct works along streets and public highways (Public Utilities Code § 12808). Although EBMUD has the authority to exercise the right of eminent domain (condemnation), it has a policy of seeking to acquire property from willing sellers. EBMUD only employs this power as a last resort when necessary to support its overall water supply and distribution mission. Certain areas are subject to State laws, including the provisions of the Municipal Park Abandonment Law. In certain circumstances, Government Code Section 38502 places restrictions on the abandonment of all or part of a park and the sale or conveyance of the land. This section may require a public vote prior to sale or conveyance.

2.1.3 Master Response on Social and Economic Costs

Commenters expressed concerns that property values may decline as a result of the Estates Reservoir Replacement Project, and cited a number of issues regarding the potential for a degradation of their quality of life. This Master Response focuses on social and economic issues raised in comments on the Draft EIR and the Project, and responds to all or part of the following comment, as well as other comments received:

MB-2-2

As defined by the CEQA, the purpose of an EIR is to analyze physical impacts on the environment (Pub. Res. Code §21082.2). The Draft EIR evaluates the potential for the Estates Reservoir Replacement Project to degrade the environment. Economic and social impacts of a proposed project by themselves are not treated as significant impacts on the environment (CEQA Guidelines §15131(a)). See CEQA Guidelines §15131(a) stating that “economic or social effects of a project shall not be treated as significant effects on the environment.” Nonetheless, to the extent that a perceived diminution in property values or decline in quality of life would be caused by or result in a degradation in the physical environment, the Draft EIR discusses measures that will be adopted as conditions of project approval to mitigate environmental impacts. For an examination of these impacts and mitigation measures, please refer to pertinent sections of the Draft EIR (3.2, Visual Quality; 3.3, Geology, Soils, and Seismicity; 3.4, Biological Resources; 3.5, Cultural Resources; 3.6, Transportation and Circulation; 3.7, Air Quality; 3.8 Greenhouse Gases; 3.9, Noise and Vibration).

2.1.4 Master Response on Traffic and Circulation

Many commenters have expressed concerns about existing traffic and circulation hazards on Estates Drive, specifically at the western edge of the Project site. The majority were of the opinion that extending the planned pedestrian path and relocating the security fence further into the site would be a great benefit to the community as it would ensure separation between pedestrians and traffic. Others believe that a path extension would potentially force pedestrians onto the pavement at the tight curve on Estates (at its most dangerous place for traffic) and thus would exacerbate existing safety problems. Comments expressed concern that a path extension could also expose residents to increased pedestrian traffic which could result in a potential loss of privacy and increase resident’s vulnerability to crime.

This Master Response responds to all or part of the following comments.

ADB-2	EA-1-2	LKJH-2	MV-1
BAB-1-2	EA-2-1	LKJH-3	PH-2-3
BAB-1-3	EEB-1-2	LWAH-1-2	PH-2-5
BAB-2-1	EEB-1-3	LWAH-1-3	PH-3-1
BJ-1-2	EEB-2-1	LWAH-2-1	PH-4-1
BJ-1-3	HTP-1-2	MB-2-7	RC-1-2
BJ-2-1	HTP-2-1	MB-2-11	RC-1-3
BK-1-2	JCL-1	MBOS-2	RC-2-1
BK-1-3	JH-1	MBOS-3	RLW-1-2
BK-2-1	JR 1-2	MBMM-1-2	RLW-1-3
BMH -1-1	JR-1-3	MBMM-1-3	RLW-2-1
BMH -2-1	JR-2-1	MBMM-2-1	SKL-1
BRS-1-2	JRUD-3-2	MD-1-2	SS-1-2
BRS-2-2	JRUD-3-3	MD-1-3	SS-2-2
BRS-2-3	JRUD-4-1	MD-2-1	SS-2-3
BRS-3-1	JS-1	MH-1-2	SS-3-1
DR -1-2	JSMS-1-2	MH-1-3	VV-1
DR-1-3	JSMS-1-3	MH-2-1	EDPM-2
DR-2-1	JSMS-2-1	MSJ-1-2	
DS-1-2	LK-1	MSJ-2-2	
DS-2-2	LK-3	MSJ-2-3	
DS-2-3	LK-4	MSJ-3-1	
DS-3-1			

The Draft EIR, Project Characteristics, pages 2-8 through 2-9, as revised, describes all proposed Project elements in detail, including the addition of “an improved (looped) pedestrian path” (page 2-8, paragraph 2) that will be for “for pedestrian use” (page 2-9, bullet 2). The limits of the improved, looped path are shown on Figure 2-3, page 2-10. The improvement of the path is not necessary to accomplish the project objectives, but is being undertaken at the request of neighboring property owners. While the path itself will be improved and looped, the eastern and western limits will generally remain the same to take advantage of existing sight lines. This configuration is being undertaken because a lengthening of the path would shorten the sight distance for example by moving the trail exit towards the middle of the tight radius curve on Estates Drive where the sight distances are shorter. The new 8-foot high security fence, which replaces the existing aging fence, will be constructed inboard of the existing fence line by about two feet in the area where the existing fence is closest to the tight radius curve along Estates Drive, a distance of about 130 feet. This is being done to allow for a slightly wider strip in this area.

The Draft EIR, page 3-6.18, paragraph 3, recognizes the sharp curve at Estates Drive just north of the reservoir site, where the roadway narrows to 18 feet and sight distance is reduced to approximately 80 feet. To mitigate impacts associated with increased truck

traffic along Estates Drive and throughout the neighborhood during project construction, a Traffic Management Plan will be prepared and implemented (Mitigation Measure 3.6-1, page 3-6.19). With specific regard to traffic along Estates Drive and the “sharp curve” described above, flaggers will be used to control truck traffic at this location and at the reservoir entrance during regular construction hours; signage will be provided on Estates Drive (and La Salle Avenue) warning motorists of construction work ahead, and separate inward and outbound truck haul routes to the reservoir site are recommended to minimize and disperse truck traffic along Estates Drive (Draft EIR Figure 3.6-5, page 3-6.16.).

Should the recommended one-way truck access route not be implemented and trucks routed to Estates Drive south of the Project site, sufficient capacity would exist on Estates Drive south of the Project site to accommodate additional traffic volumes associated with the peak construction period. However, a flagger would be required at the Estates Drive/Park Boulevard intersection to direct traffic through that intersection, with an alternative routing plan.

Implementation of Mitigation Measure 3.6-1 is proposed to address traffic and circulation impacts related to and arising from Project construction. Once construction is completed, the traffic and circulation system on Estates Drive will revert to its existing condition. Construction of EBMUD’s Project will not alter the existing design or operation of Estates Drive with regard to roadway or pedestrian facilities. This condition is not an impact of the project. The design, traffic circulation, pedestrian access and public safety issues that commenters have mentioned on this reach of Estates Drive are the responsibility of the City of Oakland, and neither that existing responsibility nor the existing conditions will be altered or affected in the long term by EBMUD’s Project. The City of Oakland has responsibility to develop and manage its roadway system within the Oakland City Limits, and to the extent there are shortcomings related to the roadway design and pedestrian facilities along Estates Drive, they are the responsibility of the City of Oakland.

EBMUD is a public water utility and does not have local government-general purpose authority for any city or county within its service area. That authority is vested in the legislative bodies of cities and counties. EBMUD has sought to ensure that impacts of its project will be mitigated where feasible.

Comment Letter SCH



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

October 19, 2009

Gwendolyn Alie
East Bay Municipal Utility District
375 Eleventh Street
Oakland, CA 94607-4240

RECEIVED OCT 22 2009

Subject: Estates Reservoir Replacement Project
SCH#: 2008082060

Dear Gwendolyn Alie:

SCH-1

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 15, 2009, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

for: Scott Morgan
Acting Director, State Clearinghouse

Enclosures
cc: Resources Agency

2.2 State Clearinghouse

SCH-1. As noted, the Draft EIR was circulated to fourteen selected state agencies for review and one comment was forwarded from the Department of Water Resources.

Comment Letter DWR

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY

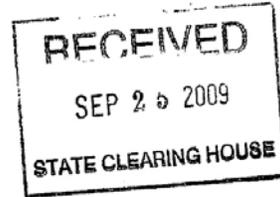
ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



SEP 23 2009



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10-15-09
e*

Ms. Gwen Alie, Associate Planner
East Bay Municipal Utility District
375 Eleventh Street, MS 701
Oakland, California 94607-4240

SCH #2008082060, Notice of Preparation, Draft Environmental Impact Report,
Estates Reservoir Replacement Project, August 2008
Alameda County

Dear Ms. Alie:

DWR-1

We have reviewed the subject Notice for the Estates Reservoir Replacement Project.

Estates Dam, No. 31-10, is under the jurisdiction of the Division of Safety of Dams. We are aware of East Bay Municipal Utility District's (EBMUD) plan to replace the dam in the near future and are awaiting their submittal of an application for this work. Once received, we will work with EBMUD to resolve all dam safety related issues prior to approval of this application. Sharon Tapia, our Design Engineering Branch Chief, is responsible for the application process and can be reached at (916) 227-4660.

If you have any questions or need additional information, you may contact Office Engineer Mike Sutliff at (916) 227-4601 or Regional Engineer Y-Nhi Enzler at (916) 227-4604.

Sincerely,

ORIGINAL SIGNED BY

David A. Gutierrez, Chief
Division of Safety of Dams

cc: Ms. Nadell Gayou
Resources Agency Project Coordinator
Environmental Review Section, DPLA
901 P Street
Sacramento, California 95814

Governor's Office of Planning
and Research
State Clearinghouse
Post Office Box 3044
Sacramento, California 95812-3044

2.3 Department of Water Resources

- DWR-1. EBMUD acknowledges that the Estates Reservoir Dam is under the jurisdiction of the Division of Safety of Dams (DSOD), and that DSOD will review and work with EBMUD to resolve all dam safety related issues.

Comment Letter CO-CQ

From: Piper, Susan [mailto:SPiper@oaklandnet.com]
Sent: Tuesday, September 22, 2009 7:00 AM
To: Alie, Gwendolyn
Cc: Quan, Jean
Subject: Comments on DEIR for Estates Reservoir

CO-CQ-1 | One item that has not been addressed in the Draft EIR for the Estates Drive Reservoir Project is the proposed construction of a City of Piedmont sports complex at Blair Park, located on Moraga Avenue at the Piedmont/Oakland city line. While the project has not yet undergone its own EIR process, there is a possibility of construction occurring during the same time frame as the Estates Reservoir construction, thereby impacting residents on Moraga Avenue. I understand that the traffic plan proposed in the DEIR have trucks circulating in one direction off of Estates Drive onto Moraga Avenue to access Highway 13. There could be a scenario whereby trucks on the Blair Park Project would be using the Highway 13 entrance and exit at Moraga Avenue as well.

CO-CQ-2 | In terms of project safety and reducing the risk of burglaries either at the site or in the surrounding neighborhood, there might be a reference to working closely with the City of Oakland Police Department to patrol the area on a regular basis.

Communication with the neighbors before an increase in intensity of construction activity is important so that they can make other arrangements, if necessary.

Otherwise, the DEIR is pretty thorough.

Sue Piper
Policy Analyst
Council Member Jean Quan, District 4
1 Frank H. Ogawa Plaza
Oakland, CA 94612
(510) 238-7042

2.4 City of Oakland - Sue Piper, Councilmember Quan's Office, District 4

CO-CQ-1 EBMUD acknowledges that construction of the City of Piedmont Blair Park Sportsfield/Coaches Field Synthetic Turf and Lighting Project has the potential to generate temporary traffic impacts on Moraga Road/SR13, assuming that the City's construction schedule coincides with that of EBMUD's Estates Reservoir Replacement Project. Therefore, pertinent sections of the Draft EIR have been accordingly revised as noted in the following paragraph.

Chapter 5, Draft EIR, pages 5-1 through 5-11, Cumulative Impacts, Growth Inducement and Other Topics Required by CEQA, has been revised to include the City of Piedmont Blair Park Sportsfield/Coaches Field Synthetic Turf and Lighting Project. The Draft EIR has specifically been revised to include the Piedmont Project under 5.1.2. Projects with Potentially Related or Cumulative Effects (page 5-2), in Figure 5-1. Projects with the Potential for Cumulative Impacts (page 5-5), Table 5-1. Projects with the Potential for Cumulative Impacts (page 5-4) and in Impact C-5: Cumulative traffic and roadway disruptions (page 5-8), and Impact C-7: Cumulative construction noise and vibration impacts (page 5-9). The proposed text revisions are shown in the subsequent Section 3.2-2 of this Response To Comments Document under Text Revisions Related To Draft EIR Comments.

CO-CQ-2. Regarding project safety and reducing the risk of burglaries either at the site or surrounding neighborhood, and working closely with the City of Oakland Police Department to patrol the area on a regular basis, EBMUD has met with the Oakland Fire Department and Police Department in response to comments and concerns expressed at community meetings and as part of its project development planning effort. Comments from those meetings were incorporated into the project definition.

Regarding the responsibility for addressing crime and security in the Estates neighborhood and the City in general, refer to Section 2.1.2 Master Response on EBMUD Obligations to Comply with Local Ordinances, Obtain Local Agency Approvals and Permits, and Pay Local Agency Fees for a brief overview of EBMUD's legal obligations as a water utility district. The responsibility for police protection and services for residents and neighborhoods in the City of Oakland, including police patrols, is executed by and at the discretion of the Oakland Police Department.

EBMUD has no authority regarding the provision of police services in Oakland or any other jurisdiction within its service area. With regard to the construction phase, it is customary for contractors to implement

security at the construction site to protect equipment during the construction phase. This security would be discontinued once the project construction is completed. If residents require additional police services at any time, they either need to contact the Police Department directly or through their councilmember to secure such services.

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LEFT BLANK**

CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Community and Economic Development Agency
Planning & Zoning Services Division

WATER DISTRIBUTION

(510) 238-3941
FAX (510) 238-6538
TDD (510) 238-3254

OCT 13 2009

PLANNING DIVISION

**VIA U.S. MAIL and
E-MAILED on October 9, 2009 to estateseir@ebmud.com**

October 9, 2009

Ms. Gwendolyn A. Alie, Associate Planner, MS #701
East Bay Municipal Utility District, Water Distribution Planning
375 Eleventh Street
Oakland, CA 94607-4240

**Subject: East Bay Municipal Utility District (EBMUD)
Estates Reservoir Replacement Draft Environmental Impact Report
State Clearinghouse #2008082060
City of Oakland, Landmarks Preservation Advisory Board Comments**

Dear Ms. Alie:

CO-LPAB-1

Thank you for EBMUD's presentation on the Estates Reservoir Replacement Draft Environmental Impact Report (DEIR) at the September 14, 2009 City of Oakland, Landmarks Preservation Advisory Board (LPAB) meeting.

At that LPAB meeting, the Board asked questions for further information and clarification on specific issues, primarily relating to the Cultural Resources section of the DEIR. Following Board discussion, the Board voted unanimously (5-0-0) to recommend Mitigation Measures as discussed below.

The LPAB recommends consideration and inclusion in the Final EIR of additional mitigation measures that will (a) substantially reduce the Significant and Unavoidable Impact of the loss of a cultural resource and (b) avoid disturbance and enhance protection of unknown or pre-historical resources. More specifically, the LPAB recommends the following:

(a) Reduction of the Significant and Unavoidable Impact

- 1) A monetary contribution by EBMUD in an amount between \$75,000 and \$150,000 to other Oakland historic cultural landscapes that are accessible to a greater number of people than the Estates Reservoir, in conjunction with specific Oakland cultural landscape projects and/or as recommended by the City of Oakland LPAB, Planning Commission and/or staff. The monetary contribution would help offset the cultural loss of the Estates Reservoir Royston

October 9, 2009
Ms. Gwendolyn A. Alie, Associate Planner
Estates Reservoir Replacement DEIR

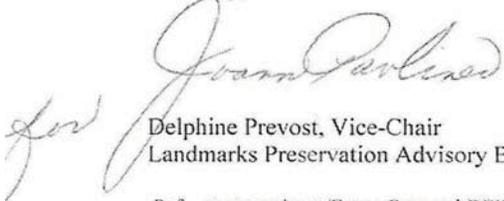
2

- CO-LPAB-2 | design, one of Oakland's rare modern public landscapes by a prominent mid-century landscape architect, by providing funds to repair or restore other Oakland cultural landscapes. The recommended dollar amount is based on the EBMUD-identified cost savings of \$75,000/year associated with not running the Estates Reservoir fountains.
- CO-LPAB-2 | 2) Revision of Mitigation Measure # 3.5-1 to delete 'Historic American Building Survey/Historic American Engineering Record style documentation' and replace with 'Historic American Landscapes Survey (HALS)'. The HALS documentation shall be submitted to the Library of Congress and the Oakland Cultural Heritage Survey, in addition to those organizations listed in the current Mitigation (Oakland Heritage Alliance, the Oakland Historical Archives and the UC Berkeley Historical Archives). This revision to Mitigation Measure #3.5-1 is required because HALS is the most appropriate documentation for a cultural landscape designed by a landscape architect.
- CO-LPAB-3 | 3) Provision of interpretative signage at the site of the Estates Reservoir (including information on where the HALS documentation can be found) and other appropriate interpretive resources to the Oakland Heritage Alliance and the Oakland Cultural Heritage Survey. Interpretive materials should include history and contextual information, including:
- i. History of the Reservoir, including its early start as a lake and current seismic retrofitting.
 - ii. The story of the development of reservoirs in Alameda County, the population the reservoir serves, and information on hydrology.
 - iii. A description and visual of the Royston design, including the active fountains.
 - iv. A video of the Reservoir in its current condition, with the fountains running, at different times of the day. This item will preserve the scale, feel, and experience of the Reservoir by capturing features that are not readily accessible through written or static materials, including light and shadows of the Royston roof design. The video may/may not be incorporated into the interpretive signage provided at the Reservoir.
- CO-LPAB-4 | (b) Additional Protection of Unknown or Pre-Historical Resources
- 1) Requirement that an Archaeological monitor be present on-site during any phase of ground moving activities where it is has not been documented that the ground is previously disturbed fill.

The LPAB looks forward to review of the Final EIR. Please contact Joann Pavlinec, LPAB Secretary, (510) 238-6344 or jpavlinec@oaklandnet.com, to coordinate distribution of the Final EIR or if you have any questions.

