

2.40 Joan Ruderman

JRUD-1-1. The Draft EIR, page 2-14, Section 2.4-3 , Operating Characteristics, notes that long term site maintenance of EBMUD facilities includes controlling the growth of annual grasses, and that the Oakland Fire Department inspects the site annually and has established specific vegetation requirements which EBMUD incorporates and utilizes in its on-going site maintenance program.

As detailed in 2.1.2 Master Response on EBMUD Obligations to Comply with Local Ordinances, Obtain Local Agency Approvals and Permits, and Pay Local Agency Fees, EBMUD is exempt from local agency regulations including the City of Oakland Tree Regulations. EBMUD has developed District Tree Management - Business Rules, which note that tree management practices are to “ensure site aesthetics, maintain public and worker safety, manage ladder fuels, prevent damage to and above and below ground facilities, pipelines and vaults and ensure reasonable access for operation and maintenance of the water and wastewater systems. Individual neighbor requests for tree trimming will be denied unless it meets specific requirements”. The detailed District Tree Management – Business Rules are attached for reference at the end of this report, in the Appendix. Also refer to Response JJPM-12.

Comment Letter JRUD-2



JOAN RUDERMAN, MA

6232 ESTATES DRIVE.
OAKLAND, CA. 94611
510 339-8368
FAX 510-338-0143

LICENSED MARRIAGE,
FAMILY & CHILD
COUNSELOR

WATER DISTRIBUTION

OCT 16 2009

PLANNING DIVISION

Letter of Concern and Request for Action

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

October 14, 2009

Re: "Estates Reservoir Replacement / Draft Environmental Impact Report"
Subject: Improving the view of the Bay

Dear Ms. Alie:

JRUD-2-1

I live at 6232 Estates Dr. which is directly across the road from the eastern side of the Estates Reservoir. I have been aware for some time that the pine trees which grow on the western side of the Estates Reservoir property have grown so high that they obstruct what was (when I purchased my property in 1996) a lovely view of Oakland and San Francisco Bay.

Since the community has been overruled in it's bid to keep the beautiful Royston fountains, I think it would be a significant compensation for that loss if EBMUD would remove these obstructing trees and re-open the view. When the demolition of the fountains begins in 2011, it could include removal of the obstructing trees in it's plans for preparing the site.

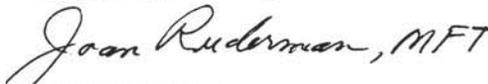
I had a visit to my property recently from an EBMUD arborist who explained that topping pine trees is unfeasible because they don't survive such a procedure, so it is better to remove them entirely. I am sure the homeowners of this community would appreciate EBMUD restoring the view that has been lost to them for the past several years.

JRUD-2-2

I also want to add that because many people walk Estates Drive, having these trees removed would be a benefit for them as well. I assume that the trees were planted when the earthen dam was improved on the site. Their purpose was probably to shield the Wood Drive homeowners from a view of the dam. Now that the dam is being removed, the trees are no longer needed.

Thank you for your help with this. Please let me know how the planning committee responds to my suggestion.

Respectfully submitted,


Joan Ruderman, MFT

PSYCHOTHERAPY
INDIVIDUALS • COUPLES • FAMILIES

Saved: Letter of Concern Trees .doc

2.41 Joan Ruderman

JRUD-2-1. Refer to Response JJPM-12. 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 was not identified by EBMUD as necessary for achieving the Project objectives, is 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, including the western side of the property. 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.

JRUD-2-2. Refer to Response JJPM-12. At this point, EBMUD cannot determine whether tree removal would be widely accepted, particularly because this was not included in the Draft EIR or mentioned in response to the NOP, and because significant alteration of the landscaping in this area is not necessary to accomplish the project objectives, it is not proposed as part of the project.

Comment Letter JRUD-3

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

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

Dear Ms. Alie:

JRUD-3-1

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.

JRUD-3-2

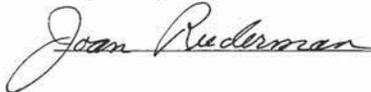
My second item of concern is that I would like the fence to be moved farther back away from the roadway to the as close as it can be to the existing EBMUD access driveway. This will allow the public more use of the open space created by this project. Again, there should be no additional fencing costs.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

JRUD-3-3

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:

 10/12/09

Saved: Estates Walkway Proposal .doc

2.42 Joan Ruderman

- JRUD-3-1. 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.
- JRUD-3-2. 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.
- JRUD-3-3. 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.

JRUD-4-1

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:

Jean Ruderman 6232 Estates 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 Drive."

2.43 Joan Ruderman

JRUD-4-1. Refer to 2.1.4 Master Response on Traffic and Circulation and BRS-1-2, 2-1, 2-2 and 2-3.

Comment Letter JS

Jane Sinton
6216 Estates Dr.
Oakland, CA 94611
510-338-0407
jnsinton@hotmail.com

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

RECEIVED OCT 19 2009

Dear Ms. Alie:

JS-1

I have recently been asked by a neighbor to sign a petition proposing a specific pedestrian path at the Fountains Reservoir on Estates Dr., and while I believe pedestrian safety should be a major concern during the demolition of the reservoir, I don't think the proposed path would provide enough safety, and may even pose more problems. It would not accommodate cyclists (which include children with their families) or families with strollers, both of which are common on Estates. Also, the proposed path would force pedestrians onto the pavement at the tight curve on Estates, just west of EBMUD property, at its most dangerous place for traffic. I believe a simple convex mirror, in addition to showing us what's coming around the blind corner, would remind drivers and pedestrians to be watchful for each other, and therefore would be a better safety proposal than the path.

Sincerely,



Jane Sinton

2.44 Jane Sinton

JS-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 JSMS-1

Letter of Concern and Request for Action

October 11, 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:

JSMS-1-1

I live at 6212 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.

JSMS-1-2

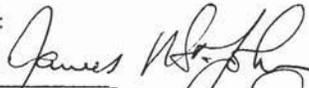
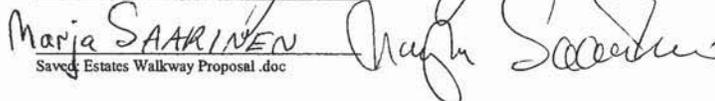
My second item of concern is that I would like the fence to be moved farther back away from the roadway to the as close as it can be to the existing EBMUD access driveway. This will allow the public more use of the open space created by this project. Again, there should be no additional fencing costs.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

JSMS-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:

James N. St. John 

Marja SAARINEN
Saved: Estates Walkway Proposal .doc

2.45 John St. John and Maria Saarinen

- JSMS-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.
- JSMS-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.
- JSMS-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.

JSMS-2-1

Simplified Summary Petition

Submitted to: Estates Reservoir Replacement
Draft Environmental Impact Report

WATER DISTRIBUTION

Facts:

OCT 16 2009

I'm aware that:

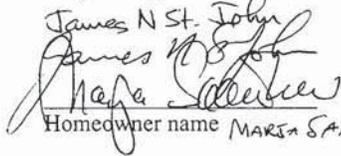
PLANNING DIVISION

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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:


 James N. St. John
 Homeowner name MARISA SAARINEN Address 6212 Estates Dr. 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."

2.46 John St. John and Maria Saarinen

JSMS-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 LK

LK-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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Respectfully submitted:

LAUREN KAHN 6226 ESTATES DR. OCT 11 09
 Homeowner name Address Date

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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 *at 6222 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.

LK-2

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.

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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.

LK-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.

LK-4

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

2.47 Lauren Kahn

- LK-1. Refer to 2.1.4 Master Response on Traffic and Circulation and BRS-1-2, 2-1, 2-2 and 2-3.
- LK-2. 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.
- LK-3. 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.
- LK-4. 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 LKJH

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:

LKJH-1

We live at 6222 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.

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LKJH-2

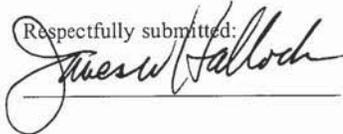
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LKJH-3

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

Respectfully submitted:



JAMES W. HALLOCK
LAUREN O. KAHN

10/12/09

2.48 Lauren Kahn and James Hallock

- LKJH-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.
- LKJH-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.
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Comment Letter LWAH-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:

LWAH-1-1

I live at 6203 Bullard 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.

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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.

LWAH-1-2

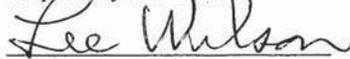
My second item of concern is that I would like the fence to be moved farther back away from the roadway to the as close as it can be to the existing EBMUD access driveway. This will allow the public more use of the open space created by this project. Again, there should be no additional fencing costs.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

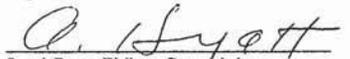
LWAH-1-3

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

2.49 Lee Wilson and A. Hyatt

- LWAH-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.
- LWAH-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.
- LWAH-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.

LWAH-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 (55 cars in the morning and 66 cars in the evening)
 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 Settlemier
Lee Wilson

Homeowner name

6203 Ballard Dr

Address

10-14-09

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."

2.50 Lee Wilson and A. Hyatt

LWAH-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 MB-1

Baker, Sue

From: Baker, Sue
Sent: Friday, August 14, 2009 8:29 AM
To: Estates Project EIR
Subject: FW: Estates Draft EIR Public Meeting

sent a cd

*thank you,
sue baker, ext 1104*

From: Blackwell, Michelle
Sent: Wednesday, May 27, 2009 1:56 PM
To: Hanoian, Harvey; Fvette, Tim; Baker, Sue; Kirkpatrick, William; Alie, Gwendolyn
Subject: FW: Estates Draft EIR Public Meeting

For you records

Thank you,
Michelle

From: Blackwell, Michelle
Sent: Wednesday, May 27, 2009 1:48 PM
To: 'MrtnBennett@cs.com'
Subject: RE: Estates Draft EIR Public Meeting

Dear Mr. Bennett,

Thank you for your inquiry. I'm doing fine and I hope you and your family are well also.

Your personal input along with the other local residents at the five public meetings was immensely helpful in formulating the project. We believe that the review process using the Draft EIR publication will best allow us to not only present the project and the impacts and mitigations (of those impacts) but to enable you to comment and input and focus on the areas of most concern to you. I trust you recognize that while we can do many things, we will not be able to completely eliminate temporary construction impacts, they are a reality of construction (e.g. noise, dust, trucks and the like) but as noted they are temporary and they will be mitigated to the extent reasonable.

When the EIR is ready for review I hope you will take time to review carefully and comment.

Thank you,
Michelle

From: MrtnBennett@cs.com [mailto:MrtnBennett@cs.com]
Sent: Tuesday, May 26, 2009 9:23 PM
To: Blackwell, Michelle
Subject: Re: Estates Draft EIR Public Meeting

Hi,

Thanks for the update. My preference would be the 21st as I will be away the previous dates.

Can you clarify the remaining process for the EIR. As my property line constitutes 20 percent of the private land owners that border the reservoir I would have thought some contact would have been or is intended to be made. Am I wrong in this assumption? I sincerely believe the border residential properties clearly are part of the environment that ecologically and economically is unwontedly influenced by EBMUD's plan.

Not having been in contact with you for months, I hope you and your family continue to be well.

9/24/2009

MB-1-1

2.51 Martin Bennett

MB-1-1. As promised in earlier community meetings for the Project in 2008 and 2009, and as is standard EBMUD practice, a Notice of Availability for the Draft EIR for the Estates Reservoir Replacement Project identifying the public review period for the Draft EIR and public meeting date/location to discuss the Draft EIR was mailed to approximately 950 residents of the neighborhood and interested parties in mid-August, 2009. The notice directed recipients to the EBMUD website for the Estates Project for details on the Draft EIR, and also presented the option of requesting copies of the Draft EIR. A CD of the Draft EIR was mailed to the commenter on August 14, 2009.

Comment Letter MB-2

From: MrtnBennett@cs.com [mailto:MrtnBennett@cs.com]

Sent: Friday, October 16, 2009 3:35 PM

To: Alie, Gwendolyn

Subject: Response to Estates EIR. Bennett

Dear Ms Gwen Alie,

Attached please find the written comments pertaining to the Estates Reservoir Replacement Draft Environmental Impact Report (State Clearing House: # 2008082060) Prepared By Rita and Martin Bennett, Residing At 6145 Estates Drive--the Property Abutting The Northwest Corner Of The Reservoir.