Thank you for your thorough and informative presentations to the LPAB, and your efforts to minimize impacts to cultural resources associated with the Estates Reservoir Replacement Project.

Sincerely,



Delphine Prevost, Vice-Chair
Landmarks Preservation Advisory Board

Ref: correspondence/EstatesReservoirDEIRLPABCommentsca

2.5 City of Oakland – Landmarks Preservation Advisory Board

- CO-LPAB-1. EBMUD appreciates the Landmarks Preservation Advisory Board's (LPAB) concern with preserving and enhancing Oakland's cultural resources, and EBMUD has proposed mitigation to address the impact resulting from the change to the existing roof structure, including interpretive signage to explain the project during the construction phase and for archive-quality documentation that will be submitted to key cultural repositories in the Cities of Oakland and Berkeley and the State of California to ensure that there is a record of this work by Robert Royston.

The requested voluntary mitigation sum, which was derived from an estimate of the cost savings from the discontinuation of the use of the fountains, is not related proportionally or otherwise to the impact of the loss of the existing structure (See CEQA Guidelines §15126.4(a)(4)). EBMUD does not agree that voluntary funding of repairs or restoration of separate, unrelated cultural landscapes in Oakland is proper mitigation for the substantial change to the Royston-designed Estates Reservoir roof. As noted below, EBMUD has agreed to other recommendations that were voted upon and are recommended by LPAB and has endeavored to ensure that the historical record of this resource will be preserved.

- CO-LPAB-2. Regarding revision of Mitigation Measure 3.5-1 to delete Historic American Survey/Historic American Engineering record style documentation and replace it with Historic American Landscapes Survey (HALS), and submittal of the HALS style documentation to the Library of Congress and the Oakland Heritage Survey (in addition to the agencies already listed), Mitigation Measure 3.5-1 is revised as follows:

Measure 3.5-1: A Historic American Landscapes Survey ~~Historic American Building Survey/Historic American Engineering Record~~ style documentation of the Estates Reservoir roof designed by Robert Royston will be prepared. The level of documentation will be similar to that described in Historic American Landscapes Survey ~~Historic American Building Survey~~ documentation level II, which includes at a minimum measured drawings such as as-builts or original design plans, historic photographs, if available, and current large-format photographs that record significant landscape and architectural features, including the physical context of the resource, ~~of significant architectural design features,~~ and a written history and description. The documentation will be submitted to the Oakland Heritage Alliance, the Oakland Historical Archives, the Oakland Cultural Heritage Survey staff within the Planning and Zoning Division of the City of Oakland, and the UC Berkeley Historical Archives. The intent is to reduce the adverse effect associated with loss of historical

information; it will not prevent the physical loss of the resource and a residual significant and unavoidable impact will occur.

- CO-LAPB-3. Mitigation Measure 3.2-1, page 3-2.8 of the Draft EIR describes the requirement for interpretative materials during construction to explain the need for the Project near the Estates Reservoir entry, along Estates Drive and the residentially developed segments of the truck route. Regarding the request for permanent detailed interpretative signage at the Estates Reservoir site, Mitigation Measure 3.2-1, page 3-2.8 of the Draft EIR is hereby amended as follows:

Measure 3.2-1: EBMUD will require the contractor to ensure that the construction site is clean by storing building materials and equipment within the proposed staging areas in the reservoir bowl, or in areas removed from public view, and by promptly removing construction debris that is not to be reused on-site. Construction phasing shall be organized to minimize equipment storage on-site.

EBMUD will also use temporary interpretive materials to explain the need for the Project during construction, in attractive and simple graphic displays. Temporary signage locations could include, but would not be limited to, areas near the Estates Reservoir entry, along Estates Drive and the residentially developed segments of the truck route. Permanent interpretive materials at the reservoir site would include an overview of the history of the reservoir, description and visual of the Royston design, and reference to where more detailed archive information is located, including a video of the active fountains and the HALS style documentation. Permanent signage design will be finalized in the Project Design phase in conjunction with the landscape plan.

- CO-LAPB-4. Regarding Additional Protection of Unknown or Pre-Historical Resources and the requirement for an archeological monitor to be on-site during any phase of ground moving activities where it has not been documented that the ground is previously disturbed fill, Mitigation Measure 3.5-2, page 3-5.22 of the Draft EIR already addresses efforts that would be undertaken to prevent disturbance or destruction of unknown historical or pre-historical resources at the reservoir site during construction, and no additional measures are deemed warranted.

CITY OF PIEDMONT
CALIFORNIA



September 18, 2009

Gwendolyn A. Alie
Associate Planner
EBMUD
Mail Slot #701
P.O. Box 24055
Oakland, CA 94623-1055

RECEIVED SEP 30 2009

RE: Estates Reservoir Replacement Project Draft EIR

Dear Ms. Alie:

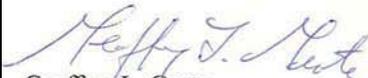
CP-1

The City of Piedmont is happy to support the Estates Reservoir Replacement Project as described in the Draft EIR. We do not anticipate any significant impacts on the City of Piedmont under the current proposal and are also pleased that the proposed project seems to have the least environmental impact, in addition to being cost-effective with a shorter timeline, than the alternatives reviewed in the draft.

However, we wish to be on record that if EBMUD shows any intent in pursuing the Pressure Zone Planning Program (PZPP) alternative or Alternative 4, both of which involve significant demolition and construction at the Piedmont reservoir, we would be extremely concerned about the environmental impacts on the City of Piedmont. Although these alternatives were not described in detail in the draft EIR, past conversations with EBMUD staff and consultants have revealed that if these alternatives were considered, it could potentially result in tanks being placed above-ground on the Piedmont reservoir site. This scenario would be unacceptable to the City of Piedmont as it would have significant detrimental impacts on the surrounding neighborhoods.

In conclusion, the City of Piedmont wishes to go on record as supporting the proposed Estates Reservoir Replacement Project, and opposing the PZPP alternative and Alternative 4. Thank you for your consideration.

Sincerely,


Geoffrey L. Grote
City Administrator

Cc: Kate Black, City Planner
George S. Peyton, Jr., City Attorney

2.6 City of Piedmont

- CP-1. EBMUD appreciates the support for the project. Chapter 4 of the Draft EIR discusses and analyzes five project alternatives as well as a No Project Alternative and concludes that Alternative 2 is the Preferred Project which is fully analyzed in the Draft EIR and will be presented to EBMUD's Board of Directors for EIR certification and project approval.

Comment ADB

Letter of Concern and Request for Action

October 15, 2009

WATER DISTRIBUTION
OCT 16 2009
PLANNING DIVISION

Ms.Gwendolyn A. Alie
Associate Planner
EBMUD Mail Slot #701
PO BOX 24055
Oakland, California 94623-1055

Re: Estates Reservoir Replacement / Draft Environmental Impact Report"

Dear Ms. Alie :

ADB-1

We live at 6001 Estates Drive, just down the street from the Estates Reservoir. We drive by the Reservoir on a daily basis. We also walk by the Reservoir four to six days a week. This is a popular spot for walkers, runners and bikers, because of the view and the fact that it is one of the few fairly level streets in the area. Indeed, people come from all over to exercise on Estates next to the Reservoir.

ADB-2

Although we drive and walk by the Reservoir daily, there is no question that the curve at the western edge of the Reservoir – near the 6100 block – is very unsafe. We have had many near misses in our car, as the road is narrow and the foliage from 6130 Estates continuously overgrown. We often sound our horn when going around the curve to alert other drivers or pedestrians who may be coming in the other direction. As a pedestrian, the safest time is often after dark in the winter, as oncoming headlights alert one to cars.

We know from the EIR and the meeting on September 21, that there is no plan to install a pathway to the end of the West end of the property, that the Fence is to be replaced, but in the same location, and that someone did a study and reported that the road was safe!

First, anyone who regularly drives that curve knows it is not safe. It is virtually impossible to drive it for a week without having a near miss with another car. This makes it imperative that EBMUD take advantage of the opportunity to move the fence back and look for any and all opportunities to create safe shoulders for pedestrians to escape the cars and cars to escape each other in emergencies. During a recent walk, we studied the shoulder on the West end, and there is no reason the new fence cannot be moved back a significant number of feet. As a new fence is already provided for, no additional cost would be incurred.

Second, the pathway should be extended to the end of the EBMUD property. It will increase safety by removing pedestrians from the narrow roadway. We understand a neighbor does not want the path extended, but the neighbor's fence is extensive and can be continued to protect the private property. In any event, the privacy issues are less than the safety issues that this project gives us the opportunity to address.

We also think it would be great to install actual pathways or sidewalks up closer to the street. We realize that this would involve extra costs, however. What would not involve additional expense, but perhaps save lives, would be moving the new fence back and extending the pathway to the West end of the property.

Thank you for your consideration.

Respectfully submitted:

Anne and Daniel Bookin



6001 Estates Drive
Oakland, CA 94611
510.339.3130
bookin@pacbell.net

2.7 Anne and Daniel Bookin

- ADB-1. EBMUD acknowledges the facts set forth in this comment and has noted these conditions in the Draft EIR (Page 3-6.9).
- ADB-2. Refer to 2.1.4 Master Response on Traffic and Circulation. While EBMUD is proposing some improvements to the existing pedestrian access, enhancements to Estates Drive are outside of the project scope, and the eastern and western limits of the pedestrian path are not being changed in order to retain the existing sight lines, which allow for viewing a longer distance when coming off the path.

Comment BAB-1

Letter of Concern and Request for Action

October 11, 2009

Ms. Gwendolyn A. Alie
Associate Planner
EBMUD Mail Slot #701
PO Box 24055
Oakland, California 94623-1055

WATER DISTRIBUTION

OCT 16 2009

PLANNING DIVISION

Re: "Estates Reservoir Replacement / Draft Environmental Impact Report"

Dear Ms. Alie:

BAB-1-1

I live 6224 Estates Dr. The area around the Estates Reservoir is a great place to walk, run and ride bikes. It is used daily by hundreds of local residents for recreation. It is also heavily traveled by cars. The street is narrow and there are no sidewalks. The shrubs and trees have overgrown into the City right-of-way which further reduces the width of this already narrow street.

This part of Estates Drive is heavily used by walkers and bikers since it is so scenic by the reservoir with the open space and the beautiful views of the Bay. I personally walk (ride my bike, jog, etc) on Estates Dr. every week and this turn scares me as it is so unsafe.

The construction work at the Estates Reservoir would allow for the path to be extended all the way to the western edge of the EBMUD property. I understand from the EIR that the fence is going to be replaced so there should be no additional fencing costs to EBMUD.

In the EIR, EBMUD proposes to install a pathway around most of the reservoir, but they stop short of the West end of the property. This is strange as the area where there is no proposed path is the most unsafe part of Estates Dr. This turn is a tight, narrow (18' wide) and generally unsafe for two cars to pass. It is impossible for two cars and pedestrians to be in this area at the same time. Someone is going to get hurt.

It is my strong opinion that the pathway should extend the entire way around the reservoir along Estates Dr. It would be very simple to extend the proposed walking path an additional 150' to the West edge of the reservoir property. Extending the path would be a great benefit to the community as it would insure separation between pedestrians and traffic.

BAB-1-2

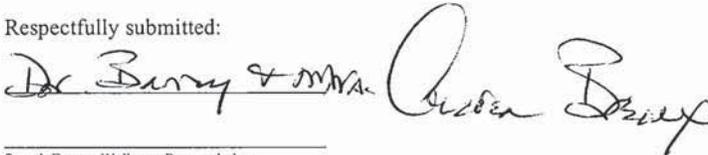
My second item of concern is that I would like the fence to be moved farther back away from the roadway to the as close as it can be to the existing EBMUD access driveway. This will allow the public more use of the open space created by this project. Again, there should be no additional fencing costs. There should actually be a reduction in fencing as the perimeter fence will be shortened in total length.

BAB-1-3

My third item of concern is that the vegetation from 6130 Estates is overgrown and encroaches on the City right-of-way. As stated this further decreases visibility and narrows this already tight turn. Finally, I also think that a pathway or sidewalk should be installed in front of 6145 Estates Dr. and 6133 Estates Dr. This will insure that there is a safe pedestrian walkway around this difficult turn.

Thank you for your help with this. May I hear more on how my concerns are being incorporated in the EIR.

Respectfully submitted:



Saved: Estates Walkway Proposal .doc

2.8 Barry and Andrea Breaux

- BAB-1-1. Refer to 2.1.4 Master Response on Traffic and Circulation. The described conditions have been noted in the Draft EIR. While EBMUD is proposing some improvements to the existing pedestrian access, enhancements to Estates Drive are outside of the project scope, and the eastern and western limits of the pedestrian path are not being changed in order to retain the existing sight lines.
- BAB-1-2. Refer to 2.1.4 Master Response on Traffic and Circulation. While EBMUD is proposing some improvements to the existing pedestrian access, enhancements to Estates Drive are outside of the project scope, and the eastern and western limits of the pedestrian path are not being changed in order to retain the existing sight lines.
- BAB-1-3. Refer to 2.1.4 Master Response on Traffic and Circulation. Regarding the comment about overgrown vegetation at 6130 Estates Drive and elsewhere and the perception that overgrown landscaping is impacting roadway visibility and exacerbating a hazardous roadway condition, EBMUD has no authority to prune or otherwise maintain landscaping at a private residence on Estates Drive or at any property that it does not own elsewhere within its service area. EBMUD suggests that this concern be addressed to the property owner and/or coordinated with the City of Oakland Public Works Department.

BAB-2-1

Simplified Summary Petition

**Submitted to: Estates Reservoir Replacement
Draft Environmental Impact Report**

WATER DISTRIBUTION

OCT 16 2009

Facts:

I'm aware that:

PLANNING DIVISION

- 1) Estates is heavily used by Pedestrians and vehicles.
- 2) The Roadway is too narrow.
- 3) Approaching Cars are dangerous (Narrow and unsafe road widths)
Peak vehicle use is 55 AM and 66 PM
Many vehicles travel at higher speeds
- 4) There is a dangerous BLIND Curve at western part of project.
- 5) There is No Room for Pedestrians.
- 6) Neighborhood children are at risk.
- 7) THERE IS A NEED FOR a Pedestrian Trail as part of Project.

THEREFORE I PROPOSE:

That a pedestrian trail be EXTENDED along the ENTIRE PROJECT FRONTAGE ADJACENT TO ESTATES DRIVE as detailed in a letter submitted by Reid Settlemier titled "Petition of Action".

Respectfully submitted:

BARRY BEAUX

ANDREA BEAUX
Homeowner name

6224 Estates
Address

DR *10/12/09*
Date

I am aware that Reid Settlemier [(510) 520 9325 / reid@bigge.com] has submitted a more detailed letter outlining the **neighborhood's concerns** and a detailed **Request for Action**.

Portions of his letter details the following:

"Therefore, we respectfully request that the proposed pedestrian trail be extended along the entire Project frontage adjacent to Estates Drive, from the western boundary of the Project to the eastern boundary of the Project. This extended trail will provide the safest means of pedestrian circulation along the frontage of the Project. We submit that the paramount consideration should be separation of the pedestrians and vehicular traffic, and that consideration is more important than maximizing sight distances to Estates Drive."

2.9 Barry and Andrea Breaux

BAB-2-1. Refer to 2.1.4 Master Response on Traffic and Circulation and BRS-1-2, 2-1, 2-2 and 2-3.

Comment BJ-1

Letter of Concern and Request for Action

October 11, 2009

Ms. Gwendolyn A. Alie
Associate Planner
EBMUD Mail Slot #701
PO Box 24055
Oakland, California 94623-1055

WATER DISTRIBUTION
OCT 16 2009
PLANNING DIVISION

Re: "Estates Reservoir Replacement / Draft Environmental Impact Report"

Dear Ms. Alie:

BJ-1-1

I live 6232 Estates Drive. The area around the Estates Reservoir is a great place to walk, run and ride bikes. It is used daily by hundreds of local residents for recreation. It is also heavily traveled by cars. The street is narrow and there are no sidewalks. The shrubs and trees have overgrown into the City right-of-way which further reduces the width of this already narrow street.

This part of Estates Drive is heavily used by walkers and bikers since it is so scenic by the reservoir with the open space and the beautiful views of the Bay. I personally walk (ride my bike, jog, etc) on Estates Dr. every week and this turn scares me as it is so unsafe.

The construction work at the Estates Reservoir would allow for the path to be extended all the way to the western edge of the EBMUD property. I understand from the EIR that the fence is going to be replaced so there should be no additional fencing costs to EBMUD.

In the EIR, EBMUD proposes to install a pathway around most of the reservoir, but they stop short of the West end of the property. This is strange as the area where there is no proposed path is the most unsafe part of Estates Dr. This turn is a tight, narrow (18' wide) and generally unsafe for two cars to pass. It is impossible for two cars and pedestrians to be in this area at the same time. Someone is going to get hurt.

It is my strong opinion that the pathway should extend the entire way around the reservoir along Estates Dr. It would be very simple to extend the proposed walking path an additional 150' to the West edge of the reservoir property. Extending the path would be a great benefit to the community as it would insure separation between pedestrians and traffic.

BJ-1-2

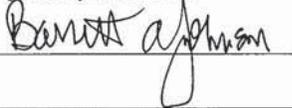
My second item of concern is that I would like the fence to be moved farther back away from the roadway to the as close as it can be to the existing EBMUD access driveway. This will allow the public more use of the open space created by this project. Again, there should be no additional fencing costs. There should actually be a reduction in fencing as the perimeter fence will be shortened in total length.

BJ-1-3

My third item of concern is that the vegetation from 6130 Estates is overgrown and encroaches on the City right-of-way. As stated this further decreases visibility and narrows this already tight turn. Finally, I also think that a pathway or sidewalk should be installed in front of 6145 Estates Dr. and 6133 Estates Dr. This will insure that there is a safe pedestrian walkway around this difficult turn.

Thank you for your help with this. May I hear more on how my concerns are being incorporated in the EIR.

Respectfully submitted:

 10/11/09

Saved: Estates Walkway Proposal .doc

2.10 Barrett Johnson

- BJ-1-1. Refer to 2.1.4 Master Response on Traffic and Circulation. The described conditions have been noted in the Draft EIR. While EBMUD is proposing some improvements to the existing pedestrian access, enhancements to Estates Drive are outside of the project scope, and the eastern and western limits of the pedestrian path are not being changed in order to retain the existing sight lines.
- BJ-1-2. Refer to 2.1.4 Master Response on Traffic and Circulation. While EBMUD is proposing some improvements to the existing pedestrian access, enhancements to Estates Drive are outside of the project scope, and the eastern and western limits of the pedestrian path are not being changed in order to retain the existing sight lines.
- BJ-1-3. Refer to 2.1.4 Master Response on Traffic and Circulation. Regarding the comment about overgrown vegetation at 6130 Estates Drive and elsewhere and the perception that overgrown landscaping is impacting roadway visibility and exacerbating a hazardous roadway condition, EBMUD has no authority to prune or otherwise maintain landscaping at a private residence on Estates Drive or at any property that it does not own elsewhere within its service area. EBMUD suggests that this concern be addressed to the property owner and/or coordinated with the City of Oakland Public Works Department.

BJ-2-1

Simplified Summary Petition

**Submitted to: Estates Reservoir Replacement
Draft Environmental Impact Report**

WATER DISTRIBUTION

OCT 16 2009

PLANNING DIVISION

Facts:

I'm aware that:

- 1) Estates is heavily used by Pedestrians and vehicles.
- 2) The Roadway is too narrow.
- 3) Approaching Cars are dangerous (Narrow and unsafe road widths)
Peak vehicle use is 55 AM and 66 PM
Many vehicles travel at higher speeds
- 4) There is a dangerous BLIND Curve at western part of project.
- 5) There is No Room for Pedestrians.
- 6) Neighborhood children are at risk.
- 7) THERE IS A NEED FOR a Pedestrian Trail as part of Project.

THEREFORE I PROPOSE:

That a pedestrian trail be EXTENDED along the ENTIRE PROJECT FRONTAGE ADJACENT TO ESTATES DRIVE as detailed in a letter submitted by Reid Settlemier titled "Petition of Action".

Respectfully submitted:

Berrett Johnson
Homeowner name

6232 Estates Drive
Address

10/11/09
Date

I am aware that Reid Settlemier [(510) 520 9325 / reid@bigge.com] has submitted a more detailed letter outlining the **neighborhood's concerns** and a detailed **Request for Action**.

Portions of his letter details the following:

"Therefore, we respectfully request that the proposed pedestrian trail be extended along the entire Project frontage adjacent to Estates Drive, from the western boundary of the Project to the eastern boundary of the Project. This extended trail will provide the safest means of pedestrian circulation along the frontage of the Project. We submit that the paramount consideration should be separation of the pedestrians and vehicular traffic, and that consideration is more important than maximizing sight distances to Estates Drive."

2.11 Barrett Johnson

BJ-2-1. Refer to 2.1.4 Master Response on Traffic and Circulation and BRS-1-2, 2-1, 2-2 and 2-3.

Comment BK-1

Letter of Concern and Request for Action

October 11, 2009

Ms. Gwendolyn A. Alie
Associate Planner
EBMUD Mail Slot #701
PO Box 24055
Oakland, California 94623-1055

WATER DISTRIBUTION

OCT 16 2009

PLANNING DIVISION

Re: "Estates Reservoir Replacement / Draft Environmental Impact Report"

Dear Ms. Alie:

BK-1-1

I live Beatrice Hasten. The area around the Estates Reservoir is a great place to walk, run and ride bikes. It is used daily by hundreds of local residents for recreation. It is also heavily traveled by cars. The street is narrow and there are no sidewalks. The shrubs and trees have overgrown into the City right-of-way which further reduces the width of this already narrow street.

This part of Estates Drive is heavily used by walkers and bikers since it is so scenic by the reservoir with the open space and the beautiful views of the Bay. I personally walk (ride my bike, jog, etc) on Estates Dr. every week and this turn scares me as it is so unsafe.

The construction work at the Estates Reservoir would allow for the path to be extended all the way to the western edge of the EBMUD property. I understand from the EIR that the fence is going to be replaced so there should be no additional fencing costs to EBMUD.

In the EIR, EBMUD proposes to install a pathway around most of the reservoir, but they stop short of the West end of the property. This is strange as the area where there is no proposed path is the most unsafe part of Estates Dr. This turn is a tight, narrow (18' wide) and generally unsafe for two cars to pass. It is impossible for two cars and pedestrians to be in this area at the same time. Someone is going to get hurt.

It is my strong opinion that the pathway should extend the entire way around the reservoir along Estates Dr. It would be very simple to extend the proposed walking path an additional 150' to the West edge of the reservoir property. Extending the path would be a great benefit to the community as it would insure separation between pedestrians and traffic.

BK-1-2

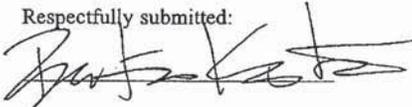
My second item of concern is that I would like the fence to be moved farther back away from the roadway to the as close as it can be to the existing EBMUD access driveway. This will allow the public more use of the open space created by this project. Again, there should be no additional fencing costs. There should actually be a reduction in fencing as the perimeter fence will be shortened in total length.

BK-1-3

My third item of concern is that the vegetation from 6130 Estates is overgrown and encroaches on the City right-of-way. As stated this further decreases visibility and narrows this already tight turn. Finally, I also think that a pathway or sidewalk should be installed in front of 6145 Estates Dr. and 6133 Estates Dr. This will insure that there is a safe pedestrian walkway around this difficult turn.

Thank you for your help with this. May I hear more on how my concerns are being incorporated in the EIR.

Respectfully submitted:



2.12 **Beatrix Kasten**

- BK-1-1. Refer to 2.1.4 Master Response on Traffic and Circulation. The described conditions have been noted in the Draft EIR. While EBMUD is proposing some improvements to the existing pedestrian access, enhancements to Estates Drive are outside of the project scope, and the eastern and western limits of the pedestrian path are not being changed in order to retain the existing sight lines.
- BK-1-2. Refer to 2.1.4 Master Response on Traffic and Circulation. While EBMUD is proposing some improvements to the existing pedestrian access, enhancements to Estates Drive are outside of the project scope, and the eastern and western limits of the pedestrian path are not being changed in order to retain the existing sight lines.
- BK-1-3. Refer to 2.1.4 Master Response on Traffic and Circulation. Regarding the comment about overgrown vegetation at 6130 Estates Drive and elsewhere and the perception that overgrown landscaping is impacting roadway visibility and exacerbating a hazardous roadway condition, EBMUD has no authority to prune or otherwise maintain landscaping at a private residence on Estates Drive or at any property that it does not own elsewhere within its service area. EBMUD suggests that this concern be addressed to the property owner and/or coordinated with the City of Oakland Public Works Department.

BK-2-1

Simplified Summary Petition

Submitted to: Estates Reservoir Replacement
Draft Environmental Impact Report

WATER DISTRIBUTION
OCT 16 2009
PLANNING DIVISION

Facts:

I'm aware that:

- 1) Estates is heavily used by Pedestrians and vehicles.
- 2) The Roadway is too narrow.
- 3) Approaching Cars are dangerous (Narrow and unsafe road widths)
Peak vehicle use is 55 AM and 66 PM
Many vehicles travel at higher speeds
- 4) There is a dangerous BLIND Curve at western part of project.
- 5) There is No Room for Pedestrians.
- 6) Neighborhood children are at risk.
- 7) THERE IS A NEED FOR a Pedestrian Trail as part of Project.

THEREFORE I PROPOSE:

That a pedestrian trail be EXTENDED along the ENTIRE PROJECT FRONTAGE ADJACENT TO ESTATES DRIVE as detailed in a letter submitted by Reid Settlemier titled "Petition of Action".

Respectfully submitted:

Beatrix Kasten 5941 McAndrew Dr. Oak CA
 Homeowner name Address Date 10-15-09


I am aware that Reid Settlemier [(510) 520 9325 / reid@bigge.com] has submitted a more detailed letter outlining the neighborhood's concerns and a detailed Request for Action.

Portions of his letter details the following:

"Therefore, we respectfully request that the proposed pedestrian trail be extended along the entire Project frontage adjacent to Estates Drive, from the western boundary of the Project to the eastern boundary of the Project. This extended trail will provide the safest means of pedestrian circulation along the frontage of the Project. We submit that the paramount consideration should be separation of the pedestrians and vehicular traffic, and that consideration is more important than maximizing sight distances to Estates Drive."

2.13 **Beatrix Kasten**

BK-2-1. Refer to 2.1.4 Master Response on Traffic and Circulation and BRS-1-2, 2-1, 2-2 and 2-3.

Comment Letter BMH-1

Ms. Gwendolyn A. Alie
Associate Planner
October 11, 2009
Page 2

WATER DISTRIBUTION
OCT 16 2009
PLANNING DIVISION

Petition for Action

BMH-1-1

This unsafe pedestrian/vehicular conflict is exacerbated by the vehicle trips in the vicinity of the Project. In fact, the Draft EIR identifies 630 Average Daily Traffic trips, 55 AM Peak Hour trips, and 66 PM Peak Hour Trips (66) on Estates Drive near the Project. See Draft EIR, pg. 3.6-4. I'm especially troubled by the PM Peak Hour trips, which occur at the same time that many of the neighborhood children are out of school and present on our neighborhood streets.

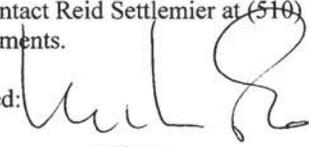
Again, I'm are grateful that EBMUD proposes to create a clearly delineated pedestrian trail, separated from vehicular traffic by a low wooden fence. However, I request that the pedestrian trail be extended along the entire Project frontage adjacent to Estates drive, from the western boundary of the Project to the eastern boundary of the Project. Presently, the proposed pedestrian trail is designed to run from approximately 90 feet from the western boundary of the Project's Estates Drive frontage, to about 200 feet from the eastern boundary of the Project's Estates Drive frontage. That means there is approximately 290 feet of frontage along Estates Drive where pedestrians will be forced to walk on Estates Drive.

I appreciate that EBMUD has proposed "four entries to the trail ... at locations that maximize sight distance to the roadway network." See Draft EIR, pg. 3.6-9. I understand that the proposed trail configuration is the result of EBMUD's safety objective of having pedestrians entering onto Estates Drive from the proposed pedestrian trail head on, i.e. at a 90° angle. However, I submit that EBMUD's concern about preserving sight distances to the roadway networks are significantly outweighed by the overarching objective of keeping pedestrians and vehicles separated.

Therefore, I respectfully request that the proposed pedestrian trail be extended along the entire Project frontage adjacent to Estates Drive, from the western boundary of the Project to the eastern boundary of the Project. This extended trail will provide the safest means of pedestrian circulation along the frontage of the Project. I submit that the paramount consideration should be separation of the pedestrians and vehicular traffic, and that consideration is more important than maximizing sight distances to Estates Drive.

Thank you for your consideration and please feel free to contact Reid Settlemier at (510) 520-9325, or a reid@bigge.com should you have questions or comments.

Respectfully submitted:



Name

Date

Address

Bonnie and Dr. melvin ho _____ 12 October 2009 _____ 6300 Bullard Drive
Oakland _____

p.s. I have been making my neighbors aware of the my concerns and have encouraged them to also make their concerns aware to you.

2.14 Bonnie and Melvin Ho

BMH 1-1. EBMUD appreciates the review and input of the Draft EIR and concurrence with the conclusions in the document. Also, refer to 2.1.4 Master Response on Traffic and Circulation. Construction of the project will not alter the existing design or operation of Estates Drive with regard to roadway or pedestrian facilities, and EBMUD has undertaken the pedestrian path improvements in response to concerns of neighboring property owners. The design that is being proposed utilizes sight distances that are intended to maximize safety by increasing the road area that can be viewed upon exiting the path.

BMH-2-1

Simplified Summary Petition

**Submitted to: Estates Reservoir Replacement
Draft Environmental Impact Report**

WATER DISTRIBUTION

OCT 16 2009

PLANNING DIVISION

Facts:

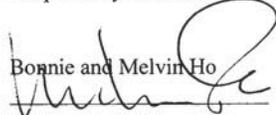
I'm aware that:

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- 6) Neighborhood children are at risk.
- 7) THERE IS A NEED FOR a Pedestrian Trail as part of Project.

THEREFORE I PROPOSE:

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Respectfully submitted:


 Bonnie and Melvin Ho

6300 Bullard Drive, Oakland __ 12 October _____

Homeowner name

Address

Date

I am aware that Reid Settlemier [(510) 520 9325 / reid@bigge.com] has submitted a more detailed letter outlining the **neighborhood's concerns** and a detailed **Request for Action**.

Portions of his letter details the following:

"Therefore, we respectfully request that the proposed pedestrian trail be extended along the entire Project frontage adjacent to Estates Drive, from the western boundary of the Project to the eastern boundary of the Project. This extended trail will provide the safest means of pedestrian circulation along the frontage of the Project. We submit that the paramount consideration should be separation of the pedestrians and vehicular traffic, and that consideration is more important than maximizing sight distances to Estates Drive."

2.15 Bonnie and Melvin Ho

BMH-2-1. Refer to 2.1.4 Master Response on Traffic and Circulation and BRS-1-2, 2-1, 2-2 and 2-3.

Ms. Gwendolyn A. Alie
Associate Planner
October 11, 2009
Page 1

WATER DISTRIBUTION
OCT 16 2009
PLANNING DIVISION

Petition for Action

B. REID SETTLEMIER
6133 ESTATES DR.
OAKLAND, CA 94611

October 11, 2009

Via E-Mail – estateseir@ebmud.com

Ms. Gwendolyn A. Alie
Associate Planner
EBMUD Mail Slot #701
PO Box 24055
Oakland, California 94623-1055

**Re: Estates Reservoir Replacement
Draft Environmental Impact Report**

Dear Ms. Alie:

BRS-1-1

I am a neighbor of the Estates Reservoir. I have reviewed the Draft Environmental Impact Report (the "Draft EIR") for the Estates Reservoir Replacement Project (the "Project"), and generally concur with the proposed findings and conclusions contained therein. However, I do have some concerns about the proposed pedestrian trail and offer those concerns herein.

BRS-1-2

Initially, it is important to point out that pedestrian uses adjacent to the site are identified as one of the primary concerns of the Project. Figure 3.2-4 states that a primary concern is the "Opportunity for pathway around site property at edge of road, similar to Piedmont reservoir." To that end, the Project proposes "As part of the Project, the trail around the site would be improved, and a low wooden fence separating the roadway and path would be constructed, providing a benefit to the community." See Draft EIR, pg. 3.6-9.

I laud the efforts of EBMUD to include a pedestrian trail as part of the Project. As EBMUD has discovered in connection with its preparation of the Draft EIR, there is presently little room for pedestrian movement on Estates Drive adjacent to the Project. In fact, as pointed out in the Draft EIR, "The roadway [Estates Drive] is 30 feet wide south of Moraga Avenue, narrows to about 18 feet south of McAndrew Drive, and widens to 24 feet next to the Estates Reservoir entrance. *Where the roadway narrows to less than 20 feet, it is difficult to provide for two way travel.*" See Draft EIR, pg. 3.6-9 (emphasis supplied). It is our experience that when cars approach from opposite directions on Estates Drive, especially along the curve near the southwestern edge of the Project, there is absolutely no room for pedestrian traffic. The only means for pedestrians to avoid conflicts with traffic is to avoid the street totally, turning to the EBMUD property within the Project. The "informal trail" on the EBMUD property was created out of necessity for pedestrians seeking to avoid the unsafe roadway conditions.

Ms. Gwendolyn A. Alie
Associate Planner
October 11, 2009
Page 2

Petition for Action

This unsafe pedestrian/vehicular conflict is exacerbated by the vehicle trips in the vicinity of the Project. In fact, the Draft EIR identifies 630 Average Daily Traffic trips, 55 AM Peak Hour trips, and 66 PM Peak Hour Trips (66) on Estates Drive near the Project. See Draft EIR, pg. 3.6-4. I'm especially troubled by the PM Peak Hour trips, which occur at the same time that many of the neighborhood children are out of school and present on our neighborhood streets.

Again, I'm grateful that EBMUD proposes to create a clearly delineated pedestrian trail, separated from vehicular traffic by a low wooden fence. However, I request that the pedestrian trail be extended along the entire Project frontage adjacent to Estates drive, from the western boundary of the Project to the eastern boundary of the Project. Presently, the proposed pedestrian trail is designed to run from approximately 90 feet from the western boundary of the Project's Estates Drive frontage, to about 200 feet from the eastern boundary of the Project's Estates Drive frontage. That means there is approximately 290 feet of frontage along Estates Drive where pedestrians will be forced to walk on Estates Drive.

I appreciate that EBMUD has proposed "four entries to the trail ... at locations that maximize sight distance to the roadway network." See Draft EIR, pg. 3.6-9. I understand that the proposed trail configuration is the result of EBMUD's safety objective of having pedestrians entering onto Estates Drive from the proposed pedestrian trail head on, i.e. at a 90° angle. However, I submit that EBMUD's concern about preserving sight distances to the roadway networks are significantly outweighed by the overarching objective of keeping pedestrians and vehicles separated.

Therefore, I respectfully request that the proposed pedestrian trail be extended along the entire Project frontage adjacent to Estates Drive, from the western boundary of the Project to the eastern boundary of the Project. This extended trail will provide the safest means of pedestrian circulation along the frontage of the Project. I submit that the paramount consideration should be separation of the pedestrians and vehicular traffic, and that consideration is more important than maximizing sight distances to Estates Drive.

Thank you for your consideration and please feel free to contact Reid Settlemier at (510) 520-9325, or a reid@bigge.com should you have questions or comments.

Respectfully submitted:



B. Reid Settlemier

P.S. - I have been making my neighbors aware of my concerns and have encouraged them to also make their concerns aware to you.