Please confirm receipt by return email.

Thank you,

Martin Bennett

**Response to the *Estates Reservoir
Replacement Draft Environmental
Impact Report***

(State Clearing House: # 2008082060)

Prepared By
Rita and Martin Bennett,
Residing At 6145 Estates Drive,
The Property Abutting The Northwest Corner Of The Reservoir

Overview

This response is divided into two sections:

Section I Responses to the statements and assumptions contains in the EIR related to the conception, design and completion of the project and

Section II Concerns related to maintaining the health, safety and financial security of the residents of 6145 Estates Drive.

Section I

MB-2-1

In general, the design and construction plan for the proposed structures are well conceived. EBMUD took great efforts to proactively seek input from the community to gain their opinions and support.

MB-2-2

However, the EIR report fails to address the human environment...especially the children, seniors and people with special considerations who may disadvantaged and potentially incur damages because of this project. We are petitioning EBMUD to create a Human Impact Report (HIR) for your Board of Directors and the Estates community to consider prior to accepting the EIR report. The risk (health, security, financial) of several hundred families around the reservoir area must be examined before EBMUD's Board can deliberate their final decision and obtain the Estates Community's reaction to the risks. The current scientific study omits any assessments of the special risks to the specific vulnerable human beings near the reservoir site such as children, seniors, and others as related to their:

- Safety and security needs...those people who have already had problems with crime in their homes with low response from the Oakland Police
- Health conditions (pulmonary, asthma, etc)
- Ability to negotiate the added traffic congestion and hazards
- Ability to earn a livelihood... those working from their homes who are impacted by the noise
- Those who need to sell their homes for financial reasons who will incur the loss of home value prior to and during the construction process

Three categories of people have varying degrees of risk with the highest being Category I followed by Category II.

1. Category I: Seniors, children and all individuals in the Estates Community who live contiguous to the building site who will disproportionately bear the health, security and financial exposure and liabilities due to reservoir replacement project.
2. Category II: Members of the Estates Drive community who live on the northern edge of Estates Drive and overlook the worksite as well all those who live within ¼ mile of the construction site
3. Category III: Oakland and Piedmont residents who live within a 1-mile radius of the sight.

Maintaining a Healthy Environment

The actual human needs of the individual members of the Estates Community have not been carefully assessed in the EIR. The report relies on research that supports state endorsed norms, and standards which EBMUD staff may judge acceptable. Such norms might have a degree of acceptability if the sample

Comment Letter MB-2

MB-2-2

variables are similar to the populations in the above three groups. However, without an assessment of the specific people next to or near the site, the assumptions are not reliable. Case in point is air pollution. Minimally 40% of households in Category 1 include individuals including seniors and children with asthma and/or chronic bronchitis and other pulmonary problems. One household, if not more, in the ¼ distance has three children, who are asthmatic. It is clear that EBMUD has relied on antiseptic scientific studies for their data rather than an analysis of the actual members of the community who have a higher susceptibility to health problems.

The report goes to great length to examine all known and unknown historical or prehistoric objects that may be unearthed during the project, nesting raptors and special status birds, migration patterns of birds, the disposition of unidentified human remains as well as endangered plants and trees. However, there is no data collected with consideration of the actual "human species" of the Estates community specific to their current health and other needs.

EBMUD may be creating health hazards for members of this community who have pulmonary issues. Undoubtedly, the degree of dust, dirt and air born pollutants during the two or more years of construction will cause undue risk to this population. The dust, dirt, and airborne pollutants will not be contained within the territorial boundaries of the work site and its one-inch fence. The EIR suggests that the potential risk related to this issue is "not significant" without an actual assessment of the very individuals who may have preexisting health conditions that make them most vulnerable to the risks. Humans have a basic right to breathe clean air. To proceed without investigation appears to be negligent on EBMUD's part.

How can vulnerable community members maintain their health with the pollution that will be generated on a daily basis during the two to three years of construction? Many homes in this area are not air-conditioned and rely on open

windows for ventilation and to cool their homes in the warm months. It is not acceptable to live in a closed house for two- three years with our windows shut during the proposed 7am-7:00pm work schedule. It is also not acceptable to water down the site for dust only "if necessary." Who deems it "necessary"? ...the people impacted by the dust and pollutants or the EBMUD construction team on the site? EBMUD must have a clearly articulated plan to mitigate health risk for vulnerable residents near the construction site. EBMUD should outfit homes with air purification and/or air conditioning systems for residents in the immediate radius of the area. (Category I, some people in Category II). The refitting of homes is especially important for those within a ¼-mile of the reservoir where there are many elderly (over 65) and children who are more susceptible to pulmonary disease and allergies. EMBUD also needs to be accountable for any asbestos emissions and other toxic materials released by the project. How will this be tested and what is the recourse to halt the project if need be? Who regulates EBMUD and the contractors and who has the authority to address emergent liabilities should the contractor and EBMUD not respond?

MB-2-2

EBMUD needs to conduct a Human Environmental study prior to approval of the EIR. It is assumed that any study will provide guidelines for remediation appropriate for each household.

Assuring Personal Safety and Security

The current reservoir has been used repeatedly as a launching ground for five residential robberies as well as a "hang out" for vagrants, drunken teenagers, and possibly drug users. In addition, the reservoir walls, fences and some of its surrounding trees have been repeatedly targets of graffiti. It is plausible to assume that criminal activity will increase when the reservoir property becomes a construction site. It is reasonable to anticipate the site will become a magnet for

MB-2-3

Comment Letter MB-2

MB-2-3

petty crime and vandalism and potentially a path to invade the properties adjacent to the reservoir.

The EIR report references EBMUD's Vulnerability Assessment Program-Security Upgrades but does not address the broader community's security needs other than the "enhanced fence and thinning of bushes." The fact that EBMUD has purchased the services of Cypress Private Services as a patrol service is a clear recognition that EBMUD knows a security problem exists at the Estates reservoir. It is our understanding that the construction firm hired by EBMUD to complete the reservoir reconstruction will have the ultimate responsibility for security related to the construction site. EBMUD is the owner of the land and is the initiator of the project therefore they also have liability for any crime on the property that endangers properties and personal safety of those living next to the site.

EBMUD needs to assure the Estates community that the Estate Reservoir will not become a magnet for crime. No clear security and safety plan for residents next to the site has been provided. During public meetings EBMUD has made vague statements that crime related security is the contractor's role. EBMUD, as the ultimate authority over the site, needs to insure the community's safety by instituting the following:

- 24-hour on-site security team, that is responsible to the community for security not just for EBMUD and its contractors. If the contractor can not guarantee this protection then contracted security services need to be provided for the project and community
- video surveillance on all fences,
- an agreement with the Oakland Police to increase nighttime surveillance as well as to respond immediately to any 911 calls from residents next to the site, and
- Criminal checks on all employees associated with the project.

Security is a deep concern to this community. Three neighborhood watch groups exist in the area. The community is doing their part to secure the neighborhood and surely, EBMUD receives some benefit from that effort. EBMUD as a member of the community needs to increase its commitment to community's safety during the duration of this project.

MB-2-3

Mediation of Noise.

The EIR acknowledges that residents will be seriously inconvenienced by increased traffic and construction noise. This is especially true for those working from home. The study does not adequately estimate the actual noise and is equally unclear as to what specific noise controls and sound barriers will be used to lessen the detrimental impact on residents. EMBUD needs to have a mutually approved noise abatement plan for each of the homes nearest the site. This may include but not be limited to:

MB-2-4

- Create and maintain earthen sound barriers to redirect sound
- Provide wooden or other environmentally compatible sound absorbent fencing that will protect the homes in Category I to lessen the noise as well as a privacy screen. Since the reservoir property is on a hill such barriers may need to be 15-20 feet high in some places
- Double glaze windows and doors in homes next to the site to deal with noise control.
- Install air filtering or conditioning system in homes next to the site to reduce constant noise.

Assure Financial Security.

MB-2-5

Comment Letter MB-2

MB-2-5

Many members of this community are seniors or retirees. For financial and health reasons over the next four to five years (the planning and construction phases of the project) these seniors may need to sell their homes. The general recession has depressed housing values. The Reservoir replacement project exacerbates the loss of house values. Loss of the historic fountains has destroyed a major sales feature for this community. While a promise of a 'park like' environment is offered, the reality is sellers will be put into an untenable situation. It is unrealistic that the true value of the homes will be realized prior to or during the construction phases of the project.

Senior members or any members of the community that are required to sell their homes will be financially penalized due to this project. EMBUD needs to address this issue from a justice perspective and hold itself accountable for the loss of property values due to this project including possible purchase and resale of homes or appropriate financial compensation. It is important to remember that this project does not directly benefit the Estates community. It is unacceptable that members of the Montclair Estates Community sustain financial loss due to a project that has no potential gain for Montclair.

Mitigate Pest Infestation.

MB-2-6

Displacement of field mice, rats, gophers and ants are serious consequences of construction. The EIR does not mention this predictable nuisance. What EBMUD will do to mitigate the inconvenience and potential danger of pest infestations due to the construction?

EBMUD needs to have a clearly articulated plan for pest detection and mitigation due to the construction that impact the homes in Category I and a process for integrated pest control

Minimize Estates Drive Traffic Congestion

MB-2-7

All workers associated with the project should be bussed into the Estates property. No construction related cars or trucks should be parked on Estates or Bullard Drive. All vehicles and trucks should only use the LaSalle/Estates entrance to access for inbound and outbound traffic and not use the Moraga/Estates entrance. The LaSalle/Estates entrance:

- Is the shortest distance through our residential neighborhoods
- Passes fewer homes than the suggested Moraga/Estates route
- Avoids three narrow hairpin curves on the suggested Moraga/Estates route. Each of these turns has had traffic accidents.

The choice of using only the LaSalle Estates access will lessen toxic emissions in a community where many vulnerable seniors and children reside. The suggested one-way exit route going north on Estates towards Moraga will add pollutants, dust and congestion to an area that has a higher percentage of children. In addition, the roads are more winding on the Moraga route.

Community Sustainability

MB-2-8

Members of the Estates community selected this area of Oakland because of its quiet residential feel. Its quiet winding roads and vegetation were major attractions to the area. The animal life, deer and wild turkeys, were also an attraction to some residents. These elements of the environment will be negatively impacted for several years.

Comment Letter MB-2

MB-2-8

EBMUD's proposed 7am to 7 pm workday schedule is unacceptable in a residential area such as Estates Drive. Any weekend and evening work on the construction site is equally unacceptable. We have school age children who have early morning and late afternoon activities that require road access. Many members of the community walk on Estates Drive for exercise. Our seniors and others need to be able to walk on Estates. Our work commuters need good access to the roads in the morning and late afternoon. The basic well-being of the community requires that work hours be limited to an 8:00 to 4:00 work schedule.

MB-2-9

The Estates community is distinctively residential; it is not urban or commercial in nature. There is no mention of how EBMUD will be held accountable to restrict its hours of operation nor are their remedies for noncompliance. While a telephone number will be offered for community members to call, EBMUD must set up a broader system that will enable non-compliance to be addressed immediately. Community members cannot rely on just leaving a message on an answering machine. A clear system of controls is necessary and an ability to close down the work site if violations occur.

MB-2-10

Function of Pedestrian Foot Path

The use of EBMUD's land located between the Reservoir fence and Estates Drive has been discussed at length. Some community members have regarded the reservoir replacement project as an opportunity to create a small pocket park; others see it as a "looped pedestrian path responding to the residents concerns about pedestrian and traffic safety"

We clearly support a path for pedestrian and traffic safety but question the concept of a loop. The loop design, while architecturally appealing, doubles EBMUD's maintenance responsibility (cleaning up the food wrapping, beer

bottles, etc—which have always been a problem) and increases EBMUD's liability for keeping a path maintained and accident free. Because of the pitch of the land, a loop path may attract nuisance skateboarding, children's' motorized go-carts and roller-skating. How will EBMUD assume responsibility for a "pedestrian path" migrating into a destination site for recreation, or a children's play yard or a teen 'hang out'. EBMUD's generous commitment to a pedestrian path is more than adequate for the residents in the area. There is a well-known history of the Estates Drive/Estates Reservoir being used as a hang out for teens/young adults and their alcohol use. The noise and congregation of people became a constant source of intergenerational conflict with little or no police protection to mediate. We do not think EBMUD wants to encourage a recurrence of this problem.

EBMUD has studied the relationship of pedestrian flow and their entrance into or exit from the proposed walkway. Staff member have indicated that the entrances and exists to the proposed path(s) would be in the same area as the current dirt path based on safety requirement. We support the continued placement of the entrance on the northwest boundary of the reservoir in the location that is 135 feet from the western border. At this location pedestrians and children will have a clear straight line view of two way traffic to facilitate their movement. For those people moving in a westerly direction on Estates Drive it places them immediately onto the existent 3 foot wide roadside path that allows them to walk next to the road and avoid the need to walk on the road if they so choose not to.

We are greatly concerned about the dangers involved in placing the entrance and exit to the pedestrian path in the middle of the hairpin curve as some have suggested. This approach forces distractible children and seniors as well as community members to step off into active traffic at the center point of the Estates hairpin turn. In our judgment, having lived on the hairpin turn, this proposal substantially increases a risk to pedestrians. We also suggest that the wooden roadside guardrail and the upper path be put into place at the beginning

Comment Letter MB-2

MB-2-10 | phase of the replacement project as a safety factor due to the unavoidable increase of traffic that the construction will generate. The City of Oakland should install speed bumps to mitigate the dangers of the hairpin curve.

MB-2-11 | **No clear plan for interface between EBMUD construction with the residents and oversight.**

Oversight is essential. With only a few exceptions members of EBMUD staff have consistently tried to be helpful. However, the EIR does not outline a plan for communication between the Estates residents community members and EBMUD and the construction company during the construction project. My family and my neighbor's health, safety, physical and emotional security are of great concern during the new reservoir replacement project. We need a two-way clear and concise communication plan.

Section II

MB-2-12 |

The following lists our concerns as the residents of 6145 Estates Drive. These concerns are extensions of the data found in Section I. Each homeowner will have their own needs and requirements based upon their proximity to the work site, the health needs of family members and the degree of tolerance for noise, traffic congestions and security. Our concerns are based on the reality that two of our property boundary lines will be significantly affected by the replacement project's noise, pollution, excessive traffic and safety risks.

6145 Estates abuts the northwest corner of the reservoir site. The home's northeast corner is approximately 10 feet to the boundary fence. Our house's patio looks directly into the reservoir facility and its former fountains, a feature that was a major attraction in purchasing the property. At the time we purchased our property, real estate agents said that our view and peaceful setting was

secure forever as the reservoir property “would never change since it is a reservoir”!

MB-2-12

Our house is located on the downhill slope of Estates Drive at a hairpin curve. The increase in the use of Estates Drive by construction vehicles will increase the noise and pollutants as well as the potential vehicle collisions along this boundary of our home. These roads were never designed for commercial traffic.

Sound Reduction and Air Control Mediation

MB-2-13

Sound and pollution barriers are required to allow us (residents of 6145 Estates Drive) to continue using our home during the construction. We expect that all barriers, as stated in the proposal, will be high enough to hide the construction site from windows on the first floor of the home.

EBMUD cannot expect us to live with our windows sealed for two years to protect us from air born pollutants and noise. Our house has no air conditioning. We rely on open windows to cool the house on warm days. Only 10% of our windows are double-glazed. Both of us work from home offices requiring an environment free of ambient noise. Due to the air and noise pollution involved in the project we request that EBMUD:

- Provide air conditioning for our house to assure clean air in the warm months
- Double-glaze all of our windows in direct proximity to the construction site as well as all bedrooms and home office spaces.
- Build an architecturally appropriate barrier next to our patio to allow us to use our patio protected from the dust and noise pollution of the project. This barrier will also provide a privacy

Comment Letter MB-2

MB-2-13

screen that would allow us to use the patio without the intrusive on looking of construction crews.

The EBMUD's Reservoir Replacement Project has created the need for these above listed changes to our property. Our home has never needed air conditioning due to natural airflow and cross ventilation that will be impossible during the proposed 7am-7pm construction for two years.

MB-2-14

Locating the Border Fence

Reservoir perimeter fence maintenance and management has been a continual dialogue between EBMUD staff and us as residents of 6145 Estates Drive. Gardeners, Forman, Managers and Supervisors have continually helped maintain an ivy screen that has been an effective visual barrier between the reservoir and our home. The proposed 8-foot fence is welcomed, as its presence is mutually beneficial for safety and security. However, other issues still exist.

1. EMBUD has made the commitment (2-1, 208, 2-9, 3.20) to keep the reservoir's perimeter fence in the same position. It is our understanding that the shared fence along the northwest boundary and our 6145 Estates property will remain in its current position. We request that the existent ivy covered fence be retained and that the new 8-foot section be place slightly behind the existent fence ...this will maintain the front gardens of our property and provide a year round masking screen to maintain our privacy.
2. Some community residents want to move the proposed fence back to increase the land that EBMUD will open for community use. Others have requested that EBMUD move the entrance/exit of the proposed "pedestrian path" to the Northwest corner of the reservoir property. Still others have requested that EBMUD construct a path along the public

road. Currently a three-foot wide informal roadside path exists in proposed area. As a point of reference, no sidewalks exist in any location on Estates Drive, Bullard or McAndrew. nor do the people requesting these changes live next to the location that will be most impacted by their suggestions. We are aware that EBMUD has already studied this issue and has determined that the fences will remain where they currently stand. They have also stated that the entrance/exit will be located where they currently are situated. We support these decisions primarily from the safety perspective. Living on the hairpin curve we do not want walkers exiting the 'pedestrian path' at the center of the hairpin curve forcing our children, seniors and community members to step into traffic on Estates Drive at it worst point. It is dangerous. For our own security perspective, we do not want fence lines pushed back which make our property more susceptible to surveillance, increased noise, the loss of privacy and potential risk.

MB-2-14

Finance Wholeness

It is unacceptable that we as owners of 6145 Estates Drive should suffer any financial loss due to the planning and implementation of the Estates Reservoir Replacement Project.

As owners of a home directly next to the construction site, we want a guarantee in writing from EBMUD that any cosmetic and/or structural damage to our house its foundation, retaining walls, walkways, landscape, fences and driveways will be fully covered by EBMUD. We also want confirmation that EBMUD's insuring and regulating agents are in full agreement with this guarantee. The EIR states that the estimated risk related to cosmetic and/or structural damage is "less than significant." EBMUD should have no problem guaranteeing complete repair

MB-2-15

Comment Letter MB-2

MB-2-15

and/or replacement for our home and for any damages done to contents within due to its construction project.

If we as the owners of 6145 Estates need to sell our home prior to or during the Estates Reservoir Replacement Project, and the construction project negatively impacts the value of our home due to its proximity to the construction site, we request EBMUD to guarantee covering our financial loss. We also want confirmation that EBMUD's insuring and regulating agents are in full agreement with this.

Conclusion

MB-2-16

This is the right time for the reservoir replacement project. The overall success of the first phase was the emergence of an excellent design presented by Royston Hanamoto Alley and Abey.

We hope that our written response has alerted EBMUD and the drafters of the EIR to some major holes in the EIR as it relates to many unique individual situations and the environment of our neighborhood. Additional information needs to be gathered and communicated so residents can plan and prepare for a healthy, safe and financially secure parallel process prior to and during the construction.

Questions still remain:

- What mechanisms are in place for residents to present their ongoing mediation requests related to health, safety and financial security?
- Who and what authority has the power to accept mediation requests?
- If a request is denied, to whom do residents appeal?

- What mechanisms are in place for residents to be reimbursed for expenses occasioned by the construction (e.g., the double-paned windows, a/c units, uninsured health visits, depressed housing evaluation etc.)?
- How precisely do residents of the neighborhood file a claim for reimbursement?
- If such claims are denied, to whom do residents appeal?
- What amounts have been budgeted for these and other issues?

MB-2-16

2.52 Martin Bennett

MB-2-1. Comment noted.

MB-2-2. Regarding the comment of Maintaining a Health Environment, refer to Response JJPM-9.

In addition, EBMUD contractors are monitored by EBMUD construction inspectors throughout project construction. Construction Inspectors have the responsibility for ensuring that Mitigation Measures identified in the Draft EIR and approved by the EBMUD Board of Directors (including construction specifications) are implemented.

Comment regarding loss of home value prior to and during construction is speculative and is not an environmental issue pursuant to CEQA. Refer to 2.1.3 Master Response on Social and Economic Factors.

MB-2-3. Regarding the comment Assuring Personal Safety and Security, refer to Response JJPM-11.

MB-2-4. Regarding the comment on Mediation of Noise, Chapter 3, Section 9, pages 3-9.1 through 3-9.20 of the Draft EIR addresses the potential for Noise and Vibration impacts associated with the Project. Impacts 3.9-1, 3.9-2 and 3.9-3 (pages 3-9.12 through 3-9.20) address intermittent and temporary noise during construction, noise increases associated with truck traffic, and the potential for vibration that could disturb residents and cause cosmetic damage to buildings and structures. The Draft EIR provides an extensive list of measures to mitigate noise or vibration, and concludes that Mitigation Measures 3.9-1a, 3.9-1b and 3.9-1c; and 3.9-3 would reduce potential impacts to a Less than Significant level. Therefore, additional measures as suggested by commenter are not required, and could also generate new visual impacts that have not been evaluated in the Draft EIR.

MB-2-5. Regarding the comment on Assuring Financial Security, scenarios described are speculative. Refer to 2.1.1 Master Response on Insurance and Damage Claims and 2.1.3 on Social and Economic Costs.

MB-2-6. Regarding the comment Mitigate Pest Infestation, refer to Response JJPM-11.

MB-2-7. Regarding the comment on Minimizing Estates Drive traffic congestion, refer to 2.1.4 Master Response on Traffic and Circulation for a discussion of traffic routing including the reasons for the proposed construction routing.

MB-2-8. Regarding the comment on Community Sustainability, Chapter 2 of the Draft EIR, page 2-11, discusses Schedule, Work Hours and Staging for the Project. The last paragraph notes that construction hours would be from 7 a.m. - 7 p.m. consistent with the City of Oakland Noise Ordinance. Reducing the number of work hours would have the effect of increasing construction duration beyond the estimated 18-24 month period. This would prolong residents' experience of construction impacts as analyzed in the Draft EIR and would also unnecessarily increase construction costs.

MB-2-9. 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 and provided in advanced notifications (Mitigation Measure 3.6-1, page 3-6.19 Draft EIR; and Mitigation Measure 3.9-1b, last bullet, page 3-9.17). In addition, construction inspectors will be on the site during the construction hours and can respond to urgent issues regarding public health or safety (Response MB-2-2, above). This format has been successfully used for EBMUD construction projects.

MB-2-10. Regarding the comment on Function of Pedestrian Foot Path, Chapter 2 of the Draft EIR, page 2-8, paragraph 2, describes the improvements proposed to the existing footpath which runs from the west of the reservoir site frontage (approximately opposite to 6144 Estates Drive) along the north site frontage, adjacent to the existing reservoir fence line. The Draft EIR clearly states that the existing path will be looped and improved. The existing vehicular access point will be maintained, and new interior parking at two locations on site will be screened. With the one exception described in 2.1.4 Master Response on Traffic and Circulation, a new 8-foot high security fence will be installed at approximately the same location as the existing fence, and the fence mesh size will be changed to one inch. Commenter's concerns about EBMUD creating a "pocket park" are unfounded. The increase in security fence height, smaller fence mesh and minor shift in the replacement security fence location should similarly improve and not compromise site security.

From a construction perspective, it would not be practical or cost effective to install the low, wooden perimeter fence/barrier along Estates frontage until all of the construction and landscaping is completed. Regarding the City of Oakland installing speed bumps at the hairpin curve on Estates Drive, EBMUD has no authority over the City of Oakland Public Works Department, which has the responsibility for street design and maintenance in Oakland.

MB-2-11. Regarding the comment on No Clear Plan for Interface between EBMUD Construction with the Residents and Oversight, this comment has already been addressed in Response MB-2-9, above.