BRS-1-2

2.16 B. Reid Settlemier

- BRS-1-1. EBMUD appreciates the review and input of the Draft EIR and concurrence with the conclusions in the document.
- BRS-1-2. Refer to 2.1.4 Master Response on Traffic and Circulation. Construction of the project will not alter the existing design or operation of Estates Drive with regard to roadway or pedestrian facilities, and EBMUD has undertaken the pedestrian path improvements in response to concerns of neighboring property owners. The design that is being proposed utilizes sight distances that are intended to maximize safety by increasing the road area that can be viewed upon exiting the path.

Letter of Concern and Request for Action

October 11, 2009

Ms. Gwendolyn A. Alie
Associate Planner
EBMUD Mail Slot #701
PO Box 24055
Oakland, California 94623-1055

WATER DISTRIBUTION

OCT 16 2009

PLANNING DIVISION

Re: "Estates Reservoir Replacement / Draft Environmental Impact Report"

Dear Ms. Alie:

BRS-2-1

I live 6133 ESTATES DR. The area around the Estates Reservoir is a great place to walk, run and ride bikes. It is used daily by hundreds of local residents for recreation. It is also heavily traveled by cars. The street is narrow and there are no sidewalks. The shrubs and trees have overgrown into the City right-of-way which further reduces the width of this already narrow street.

This part of Estates Drive is heavily used by walkers and bikers since it is so scenic by the reservoir with the open space and the beautiful views of the Bay. I personally walk (ride my bike, jog, etc) on Estates Dr. every week and this turn scares me as it is so unsafe.

The construction work at the Estates Reservoir would allow for the path to be extended all the way to the western edge of the EBMUD property. I understand from the EIR that the fence is going to be replaced so there should be no additional fencing costs to EBMUD.

In the EIR, EBMUD proposes to install a pathway around most of the reservoir, but they stop short of the West end of the property. This is strange as the area where there is no proposed path is the most unsafe part of Estates Dr. This turn is a tight, narrow (18' wide) and generally unsafe for two cars to pass. It is impossible for two cars and pedestrians to be in this area at the same time. Someone is going to get hurt.

It is my strong opinion that the pathway should extend the entire way around the reservoir along Estates Dr. It would be very simple to extend the proposed walking path an additional 150' to the West edge of the reservoir property. Extending the path would be a great benefit to the community as it would insure separation between pedestrians and traffic.

BRS-2-2

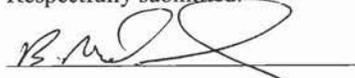
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BRS-2-3

My third item of concern is that the vegetation from 6130 Estates is overgrown and encroaches on the City right-of-way. As stated this further decreases visibility and narrows this already tight turn. Finally, I also think that a pathway or sidewalk should be installed in front of 6145 Estates Dr. and 6133 Estates Dr. This will insure that there is a safe pedestrian walkway around this difficult turn.

Thank you for your help with this. May I hear more on how my concerns are being incorporated in the EIR.

Respectfully submitted:



B. REID SITZEMIER

Saved: Estates Walkway Proposal .doc

2.17 B. Reid Settlemier

- BRS 2-1. Refer to 2.1.4 Master Response on Traffic and Circulation. The described conditions have been noted in the Draft EIR. While EBMUD is proposing some improvements to the existing pedestrian access, enhancements to Estates Drive are outside of the project scope, and the eastern and western limits of the pedestrian path are not being changed in order to retain the existing sight lines.
- BRS-2-2. Refer to 2.1.4 Master Response on Traffic and Circulation. While EBMUD is proposing some improvements to the existing pedestrian access, enhancements to Estates Drive are outside of the project scope, and the eastern and western limits of the pedestrian path are not being changed in order to retain the existing sight lines.
- BRS-2-3. Refer to 2.1.4 Master Response on Traffic and Circulation. Regarding the comment about overgrown vegetation at 6130 Estates Drive and elsewhere and the perception that overgrown landscaping is impacting roadway visibility and exacerbating a hazardous roadway condition, EBMUD has no authority to prune or otherwise maintain landscaping at a private residence on Estates Drive or at any property that it does not own elsewhere within its service area. EBMUD suggests that this concern be addressed to the property owner and/or coordinated with the City of Oakland Public Works Department.

BRS-3-1

Simplified Summary Petition

**Submitted to: Estates Reservoir Replacement
Draft Environmental Impact Report**

WATER DISTRIBUTION

OCT 16 2009

PLANNING DIVISION

Facts:

I'm aware that:

- 1) Estates is heavily used by Pedestrians and vehicles.
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THEREFORE I PROPOSE:

That a pedestrian trail be EXTENDED along the ENTIRE PROJECT FRONTAGE ADJACENT TO ESTATES DRIVE as detailed in a letter submitted by Reid Settlemier titled "Petition of Action".

Respectfully submitted:

B REID SETTLEMIER
Homeowner name

6133 ESTATES DR
Address

10-15-09
Date



I am aware that Reid Settlemier [(510) 520 9325 / reid@bigge.com] has submitted a more detailed letter outlining the **neighborhood's concerns** and a detailed **Request for Action**.

Portions of his letter details the following:

"Therefore, we respectfully request that the proposed pedestrian trail be extended along the entire Project frontage adjacent to Estates Drive, from the western boundary of the Project to the eastern boundary of the Project. This extended trail will provide the safest means of pedestrian circulation along the frontage of the Project. We submit that the paramount consideration should be separation of the pedestrians and vehicular traffic, and that consideration is more important than maximizing sight distances to Estates Drive."

2.18 B. Reid Settlemier

BRS-3-1. Refer to 2.1.4 Master Response on Traffic and Circulation and BRS-1-2, 2-1, 2-2 and 2-3.

Comment Letter CB

Baker, Sue

From: colleen [cbrent@lmi.net]
Sent: Monday, August 31, 2009 5:36 PM
To: Estates Project EIR
Subject: Estates reservoir project

Ms. Michelle Blackwell:

CB-1
CB-2
CB-3

My husband and I are very concerned about the potential noise and impact on our quality of life with the Estates reservoir project. We were subjected to months of construction when the reservoir was "improved", and we told at that time that it would last for a "long time". We are directly across from the reservoir. All of the trucks/noise&dirt impact us directly. I work at home and do a considerable amount of writing. My husband works 60 to 70 hours a week as a physician and scientist. It will be intolerable to us if construction takes place early in the morning or on the weekends. We would like to know what the intended hours of construction are. I would also point out that there are significant legal decibel noise restrictions in Oakland's residential areas and I would like to know how EBAY MUD is going to enforce and maintain those noise limits.

Thank you,

--

Colleen Brent
6150 Estates Drive
Oakland CA
94611-3118
510-339-2363

9/22/2009

2.19 Colleen Brent

- CB-1. Chapter 3 of the Draft EIR analyzes the potential impacts associated with project construction and identifies mitigation measures which would reduce those impacts. Traffic and Circulation Impacts and Mitigation Measures are discussed on pages 3-6.1 through 3-6.20, Noise and Vibration Impacts and Mitigation Measures are discussed on pages 3-9.1 through 3-9.20, and Air Quality Impacts and Mitigation Measures are discussed on pages 3-9.1 through 3-9.19. Refer also to the Draft EIR, Chapter 2, Section 2.2.2, Project Purpose and Objectives, and Section 2.4, Project Characteristics. A timeline for improvements at the site over time is presented in the Historic Setting, page 3-5.4 of the Draft EIR.
- CB-2. The Draft EIR page 2-11, Construction Characteristics, Schedule, Work Hours and Staging, clearly notes that the hours of construction will be from 7:00 a.m. to 7:00 p.m. Monday through Friday, consistent with the Oakland Noise Ordinance. Truck traffic to the site would also be limited to 7:00 a.m. to 7:00 p.m. (page 2-13, Draft EIR). After hours or weekend construction is not scheduled, but emergency/unexpected occurrences or critical shutdowns may be required to maintain critical distribution system service.
- CB-3. The Draft EIR, page 3-9.4, Regulatory Framework, explains that while EBMUD is exempt from local building and zoning ordinances with regard to projects like the Estates Reservoir Replacement, it is EBMUD's practice to work with host jurisdictions and local communities and to conform to local environmental protection policies to the extent possible. The Draft EIR page 3-9.5, Table 3.9-3 lists the City of Oakland Applicable Ordinance Time Limits and Noise Standards, and Table 3.9-4 lists Noise and Compatibility Guidelines of the City of Oakland.

Comment Letter CP-1



HALS

Historic American Landscape Survey
Northern California Chapter
444 17th Street, Oakland, CA 94612
Telephone: 510/465-1284

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SEP 10 2009

PLANNING DIVISION

September 2, 2009

Gwendolyn A. Alie, Associate Planner
EBMUD, Mail Slot #701
P.O. Box 24055
Oakland, CA 94623-1055

RE: Estates Reservoir Replacement Project

Dear Ms. Alie,

CP-1-1

I write to urge you to undertake HALS documentation of the Estates Drive Reservoir. HALS is an acronym for Historic American Landscapes Survey, which is a new federal program established by Congress to record our nation's cultural landscapes. HALS is modeled on HABS (Historic American Building Survey) which was created by President Roosevelt in 1933. Then and now we recognize the value of these cultural resources and seek to retain records of these exceptional places.

The Estates Drive Reservoir qualifies for such recognition because it was designed by noted landscape architect, Robert Royston and is an excellent example of abstract modern design. When conceived the design combined functionality and aesthetics. Royston provided a protective cover for the water resource and a beautiful park-like setting. The curvilinear landforms provide a large-scale sculpture while the addition of fountains artfully replaced open water with a relatively water conserving option.

HALS documentation of this resource should be completed prior to implementation of any impacts. HALS is a three part documentation program – large format black and white photography, measured drawings and a written historic narrative. RHA, currently under contract has qualified staff to undertake the work, or the HALS documentation could be contracted separately. I can provide you with a list of qualified professionals.

Finally, HALS documentation of this cultural landscape will assist EBMUD in highlighting the agencies 150+ year record of successfully delivering water to Bay Area residents and your commitment to doing so in a sensitive manner that artfully integrates reservoirs into the landscape.

Please feel free to contact me if you have questions.

Chris Pattillo, Co-Chair HALS Northern California Chapter

Co-chairs:

Betsy Flack
The Garden Conservancy
bflack@gardenconservancy.org

Cathy Garrett
PGAdesign^{inc.}
garrett@pgadesign.com

Chris Pattillo
PGAdesign^{inc.}
pattillo@pgadesign.com

2.20 Chris Patillo

- CP-1-1. Mitigation Measure 3.5-1 has been revised to commit EBMUD to undertaking a Historic American Landscape Survey style documentation of the Estates Reservoir roof, as detailed in the Response to CO-LPAB-2. The text changes are also shown in Section 3.2-2 of this Response To Comments document.

Comment Letter CP-2

Baker, Sue

From: Hanoian, Harvey
Sent: Tuesday, September 15, 2009 11:01 AM
To: Estates Project EIR
Cc: Baker, Sue; Alie, Gwendolyn
Subject: FW: Estates Reservoir HALS

From: Kirkpatrick, William
Sent: Tuesday, September 15, 2009 10:16 AM
To: Hanoian, Harvey; Blackwell, Michelle
Subject: FW: Estates Reservoir HALS

For the record as input to the DEIR.

From: Chris Pattillo [mailto:pattillo@pgadesign.com]
Sent: Tuesday, September 15, 2009 9:17 AM
To: Kirkpatrick, William
Cc: Jim Ratliff
Subject: Estates Reservoir HALS

Mr. Kirkpatrick,

CP-2-1

It was nice meeting you at the landmarks board meeting last night. I thought you did a perfect job of presenting the project.

I did not really intend to stir up quite so much at the meeting yesterday and do apologize if you feel that is needed. I have a sense that the debate that ensued would have occurred even had I not attended.

My primary objective was to set the record straight for HALS which is the appropriate vehicle for documenting this cultural landscape. If you want to know more about HALS, which is modeled on HABS and HAER, check out our website at: www.HALSca.org You will find links to the national organization there.

CP-2-2

Regarding my suggestion of a possible monetary contribution to another cultural landscape in Oakland - my thought was that it would be a nice civic gesture for EBMUD to make. The amount is not as important as the gesture. I know EBMUD has a tradition of doing such things - the irrigation system at the Pardee Home was supported by EBMUD.

Of the 3 sites I mentioned I would vote for the Cleveland Cascade which is a wholly community driven project that will restore the 21-basin beaux artes fountain originally designed by Howard Gilkey in 1923. Your contribution there would help replace a fountain which seems particularly suitable. The website for the Friends of the Cleveland Cascade is: www.clevelandcascade.org

I have cc'd Jim Ratliff who is the leader of the Cleveland Cascade group - he is the person who will lead the fund raising campaign and can answer any specific questions you might have.

If I can be of any assistance, as Chair of the Northern California chapter of HALS please let me know.

Chris Pattillo

PGAdesign
444 17th Street
Oakland, CA 94612
Direct 510 550 8855
Office 510 465 1284 x 855
Fax 510 465 1256
Pattillo@PGAdesign.com
www.PGAdesign.com

2.21 Chris Patillo

CP-2-1. Refer to Response CO-LPAB-2, as noted for CP-1-1.

CP-2-2. While EBMUD recognizes the significance of the existing Estates Reservoir roof structure as a result of this design by Robert Royston, EBMUD does not agree that voluntary funding of repairs to a separate fountain is proper mitigation for the substantial change to the Royston-designed Estates Reservoir roof. As noted in these responses, EBMUD has agreed to other recommendations for mitigation of the impacts.

Comment Letter CP-3

Baker, Sue

From: Hanoian, Harvey
Sent: Tuesday, September 15, 2009 11:02 AM
To: Estates Project EIR
Cc: Alie, Gwendolyn; Baker, Sue
Subject: FW: Estates Reservoir - Stuck Truck on Harbord
Follow Up Flag: Follow up
Flag Status: Red
Attachments: P9130018.JPG; P9130013.JPG

From: Kirkpatrick, William
Sent: Tuesday, September 15, 2009 10:17 AM
To: Hanoian, Harvey; Blackwell, Michelle
Subject: FW: Estates Reservoir - Stuck Truck on Harbord

From: Chris Pattillo [mailto:pattillo@pgadesign.com]
Sent: Tuesday, September 15, 2009 8:58 AM
To: Kirkpatrick, William
Subject: Estates Reservoir - Stuck Truck on Harbord

Mr. Kirkpatrick,

CP-3-1

Here are two photos of the truck that got stuck on Harbord Drive yesterday for 5 hours. It took an Oakland Police office and a very large tow truck to help get this guy on his way. The truck was stuck on a sharp curve between Moraga and McAndrew. Harbord is used as a thoroughfare so all the cars that normally use the street had to turn around and take Estates instead.

Large trucks, most commonly moving vans get stuck at this spot routinely and it is always a problem for them.

I am hoping that the General Conditions can include a warning for trucks needing to access the Estates Reservoir to not use Harbord. It may save them some grief and it will reduce neighborhood frustrations.

Thank you

PS. He left a deep gouge in the pavement where the trailer dug into the asphalt

Chris Pattillo

PGAdesign
444 17th Street
Oakland, CA 94612
Direct 510 550 8855
Office 510 465 1284 x 855
Fax 510 465 1256
Pattillo@PGAdesign.com
www.PGAdesign.com

10/27/2009



2.22 Chris Patillo

CP-3-1. Regarding trucks stuck on Harbord Drive on September 14, 2009, the truck route identified in the Estates Draft EIR does not include Harbord Drive. The recommended truck route is outlined on page 3.6-16, Figure 3.6-5, of the Draft EIR. The inbound route is via Moraga Avenue/ Mountain Boulevard, to La Salle Avenue and then onto Estates Drive to the reservoir site. Outbound trucks would exit onto Estates Drive north to Moraga Avenue and then State Highway 13.

Comment Letter CS

From: Cian Sanchez [cian.sanchez@yahoo.com]
Sent: Tuesday, August 18, 2009 10:28 AM
To: Estates Project EIR
Subject: Estates Reservoir Replacement Project
Follow Up Flag: Follow up
Flag Status: Red

Hello,

CS-1

I live at 5885 Harbord Drive. There is a creek that runs in my back yard. I'm not sure of the source of the creek, but I want to know if the reservoir replacement will have an effect on the water flow?

Thank You,
Cian Sanchez
415-994-3896

2.23 Cian Sanchez

- CS-1. Proposed improvements at Estates Reservoir will have no effect on the water flow in the creek behind 5885 Harbord Drive. Estates Reservoir is in a different drainage basin. Additionally, removing Dingee Reservoir from service will have no effect on the creek.

Comment Letter DR-1

Letter of Concern and Request for Action

October 11, 2009

Ms. Gwendolyn A. Alie
Associate Planner
EBMUD Mail Slot #701
PO Box 24055
Oakland, California 94623-1055

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OCT 16 2009

PLANNING DIVISION

Re: "Estates Reservoir Replacement / Draft Environmental Impact Report"

Dear Ms. Alie:

DR-1-1

I live at 6238 Estates Drive, Oakland Ca. 94611. The area around the Estates Reservoir is a great place to walk, run and ride bikes. It is used daily by hundreds of local residents for recreation. It is also heavily traveled by cars. The street is narrow and there are no sidewalks. The shrubs and trees have overgrown into the City right-of-way which further reduces the width of this already narrow street.

This part of Estates Drive is heavily used by walkers and bikers since it is so scenic by the reservoir with the open space and the beautiful views of the Bay. I personally walk on Estates Dr. every week and this turn scares me as it is so unsafe.

The construction work at the Estates Reservoir would allow for the path to be extended all the way to the western edge of the EBMUD property. I understand from the EIR that the fence is going to be replaced so there should be no additional fencing costs to EBMUD.

In the EIR, EBMUD proposes to install a pathway around most of the reservoir, but they stop short of the West end of the property. This is strange as the area where there is no proposed path is the most unsafe part of Estates Dr. This turn is a tight, narrow (18' wide) and generally unsafe for two cars to pass. It is impossible for two cars and pedestrians to be in this area at the same time. Someone is going to get hurt.

It is my strong opinion that the pathway should extend the entire way around the reservoir along Estates Dr. It would be very simple to extend the proposed walking path an additional 150' to the West edge of the reservoir property. Extending the path would be a great benefit to the community as it would insure separation between pedestrians and traffic.

DR-1-2

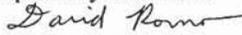
My second item of concern is that I would like the fence to be moved farther back away from the roadway to be as close as it can be to the existing EBMUD access driveway. This will allow the public more use of the open space created by this project. Again, there should be no additional fencing costs. There should actually be a reduction in fencing as the perimeter fence will be shortened in total length.