- MB-2-12. Regarding comments about Air Quality impacts, refer to Response JJPM-9. Regarding comments about traffic impacts refer to Response MB-2-7 and 2.1.4 Master Response on Traffic and Circulation. For obvious reasons, EBMUD is not responsible for any comments made by real estate agents at the time the property was purchased.
- MB-2-13. Regarding comment about Sound Reduction and Air Control Mediation, this comment has already been addressed in Response JJPM-9.
- MB-2-14. Regarding the comment about Locating the Border Fence, this comment has already been addressed in Response MB-2-10. Mitigation Measure 3.2-2, bullet 2, states that EBMUD will coordinate with neighborhood representatives regarding the placement of new plantings to effect screening, and this input will be incorporated into the Final Landscape Plan. Regarding site screening, refer to Response JJPM-10.
- MB-2-15. Regarding the comment about Finance Wholeness, refer to Master Response 2.1.1.on Insurance and Damage Claims.
- MB-2-16. Regarding remaining questions about mediation requests, appeals, claims and reimbursement, refer to Master Response 2.1.1 on Insurance and Damage Claims.

Comment Letter MBOS

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:

MBOS-1

I live at 6067 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 (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.

MBOS-2

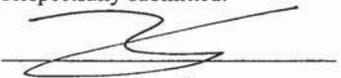
My second item of concern is that I would like the fence to be moved farther back away from the roadway to the as close as it can be to the existing EBMUD access driveway. This will allow the public more use of the open space created by this project. Again, there should be no additional fencing costs.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

MBOS-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:


Mark Bostick

Saved: Estates Walkway Proposal .doc

2.53 Mark Bostick

- MBOS-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.
- MBOS-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.
- MBOS-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 MBMM-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:

MBMM-1-1

I live at 6130 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.

MBMM -1-2

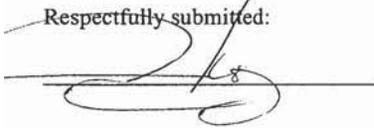
My second item of concern is that I would like the fence to be moved farther back away from the roadway to the as close as it can be to the existing EBMUD access driveway. This will allow the public more use of the open space created by this project. Again, there should be no additional fencing costs.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

MBMM -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

2.54 Mark Bostick and Marna Mignone

- MBMM-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.
- MBMM-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.
- MBMM-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.

MBMM-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:



Homeowner name

6667 E State 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."

2.55 Mark Bostick and Marna Mignone

MBMM-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 MD-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:

MD-1-1

I live 5950 McAndrew. 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.

MD-1-2

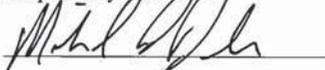
My second item of concern is that I would like the fence to be moved farther back away from the roadway to the as close as it can be to the existing EBMUD access driveway. This will allow the public more use of the open space created by this project. Again, there should be no additional fencing costs.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

MD-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:



2.56 Michael Desler

- MD-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.
- MD-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.
- MD-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.

MD-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.
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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:

Michael I Dester 5950 McAndrew 10-14-09
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."

2.57 Michael Desler

MD-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 MH-1

Letter of Concern and Request for Action

October 11, 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:

MH-1-1

I live at 6260 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 ^{day} 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 ^{City} 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.

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MH-1-2

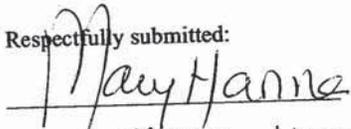
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MH-1-3

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:


MARY HANNA
Saved: Estates Walkway Proposal .doc
Oct. 12, 2009

2.58 Mary Hanna

- MH-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.
- MH-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.
- MH-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.

2.59 Mary Hanna

MH-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

Petition for Action

October 11, 2009

Via E-Mail – estateseir@ebmud.com

WATER DISTRIBUTION

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

OCT 16 2009

PLANNING DIVISION

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

Dear Ms. Alie:

MSJ-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.

MSJ-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

WATER DISTRIBUTION

OCT 16 2009

Petition for Action

PLANNING DIVISION

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.

MSJ-1-2

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.

No attractive nuisances along narrow!
Respectfully submitted:

Name	Date	Address
<i>Susan Jordan</i> MICHAEL JORDAN	<i>Oct 14</i> OCT 10 '09	<i>6219 BULLARD DR.</i>

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.

2.60 Michael and Susan Jordan

- MSJ 1-1. EBMUD appreciates the review and input of the Draft EIR and concurrence with the conclusions in the document.
- MSJ-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:

MSJ-2-1

I live at 6219 BULLARD 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.

MSJ-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.

MSJ-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:

Susan Jordan

Nichal Jordan

Saved: Estates Walkway Proposal .doc

No attractive nuisance along reservoir!

2.61 Michael and Susan Jordan

- MSJ-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.
- MSJ-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.
- MSJ-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.

MSJ-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.
- 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:

No attractive nuisance along reservoir
Susan J Jordan

SUSAN

MICHAEL JORDAN

6219 BULLARD DR OCT 10 '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."

2.62 Michael and Susan Jordan

MSJ-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 MSJ-4

MICHAEL A. JORDAN
6219 BULLARD DRIVE
OAKLAND, CALIFORNIA 94611

October 14, 2009

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

RECEIVED OCT 19 2009

Dear Ms. Alie:

MSJ-4-1 | We support Reed Settlementier's request for a safe path along Estates Drive.

MSJ-4-2 | One safety issue is the safety of pedestrians, both old and young, as they walk along Estates. If there is to be a path, the path should definitely extend to the limits of EBMUD's property.

A second and equally important issue is the potential for the path and surrounding planted area to become a site for drug users and rowdies. We hope you are aware that such a condition existed in the area between the reservoir and Estates about twenty-five years ago. The crowd of partiers blocked Estates and drove recklessly while under the influence of drugs. The Oakland Police would not patrol the area and were very slow to respond to our complaints. The problem was eliminated when EBMUD removed the parking area on Estates—a very simple solution.

MSJ-4-3 | If you plan to develop a park, we believe you should be sure it is designed so it does not become an attractive nuisance. There should be a fence along Estates that leaves no room for parking and limits the means of egress to two exits. This will discourage parking and allow police to arrest criminals before they can escape in their cars parked along Estates.

The conditions when there was parking were unacceptable. Considering that Oakland is not any safer than it was twenty-five years ago and that our overworked police are busy with violent crime, we think you should take our concerns very seriously.

MSJ-4-4 | We realize you have the authority to do whatever you want, regardless of the negative environmental impact. But with great authority comes great responsibility. If your actions create dangerous conditions, this time the neighborhood will hold you and your architects responsible.

Sincerely,



Susan and Michael Jordan

2.63 Michael and Susan Jordan

- MSJ- 4-1. Support for Reed Settlemeir’s request for a safe path noted.
- MSJ- 4-2. EBMUD’s property boundary presently extends to the edge of pavement on Estates Drive, although the actual fence location varies from 10-20 feet into the reservoir site. The existing “informal” pedestrian path is already on EBMUD property, as noted on page 3-6.9 of the Draft EIR, paragraph 4.
- MSJ- 4-3. The Draft EIR page 2-8, paragraph 2, clearly identifies the scope of proposed improvements to the existing pedestrian path along Estates Drive, specifically that the path will be improved and looped. Refer to Response MB-2-11 regarding the concern that the site will become a magnet for people not resident in the neighborhood. This is speculative with regard to the improvements being undertaken. Regarding police patrols to the site/area, as previously stated for many comments, EBMUD has no authority over the way in which the City of Oakland Police Department deploys its resources.
- MSJ- 4 4. Refer to 2.1.4 Master Response on Traffic and Circulation. Pursuant to CEQA, EBMUD, like any other project developer in the State of California, is required to identify environmental impacts associated with its projects and to mitigate those impacts to a Less than Significant level. The Draft EIR for this Project describes EBMUD’s efforts to do so in detail.

MV-1

Simplified Summary Petition

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

WATER DISTRIBUTION

LOT 16 ZONE

PLANNING DIVISION

Facts:

I'm aware that:

- 1) Estates is heavily used by Pedestrians and vehicles.
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- 6) Neighborhood children are at risk.
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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:

Melinda Valeri *5970 McArthur* *Oct 15, 2009*
 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."

2.64 Melinda Vahedi

MV-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 PH-1

From: Phil Handin [mailto:phil.handin@engmannoptions.com]
Sent: Monday, August 31, 2009 2:42 PM
To: Blackwell, Michelle
Subject: RE: Estates Reservoir Replacement Project Draft EIR

Good afternoon, Michelle--

PH-1-1

In this description, and prior descriptions of this DEIR, it doesn't mention the Dingee plans; are the Dingee plans addressed in this DEIR, or will there be a separate document for the Dingee?

From: Blackwell, Michelle [mailto:mblackwe@ebmud.com]
Sent: Monday, August 31, 2009 2:12 PM
To: Blackwell, Michelle
Subject: Estates Reservoir Replacement Project Draft EIR

Notice of Availability

The proposed Estates Reservoir Replacement Project involves the demolition of Estates Reservoir including removal of the roof, features and supporting structures, and construction of two buried 3.3 million gallon (MG) replacement tanks. The reservoir bowl will be landscaped with a mixture of drought tolerant native grasses and shrubs, interspersed with trees. Existing landscaping, including trees that screen the site along Estates Drive, will be preserved. The project also includes the upgrade of the existing pumps, motors and related appurtenances within the existing structure at the Montclair Pumping Plant, also located on the Estates Reservoir site.

The Estates Reservoir Replacement Draft Environmental Impact Report (EIR) is published as of August 17, 2009 with written comments due by October 16, 2009. The Draft EIR is available for viewing and download on the EBMUD web site www.ebmud.com. Copies are also available for review at the Oakland Public Library (Main Branch) and Montclair branch. **A public meeting is scheduled for September 21, 2009, 7:00 - 9:00 p.m. at the Zion Lutheran Church, 5201 Park Blvd., Oakland to review the Draft EIR and to gain public comment.**

Please send written comments to Gwendolyn A. Alie, Associate Planner, by mail to EBMUD, Mail Slot #701, P.O. Box 24055, Oakland, CA 94623-1055 or email at estateseir@ebmud.com. Responses to written comments will be included in the Final EIR.

Requests for copies of the Draft EIR can be made by emailing estateseir@ebmud.com or by contacting Michelle Blackwell at 510 287-2053.

Just a reminder - You should have received the postcards a week or so ago.

Thank you,

Michelle Blackwell
Community Affairs Representative
East Bay Municipal Utility District
510 287 2053

2.65 Phil Handin

- PH-1-1. The Draft EIR, page S-1 (paragraph 1) notes that "...the Dingee Reservoir will be removed from service once the (Estates Reservoir Replacement) Project is constructed and in-service." Page 2-1 (paragraph 2, last sentence) notes "The Dingee Reservoir will be decommissioned once the replacement Estates tanks are in-service." EBMUD has no further plans for the Dingee Reservoir because the replacement Estates tanks will provide water storage for the entire Dingee Pressure Zone.

Comment Letter PH-2

From: Blackwell, Michelle
Sent: Tuesday, October 06, 2009 1:42 PM
To: Baker, Sue; Alie, Gwendolyn
Cc: Kirkpatrick, William; Fvette, Tim; Hanoian, Harvey
Subject: FW: Estates Reservoir--DEIR
Importance: High

Thank you,
Michelle

From: Phil Handin [mailto:phil.handin@engmannoptions.com]
Sent: Tuesday, October 06, 2009 12:05 PM
To: Blackwell, Michelle
Cc: Anne Bookin; Barrett A. Johnson
Subject: Estates Reservoir--DEIR
Importance: High

Good morning, Michelle--

PH-2-1

I was unable to attend the Sept. 21st meeting, but talked with a neighbor who did attend.

Please forward the following brief comments to the appropriate party(ies) during this comment period.

PH-2-2

First, from what I understand the flurry of trucks will be during this project, particularly during certain periods of the project, the traffic load on Estates Drive is wholly unacceptable. Not only are there young children on my block, but the noise, exhaust, dust, etc. from this truck traffic would be unbearable for all residents. The street itself would be rendered a mess, notwithstanding that the street was repaved following the undergrounding project. Repaving would be a requirement, with repairs done DURING THE COURSE of the project on an ongoing basis. Plus,

PH-2-3

at the bend on Estates near the north end of the Reservoir parcel, which is already a very dangerous, blind, curve, would become unsafe as those large trucks cannot possibly stay on the "right" side of the road, undoubtedly crossing over onto the oncoming lane. Only a few months ago, one of our neighbors was hit by a Comcast truck/van because that curve is so dangerous. At best, you would need a full time flagman present for safety concerns, but the impact would virtually stall traffic in that area for the course of the project. UNACCEPTABLE. Also, a flagman would be required at Moraga and Estates...that is already treacherous trying to go turn onto Moraga from Estates, and the truck traffic would make the intersection, with the offramp from Highway 13 Southbound, that much worse. This is a very serious concern and we all need to know precisely how it will be handled and how the neighbors/residents will be compensated for

PH-2-4

the noise, disruption, dust, exhaust, etc. will result from these activities.

PH-2-5

Second, I understand that there was discussion about the very blind curve I refer to above, at the north end of the Estates Reservoir parcel. The road should be widened or at least a wider path should be constructed at that curve so as to render it a bit less dangerous. I walk this 5-6 days a week, and I have seen countless near misses. There are also young kids living right there who ride bikes, scooters, etc. and that is an accident, potentially tragic, waiting to happen.

Please confirm your receipt of this, Michelle, and confirm that it will be passed on to the appropriate party(ies). If you could identify to whom you forward this, I would appreciate it.

Thank you.

2.66 Phil Handin

- PH-2-1. Attendance at meeting acknowledged.
- PH-2-2. Regarding dust and exhaust emissions, refer to Response CB-1. Regarding Air Quality impacts, the Draft EIR page 3-7.12 notes that there is a less than insignificant impact associated with four potential impacts: conflict to any air quality plans of the BAAQMD (Impact 3.7-1); incremental contribution to cumulative effect for criteria pollutants in the San Francisco Bay Region (Impact 3.7-3); expose sensitive receptors to substantial pollutant concentrations (Impact 3.7-4); and create objectionable odors affecting a substantial number of people (Impact 3.7-5). The Draft EIR states that the potential to contribute to the existing violation of air quality standards for fugitive dust emissions during construction and demolition or from diesel emissions from diesel powered equipment will be reduced to a Less than Significant level with implementation of Mitigation Measures 3.7-2a and 3.7-2b, on pages 3-7.15 through 3-7.17.
- PH-2-3. Regarding street paving, the Draft EIR, page 3-6.20 notes that Project construction would cause increased wear and tear on roadways used by construction vehicles (Impact 3.6-3). Mitigation Measure 3.6-3 notes that EBMUD contract documents will require that road conditions will be documented for all routes that would be used by construction vehicles both before and after construction. If required, EBMUD will repave affected road segments to the pre-existing conditions. Repaving affected roadways continuously during construction is not feasible since the defined truck and vehicle routes would be utilized throughout the reservoir construction phase and continuous repair would be duplicative, inefficient and unnecessarily costly. Refer to 2.1.4 Master Response on Traffic and Circulation.
- PH-2-4. Refer to 2.1.1 Master Response on Insuring Projects and Processing Claims.
- PH-2-5. Refer to 2.1.4 Master Response on Traffic and Circulation.

Comment Letter PH-3

Phillip E. Handin
6025 Estates Drive
Oakland, CA 94611
510-339-9339
phil.handin@engmannoptions.com

WATER DISTRIBUTION
OCT 16 2009
PLANNING DIVISION

October 13, 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 ("DEIR")

Dear Ms. Alie:

I delivered some comments to the DEIR for the Estates Reservoir Project to Michelle Blackwell that I trust have found their way to you and/or others in your department.

To expand a bit on the issue of the blind curve situated near the westerly end of the project site, on the 6100 Block of Estates Drive (the "Curve"), I urge the following two measures be undertaken as soon as possible.

First, there needs to be signage placed on both sides of Estates Drive as the street approaches the Curve, with words to the effect of "Blind Curve Ahead, Slow to 10 MPH." I walk this section of Estates Drive 5-6 times per week, and have seen countless "near-misses" when two ongoing vehicles are (i) going too fast, and (ii) are veering from the right side of the road. In addition, children are sometimes riding bikes or scooters in that vicinity, and I don't have to tell you what could happen if one of those children is struck by a vehicle going to fast around the Curve, and/or is veering over the middle of the street.

Second, there needs to be striping painted down the middle of the street leading into the Curve from both directions as well as around the Curve itself. This would hopefully serve to remind motorists that this is a two-way street and motorists must stay on their own side of the street.

Accidents have occurred at the Curve and undoubtedly more will occur if nothing is done.

Thank you.

Sincerely,



Phillip E. Handin

2.67 Phil Handin

PH-3-1. The request for these and any street improvements in the City of Oakland should be more appropriately directed to the Oakland Department of Public Works. EBMUD has no responsibility for public streets or thoroughfares in Oakland, or any jurisdiction in its service area.

Refer to 2.1.4 Master Response on Traffic and Circulation.

PH-4

Simplified Summary Petition

Submitted to: Estates Reservoir Replacement
Draft Environmental Impact Report

WATER DISTRIBUTION

OCT 16 2009

Facts:

I'm aware that:

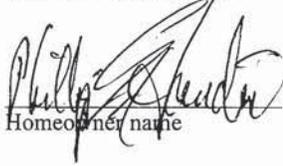
PLANNING DIVISION

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


Homeowner name

6025 Estates Dr.
Oakland, CA
Address

Oct. 13, 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."

2.68 Phil Handin

PH-4-1. Refer to 2.1.4 Master Response on Traffic and Circulation and BRS-1-2, 2-1, 2-2 and 2-3.

Comment Letter RC-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

Re: "Estates Reservoir Replacement / Draft Environmental Impact Report" PLANNING DIVISION!
Dear Ms. Alie:

RC-1-1

I live at 6051 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.

RC-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.

RC-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:
Roseann Carrigan



Saved: Estates Walkway Proposal .doc

2.69 Roseanne Carrigan

- RC-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.
- RC-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.
- RC-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.

RC-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.
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Respectfully submitted:

Handwritten signature of Roseann Carrigan

Roseann Carrigan

6051 Estates Drive

10/15/09

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.

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"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."

2.70 Roseanne Carrigan

RC-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 RLW-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:

RLW-1-1

I live 6178 ESTATES DR, OAK. 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.

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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.

RLW-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.

RLW-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

2.71 Robert and Lila Walz

- RLW-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.
- RLW-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.
- RLW-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.

RLW-2-1

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.
- 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:

Robert K. Waly
Homeowner name

6178 ESTATES DR
Address *OAKLAND*

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."

2.72 Robert and Lila Walz

RLW-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 SKL

SKL-1

Baker, Sue

From: Blackwell, Michelle
Sent: Monday, August 31, 2009 3:42 PM
To: 'Scott Law'
Subject: RE: Estates Reservoir Replacement Project Draft EIR

http://www.ebmud.com/water_&_environment/water_supply/current_projects/estates_reservoir_improvements_project/default.htm

Scott,

If you download the complete DEIR at the link above, you can use the search tools in Acrobat to locate any references to paths, fences, and traffic.

Thank you,

Michelle Blackwell

Community Affairs Representative

East Bay Municipal Utility District

510 287 2053

-----Original Message-----

From: Scott Law [mailto:setters2@pacbell.net]
Sent: Monday, August 31, 2009 3:27 PM
To: Blackwell, Michelle
Subject: Re: Estates Reservoir Replacement Project Draft EIR

Michele

thank you for this information. Our most immediate interest currently is ensuring that the surrounding boundary fence on Estates is MOVED BACK approximately 20 feet or so to enable a sidewalk/trail along Estates. There is a severe blind curve that is dangerous to the kids and numerous walkers, would be great to have room for the path as part of this.

which section in the EIR should be referred to ?

regards

Scott and Kathy Law
setters2@pacbell.net

2.73 Scott and Kathy Law

SKL-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

Petition for Action

October 11, 2009

Via E-Mail –

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

OCT 16 2009

PLANNING DIVISION

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

Dear Ms. Alie:

SS-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.

SS-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.

SS-1-2

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 should you have questions or comments.

Respectfully submitted:

Name	Date	Address
<i>Susan M. Sprague</i>	<i>10-12-09</i>	<i>6184 Estates Drive</i>

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.

2.74 Susan Sprague

- SS 1-1. EBMUD appreciates the review and input of the Draft EIR and concurrence with the conclusions in the document.
- SS-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 SS-2

Letter of Concern and Request for Action

October 11, 2009

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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:

SS-2-1

I live at 6184 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.

SS-2-2

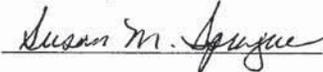
My second item of concern is that I would like the fence to be moved farther back away from the roadway to the as close as it can be to the existing EBMUD access driveway. This will allow the public more use of the open space created by this project. Again, there should be no additional fencing costs.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

SS-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:



2.75 Susan Sprague

- SS-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.
- SS-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.
- SS-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.

2.76 Susan Sprague

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

VV-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.
- 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:

Vahid Vahedi 55970 McAndrew Dr 10/15/09
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."

2.77 **Vahed Vahedi**

VV-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 WRCKR

Baker, Sue

From: Walt Reid [wreid01@sbcglobal.net]
Sent: Sunday, September 13, 2009 7:01 AM
To: esateseir@ebmud.com; Estates Project EIR
Cc: Blackwell, Michelle
Subject: Comments on Estates Reservoir EIR
Attachments: Comments on Estates Reservoir Aug 09 EIR - Walter Reid.pdf

Dear Sir or Madam,

I've attached comments on the Estates Reservoir EIR and am also sending these by mail to Gwendolyn Alie. (You should double-check your webpage with the EIR – the e-mail address listed to submit comments (esateseir@ebmud.com) appears to have a misspelling (I've also used what I believe is the intended address) unless you've changed this since when I printed it out on August 31.

Sincerely,
Walt Reid
42 Wood Ct
Oakland, CA 94611

Walter Reid
waltreid@gmail.com

9/22/2009

WALTER REID & CAROLINA KATZ REID

42 WOOD CT. ■ OAKLAND, CA 94611 ■ +1-510-339-3374 ■ waltreid@gmail.com

September 13, 2009

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

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SEP 14 2009

PLANNING DIVISION

Dear Ms. Alie,

I would like to submit the following comments on the Estates Reservoir Replacement Draft Environmental Impact Report dated August 2009.

We live at 42 Wood Court, in the house adjacent to the Montclair Pumping Plant located near the southwest corner of the Estates Reservoir. We note in the EIR that while there are plans to upgrade the pumps in the Pumping Plant, there are no plans to relocate the Pumping Plant.

We strongly disagree with the decision not to relocate the Pumping Plant and ask that the Plant be moved to a more central location in the Estates Reservoir site at the time of the Reservoir Replacement in order to minimize the disturbance from the noise of the plant and to minimize the potential health risks.

With respect to the issue of noise, we disagree with the conclusion on p. 3-9.8 that the noise of the pumps is "barely detectable" at the property line of the adjacent house. Particularly at night, the sound of the pumps can be distinctly heard and is a disturbance to the adjacent houses. On three occasions during the past year maintenance crews were also called in to work on the equipment in the middle of the night, creating further noise problems.

We are also concerned about the possible health risks of Electromagnetic Fields (EMF) associated with the large PG&E transformer located nearby our son's bedroom. The National Institute of Environmental Health Sciences of the National Institutes of Health provides the following information about EMFs on their website:

Because the use of electric power is so widespread, humans are constantly exposed to electric and magnetic fields. Studies conducted in the 1980s showed a link between magnetic field strength and the risk of childhood leukemia. After reviewing more than two decades of research in this area, NIEHS scientists have concluded that the overall pattern of results suggests a weak association between increasing exposure to EMFs and an increased risk of childhood leukemia. The few studies that have been conducted on adult exposures show no evidence of a link between residential EMF exposure and adult cancers, including leukemia, brain cancer, and breast cancer. Based on these reviews, the NIEHS recommends continued education on practical ways of reducing exposures to EMFs.
(<http://www.niehs.nih.gov/health/topics/agents/emf/>)

WRCKR-1

WRCKR-2

WRCKR-3

Comment Letter WRCKR

WRCKR-3

Given both the noise disturbance and health risks associated with the Pumping Plant, we ask that EBMUD take reasonable steps to reduce those risks at the time of the Reservoir Replacement. More specifically, we ask that you relocate the Pumping Plant to a more central location in the Reservoir site at the time of the Reservoir replacement.

Sincerely,

A handwritten signature in blue ink, appearing to read "Walter V. Reid".