DR-1-3

My third item of concern is that the vegetation from 6130 Estates is overgrown and encroaches on the City right-of-way. As stated this further decreases visibility and narrows this already tight turn. Finally, I also think that a pathway or sidewalk should be installed in front of 6145 Estates Dr. and 6133 Estates Dr. This will insure that there is a safe pedestrian walkway around this difficult turn.

Thank you for your help with this. May I hear more on how my concerns are being incorporated in the EIR.

Respectfully submitted:


David Rovno

6238 Estates Drive, Oakland Ca. 94611
Saved: Estates Walkway Proposal .doc

2.24 David Rovno

- DR-1-1. Refer to 2.1.4 Master Response on Traffic and Circulation. The described conditions have been noted in the Draft EIR. While EBMUD is proposing some improvements to the existing pedestrian access, enhancements to Estates Drive are outside of the project scope, and the eastern and western limits of the pedestrian path are not being changed in order to retain the existing sight lines.
- DR-1-2. Refer to 2.1.4 Master Response on Traffic and Circulation. While EBMUD is proposing some improvements to the existing pedestrian access, enhancements to Estates Drive are outside of the project scope, and the eastern and western limits of the pedestrian path are not being changed in order to retain the existing sight lines.
- DR-1-3. Refer to 2.1.4 Master Response on Traffic and Circulation. Regarding the comment about overgrown vegetation at 6130 Estates Drive and elsewhere and the perception that overgrown landscaping is impacting roadway visibility and exacerbating a hazardous roadway condition, EBMUD has no authority to prune or otherwise maintain landscaping at a private residence on Estates Drive or at any property that it does not own elsewhere within its service area. EBMUD suggests that this concern be addressed to the property owner and/or coordinated with the City of Oakland Public Works Department.

DR-2-1

Simplified Summary Petition

**Submitted to: Estates Reservoir Replacement
Draft Environmental Impact Report**

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Facts:

OCT 16 2009

I'm aware that:

PLANNING DIVISION

- 1) Estates is heavily used by Pedestrians and vehicles.
- 2) The Roadway is too narrow.
- 3) Approaching Cars are dangerous (Narrow and unsafe road widths)
Peak vehicle use is 55 AM and 66 PM
Many vehicles travel at higher speeds
- 4) There is a dangerous BLIND Curve at western part of project.
- 5) There is No Room for Pedestrians.
- 6) Neighborhood children are at risk.
- 7) THERE IS A NEED FOR a Pedestrian Trail as part of Project.

THEREFORE I PROPOSE:

That a pedestrian trail be EXTENDED along the ENTIRE PROJECT FRONTAGE ADJACENT TO ESTATES DRIVE as detailed in a letter submitted by Reid Settlemier titled "Petition of Action".

Respectfully submitted:



David Rovno

6238 Estates Drive Oakland, Ca. 94611

October 11, 2009

I am aware that Reid Settlemier [(510) 520 9325 / reid@bigge.com] has submitted a more detailed letter outlining the **neighborhood's concerns** and a detailed **Request for Action**.

Portions of his letter details the following:

"Therefore, we respectfully request that the proposed pedestrian trail be extended along the entire Project frontage adjacent to Estates Drive, from the western boundary of the Project to the eastern boundary of the Project. This extended trail will provide the safest means of pedestrian circulation along the frontage of the Project. We submit that the paramount consideration should be separation of the pedestrians and vehicular traffic, and that consideration is more important than maximizing sight distances to Estates Drive."

2.25 David Rovno

DR-2-1. Refer to 2.1.4 Master Response on Traffic and Circulation and BRS-1-2, 2-1, 2-2 and 2-3.

Ms. Gwendolyn A. Alie
Associate Planner
October 11, 2009
Page 1

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PLANNING DIVISION

October 11, 2009

Petition for Action

Via E-Mail – estateseir@ebmud.com

Ms. Gwendolyn A. Alie
Associate Planner
EBMUD Mail Slot #701
PO Box 24055
Oakland, California 94623-1055

**Re: Estates Reservoir Replacement
Draft Environmental Impact Report**

Dear Ms. Alie:

DS-1-1

I am a neighbor of the Estates Reservoir. I have reviewed the Draft Environmental Impact Report (the "Draft EIR") for the Estates Reservoir Replacement Project (the "Project"), and generally concur with the proposed findings and conclusions contained therein. However, I do have some concerns about the proposed pedestrian trail and offer those concerns herein.

DS-1-2

Initially, it is important to point out that pedestrian uses adjacent to the site are identified as one of the primary concerns of the Project. Figure 3.2-4 states that a primary concern is the "Opportunity for pathway around site property at edge of road, similar to Piedmont reservoir." To that end, the Project proposes "As part of the Project, the trail around the site would be improved, and a low wooden fence separating the roadway and path would be constructed, providing a benefit to the community." See Draft EIR, pg. 3.6-9.

I laud the efforts of EBMUD to include a pedestrian trail as part of the Project. As EBMUD has discovered in connection with its preparation of the Draft EIR, there is presently little room for pedestrian movement on Estates Drive adjacent to the Project. In fact, as pointed out in the Draft EIR, "The roadway [Estates Drive] is 30 feet wide south of Moraga Avenue, narrows to about 18 feet south of McAndrew Drive, and widens to 24 feet next to the Estates Reservoir entrance. *Where the roadway narrows to less than 20 feet, it is difficult to provide for two way travel.*" See Draft EIR, pg. 3.6-9 (emphasis supplied). It is our experience that when cars approach from opposite directions on Estates Drive, especially along the curve near the southwestern edge of the Project, there is absolutely no room for pedestrian traffic. The only means for pedestrians to avoid conflicts with traffic is to avoid the street totally, turning to the EBMUD property within the Project. The "informal trail" on the EBMUD property was created out of necessity for pedestrians seeking to avoid the unsafe roadway conditions.

Ms. Gwendolyn A. Alic
Associate Planner
October 11, 2009
Page 2

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PLANNING DIVISION

Petition for Action

DS-1-2

This unsafe pedestrian/vehicular conflict is exacerbated by the vehicle trips in the vicinity of the Project. In fact, the Draft EIR identifies 630 Average Daily Traffic trips, 55 AM Peak Hour trips, and 66 PM Peak Hour Trips (66) on Estates Drive near the Project. See Draft EIR, pg. 3.6-4. I'm especially troubled by the PM Peak Hour trips, which occur at the same time that many of the neighborhood children are out of school and present on our neighborhood streets.

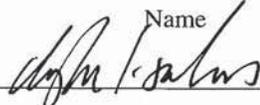
Again, I'm are grateful that EBMUD proposes to create a clearly delineated pedestrian trail, separated from vehicular traffic by a low wooden fence. However, I request that the pedestrian trail be extended along the entire Project frontage adjacent to Estates drive, from the western boundary of the Project to the eastern boundary of the Project. Presently, the proposed pedestrian trail is designed to run from approximately 90 feet from the western boundary of the Project's Estates Drive frontage, to about 200 feet from the eastern boundary of the Project's Estates Drive frontage. That means there is approximately 290 feet of frontage along Estates Drive where pedestrians will be forced to walk on Estates Drive.

I appreciate that EBMUD has proposed "four entries to the trail ... at locations that maximize sight distance to the roadway network." See Draft EIR, pg. 3.6-9. I understand that the proposed trail configuration is the result of EBMUD's safety objective of having pedestrians entering onto Estates Drive from the proposed pedestrian trail head on, i.e. at a 90° angle. However, I submit that EBMUD's concern about preserving sight distances to the roadway networks are significantly outweighed by the overarching objective of keeping pedestrians and vehicles separated.

Therefore, I respectfully request that the proposed pedestrian trail be extended along the entire Project frontage adjacent to Estates Drive, from the western boundary of the Project to the eastern boundary of the Project. This extended trail will provide the safest means of pedestrian circulation along the frontage of the Project. I submit that the paramount consideration should be separation of the pedestrians and vehicular traffic, and that consideration is more important than maximizing sight distances to Estates Drive.

Thank you for your consideration and please feel free to contact Reid Settlemier at (510) 520-9325, or a reid@bigge.com should you have questions or comments.

Respectfully submitted:

Name	Date	Address
	14 OCTOBER 2009	6123 ESTATES DRIVE

p.s. I have been making my neighbors aware of the my concerns and have encouraged them to also make their concerns aware to you.

2.26 Douglas Saunders

- DS-1-1. EBMUD appreciates the review and input of the Draft EIR and concurrence with the conclusions in the document.
- DS-1-2. Refer to 2.1.4 Master Response on Traffic and Circulation. Construction of the project will not alter the existing design or operation of Estates Drive with regard to roadway or pedestrian facilities, and EBMUD has undertaken the pedestrian path improvements in response to concerns of neighboring property owners. The design that is being proposed utilizes sight distances that are intended to maximize safety by increasing the road area that can be viewed upon exiting the path.

Comment Letter DS-2

Letter of Concern and Request for Action

October 11, 2009

Ms. Gwendolyn A. Alie
Associate Planner
EBMUD Mail Slot #701
PO Box 24055
Oakland, California 94623-1055

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OCT 16 2009

Re: "Estates Reservoir Replacement / Draft Environmental Impact Report" PLANNING DIVISION

Dear Ms. Alie:

DS-2-1

I live at 6123 ESTATES DRIVE. The area around the Estates Reservoir is a great place to walk, run and ride bikes. It is used daily by hundreds of local residents for recreation. It is also heavily traveled by cars. The street is narrow and there are no sidewalks. The shrubs and trees have overgrown into the City right-of-way which further reduces the width of this already narrow street.

This part of Estates Drive is heavily used by walkers and bikers since it is so scenic by the reservoir with the open space and the beautiful views of the Bay. I personally walk (ride my bike, jog, etc) on Estates Dr. every week and this turn scares me as it is so unsafe.

The construction work at the Estates Reservoir would allow for the path to be extended all the way to the western edge of the EBMUD property. I understand from the EIR that the fence is going to be replaced so there should be no additional fencing costs to EBMUD.

In the EIR, EBMUD proposes to install a pathway around most of the reservoir, but they stop short of the West end of the property. This is strange as the area where there is no proposed path is the most unsafe part of Estates Dr. This turn is a tight, narrow (18' wide) and generally unsafe for two cars to pass. It is impossible for two cars and pedestrians to be in this area at the same time. Someone is going to get hurt.

It is my strong opinion that the pathway should extend the entire way around the reservoir along Estates Dr. It would be very simple to extend the proposed walking path an additional 150' to the West edge of the reservoir property. Extending the path would be a great benefit to the community as it would insure separation between pedestrians and traffic.

DS-2-2

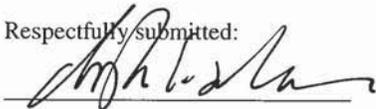
My second item of concern is that I would like the fence to be moved farther back away from the roadway to the as close as it can be to the existing EBMUD access driveway. This will allow the public more use of the open space created by this project. Again, there should be no additional fencing costs. There should actually be a reduction in fencing as the perimeter fence will be shortened in total length.

DS-2-3

My third item of concern is that the vegetation from 6130 Estates is overgrown and encroaches on the City right-of-way. As stated this further decreases visibility and narrows this already tight turn. Finally, I also think that a pathway or sidewalk should be installed in front of 6145 Estates Dr. and 6133 Estates Dr. This will insure that there is a safe pedestrian walkway around this difficult turn.

Thank you for your help with this. May I hear more on how my concerns are being incorporated in the EIR.

Respectfully submitted:



DOUGLAS L. SAUNDERS

Saved: Estates Walkway Proposal .doc

2.27 Douglas Saunders

- DS-2-1. Refer to 2.1.4 Master Response on Traffic and Circulation. The described conditions have been noted in the Draft EIR. While EBMUD is proposing some improvements to the existing pedestrian access, enhancements to Estates Drive are outside of the project scope, and the eastern and western limits of the pedestrian path are not being changed in order to retain the existing sight lines.
- DS-2-2. Refer to 2.1.4 Master Response on Traffic and Circulation. While EBMUD is proposing some improvements to the existing pedestrian access, enhancements to Estates Drive are outside of the project scope, and the eastern and western limits of the pedestrian path are not being changed in order to retain the existing sight lines.
- DS-2-3. Refer to 2.1.4 Master Response on Traffic and Circulation. Regarding the comment about overgrown vegetation at 6130 Estates Drive and elsewhere and the perception that overgrown landscaping is impacting roadway visibility and exacerbating a hazardous roadway condition, EBMUD has no authority to prune or otherwise maintain landscaping at a private residence on Estates Drive or at any property that it does not own elsewhere within its service area. EBMUD suggests that this concern be addressed to the property owner and/or coordinated with the City of Oakland Public Works Department.

DS-3-1

Simplified Summary Petition

**Submitted to: Estates Reservoir Replacement
Draft Environmental Impact Report**

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OCT 16 2009

PLANNING DIVISION

Facts:

I'm aware that:

- 1) Estates is heavily used by Pedestrians and vehicles.
- 2) The Roadway is too narrow.
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Peak vehicle use is 55 AM and 66 PM
Many vehicles travel at higher speeds
- 4) There is a dangerous BLIND Curve at western part of project.
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- 6) Neighborhood children are at risk.
- 7) THERE IS A NEED FOR a Pedestrian Trail as part of Project.

THEREFORE I PROPOSE:

That a pedestrian trail be EXTENDED along the ENTIRE PROJECT FRONTAGE ADJACENT TO ESTATES DRIVE as detailed in a letter submitted by Reid Settlemier titled "Petition of Action".

Respectfully submitted:

DOUGLAS L. SANDOZ
Homeowner name

6123 ESTATES DRIVE
Address

14 OCTOBER 2009
Date

I am aware that Reid Settlemier [(510) 520 9325 / reid@bigge.com] has submitted a more detailed letter outlining the **neighborhood's concerns** and a detailed **Request for Action**.

Portions of his letter details the following:

"Therefore, we respectfully request that the proposed pedestrian trail be extended along the entire Project frontage adjacent to Estates Drive, from the western boundary of the Project to the eastern boundary of the Project. This extended trail will provide the safest means of pedestrian circulation along the frontage of the Project. We submit that the paramount consideration should be separation of the pedestrians and vehicular traffic, and that consideration is more important than maximizing sight distances to Estates Drive."

2.28 Douglas Saunders

DS-3-1. Refer to 2.1.4 Master Response on Traffic and Circulation and BRS-1-2, 2-1, 2-2 and 2-3.

Comment Letter EA-1

October 11, 2009

Via E-Mail – HYPERLINK "<mailto:estateseir@ebmud.com>" estateseir@ebmud.com

Ms. Gwendolyn A. Alie
Associate Planner
EBMUD Mail Slot #701
PO Box 24055
Oakland, California 94623-1055

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OCT 16 2009

PLANNING DIVISION

**Re: Estates Reservoir Replacement
Draft Environmental Impact Report**

Dear Ms. Alie:

EA-1-1

I am a neighbor of the Estates Reservoir. I have reviewed the Draft Environmental Impact Report (the "Draft EIR") for the Estates Reservoir Replacement Project (the "Project"), and generally concur with the proposed findings and conclusions contained therein. However, I do have some concerns about the proposed pedestrian trail and offer those concerns herein.

EA-1-2

Initially, it is important to point out that pedestrian uses adjacent to the site are identified as one of the primary concerns of the Project. Figure 3.2-4 states that a primary concern is the "Opportunity for pathway around site property at edge of road, similar to Piedmont reservoir." To that end, the Project proposes "As part of the Project, the trail around the site would be improved, and a low wooden fence separating the roadway and path would be constructed, providing a benefit to the community." See Draft EIR, pg. 3.6-9.

I laud the efforts of EBMUD to include a pedestrian trail as part of the Project. As EBMUD has discovered in connection with its preparation of the Draft EIR, there is presently little room for pedestrian movement on Estates Drive adjacent to the Project. In fact, as pointed out in the Draft EIR, "The roadway [Estates Drive] is 30 feet wide south of Moraga Avenue, *narrows to about 18 feet south of McAndrew Drive*, and widens to 24 feet next to the Estates Reservoir entrance. *Where the roadway narrows to less than 20 feet, it is difficult to provide for two way travel.*" See Draft EIR, pg. 3.6-9 (emphasis supplied). It is our experience that when cars approach from opposite directions on Estates Drive, especially along the curve near the southwestern edge of the Project, there is absolutely no room for pedestrian traffic. The only means for pedestrians to avoid conflicts with traffic is to avoid the street totally, turning to the EBMUD property within the Project. The "informal trail" on the EBMUD property was created out of necessity for pedestrians seeking to avoid the unsafe roadway conditions.

This unsafe pedestrian/vehicular conflict is exacerbated by the vehicle trips in the vicinity of the Project. In fact, the Draft EIR identifies 630 Average Daily Traffic trips, 55 AM Peak Hour trips, and 66 PM Peak Hour Trips (66) on Estates Drive near the Project. See Draft EIR, pg. 3.6-4. I'm especially troubled by the PM Peak Hour trips, which occur at the same time that many of the neighborhood children are out of school and present on our neighborhood streets.

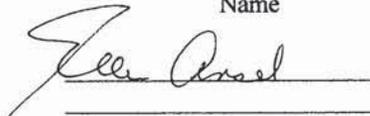
Again, I'm are grateful that EBMUD proposes to create a clearly delineated pedestrian trail, separated from vehicular traffic by a low wooden fence. However, I request that the pedestrian trail be extended along the entire Project frontage adjacent to Estates drive, from the western boundary of the Project to the eastern boundary of the Project. Presently, the proposed pedestrian trail is designed to run from approximately 90 feet from the western boundary of the Project's Estates Drive frontage, to about 200 feet from the eastern boundary of the Project's Estates Drive frontage. That means there is approximately 290 feet of frontage along Estates Drive where pedestrians will be forced to walk on Estates Drive.

I appreciate that EBMUD has proposed "four entries to the trail ... at locations that maximize sight distance to the roadway network." See Draft EIR, pg. 3.6-9. I understand that the proposed trail configuration is the result of EBMUD's safety objective of having pedestrians entering onto Estates Drive from the proposed pedestrian trail head on, i.e. at a 90° angle. However, I submit that EBMUD's concern about preserving sight distances to the roadway networks are significantly outweighed by the overarching objective of keeping pedestrians and vehicles separated.