Walter V. Reid

2.78 Walter Reid and Carolina Katz Reid

WRCKR-1. The Draft EIR clearly notes in the Project Description Summary, page S-3 and in Section 2.1, Overview, page 2-1, that the Estates Reservoir Replacement Project includes an upgrade to the electrical and mechanical facilities of the Montclair Pumping Plant. There are no plans to relocate the Montclair Pumping Plant as it was seismically strengthened in 1999 and the building is adequately sized to meet both existing and future capacity requirements.

WRCKR-2. Regarding disagreement with the conclusion stated on page 3.9-8 of the Draft EIR that the pump noise for the Montclair Pumping Plant is barely detectable and makes no measurable contribution to the overall sound level in the area, this conclusion was reached after a site assessment and analysis by a qualified noise consultant. Ambient area noise level was measured at 55 dBA and after startup, pump noise was measured at 55-56 dBA at the pump house, and 50 dBA at the property line of the nearest residence. No changes in pumping plant operations are anticipated, but these concerns will be considered during the design phase.

Further, please note that because the Estates Reservoir and Montclair Pumping Plant are part of the EBMUD's water distribution system, it is inevitable that unforeseen and unforeseeable maintenance work is sometimes required to keep the system operational and to maintain service to customers served by these facilities. These are rare and unanticipated events.

WRCKR-3. Regarding potential health risks associated with the PG&E transformer, the Montclair Pumping Plant was constructed in 1936, which predates construction of the majority of residences on Wood Street. In addition, as the letter notes, the National Institute of Environmental Health Science website summarizes that there is no conclusive evidence in the medical literature linking electric and magnetic fields to health problems. The research is ongoing on this issue.

2.79 Estates Draft EIR Public Meeting (September 21, 2009, Zion Lutheran Church)

- EDPM-1. Site/Security Fencing. Refer to Response SKL-1.
- EDPM-2. Truck Queuing on Estates. Refer to Master Response 2.1.4 on Traffic and Circulation.
- EDPM-3. Worker parking and carpooling at Piedmont Reservoir site. The Draft EIR, page 3-6.19 addresses the potential for increased demand for parking to accommodate worker vehicles. Mitigation Measure 3.6-2 (page 3-6.20) requires EBMUD to provide designated on-site parking areas and for the construction specifications to require the contractor to secure off-site parking and provide shuttles to transport workers to and from the Project site, where necessary. The Piedmont Reservoir site is in-use and is a secured EBMUD facility. It is also located in a residential setting outside the general traffic zone evaluated for the Project. The Draft EIR already requires the contractor to secure appropriate sites for worker carpooling; therefore identification of specific EBMUD or other sites is not considered necessary.
- EDPM-4. Public Notification of construction phases and duration. The Draft EIR, page 3-6.19, Mitigation Measure 3.6-1, bullet 1, clearly states that the Traffic Management Plan for the project shall include information regarding the work hours for each phase of Project construction, the process for notifying residents of construction activity, and the means for people to report construction related problems.
- EDPM-5. Noise: what does 90 dBA sound like? The Draft EIR, page 3-9.3, Table 3.9-2 Typical Noise Levels in the Environment notes that 90 dBA sounds like a large truck passing by at 15 meters away, while 100 dBA sounds like a pile driver at 20 meters. The indoor equivalent would be a night club with live music.
- EDPM-5. Estates pedestrian path. Refer to Response SKL-12.
- EDPM-6. Need for privacy screening during construction. Refer to Response JPH-10.
- EDPM-7. Vegetation trimming. Refer to Response JR-1.
- EDPM-8. Claims and compensation for impacted residents. Refer to 2.1.1 Master Response on Insurance and Liability Program.
- EDPM-9. Security (Thefts and break-ins). Refer to Response CO-CQ-2.

- EDPM-10. Estates and Bullard is a sensitive location regarding road paving stability. Refer to Response PH-3 regarding street repaving, and PH-4 regarding consideration of Estates Drive configuration in the Draft EIR.
- EDPM-11. Pre construction survey of homes, upon request. The Draft EIR does not consider the need for pre-construction surveys of homes. However, Master Response 2.1.1 addresses Insurance and Liability and the process for filing claims. Revisions to the Draft EIR Mitigation Measure 3.9-3 will provide for home surveys/inspections as a basis for construction claims and the assignment of a Project Liaison to facilitate and expedite the process.
- EDPM-12. City of Piedmont BlairPark Project will use Moraga/SR13. Potential traffic impact. Refer to Response CO-CQ-2. Evaluation of the City of Piedmont's project has been added to the Cumulative Impacts section of the Draft EIR, Chapter 5. The conclusion of the assessment is that the potential for increased traffic/circulation impacts can be addressed by coordination between the jurisdictions and contractors.
- EDPM-13. Air Quality/construction impacts for older residents "sensitive receptors". Refer to Response PH-2-2.
- EDPM-14. Increased police patrols during construction. Refer to Response CO-CQ-2.

Chapter 3

Text Revisions

3.1 Introduction

The following revisions have been made to the Draft EIR. These corrections include: minor corrections made by the EIR authors to improve writing clarity, grammar, and consistency; corrections additions or clarifications requested by a specific comment; or staff initiated text changes to update information presented in the Draft EIR. The text revisions are organized by the chapter and page number that appear in the Draft EIR. Strikethrough text presented in this section indicates that text has been deleted from the Draft EIR. Text that has been added to the Draft EIR is presented as underlined.

3.2 Text Revisions

3.2-1 Staff Initiated Additions to the Draft EIR.

Draft EIR Summary

Section S.6. Issues Raised During Public Outreach/Notice of Preparation Scoping Review Period, page S-26, paragraph 3. Text has been revised as follows:

“The initial step in the EIR process was to issue a Notice of Preparation (NOP) for the Project. The NOP was published on August 13, 2008 and the 30-day review/comment period expired on September 15, 2008. An agency meeting for the Project was held at EBMUD Administration Center and Business Office in Oakland on August 27, 2008. The purpose of the meeting was to present the Project to interested parties and resource, trustee and local agencies, and to solicit input as to the scope and content of the EIR. One comment was ~~No comments were~~ submitted by close of the NOP period. The NOP and comment letter are included in attached as Appendix B. As of September 23, 2009, another comment letter on the NOP was received from the State Department of Water Resources and this is also included in Appendix B.

Chapter 2: Project Description and Chapter 3: Environmental Setting, Impacts and Mitigation Measures

Section 1.2.2. Resources Not Evaluated Further in the EIR, page 1-2, second to last paragraph, and Section 3.1.2, page 3.1-2, last paragraph. Text has been revised as follows:

Effects found to not be significant and excluded from this EIR include: Hazard/ Hazardous Materials; Public Services; Utilities/Service Systems; Agricultural Resources; Recreation; Population/Housing; and Land Use/Planning and Hydrology and Water Quality.

3.2-2 Text Revisions in Response to Draft EIR Comments

Draft EIR Summary

Section S-3, page S-3, last paragraph. Text is revised as follows:

In response to EBMUD's Vulnerability Assessment Program- Security Upgrades and comments submitted on the Draft EIR, the existing chain-link security fence along the site perimeter will be replaced at the existing location, but moved inward 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. The fence height will increase from six to eight feet, and the mesh size will change from two inches to one inch. The new security fence will also be black-vinyl- coated.

Chapter 2 Project Description

Section 2.1, Project Overview, Page 2-1, paragraph 3. Text is revised as follows:

Construction activities involve the demolition of the existing open-cut reservoir followed by the construction of two cylindrical 3.3-million gallon (MG) buried concrete tanks with landscaping and associated appurtenances. A comprehensive landscape plan with varied plants, an architecturally detailed landscape wall, and contouring of the site will be implemented to create a new and pleasing aesthetic environment. In response to EBMUD's Vulnerability Assessment Program-Security Upgrades and comments submitted on the Draft EIR, the existing chain-link security fence along the site perimeter will be replaced at the same location, except for a 130 foot length in the vicinity of the tight curve on Estates Drive, where it will be moved inward by about two feet. The fence height will increase from six to eight feet, and the mesh size will change from two to one inch. The fence color will remain the same (black).

Section 2.4, Project Characteristics, page 2-8, paragraph 2. Text is revised as follows:

The replacement tanks will be mostly buried as an integral part of the overall landscape design. The site will be landscaped with a mixture of native grasses, shrubs, and trees as shown in the elevated views of the landscape plans shown in **Figure 2-3**. An improved (looped) pedestrian path will be added. Existing bushes along the perimeter will also be thinned while the lower branches of existing trees will be pruned (an on-going effort) to address fire prevention and security concerns, and to expand public views into and across the site. The existing vehicular access point to the site from Estates Drive will be maintained. New interior parking for EBMUD vehicles and equipment will be provided in two areas which will be screened to the extent feasible. In response to EBMUD's Vulnerability Assessment Program-Security Upgrades and comments submitted on the Draft EIR, the existing chain-link security fence along the site perimeter will be replaced at the existing location, except for a 130 foot length in the vicinity of the tight curve on Estates Drive, where it will be moved inward by about two feet. The fence height will increase from six to eight feet, and the mesh size will change from two to one inch. The fence color will remain the same (black).

Page 2-9, paragraph 1, bullet 6. Text is revised as follows:

- Replacing the existing chain-link security fence along the site perimeter at the existing location, except for a 130 foot length in the vicinity of the tight curve on Estates Drive, where it will be moved inward by about two feet. The fence height will increase from six to eight feet, and the mesh size will change from two to one inch. The fence color will remain the same (black).

Chapter 3 Environmental Setting, Impacts and Mitigation Measures

Section 3.1 Visual Quality

Mitigation Measure 3.2-1, page 3-2.8, text has been revised as follows, to address the need for privacy screening during construction:

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.

The contractor will be required to screen construction activity from residences/properties immediately adjacent to the reservoir site. This

privacy screening shall be sufficient to obstruct views into resident's properties from the construction area, and from residences into the construction site. Temporary privacy screening shall be removed once project construction is completed.

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 HALS style documentation. Permanent signage design will be finalized in the Project Design phase in conjunction with the landscape plan.

Mitigation Measure 3.2-2, page 3.2-10, bullet 6, last line, has been revised as follows, to address concerns about pedestrian safety/circulation:

Measure 3.2-2:

- A Landscape Plan for the Estates Reservoir Replacement Project will be prepared during the Design Phase that will be consistent with the RHAA Concept Design Process and Recommendations Report 2008 (updated 2009), and ensure that areas disturbed by construction are re-graded and planted to result in landforms that are compatible with existing site topography and landscaping, as well as the neighborhood setting.
- EBMUD will coordinate with neighborhood representatives regarding the placement of new plantings to effect screening, and this input will be incorporated into the Final Landscape Plan.
- The contractor shall be required to warrant landscape plantings for one year after project completion.
- Annual vegetation/tree pruning, consistent with City of Oakland Fire Department Fire Abatement Regulations, will continue to be implemented.
- EBMUD will ensure that the contractor restores graded, disturbed areas to a natural-appearing landform.

- Site improvements will include aesthetic/architectural treatment where facilities are located near to, or are visible from, public trails and residences, namely:
 - Creating a new drainage feature with rocks and stones, around the reservoir valve pit at the base of the excavated basin.
 - Improving the existing trail on EBMUD property, along Estates Drive.
 - Constructing a low, rustic, wooden fence along Estates Drive.
 - Constructing a parking area for EBMUD equipment and staff vehicles in the valve pit.
 - Replacing the existing six foot high perimeter chain link fence with two inch black webbing with an eight-foot high fence with one-inch webbing, in the same color (black) and at the same location, except for a 130 foot length in the vicinity of the tight curve on Estates Drive, where it will be moved inward by about two feet.

Section 3.5 Cultural Resources

Mitigation Measure 3.5-1, text has been revised as follows, to reflect Historic American Landscapes Survey:

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 significant and unavoidable impact will occur.

Section 3.6 Traffic and Circulation

Mitigation Measure 3.6-1, bullet 6, has been revised to as follows, to address the potential for truck queuing along Estates Drive and local streets:

- 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.

Section 3.9 Noise and Vibration

Mitigation Measure 3.9-3, text has been revised as follows, 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.

Chapter 5 Cumulative Impacts, Growth Inducement and Other Topics Required by CEQA

Section 5.1 Cumulative Impacts

Section 5.1.1 Approach to Analysis, page 5-1, last paragraph. Text has been revised as follows:

This cumulative impact analysis uses a list of probable future projects under the purview of various agencies with jurisdiction in the Project area, including other EBMUD projects. The analysis does not address cumulative impacts for resource issues not analyzed for the Project, i.e., for issues not found to be potentially significant and therefore excluded from analysis in the EIR. Issues excluded include: Land-Use/Planning; Hazard/Hazardous Materials; Public Services; Utilities/Service Systems; Agricultural Resources; Recreation; Population and Housing, and Hydrology and Water Quality.

Section 5.1.2 Projects with Potentially Related or Cumulative Effects, page 5-2. Text has been revised as follows:

The City of Piedmont initially mentioned three potential projects that were being considered of which two are planning studies, but noted that there is no established schedule or funding to implement any project. No detail was

provided for these projects. In December 2008, the City of Piedmont approved combining the Blair Park Sportsfield and Coaches Field Synthetic Turf and Lighting Projects, and in September 2009 the City Council outlined an EIR process which would assume EIR certification in mid 2010. Construction would likely follow within the same time frame as the construction schedule for the Estates Reservoir Replacement Project (2011-2013). The Blair Park Sportsfield/Coaches Field Synthetic Turf and Lighting Project is within the three mile radius of the Estates site as shown on modified Figure 5-1, and is therefore added to the projects considered as having a potential for cumulative impacts.

Section 5.1.2, page 5-3, paragraph 2. Text has been revised as follows:

Table 5-1 lists projects within the three mile radius of the Estates Reservoir site, and **Figure 5-1** shows their approximate location. Projects included in the table and figure include; 11 EBMUD projects, 2 Caltrans projects, ~~and~~ 1 City of Oakland project, and 1 City of Piedmont project. Projects are described in terms of location, description, status, and construction schedule (where known). In general, for future projects, construction schedules are broadly estimated and subject to change; therefore, the cumulative analysis is based on the conservative assumption that construction activities could occur within a three-year window of the proposed project's construction schedule. Given the existing local, statewide and national economic recession and financial crisis, there is even greater uncertainty about construction schedules for all projects listed.

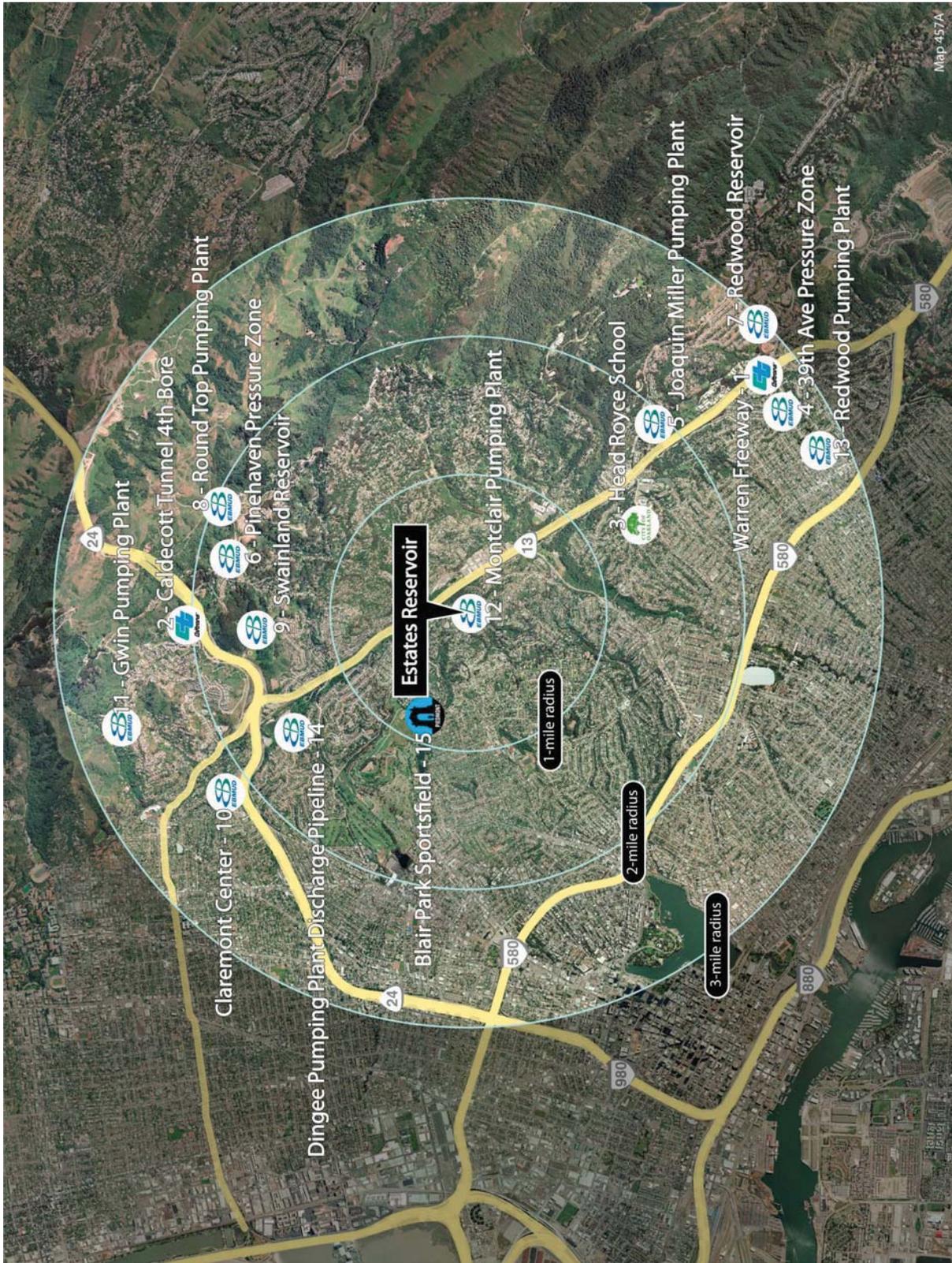
It is important to note that for a group of projects to generate cumulative impacts, they must be spatially and temporally proximate. Only ~~two~~ one of the ~~fifteen~~ fourteen projects identified in **Table 5.1** are ~~is~~ located within a one mile radius of the Estates Reservoir site (~~upgrade of the Montclair Pumping Plant, located on the Estates Reservoir site~~). Eight projects are located within a two mile radius of the Project site and five projects are located within a three mile radius.

Section 5.1.2, page 5-4, Table 5-1 is revised to include the City of Piedmont Blair Park Sportsfield and Coaches Field Synthetic Turf and Lighting Project, see item number 15.

Section 5.1.2, page 5-5, Figure 5-1 is also modified to include the City of Piedmont Blair Park Project which is within a one-mile radius of the Estates Reservoir site.

REVISED TABLE 5-1
Projects with the Potential for Cumulative Impacts
(Estates Reservoir Replacement – Construction Schedule, 2011-2013)

Number	Agency	Project Name	Project Description/Location	Project Schedule/Status	Source
1	CALTRANS	Warren Freeway Storm Water Mitigation	Warren Freeway, from Redwood Road to Carson Street Repair 5.0-5.5 miles of drains	2011-2013	CALTRANS - 8/2008
2	CALTRANS	Caldecott Tunnel Fourth Bore	Add a fourth bore to the Caldecott Tunnel on Highway 24, North side	2011-2013	CALTRANS - 2008
3	City of Oakland	Head Royce School	4314 Lincoln Avenue Master Plan Development.	Completed	Oakland Planning Department - 10/2008
4	EBMUD	39 th Ave, Pressure Zone Improvements	4290 Maybelle Reservoir and Pumping Plant Improvements	2011-2013	EBMUD – 12/2008
5	EBMUD	Joaquin Miller Pumping Plant	3213 Burdeck Drive Pumping Plant Improvements	2015	EBMUD - 12/2008
6	EBMUD	Pinehaven Pressure Zone Improvements (PZI)	6039 Grizzly Peak Boulevard Decommission Reservoir and Pumping Plant	2015-2016	EBMUD - 12/2008
7	EBMUD	Redwood Reservoir	4392 Terrabella Way Decommission Reservoir	2015	EBMUD – 12/2008
8	EBMUD	Round Top Pumping Plant	Selby Regional park Decommission Pumping Plant	2015	EBMUD - 12/2008
9	EBMUD	Swainland Reservoir	6275 Fairlane Drive Decommission Reservoir	2013-2014	EBMUD - 12/2008
10	EBMUD	Claremont Center	Golden Gate Ave at Chabot Road Aqueduct Repair	2011-2014	EBMUD - 12/2008
11	EBMUD	Gwin Pumping Plant	6 Strathmoor Drive Rehabilitate Pumping Plant	2014-2015	EBMUD - 12/2008
12	EBMUD	Montclair Pumping Plant	6317 Estates Drive Rehabilitate Pumping Plant	2013-2014	EBMUD - 12/2008
13	EBMUD	Redwood Pumping Plant	3851 39th Avenue Rehabilitate Pumping Plant	2014-2017	EBMUD - 12/2008
14	EBMUD	Dingee Pumping Plant Discharge Pipeline	From Claremont Center along Golden Gate to Broadway segment (Estates Reservoir end-point). Replace Pipeline	2011-2013	EBMUD - 4/2009
<u>15</u>	<u>City of Piedmont</u>	<u>Blair Park Sportsfield/Coaches Field Synthetic Turf and Lighting</u>	<u>Moraga Road, from Pala Avenue to the Piedmont City boundary, Ballfield Project</u>	<u>2011-2013</u>	<u>City of Piedmont website, 9/2009.</u>



Source: EBMUD 2008 Revised 2009

Projects with the Potential for Cumulative Impacts
Revised Figure 5-1

Section 5.2 Cumulative Impacts and Mitigation Measures

Traffic and Circulation

Impact C-5: Cumulative traffic and roadway disruptions. Page 5-8, paragraph 3, text has been revised as follows:

As shown in **Figure 5.1**, ~~the potential for potential cumulative traffic impacts as a result of known projects is remote to non-existent since, with the exception of the Montclair Pumping Plant Upgrade, which is part of the proposed Project, as known projects are not located in proximity of the site. However, there could be a significant cumulative effect associated with the projects listed in Table 5.1 for State Routes 24 and 13, and Interstate 580.~~ there is a potential for cumulative traffic and circulation impact associated with construction of the City of Piedmont Blair Park Ballfield/Coaches Field Synthetic Turf and Lighting Project which is within a one mile radius of the Estates Reservoir site and which may have a construction schedule within the 2011-2013 time frame identified for the Estates project construction. The potential cumulative impact would be related to the City of Piedmont and EBMUD using Moraga Avenue, SR13, and Mountain Boulevard as construction traffic routes for their respective projects. The Estates Draft EIR identifies Moraga Avenue/ SR13 as the exit route for project construction traffic. As noted in the preceding paragraph, the Draft EIR has already identified potentially significant traffic and circulation impacts associated with these locations and provided mitigation measures to reduce potential impacts to a Less than Significant level (Mitigation Measure 3.6-1, page 3-6.19). It is incumbent upon the City of Piedmont to ensure that the EIR it prepares for the Ballfield Project considers the Estates Reservoir Project in its EIR analysis, since the Estates EIR will be certified well in advance of the City of Piedmont EIR for the Ballfield Project.

The other known projects listed in Table 5.1 are either not located in proximity of the Estates Reservoir site, or in the case of the projects for State Routes 24 and 13, and Interstate 580, the schedule for construction is uncertain.

Noise and Vibration

Impact C-7: Cumulative construction noise and vibration impacts. Page 5-9, paragraph 2, text has been revised as follows:

The Project would result in intermittent and temporary noise above existing ambient noise levels due to construction activities in the Project vicinity. With implementation of mitigation measures, outlined in Chapter 3, the Project's short-term noise impacts would be Less than Significant, although

possibly still periodically and intermittently noticeable at the closest noise-sensitive receptors across Estates Drive, and adjacent to the reservoir site. The City of Piedmont Blair Park Ballfield/Coaches Field Synthetic Turf and Lighting Project is located within a one mile radius of the Estates reservoir site, on Moraga Road and it's constructions schedule may coincide (at least in part) with that of the Estates Project. This creates a (remote) potential for cumulative construction noise impacts associated with the Piedmont Ballfield Project, particularly regarding truck traffic. In general, while there is a remote potential for the proposed Project to contribute to construction noise levels generated by the cumulative projects listed in Table 5-1, due to the distant location of the majority of projects and uncertain construction timing, the potential for cumulative noise impacts would be remote to non-existent.