Therefore, I respectfully request that the proposed pedestrian trail be extended along the entire Project frontage adjacent to Estates Drive, from the western boundary of the Project to the eastern boundary of the Project. This extended trail will provide the safest means of pedestrian circulation along the frontage of the Project. I submit that the paramount consideration should be separation of the pedestrians and vehicular traffic, and that consideration is more important than maximizing sight distances to Estates Drive.

Thank you for your consideration and please feel free to contact Reid Settlemier at (510) 520-9325, or a HYPERLINK "mailto:reid@bigge.com" reid@bigge.com should you have questions or comments.

Respectfully submitted:

Name	Date	Address
	10/12/09	5985 McAndrew Dr.

2.29 Ellen Ansel

- EA 1-1. EBMUD appreciates the review and input of the Draft EIR and concurrence with the conclusions in the document.
- EA-1-2. Refer to 2.1.4 Master Response on Traffic and Circulation. Construction of the project will not alter the existing design or operation of Estates Drive with regard to roadway or pedestrian facilities, and EBMUD has undertaken the pedestrian path improvements in response to concerns of neighboring property owners. The design that is being proposed utilizes sight distances that are intended to maximize safety by increasing the road area that can be viewed upon exiting the path.

EA-2-1

Simplified Summary Petition

**Submitted to: Estates Reservoir Replacement
Draft Environmental Impact Report**

WATER DISTRIBUTION
OCT 16 2009
PLANNING DIVISION

Facts:

I'm aware that:

- 1) Estates is heavily used by Pedestrians and vehicles.
- 2) The Roadway is too narrow.
- 3) Approaching Cars are dangerous (Narrow and unsafe road widths)
Peak vehicle use is 55 AM and 66 PM
Many vehicles travel at higher speeds
- 4) There is a dangerous BLIND Curve at western part of project.
- 5) There is No Room for Pedestrians.
- 6) Neighborhood children are at risk.
- 7) THERE IS A NEED FOR a Pedestrian Trail as part of Project.

THEREFORE I PROPOSE:

**That a pedestrian trail be EXTENDED along the ENTIRE PROJECT FRONTAGE
ADJACENT TO ESTATES DRIVE as detailed in a letter submitted by Reid
Settlemier titled "Petition of Action".**

Respectfully submitted:

 5985 MAndrew 10/12/09
 Homeowner name Address Date

I am aware that Reid Settlemier [(510) 520 9325 / reid@bigge.com] has submitted a more detailed letter outlining the **neighborhood's concerns** and a detailed **Request for Action**.

Portions of his letter details the following:

"Therefore, we respectfully request that the proposed pedestrian trail be extended along the entire Project frontage adjacent to Estates Drive, from the western boundary of the Project to the eastern boundary of the Project. This extended trail will provide the safest means of pedestrian circulation along the frontage of the Project. We submit that the paramount

2.30 Ellen Ansel

EA-2-1. Refer to 2.1.4 Master Response on Traffic and Circulation and BRS-1-2, 2-1, 2-2 and 2-3.

Comment Letter EEB-1

Letter of Concern and Request for Action

October 11, 2009

Ms. Gwendolyn A. Alie
Associate Planner
EBMUD Mail Slot #701
PO Box 24055
Oakland, California 94623-1055

WATER DISTRIBUTION

OCT 16 2009

PLANNING DIVISION

Re: "Estates Reservoir Replacement / Draft Environmental Impact Report"

Dear Ms. Alie:

EEB-1-1

I live at 6066 Estates Dr. The area around the Estates Reservoir is a great place to walk, run and ride bikes. It is used daily by hundreds of local residents for recreation. It is also heavily traveled by cars. The street is narrow and there are no sidewalks. The shrubs and trees have overgrown into the City right-of-way which further reduces the width of this already narrow street.

This part of Estates Drive is heavily used by walkers and bikers since it is so scenic by the reservoir with the open space and the beautiful views of the Bay. I personally walk (ride my bike, jog, etc) on Estates Dr. every week and this turn scares me as it is so unsafe.

The construction work at the Estates Reservoir would allow for the path to be extended all the way to the western edge of the EBMUD property. I understand from the EIR that the fence is going to be replaced so there should be no additional fencing costs to EBMUD.

In the EIR, EBMUD proposes to install a pathway around most of the reservoir, but they stop short of the West end of the property. This is strange as the area where there is no proposed path is the most unsafe part of Estates Dr. This turn is a tight, narrow (18' wide) and generally unsafe for two cars to pass. It is impossible for two cars and pedestrians to be in this area at the same time. Someone is going to get hurt.

It is my strong opinion that the pathway should extend the entire way around the reservoir along Estates Dr. It would be very simple to extend the proposed walking path an additional 150' to the West edge of the reservoir property. Extending the path would be a great benefit to the community as it would insure separation between pedestrians and traffic.

EEB-1-2

My second item of concern is that I would like the fence to be moved farther back away from the roadway to the as close as it can be to the existing EBMUD access driveway. This will allow the public more use of the open space created by this project. Again, there should be no additional fencing costs. There should actually be a reduction in fencing as the perimeter fence will be shortened in total length.

EEB-1-3

My third item of concern is that the vegetation from 6130 Estates is overgrown and encroaches on the City right-of-way. As stated this further decreases visibility and narrows this already tight turn. Finally, I also think that a pathway or sidewalk should be installed in front of 6145 Estates Dr. and 6133 Estates Dr. This will insure that there is a safe pedestrian walkway around this difficult turn.

Thank you for your help with this. May I hear more on how my concerns are being incorporated in the EIR.

Respectfully submitted:



ERICA + ERIC BALTMAN

Saved: Estates Walkway Proposal .doc

2.31 Eric and Erica Bachman

- EEB-1-1. Refer to 2.1.4 Master Response on Traffic and Circulation. The described conditions have been noted in the Draft EIR. While EBMUD is proposing some improvements to the existing pedestrian access, enhancements to Estates Drive are outside of the project scope, and the eastern and western limits of the pedestrian path are not being changed in order to retain the existing sight lines.
- EEB-1-2. Refer to 2.1.4 Master Response on Traffic and Circulation. While EBMUD is proposing some improvements to the existing pedestrian access, enhancements to Estates Drive are outside of the project scope, and the eastern and western limits of the pedestrian path are not being changed in order to retain the existing sight lines.
- EEB-1-3. Refer to 2.1.4 Master Response on Traffic and Circulation. Regarding the comment about overgrown vegetation at 6130 Estates Drive and elsewhere and the perception that overgrown landscaping is impacting roadway visibility and exacerbating a hazardous roadway condition, EBMUD has no authority to prune or otherwise maintain landscaping at a private residence on Estates Drive or at any property that it does not own elsewhere within its service area. EBMUD suggests that this concern be addressed to the property owner and/or coordinated with the City of Oakland Public Works Department.

2.32 Eric and Erica Bachman

EEB-2-1. Refer to 2.1.4 Master Response on Traffic and Circulation and BRS-1-2, 2-1, 2-2 and 2-3.

Comment Letter HTP-1

Ms. Gwendolyn A. Alie
Associate Planner
October 11, 2009
Page 1

WATER DISTRIBUTION
OCT 16 2009
PLANNING DIVISION

Petition for Action

October 11, 2009

Via E-Mail – estateseir@ebmud.com

Ms. Gwendolyn A. Alie
Associate Planner
EBMUD Mail Slot #701
PO Box 24055
Oakland, California 94623-1055

**Re: Estates Reservoir Replacement
Draft Environmental Impact Report**

Dear Ms. Alie:

HTP-1-1

I am a neighbor of the Estates Reservoir. I have reviewed the Draft Environmental Impact Report (the "Draft EIR") for the Estates Reservoir Replacement Project (the "Project"), and generally concur with the proposed findings and conclusions contained therein. However, I do have some concerns about the proposed pedestrian trail and offer those concerns herein.

HTP-1-2

Initially, it is important to point out that pedestrian uses adjacent to the site are identified as one of the primary concerns of the Project. Figure 3.2-4 states that a primary concern is the "Opportunity for pathway around site property at edge of road, similar to Piedmont reservoir." To that end, the Project proposes "As part of the Project, the trail around the site would be improved, and a low wooden fence separating the roadway and path would be constructed, providing a benefit to the community." See Draft EIR, pg. 3.6-9.

I laud the efforts of EBMUD to include a pedestrian trail as part of the Project. As EBMUD has discovered in connection with its preparation of the Draft EIR, there is presently little room for pedestrian movement on Estates Drive adjacent to the Project. In fact, as pointed out in the Draft EIR, "The roadway [Estates Drive] is 30 feet wide south of Moraga Avenue, narrows to about 18 feet south of McAndrew Drive, and widens to 24 feet next to the Estates Reservoir entrance. Where the roadway narrows to less than 20 feet, it is difficult to provide for two way travel." See Draft EIR, pg. 3.6-9 (emphasis supplied). It is our experience that when cars approach from opposite directions on Estates Drive, especially along the curve near the southwestern edge of the Project, there is absolutely no room for pedestrian traffic. The only

Ms. Gwendolyn A. Alie
Associate Planner
October 11, 2009
Page 2

Petition for Action

means for pedestrians to avoid conflicts with traffic is to avoid the street totally, turning to the EBMUD property within the Project. The "informal trail" on the EBMUD property was created out of necessity for pedestrians seeking to avoid the unsafe roadway conditions.

HTP-1-2

This unsafe pedestrian/vehicular conflict is exacerbated by the vehicle trips in the vicinity of the Project. In fact, the Draft EIR identifies 630 Average Daily Traffic trips, 55 AM Peak Hour trips, and 66 PM Peak Hour Trips (66) on Estates Drive near the Project. See Draft EIR, pg. 3.6-4. I'm especially troubled by the PM Peak Hour trips, which occur at the same time that many of the neighborhood children are out of school and present on our neighborhood streets.

Again, I'm are grateful that EBMUD proposes to create a clearly delineated pedestrian trail, separated from vehicular traffic by a low wooden fence. However, I request that the pedestrian trail be extended along the entire Project frontage adjacent to Estates drive, from the western boundary of the Project to the eastern boundary of the Project. Presently, the proposed pedestrian trail is designed to run from approximately 90 feet from the western boundary of the Project's Estates Drive frontage, to about 200 feet from the eastern boundary of the Project's Estates Drive frontage. That means there is approximately 290 feet of frontage along Estates Drive where pedestrians will be forced to walk on Estates Drive.

I appreciate that EBMUD has proposed "four entries to the trail ... at locations that maximize sight distance to the roadway network." See Draft EIR, pg. 3.6-9. I understand that the proposed trail configuration is the result of EBMUD's safety objective of having pedestrians entering onto Estates Drive from the proposed pedestrian trail head on, i.e. at a 90_ angle. However, I submit that EBMUD's concern about preserving sight distances to the roadway networks are significantly outweighed by the overarching objective of keeping pedestrians and vehicles separated.

Therefore, I respectfully request that the proposed pedestrian trail be extended along the entire Project frontage adjacent to Estates Drive, from the western boundary of the Project to the eastern boundary of the Project. This extended trail will provide the safest means of pedestrian circulation along the frontage of the Project. I submit that the paramount consideration should be separation of the pedestrians and vehicular traffic, and that consideration is more important than maximizing sight distances to Estates Drive.

Thank you for your consideration and please feel free to contact Reid Settlemier at (510) 520-9325, or a reid@bigge.com should you have questions or comments.

Respectfully submitted:

Comment Letter HTP-1

Ms. Gwendolyn A. Alie
Associate Planner
October 11, 2009
Page 3

Petition for Action

Name Date Address
Alan & Tom Pollock *10.12.09* *4039 Bullard Dr. Oakland*
94611
p.s. I have been making my neighbors aware of the my concerns and have encouraged them to also make their concerns aware to you.

2.33 Helen and Tom Pollock

- HTP 1-1. EBMUD appreciates the review and input of the Draft EIR and concurrence with the conclusions in the document.
- HTP-1-2. Refer to 2.1.4 Master Response on Traffic and Circulation. Construction of the project will not alter the existing design or operation of Estates Drive with regard to roadway or pedestrian facilities, and EBMUD has undertaken the pedestrian path improvements in response to concerns of neighboring property owners. The design that is being proposed utilizes sight distances that are intended to maximize safety by increasing the road area that can be viewed upon exiting the path.

HTP-2-1

Simplified Summary Petition

Submitted to: Estates Reservoir Replacement
Draft Environmental Impact Report

WALKWAY PROPOSAL SUBMISSION

OCT 16 2009

PLANNING DIVISION

Facts:

I'm aware that:

- 1) Estates is heavily used by Pedestrians and vehicles.
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 - Many vehicles travel at higher speeds
- 4) There is a dangerous BLIND Curve at western part of project.
- 5) There is No Room for Pedestrians.
- 6) Neighborhood children are at risk.
- 7) THERE IS A NEED FOR a Pedestrian Trail as part of Project.

THEREFORE I PROPOSE:

That a pedestrian trail be EXTENDED along the ENTIRE PROJECT FRONTAGE ADJACENT TO ESTATES DRIVE as detailed in a letter submitted by Reid Settlemier titled "Petition of Action".

Respectfully submitted:

Reid & Tom Pollock 6039 Bullard Dr 10-12-09
Homeowner name Address Date

I am aware that Reid Settlemier [(510) 520 9325 / reid@bigge.com] has submitted a more detailed letter outlining the neighborhood's concerns and a detailed Request for Action.

Portions of his letter details the following:

"Therefore, we respectfully request that the proposed pedestrian trail be extended along the entire Project frontage adjacent to Estates Drive, from the western boundary of the Project to the eastern boundary of the Project. This extended trail will provide the safest means of pedestrian circulation along the frontage of the Project. We submit that the paramount consideration should be separation of the pedestrians and vehicular traffic, and that consideration is more important than maximizing sight distances to Estates

2.34 Helen and Tom Pollock

HTP-2-1. Refer to 2.1.4 Master Response on Traffic and Circulation and BRS-1-2, 2-1, 2-2 and 2-3.

JCL-1

Simplified Summary Petition

**Submitted to: Estates Reservoir Replacement
Draft Environmental Impact Report**

WATER DISTRIBUTION

OCT 16 2009

PLANNING DIVISION

Facts:

I'm aware that:

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- 7) THERE IS A NEED FOR a Pedestrian Trail as part of Project.

THEREFORE I PROPOSE:

That a pedestrian trail be EXTENDED along the ENTIRE PROJECT FRONTAGE ADJACENT TO ESTATES DRIVE as detailed in a letter submitted by Reid Settlemier titled "Petition of Action".

Respectfully submitted:

John + Charles Loeffler - 6318 Ballard Dr. 10-11-09
 Homeowner name Address Date

I am aware that Reid Settlemier [(510) 520 9325 / reid@bigge.com] has submitted a more detailed letter outlining the neighborhood's concerns and a detailed Request for Action.

Portions of his letter details the following:

"Therefore, we respectfully request that the proposed pedestrian trail be extended along the entire Project frontage adjacent to Estates Drive, from the western boundary of the Project to the eastern boundary of the Project. This extended trail will provide the safest means of pedestrian circulation along the frontage of the Project. We submit that the paramount consideration should be separation of the pedestrians and vehicular traffic, and that consideration is more important than maximizing sight distances to Estates Drive."

2.35 Joanne and Charles Loughran

JCL-2-1. Refer to 2.1.4 Master Response on Traffic and Circulation and BRS-1-2, 2-1, 2-2 and 2-3.

JH-1

Simplified Summary Petition

**Submitted to: Estates Reservoir Replacement
Draft Environmental Impact Report**

WATER DISTRIBUTION

Facts:

OCT 16 2009

I'm aware that:

PLANNING DIVISION

- 1) Estates is heavily used by Pedestrians and vehicles.
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THEREFORE I PROPOSE:

That a pedestrian trail be EXTENDED along the ENTIRE PROJECT FRONTAGE ADJACENT TO ESTATES DRIVE as detailed in a letter submitted by Reid Settlemier titled "Petition of Action".

Respectfully submitted:


Homeowner name
JAMES W. HANCOCK

6222 Estates Dr
Address

10/12/09
Date

I am aware that Reid Settlemier [(510) 520 9325 / reid@bigge.com] has submitted a more detailed letter outlining the neighborhood's concerns and a detailed **Request for Action**.

Portions of his letter details the following:

"Therefore, we respectfully request that the proposed pedestrian trail be extended along the entire Project frontage adjacent to Estates Drive, from the western boundary of the Project to the eastern boundary of the Project. This extended trail will provide the safest means of pedestrian circulation along the frontage of the Project. We submit that the paramount consideration should be separation of the pedestrians and vehicular traffic, and that consideration is more important than maximizing sight distances to Estates Drive."

2.36 James Halloc

JH-1. Refer to 2.1.4 Master Response on Traffic and Circulation and BRS-1-2, 2-1, 2-2 and 2-3.

Comment Letter JJPM

Janice Jagelski
Patrick Morrin
6333 Estates Drive
Oakland, CA 94611

RECEIVED OCT 19 2009

Gwendolyn A. Alie, Associate Planner
M/S #701
375 Eleventh Street
Oakland, CA 94607-4240

Email: estateseir@ebmud.com

October 15, 2009

Comments on Estates Reservoir Replacement Draft EIR

JJPM-1

Once the Estate Reservoir demolition and construction project commences we want work to proceed as quickly and efficiently as possible. However, we are the neighbors at 6333 Estates Drive with the greatest contiguous property line (approximately 390 ft) and will be very near the construction activity with adjacent driveways and your parking area next to our home. We work from our home and will be present throughout the entire two-year construction project. One of us is asthmatic and requires the use of inhalers and medication to breathe. Both our dogs are extremely sensitive to noise, vibration and as good guard dogs are very vigilant to people near our fence line. **Our main concerns can be categorized under: traffic, noise, vibration, dust, fumes, privacy, security, tree protection, visual quality and project management.**

Traffic

JJPM-2

Tables 3.6-5 and 3.6-6 illustrate the expected Construction Schedule and Trip Generation Estimates for this project. Throughout the estimated 92-week duration of this project, there will be a significant increase in traffic on Estates Drive with up to 150 truck trips per day and 50 worker trips for a 9-week interval. A maximum of 22 truck trips per hour and 17 worker trips per hour are estimated during the busiest weeks. In order to accommodate 22 truck trips per hour there will be trucks queuing up on Estates Drive, blocking driveway access and road width. Workers parking on the shoulder of Estates Drive will also restrict access on the roadway. All this traffic will significantly negatively impact the walkers, joggers, cyclists and commuting cars who use Estates Drive on a regular basis. The roadway will be degraded with the weight of the trucks and cars parked on the shoulder of the road will degrade the access and quality of the roadway. Regular morning and evening transit routes for homeowners in this vicinity will be significantly negatively impacted.

Even though we work at home throughout the day, every school morning I drive my son to his school (Hillcrest Elementary at 30 Marguerite Drive, Oakland, 94618) two miles away from our home. Monday, Tuesday, Thursday and Friday he needs to be at school at 7:50 am for Spanish Class, and Wednesdays school starts at 8:30. The school is normally a ten-minute drive from our house. Every morning we rush out the door with no time to

spare. If construction trucks block access out our driveway or along our route, we will endure a major significant impact that unless mitigated with a strict schedule of trucking times in front of our home and along our route to school will create a long, arduous relationship with the EBMUD construction site as well as with all the neighbors who commute each morning throughout this entire construction project. EBMUD can mitigate this negative impact to our household by providing us with clear access from our driveway at 7:40 each morning through the immediate northbound route from our driveway (6333 Estates) to Bullard Drive, back onto Estates @ Bullard, and clear access from Estates Drive to Moraga Ave (east bound) so that we can merge onto Hwy 13 (northbound) from Moraga Ave – this is our easiest way to get to school. If there are flaggers and trucks in our way I will have a miserable existence and will be constantly calling your EBMUD supervisors and our City Council Person (Jean Quan. This is a significant concern for us, as it will be for any commuter in the neighborhood. The alternate route south to La Salle then to north bound Hwy 13, which you might suggest, is worse to begin with and will only degrade with the addition of the truck traffic as laid out in the EIR.

JJPM-2

Suggested Mitigation Measure: Construction truck scheduling should be reduced during morning commute hours from 7:30 – 8 am and our driveway and access routes shall not be blocked on school mornings.

Suggested Mitigation Measure: In order to reduce a significant amount of traffic generated by workers arriving and departing from the project site, workers shall be required to park over at the Blair (Piedmont) Reservoir and be brought to/from the work site by vans. Worker’s access route to and from the Blair/Piedmont Reservoir site shall be from Moraga Ave. to Harbord, to Blair. This would also reduce the impact of cars on the La Salle and Estates roadway as well as parking along the shoulder of Estates Drive.

JJPM-3

On the perimeter of the EBMUD site, where Bullard Drive meets Estates Drive, a large, unfenced culvert has created a 2-3 foot deep hole next to the pavement. Cars parking in that area get stuck and require a tow truck to get out. Although this is probably City of Oakland right-of-way, EBMUD construction workers parking in this area will further exacerbate this existing problem, and if workers are permitted to park in this area then EBMUD should pay for the cost of safely fencing off this hazard with a guardrail. The remaining roadway should be inspected prior to commencement of construction and restored to like standards at the completion of the construction project (or any time throughout construction if the roadway becomes unsafe).

JJPM-4

Suggested Mitigation Measure: If workers are permitted to park off the roadway along Estates Drive, EBMUD should repair an existing hazard that is dangerous for pedestrians, cyclists and cars.

Traffic is a noted significant impact, but consideration to commute and school hour traffic - be they cars, bikes or pedestrians - can be mitigated to relieve neighborhood discomfort.

Comment Letter JJPM

- JJPM-5
- Noise
- Both vehicle traffic and construction on and off site will generate noise throughout the entire construction project and impact adjacent neighbors.
- Trucks idling on Estates Drive and on the Estates Reservoir site waiting to unload/load material on site will cause noise, fumes, dust and it is not acceptable to allow them to idle for up to 30 minutes as stated in Section III B (Air Quality) of your Environmental Impact Check List.
- Mitigation: There shall be no EBMUD construction vehicles on Estates Drive or on the Estates Reservoir demolition site allowed to idle for more than 1 minute maximum before turning off their engine.**
- It is up to the Project Manager and site regulators to time the operation of these machines. Idling machinery is wasteful in fuel, causes noise pollution and fumes – all affecting our adjacent homes. Demolition of the reservoir will cause noise. Impacts to our home from grinding cement on site will be unbearably loud over the duration of many weeks. Pile drivers will be very disturbing, disrupting, and nerve wracking. We will be required to keep our windows and doors closed and reduce our outdoor activities (swimming, gardening, entertaining, cooking, our 8-yr old son playing in the yard with his friends).
- JJPM-6
- We request a schedule for when heavy equipment will be used, especially listing concrete grinding and pile driving activities and any construction exceeding 90 decibels so that we can plan our time away from home during these most disturbing activities. Our two dogs are also very sensitive to noise (thunder, fire works, gun shot) and for their health we would like to know when to expect excessively loud work (over 90 decibels).
- Mitigation Measures: A week in advance of excessively loud construction activity, EBMUD shall provide us with daily schedules of events exceeding 90 decibels and then will also pay for the daily dog care of our two dogs at Citizen Canine (our preferred dog care facility off Hegenberger Road) where they can be housed without suffering excruciating pain, discomfort and run-away tendencies caused by loud and violent noise caused by pile driving and concrete grinding activities next to our shared property line.**
- JJPM-7
- Dust
- Our home with 390 feet of contiguous property line is directly south of the project site and will be subject to aerial dust blowing from the construction site onto our home and garden. We have solar panels on our rear roof and their efficiency will be greatly reduced with any dirt blown onto them. Our windows will need to be washed more frequently to combat blown dust and dirt. My discomfort and health due to having asthma could increase significantly with an increase of airborne particulates. We are aware of several other neighbors who also have respiratory issues.

Mitigation Measures: EBMUD shall conduct a simple census of nearby residents to determine the prevalence and severity of respiratory issues and then plan accordingly to mitigate this significant health issue. The site shall be watered down hourly or more frequently if the wind is blowing to reduce air born pollutants from leaving the site. We presently wash the exterior of our windows twice annually, but given the expected level of dust EBMUD shall pay for the exterior washing of our windows one additional time per year and at the end of the project.

JJPM-7

Vibration

Our house was reconstructed over a five-year period and we were granted occupancy in April 2008. We are concerned about the impacts of vibration from construction activities.

JJPM-8

Mitigation: We require an inspection with EBMUD representatives as well as our structural engineer, general contractor, architect and landscape architect to acknowledge the condition prior to construction that would allow us recourse in the instance that stress fractures develop due to vibration from the construction site.

Vibration on site will also cause gophers to move away from the EBMUD site. With our long (390 ft) shared property line, our garden is the most likely direction for gophers to move. If there is an increase in gopher activity in our garden during the demolition and construction project, we expect EBMUD to hire an exterminator to eliminate the gophers in our yard.

Mitigation: EBMUD shall hire an exterminator to review our site prior to construction and then shall be prepared to review the site during construction if gopher activity increases on our site during construction and shall pay for cost of extermination of gophers due to vibration and noise at the Estates Reservoir construction site.

Fumes

We should not be subject to the dirt and noise caused by idling diesel trucks waiting to access the site.

JJPM-9

Mitigation: EBMUD shall conduct a simple census of nearby residents to determine the prevalence and severity of respiratory issues and then plan accordingly to mitigate this significant health issue. Trucks waiting on Estates Drive to gain access to the construction site shall not be permitted to idle their diesel engines if they are waiting in queue longer than 1 minute. Nor shall they be permitted to block access to/from our driveway from 7:30 – 7:45 each school morning (Monday – Friday).

Privacy

We spend a great deal of time in our yard, front, back and both sides. If loud noise and blowing dust from construction causes us to remain inside we will be terribly inconvenienced and have already spoken about those significant negative impacts including noise, dust, fumes and vibration already in this letter.

JJPM-10

Comment Letter JJPM

JJPM-10

We have found it to be a significant impact on our privacy when there are workers on the EBMUD property, as when annual tree trimming and brush removal is conducted by the California Conservation Corps, as their curious workers inevitably peer into our yard and violate our privacy, especially in our rear yard. Now we will have that situation for up to 12 hours a day for close to 2 years. Other neighbors may have the same concerns.

Mitigation: EBMUD shall erect a privacy fence (8ft height minimum) on the EBMUD site to screen our yard from view of the workers and also screen our view of the construction site.

JJPM-11

Security

During the reconstruction of our home, our site was robbed at least five times. Tools, equipment and materials were removed from locked storage areas and inside the house, and police detectives confirmed that access to our site was made through the EBMUD property, ostensibly because access and egress were easier through the porous fencing and the overgrown landscaping provided cover. Once construction begins on the EBMUD site, whoever wants to break into the site will do so. Neighbors only hope that thieves, attracted to the site, will not target nearby homes.

Mitigation Measure: EBMUD shall install security cameras and a full time security guard after construction hours to protect the site and act as a deterrent to thieves.

Mitigation Measure: If our vegetative screening on our shared fence is removed, EBMUD shall replace in kind or pay for the same value and installation of new vegetation screening by the time the project is deemed complete. We can provide an inventory of planting varieties that are located along the shared fence.

JJPM-12

Tree Protection

We value the beauty and increased privacy provided by the large cypress trees and smaller oak trees along our shared property lines. Many nights we listen to Great Horned Owls roosting in the cypress trees along our bordering property line.

Mitigation Measures: In order to protect these trees EBMUD shall fence all trees scheduled to remain post construction with fencing along their drip lines and that no vehicles be permitted to park under the tree canopies nor material be allowed to be stock-piled or disposed of beneath the trees. We recommend that none of the small oak trees (even smaller than protected trees) be removed along our shared property line. EBMUD shall visibly tag all trees, regardless of size, that are scheduled to be removed for this construction project.

In order to mitigate significant negative impacts to trees scheduled to remain on site, EBMUD shall hire a professional arborist to review the health of the trees on the site, especially those on the southerly side (our shared property line) to protect the health of these trees and maintain our privacy. If work is scheduled that will impact the trees, a professional arborist shall be used to cut roots or branches,

ensure proper irrigation, and monitor the health of the trees during the construction period. If any trees, including the small oak trees along the southern property line, are removed, they shall be replaced with a 3:1 ratio using native trees (not redwood), as near the property line as acceptable for healthy tree growth.

JJPM-12

The proposed berm made with stockpiled waste material shall be located so that it does not impact any mature trees or the smaller oak trees on the southern side of the EBMUD site. Again, the professional tree arborist shall be brought onsite to review impacts to existing trees, root zones, drainage and again, our privacy.

View Impact

JJPM-13

The Draft EIR when considering view concerns arrives at the conclusion that this is an insignificant issue. It should be noted that during the neighborhood meetings once the future of the existing fountains was canceled, neighbors' comments were favorable to the proposed new landscape, largely in part as it created views to the Bay. The existing redwood trees will soon block these Bay views from every perspective of the site, thereby depriving the entire neighborhood of the promised views. (Section 3.2-2) The EIR does not contemplate removing any mature trees, but the grove of redwood trees will very soon rise up to block the "improved view", thereby failing to deliver on one of the key promises for the site.

In addition, this same part of the reservoir has non-native black acacia trees, which will also grow into the view corridor, cannot be thinned and which are definite fire hazards. These trees also produce "volunteer" trees readily and rapidly. If the goal of the landscape plan is to replant the site with native vegetation these black acacia trees should be removed.

Finally, with respect to the topic of views, the EIR notes that:

"Figure 3.3-3 also presents photographic views of the site as seen from adjacent residences and depicts the viewpoint locations. Existing views of the site from residences surrounding and overlooking the site are filtered and partial; the visual focus is the tar and gravel reservoir roof with two large (now dry) fountains and empty planter, which is essentially a "hardscape" view, surrounded by mature trees and shrubs."

Nowhere in this simple analysis is our property considered, a property which has almost 390 contiguous feet of common border with the reservoir. The analysis in the EIR, when discussing public view corridors, neglects about 20% of the fenced viewpoints. One of our views, when we do look out to the reservoir, is one of only two residences that will ever even see the embedded tanks. While we don't have a problem with the proposed design as such, our orientation, contrary to the EIR claims, is not focused on "the tar and gravel reservoir" but rather on the view corridor to the Bay, a view that also crosses the reservoir site. The larger redwood trees on the Wood Road side of the Estates Reservoir site have grown too tall and disrupt this view corridor. We can no longer see Mt. Tamalpais and parts of the Golden Gate Bridge from our ground floor, whereas when we bought the property in 2001 our view was unimpeded.

Comment Letter JJPM

- JJPM-13 | In exchange for having to live next to this 2-year construction project and suffer through the noise, traffic, air quality issues, etc. we request that EBMUD trims a view corridor through these redwood trees, or remove them and replace them with native oak trees that will not grow to the same height as these redwood trees. We will be happy to look out on the re-landscaped reservoir site, but require EBMUD to own up to our view concerns as regards the redwood trees, a concern that will soon be shared by the neighborhood. So to us, and soon to the neighborhood, the view issue is not “insignificant” but it can be mitigated.
- Mitigation Measure: The young redwood trees down slope from the Estates Reservoir on the property line closest to Wood Drive shall be removed and replaced with native oak trees that will re-vegetate the site and not obstruct views such as the existing redwood trees do. The black acacia trees in the same area should also be removed.**
- JJPM-14 | EBMUD has made comments that the landscaping will be maintained in accordance with fire regulations. It should be noted that this policy today is reflected in an annual brush and tree clearing around the perimeter of the site. Given that the site will now be almost entirely landscaped, the neighborhood expects the level of maintenance to improve to include weeding prior to when non-native grasses and weeds go to seed. This would require both mid-spring weeding and mid-summer weeding.
- JJPM-15 | Construction Site Management
In order to communicate when we have a concern with the construction project, EBMUD shall provide one person responsible on site during all construction hours who we can call or talk with who has direct management responsibilities on the construction site and can attend to our needs. We also expect to be notified, in writing, when excessive noise (above 90 decibels) will be scheduled for the work site, or when construction hours or duration of the project changes.
- We also anticipate a porta-potty on site during the construction project. EBMUD shall have this facility serviced no less than twice a week so odors are not a problem. EBMUD shall also locate this facility or fully screen it so that we cannot see it from our property.
- Throughout the construction project and after completion of the construction project, EBMUD shall conduct weed abatement on a regular schedule, especially in the spring and summer so that weeds do not go to seed and blow into our garden.
- JJPM-16 | Project Schedule and Assumptions
Can you please detail the underlying assumptions behind the 93 week schedule? It is important to understand what drives this schedule, (e.g. workday hours, number of various equipment employed, number of workers, weekend or overtime work), what activities are in the critical path, and how any changes to plan, from changes driven by modification to this EIR to general schedule slips and weather will impact the

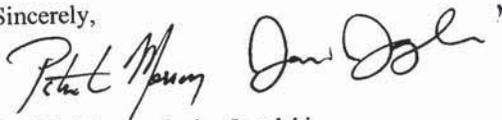
construction time. Also, as encountered, it would be an important courtesy to the neighborhood to update the schedule.

JJPM-16

We anticipate your full and adequate response to our concerns prior to approval of this Draft EIR. We have copied our architects, general contractor, City Councilwoman Jean Quan, and insurance broker with our letter of concerns and expect to be notified of the hearing when this Draft EIR will be considered, along with the minutes from the hearing and notification of any subsequent meetings concerning the replacement and reconstruction of the Estates Reservoir.

JJPM-17

Sincerely,



Patrick Morrin, Janice Jagelski
6333 Estates Drive
Oakland, CA 94611

pmorrin@pacbell.net , jagelski@pacbell.net

cc

Mike Burton, Young & Burton Construction
Grier Graff, Graff Architects
David Thorne, Thorne Landscape Architects
Kamal Obeid, Landtech Consultants
Jean Quan, District 4, City Council, City of Oakland, CA
Dan Glunt, Fort Point Insurance Services

2.37 Janice Jagelski and Patrick Morrin

- JJPM-1. General comments about property location and list of concerns are acknowledged.
- JJPM-2. As noted in the Draft EIR, page 2-11, proposed construction hours are from 7:00 a.m. - 7:00 p.m., consistent with the City of Oakland Noise Ordinance, and this schedule is necessary to meet the overall construction schedule of 18-24 months. The request for delaying the start of construction is also contradictory to the initial comment about wanting work to proceed as quickly and efficiently as possible. To address the potential for truck queuing along Estates Drive and local streets, Mitigation Measure 3.6-1, bullet 6, will be revised to include the requirement that inbound trucks should be given priority over outbound trucks to minimize truck queuing on local streets, as noted:
- Control and monitoring of construction vehicle movements through the enforcement of construction specifications by EBMUD on-site inspectors. Inbound trucks should be given priority over outbound trucks to minimize truck queuing on local streets.
- JJPM-3. Regarding the suggested Mitigation Measure to require workers to park at the Piedmont Reservoir site and be carpooled to the Estates Reservoir site, via Moraga Avenue, Harbord and Blair Drives. Chapter 3, Section 6, page 3-6.19, Impact 3.6-2 addresses the potential for the Project to generate a demand for worker parking and Mitigation Measure 3.6-2, page 3-6.20 provides that EBMUD contract specifications require the contractor to secure off site parking and provide shuttles to bring workers to and from the project site. Finally, the Piedmont Reservoir site is in use and is a secured facility not available for construction worker parking.
- JJPM-4. Comment regarding a two to three foot hole next to the pavement at Bullard and Estates Drive, the on-going maintenance for public streets in Oakland is the responsibility of the City of Oakland's Department of Public Works. EBMUD has no jurisdiction in this matter which is a pre-existing condition not related to the Project construction. Regarding worker parking at the Piedmont Reservoir site, refer to Response JJPM-3, above for the discussion of worker parking in the Draft EIR. Regarding maintaining roadway conditions prior to, during and after construction, Mitigation Measure 3.6-3, page 3.6-20 of the DEIR , already requires that road conditions will be documented before and after Project construction.
- JJPM-5. Regarding the suggested Mitigation Measure that construction vehicles on Estates or the construction site not be allowed to idle for more than one minute, as noted in the Draft EIR, the industry standard for the project is two minutes (Mitigation Measure 3.7-2a, bullet 4, page 3-7.15).

Mitigation Measure 3.9-1c, bullet 2, page 3-9.18 of the Draft EIR, already requires notification of neighbors and occupants within 300 feet of Project construction in advance of extreme noise generating activities. Extreme noise generating activities are defined as those over 90dBA (impact equipment). Therefore, no further requirements are deemed necessary. Construction equipment utilization for the demolition activities and installation of new tanks are described in Impact 3.9-1, page 3-9.12 of the Draft EIR. Note that pile driving equipment is not proposed to be used.

JJPM-6. The CEQA Statutes and Guidelines are designed to protect human health and safety and the living environment. Mitigation Measures proposed to address potential impacts to humans associated with Project Noise and Vibration in the Draft EIR, Mitigation Measures 3.9-1a, 3.9-1b, 3.9-1c; and Mitigation Measure 3.9-3 (pages 3-9.16 through 3-9.20) are therefore deemed sufficient to address potential impacts to domestic animals/pets as well. No further requirements are deemed necessary.

JJPM-7. JJ/PM-7. Regarding comments on Dust, refer to Response MB-2-2. In addition, the Regulatory Framework for minimizing impacts to protect those segments of the public most susceptible to respiratory distress is discussed on page 3-7.5 of the Draft EIR, and addressed in Mitigation Measure 3.7.2-b, bullet 1, page 3-7.16 of the Draft EIR (the requirement to water construction areas as necessary and indicated by soil conditions).

Washing residents' windows is not listed as a Mitigation Measure in the Draft EIR, and if there is perceived damage, residents have the option of utilizing the Claims process outlined in Master Response 2.1.1, if there is actual damage related to Project construction.

JJPM-8. Regarding comments on Vibration, the Draft EIR already sets vibration limits to prevent cosmetic damage to adjacent or nearby structures (Draft EIR page 3-9.20, Mitigation Measure 3.9-3). Several commenters have expressed concerns about establishing a process for evaluating property damage associated with project construction. To address these concerns, additional language is proposed to Mitigation Measure 3.9-3 to include the option of having residents' homes inspected before construction to establish a baseline for damage claims related to construction (refer to Section 2.1.1 Master Response on Insurance and Damage Claims under Mitigation Measures to Avoid Damage to Properties).

Regarding pest extermination issues assumed to be associated with Project construction, infestations presumed to have arisen from Project construction should be addressed through the Claims process, as described in the 2.1.1 Master Response on Insurance and Damage Claims.

JJPM-9. Regarding comments on Fumes, the Draft EIR, pages 3-7.18 and 3-7.19, Impact 3.7-4, addresses the potential for air quality impacts to sensitive receptors. The analyses notes that “there would be no emissions from long-term storage operations to affect sensitive receptors, and minimal emissions from landscape and facility maintenance”, and concludes that construction emissions are transient and temporary in nature and that the Bay Area Air Quality Management District (BAAQMD) control measures that would be implemented during construction (Mitigation Measures 3.7-1 and 3.7-2a and 3.7-2b, pages 3-7.15 through 3-7.17, Draft EIR) would ensure that impacts to sensitive receptors would be Less than Significant. Thus no further mitigation is required. The term sensitive receptors as used in the Draft EIR analysis includes the young, elderly, and sick, which covers the populations of concern referenced in the comment.

The analysis also clearly indicates that except for PM₁₀ emissions, all air quality estimates/measurements for the Project would be under existing State and Federal standards. Regarding PM₁₀, Impact 3.7-3, page 3-7.18, clearly acknowledges that the Project would “result in an incremental contribution to a cumulative effect for several criteria pollutants, for which the Larger San Francisco Bay Region is in non attainment under an applicable federal or state ambient air quality standard”. This incremental impact is further considered to be Less than Significant because EBMUD will implement the applicable fugitive dust and particulate emissions control measures contained in the BAAQMD CEQA standards, as listed under Mitigation Measure 3.7.2, pages 3-7.15 and 3-7.16 of the Draft EIR.

Finally, an air quality risk assessment of the potential for impacts to human populations is fundamental to the air quality analysis included in the Draft EIR, and underlies the state and federal air quality standards. This Draft EIR thoroughly analyzes potential impacts to humans with specific reference to sensitive receptors both during and after project construction, and no additional air quality analysis is warranted. Regarding liabilities or claims associated with air quality issues, EBMUD’s process for Liabilities and Claims are addressed in Master Response 2.2.1 of this Response To Comments Document. For the reasons stated above, a health census is not considered necessary and no further mitigation is proposed.

Comment about truck queuing for no longer than one minute is addressed in Response JJPM-5.

Comment about construction not being allowed to block resident’s driveway from 7:30 a.m. - 8:00 a.m. each school morning has also been addressed in Response JJPM-2.

JJPM-10. Regarding comments on Privacy, and the suggested Mitigation Measure to erect a maximum 8-foot high privacy fence to provide screening during construction for properties adjacent to the reservoir site, Mitigation Measure 3.2-1, bullet 2, page 3-2.8 of the Draft EIR will be revised to include this requirement, as noted :

Measure 3.2-1:

- The contractor will be required to screen construction activity from residences/properties immediately adjacent to the reservoir site with a fence up to 8 feet high. This privacy fence shall be sufficient to obstruct views into resident's properties from the construction area and from residences into the construction site. The privacy fence shall be removed once Project construction is completed.

JJPM-11. Regarding comments on Site Security, the Draft EIR does not directly address site security during construction. However, the General Conditions section of the EBMUD contract specifications (Protection of Property) requires the contractor to be responsible for protection of public or private property or improvements. Construction specifications also include requirements to control access to the site, which would ensure that only designated employees have access to the site. In addition, because the loss of equipment and materials would entail a financial loss to contractors, contractors are also motivated to maintain site security during construction. The responsibility for maintaining residential security in the Estates neighborhood belongs to the City of Oakland Police Department. This responsibility would apply regardless of any Project development within the City of Oakland by EBMUD or any other developer. EBMUD also disagrees with the premise that construction of the Project will create an environment that will stimulate criminal activity either at the reservoir site or within the adjacent community.

Regarding revegetation of the replacement fence at EBMUD expense, page 3-2.10 of the Draft EIR, Mitigation Measure 3.2-2, bullet 2, requires that EBMUD coordinate new plantings with neighborhood representatives. Commenters will have an opportunity to participate in determining the appropriate planting at the site and along the fence adjacent to their property. Ivy is not recommended for fence planting because it is difficult to maintain and provides habitat for rodents and vermin.

JJPM-12. Regarding comments on Tree Protection, note that Chapter 3 of the Draft EIR, Visual Quality, page 3-2.9, paragraph 4, states that existing perimeter landscaping along Estates Drive and downslope of the dam embankment between the Montclair Pumping Plant and Woods Drive would be

preserved. Extensive tree removal as proposed by commenter was not identified by EBMUD as necessary for achieving the Project objectives, is therefore not part of the defined project scope or budget, and has not been included in the Draft EIR analysis.

The landscape plan prepared for the project and outlined in the Draft EIR does not include removal of trees anywhere on the reservoir site. The evaluation of Biological Resources in the Draft EIR similarly does not include such tree removal, and there is no Project or business purpose associated with such action.

- JJPM-13. Regarding comments on View Impact, EBMUD's proposed Landscape Plan for the Project is outlined and referenced in Response JJPM-12 above. Refer also to Response JRUD-1-1 for EBMUD's on-going site maintenance practices, and District Tree Management –Business Rules.

The Draft EIR analysis of the Project Viewshed and Public View Corridors (pages 3-2.4 and 3-2.5, as shown in Figure 3.2-3, page 3-2.6 of the Draft EIR), notes that “existing views of the site from residences surrounding and overlooking the site are filtered and partial; the visual focus (of those views) is the tar and gravel roof...”. The residence at 6333 Estates Drive is not one of the eight primary views identified in the view shed analysis. This is because the front of the residence overlooks Estates Drive to the east of the reservoir site. The view that the commenter mentions would be a distant rear or side facing view of distant features, not of the Project site. Pursuant to CEQA, the significance criteria for determining whether a project would have a significant impact on Visual Quality are stated on page 3-2.7 of the Draft EIR. In EBMUD's determination, there will be no substantial degradation in the visual character or quality of the site and its surroundings.

Some residents may claim to have views of the reservoir site, including pedestrians and drivers along Estates Drive, but the standard and threshold of significance according to CEQA is “substantial degradation” and the commenter's claims do not attain this threshold.

- JJPM-14. Regarding mid-spring and summer weeding for the proposed landscaped area, the Draft EIR page 3.2-5, bullet 5, notes that the comprehensive landscape plans for areas disturbed by construction will be planted with native shrubs and grasses, with a few native trees. Mitigation Measure 3.2-2, bullet 4, notes that annual vegetation pruning consistent with Oakland Fire Department regulations will be implemented in accordance with an annual maintenance schedule for mowing the grasses planted atop the buried reservoirs.

JJPM-15. Regarding the comment on Construction Site Management, a Project Liaison will be assigned to the Project during the construction phase and the phone number for the liaison will be posted on the site, advanced notifications and the EBMUD website, as well as along the truck route (Estates and La Salle) to warn motorists of construction work ahead. (Mitigation Measure 3.6-1, page 3-6.19 Draft EIR; and page 3-9.17, Mitigation Measure 3.9-1b – bullet 6). In addition, construction inspectors will be on the site during construction hours and can respond to urgent issues regarding public health or safety.

This format has been successfully used for innumerable EBMUD construction projects. Notification of extreme noise generating activity will be provided, as noted in Response JJPM-5. Porta Potty maintenance at EBMUD construction sites is done according to the manufacturer's specifications. If nuisance problems arise, residents should contact the Project Liaison. Regarding weed abatement scheduling, refer to Response JJPH-14, above.

JJPM-16. Regarding the comment requesting detail of the assumptions behind the 93 week Project schedule, all activities listed in Table 2.1 of the Draft EIR, page 2-12, are generally sequential thus considered critical path items. Page 2-11, Construction Characteristics, lists workday hours, weekend or overtime work and assumptions related to delays. Underlying time durations for both the demolition and new construction phases are based on similar projects recently undertaken by EBMUD.

JJPM-17. EBMUD will notify all agencies and individuals that have submitted comments on the Draft EIR of the public hearing/EIR certification date.

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paramount consideration should be separation of the pedestrians and vehicular traffic, and that consideration is more important than maximizing sight distances to Estates Drive."

WATER DISTRIBUTION

OCT 16 2009

PLANNING DIVISION

Saved: Estates Walkway Proposal .doc

16

Letter of Concern and Request for Action

October 11, 2009

Ms. Gwendolyn A. Alie
Associate Planner
EBMUD Mail Slot #701
PO Box 24055
Oakland, California 94623-1055

Re: "Estates Reservoir Replacement / Draft Environmental Impact Report"

Dear Ms. Alie:

I live 6220 ESTATES DR. The area around the Estates Reservoir is a great place to walk, run and ride bikes. It is used daily by hundreds of local residents for recreation. It is also heavily traveled by cars. The street is narrow and there are no sidewalks. The shrubs and trees have overgrown into the City right-of-way which further reduces the width of this already narrow street.

This part of Estates Drive is heavily used by walkers and bikers since it is so scenic by the reservoir with the open space and the beautiful views of the Bay. I personally walk (ride my bike, jog, etc) on Estates Dr. every week and this turn scares me as it is so unsafe.

The construction work at the Estates Reservoir would allow for the path to be extended all the way to the western edge of the EBMUD property. I understand from the EIR that the fence is going to be replaced so there should be no additional fencing costs to EBMUD.

In the EIR, EBMUD proposes to install a pathway around most of the reservoir, but they stop short of the West end of the property. This is strange as the area where there is no proposed path is the most unsafe part of Estates Dr. This turn is a tight, narrow (18' wide) and generally unsafe for two cars to pass. It is impossible for two cars and pedestrians to be in this area at the same time. Someone is going to get hurt.

It is my strong opinion that the pathway should extend the entire way around the reservoir along Estates Dr. It would be very simple to extend the proposed walking path an additional 150' to the West edge of the reservoir property. Extending the path would be a great benefit to the community as it would insure separation between pedestrians and traffic.

My second item of concern is that I would like the fence to be moved farther back away from the roadway to the as close as it can be to the existing EBMUD access driveway. This will allow the public more use of the open space created by this project. Again, there should be no additional fencing costs. There should actually be a reduction in fencing as the perimeter fence will be shortened in total length.

My third item of concern is that the vegetation from 6130 Estates is overgrown and encroaches on the City right-of-way. As stated this further decreases visibility and narrows this already tight turn. Finally, I also think that a pathway or sidewalk should be installed in front of 6145 Estates Dr. and 6133 Estates Dr. This will insure that there is a safe pedestrian walkway around this difficult turn.

Thank you for your help with this. May I hear more on how my concerns are being incorporated in the EIR.

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JR-1-1

JR-1-2

JR-1-3

2.38 John Rubin

- JR-1-1. Refer to 2.1.4 Master Response on Traffic and Circulation. The described conditions have been noted in the Draft EIR. While EBMUD is proposing some improvements to the existing pedestrian access, enhancements to Estates Drive are outside of the project scope, and the eastern and western limits of the pedestrian path are not being changed in order to retain the existing sight lines.
- JR-1-2. Refer to 2.1.4 Master Response on Traffic and Circulation. While EBMUD is proposing some improvements to the existing pedestrian access, enhancements to Estates Drive are outside of the project scope, and the eastern and western limits of the pedestrian path are not being changed in order to retain the existing sight lines.
- JR-1-3. Refer to 2.1.4 Master Response on Traffic and Circulation. Regarding the comment about overgrown vegetation at 6130 Estates Drive and elsewhere and the perception that overgrown landscaping is impacting roadway visibility and exacerbating a hazardous roadway condition, EBMUD has no authority to prune or otherwise maintain landscaping at a private residence on Estates Drive or at any property that it does not own elsewhere within its service area. EBMUD suggests that this concern be addressed to the property owner and/or coordinated with the City of Oakland Public Works Department.

Comment Letter JR-2

WATER DISTRIBUTION

OCT 16 2009

PLANNING DIVISION

From: "Barrett A. Johnson" <barrettjoh@earthlink.net>
 Subject: **Re: EIR Petition for a Safer Estates Drive ... Call to action - Time is of the essence**
 Date: October 12, 2009 12:22:26 PM PDT
 To: Bob & Lila Walz <rwwal1@aol.com>, Susan Sprague <ssprague2003@aol.com>, "Jim & Saarubebe St. John" <caseykoira@aol.com>, Jane Sinton <jnsinton@hotmail.com>, John Rubin <john_rubin@comcast.net>, "Jim (James) & Lauren Hallock" <lauren.ok@comcast.net>, Barry & Andrea Breaux <andreabreaux@aol.com>, "Joan Ruderman (aol)" <joanmr99@aol.com>
 Cc: Reid Settlemier <reid@bigge.com>
 2 Attachments, 123 KB

Making THINGS EASY

Enclosed are two PDF's.

1. Print them.
2. Sign one or both of them
3. and mail to EBMUD or
4. return them to Reid Settlemier at 6133 Estates and he will get them to EBMUD by 4:30 on Friday, October

JR-2-1

Simplified Summary Petition

**Submitted to: Estates Reservoir Replacement
Draft Environmental Impact Report**

Facts:

I'm aware that:

- 1) Estates is heavily used by Pedestrians and vehicles.
- 2) The Roadway is too narrow.
- 3) Approaching Cars are dangerous (Narrow and unsafe road widths)
Peak vehicle use is 55 AM and 66 PM
Many vehicles travel at higher speeds
- 4) There is a dangerous BLIND Curve at western part of project.
- 5) There is No Room for Pedestrians.
- 6) Neighborhood children are at risk.
- 7) THERE IS A NEED FOR a Pedestrian Trail as part of Project.

THEREFORE I PROPOSE:

That a pedestrian trail be EXTENDED along the ENTIRE PROJECT FRONTAGE ADJACENT TO ESTATES DRIVE as detailed in a letter submitted by Reid Settlemier titled "Petition of Action".

Respectfully submitted:


 Homeowner name

6220 ESTATES OCT. 15, 2009
 Address Date
 JRN

I am aware that Reid Settlemier [(510) 520 9325 / reid@bigge.com] has submitted a more detailed letter outlining the neighborhood's concerns and a detailed Request for Action.

Portions of his letter details the following:

"Therefore, we respectfully request that the proposed pedestrian trail be extended along the entire Project frontage adjacent to Estates Drive, from the western boundary of the Project to the eastern boundary of the Project. This extended trail will provide the safest means of pedestrian circulation along the frontage of the Project. We submit that the

2.39 John Rubin

JR-2-1. Refer to 2.1.4 Master Response on Traffic and Circulation and BRS-1-2, 2-1, 2-2 and 2-3.

Comment Letter JRUD-1

Baker, Sue

From: Blackwell, Michelle
Sent: Wednesday, September 23, 2009 1:20 PM
To: Alie, Gwendolyn; Baker, Sue
Cc: Kirkpatrick, William
Subject: FW: EIR

I may have sent you this yesterday, but just in case here it is again.

Thank you,
Michelle

JRUD-1-1

From: Joanmr99@aol.com [mailto:Joanmr99@aol.com]
Sent: Tuesday, September 22, 2009 4:23 PM
To: Blackwell, Michelle
Subject: EIR

Hello Michelle,

Sorry Barry and I couldn't attend the meeting last night, but I got a thorough report from my neighbor, David Rovno. I asked him to inquire about trimming trees on the far side of the reservoir which block our view, and he told me you said to contact you for names of arborists who work with EBMUD.

He mentioned something about the property owners in that area possibly not approving of trimming, and that I might need to contact them. Is this accurate? Would EBMUD contribute anything financially to such a project, or possibly the City of Oakland? Are you familiar with a law which says a property owner is responsible to keep trees at a height which doesn't obscure the view, if neighbors request it?

I would appreciate any pertinent information you can share. Thanks.

Joan Ruderman
510-339-8368

9/23/2009