Appendix C.

Initial Study/Environmental Impact Checklist

Page 22 of the Initial Study Environmental Impact Checklist, VIII. Hydrology and Water Quality (a), text has been revised as follows, to reflect Additional Regulations pertaining to "C-3" Provisions contained in the California Regional Water Quality Control Board – San Francisco Bay Region’s Alameda Countywide, National Pollutant Discharge elimination System (NPDES) Municipal Stormwater Permit:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Issues (and Supporting Information Sources):				
VIII. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate Regional Water Quality Control Board water quality standards or waste discharge requirements?				☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (i.e., the production rate of pre-				☒

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?				
c) Substantially after the existing drainage pattern of the site area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems to control?				<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?				<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood plain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				<input checked="" type="checkbox"/>
h) Place within a 100-year flood plain structures which would impede or redirect flood flows?				<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding				<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
as a result of the failure of a levee or dam?				
j) Inundation by seiche, tsunami, or mudflow?				<input checked="" type="checkbox"/>

- a) The EBMUD water distribution system/facilities are designed, constructed, operated and maintained to conform to state and federal requirements for water treatment and discharge, thus no impacts to water treatment and discharge are anticipated and no further analysis and/or mitigation measures are proposed.

In addition to requirements for erosion and sediment control and for pollution prevention measures during construction (Stormwater Pollution Prevention Permit, page 2-15 Draft EIR), RWQCB regulations now require post-construction stormwater treatment measures for new development and redevelopment projects that create and/or replace 10,000 sq. ft. or more of impervious surface. And, these treatment measures must be designed following specific volume or flow hydraulic sizing criteria. Where feasible, pervious surfaces should be used instead of paving so that runoff can percolate to the underlying soil. Runoff from impervious areas meeting the above threshold must be treated. Potential BMPs include, but are not limited to, detention/retention units, infiltration structures, swales, sand filters, or wetlands.

If a project creates and/or replaces one acre or more of impervious surface and it is located in a susceptible area, hydromodification measures are required to ensure that post-construction runoff does not exceed pre-construction rates and/or durations.

After reviewing the “C-3” regulations with the objective of determining its applicability to EBMUD projects in Alameda and Contra Costa Counties, EBMUD has elected to initiate a process for systematically incorporating the C-3 requirements into the EBMUD’s project design, construction, and maintenance practices. State law currently exempts projects that produce, generate, transmit or store water and wastewater from the building and zoning regulations of a city or county (Section 53091), so local agencies have no mechanism for mandating EBMUD conformance with C-3 regulations. Despite this exemption in the State law, EBMUD has elected to respond to the purpose and intent of the C-3 regulations, as stated.

No changes are proposed to Table 2.3 Discretionary Permits Potentially Required, page 2-15 of the Estates Draft EIR.

- b) The project would not deplete groundwater supplies or recharge, because the permeable site surface will increase, with a commensurate increase in infiltration (from precipitation), groundwater and recharge. No drinking water wells are located in the vicinity of the project site and thus no impacts to groundwater are anticipated and no further analysis and/or mitigation measures are proposed.

- c) Natural drainage features at the project site will not be altered, but an increase in percolation and water collection at the proposed valve pit (in the reservoir bowl) is anticipated once the concrete reservoir lining is removed. Any increased water will easily percolate through the soil downstream into the existing culverted creek. Drainage patterns may be temporarily disrupted during construction. No impacts to the existing drainage system are anticipated and no further analysis and/or mitigation measures are proposed. Groundwater recharge may also increase as a result of measures chosen to satisfy the C-3 requirements.
- d) ~~Existing drainage patterns will be utilized (c., above).~~ The project will not result in flooding on or off-site. Existing drainage patterns will be utilized while making accommodations, as necessary, to satisfy the C-3 requirements
- e&f) The project will not increase storm water run-off. New and modified drainage located within the reservoir basin will tie into the existing storm drainage located at both sites, thus the project will not substantially degrade existing groundwater water quality, and thus no impacts to storm water are anticipated, and no further analysis and/or mitigation measures are proposed.
- g&j) The project sites are not located within a 100-year flood plain. The project would eliminate the potential for flooding as a result of the failure of a dam.

APPENDICES



ARNOLD SCHWARZENEGGER
GOVERNOR

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



CYNTHIA BRYANT
DIRECTOR

Notice of Preparation

August 14, 2008

To: Reviewing Agencies
Re: Estates Reservoir Replacement Project
SCH# 2008082060

RECEIVED
AUG 20 2008
WATER SERVICE PLANNING

Attached for your review and comment is the Notice of Preparation (NOP) for the Estates Reservoir Replacement Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

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

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Assistant Deputy Director & Senior Planner, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2008082060
Project Title Estates Reservoir Replacement Project
Lead Agency East Bay Municipal Utility District

Type NOP Notice of Preparation
Description The project objectives are to improve water quality by downsizing existing open-cut reservoirs and to restore operational flexibility and redundancy in the greater Dingee Pressure Zone. The improvements will also address seismic issues related to the reservoir embankments.

Lead Agency Contact

Name Gwen Alie
Agency East Bay Municipal Utility District
Phone 510 287-1053 **Fax**
email galie@ebmud.com
Address 375 Eleventh Street
City Oakland **State** CA **Zip** 94607-4240

Project Location

County Alameda
City
Region
Cross Streets Estates Drive, Moraga Road, Park Avenue
Lat / Long
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways 13
Airports
Railways
Waterways
Schools
Land Use

Project Issues Aesthetic/Visual; Archaeologic-Historic; Noise; Air Quality; Geologic/Seismic; Traffic/Circulation

Reviewing Agencies Resources Agency; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 3; Native American Heritage Commission; California Highway Patrol; Caltrans, District 4; Integrated Waste Management Board; State Water Resources Control Board, Clean Water Program; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Board, Region 2

Date Received 08/14/2008 **Start of Review** 08/14/2008 **End of Review** 09/12/2008

Note: Blanks in data fields result from insufficient information provided by lead agency.

REGULATORY AGENCIES

- Resources Agency
Nadell Gayou
- Dept. of Boating & Waterways
David Johnson
- California Coastal Commission
Elizabeth A. Fuchs
- Colorado River Board
Gerald R. Zimmerman
- Dept. of Conservation
Sharon Howell
- California Energy Commission
Dale Edwards
- Cal Fire
Allen Robertson
- Office of Historic Preservation
Wayne Donaldson
- Dept. of Parks & Recreation
Environmental Stewardship Section
- Central Valley Flood Protection Board
Mark Herold
- S.F. Bay Conservation & Dev't. Comm.
Steve McAdam
- Dept. of Water Resources
Resources Agency
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- Fish & Game Region 4
Julie Vance
- Fish & Game Region 5
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Habitat Conservation Program
- Fish & Game Region 6
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- Dept. of Fish & Game M
George Isaac
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- Other Departments
- Food & Agriculture
Steve Shaffer
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- Dept. of General Services
Public School Construction
- Dept. of General Services
Anna Garbeff
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- Dept. of Public Health
Veronica Malloy
Dept. of Health/Drinking Water
- Independent Commissions, Boards
- Delta Protection Commission
Debbie Eddy
- Office of Emergency Services
Dennis Castrillo
- Governor's Office of Planning & Research
State Clearinghouse
- Native American Heritage Comm.
Debbie Treadway

Ken Lewis

- Santa Monica Bay Restoration
Guangyu Wang
- State Lands Commission
Marina Brand
- Tahoe Regional Planning Agency (TRPA)
Cherry Jacques
- Business, Trans. & Housing
- Caltrans - Division of Aeronautics
Sandy Heshard
- Caltrans - Planning
Terri Pencovic
- California Highway Patrol
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Tom Dumas
- Caltrans, District 11
Jacob Armstrong
- Caltrans, District 12
Ryan P. Chamberlain
- Cal EPA
- Air Resources Board
- Airport Projects
Jim Lerner
- Transportation Projects
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- Industrial Projects
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Sue O'Leary
- State Water Resources Control Board
Regional Programs Unit
Division of Financial Assistance
- State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality
- State Water Resources Control Board
Steven Herrera
Division of Water Rights
- Dept. of Toxic Substances Control
CEQA Tracking Center
- Department of Pesticide Regulation
CEQA Coordinator

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San Diego Region (9)
- Other

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
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August 25, 2008

RECEIVED
AUG 27 2008
WATER SERVICE PLANNING

Gwen Alie
Easy Bay Municipal Utility District
375 Eleventh Street
Oakland, CA 94607-4240

RE: SCH# 2008082060 - Estates Reservoir Replacement project, Alameda County

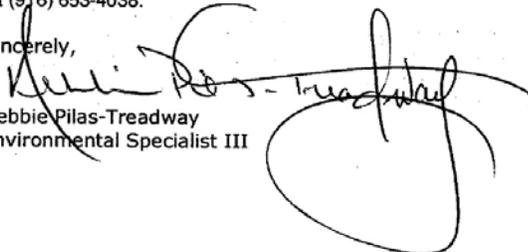
Dear Ms. Alie:

The Native American Heritage Commission has reviewed the above mentioned NOP. To adequately assess and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

1. Contact the appropriate Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
3. Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. Requests must be made in writing with the County, Quad map name, township, range and section.
 - A list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures.
4. Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5 (e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

If you have any questions, please contact me at (916) 653-4038.

Sincerely,


Debbie Pilas-Treadway
Environmental Specialist III

CC: State Clearinghouse



DISTRICT TREE MANAGEMENT Business Rules

Purpose

The purpose of these business rules is to define standard practices for the management of trees on EBMUD watershed, facility sites and properties such that:

- The public and employees are adequately protected from hazards.
- Water and wastewater system operations are reliably achieved.
- Facility and property appearance is aesthetically consistent with surroundings, tree health, and longevity and to ensure that District trees are managed in a manner that is consistent with other municipal policies.
- Existing environmental conditions are protected (primarily watershed lands).

Definition

For the purposes of these tree management rules, trees are defined as any vegetation higher than 8 feet with a diameter exceeding 8 inches measured 4.5 feet above ground that are located on District watershed, facility site or other District property. These tree management rules and practices do not apply to vegetation lower than 8 feet including all shrubs, flowers or other landscaping.

Responsibilities

Watershed

The Natural Resource Department will be responsible for tree management for all watershed lands in the East Bay and Mokelumne Area. This includes the Orinda and Mokelumne Watershed headquarters and the recreation areas at Lafayette, San Pablo, Pardee and Camanche Reservoirs

Watershed Tree Management Practices

The basic management practice for trees on watershed lands will be to maintain natural conditions with as little trimming or removal as possible to maintain public and worker safety, maintain fire breaks, manage ladder fuels, ensure access for District staff or other approved parties on roads and trails, and ensure the general health of forested ecosystem occurring within the watersheds.

Hazardous and Nuisance Conditions

Hazardous conditions include any significant part of dead, decadent or rotten trees, trees weakened by decay or disease, and trees adjacent to or overhanging any buildings, areas frequented by District staff or the public including hiking and equestrian trails such that structural failure may pose a significant threat to life or property. Tree management practices for these conditions may include felling, cutting and trimming all or a portion of the tree as required to remove the identified hazard.

Nuisance conditions include any significant part of dead, decadent or rotten trees, trees weakened by decay or disease and trees blocking access to areas frequented by District staff or the public, including hiking and equestrian trails that do not pose a significant threat to life or property. Under these conditions, tree management practices will be limited to prioritizing the need to cut, fell or trim these trees for public access only.

Diseased Trees

Diseased trees may be present on the watershed. Tree management practices may include felling, cutting and trimming of diseased trees. If, in the Department's opinion, the removal of diseased trees will create a significant public issue, concerned federal, state and local agencies of government will be notified prior to the tree removal.

Aesthetic/View Maintenance

Trees on the watershed will not be managed solely for aesthetic considerations. The District occasionally receives requests to remove or trim a tree based on a neighbor's desire to improve their view. These requests will be denied unless the tree meets the Hazardous and Nuisance Conditions as defined above.

Facilities and Properties

The Operation and Maintenance Department is responsible for tree management at all water system facilities including operating facilities, business offices and maintenance facilities. The Wastewater Department is responsible for tree management at all wastewater facilities and properties. Water Supply Division is responsible for tree management on Aqueduct properties.

Facility and Property Tree Management Practices

The basic management practice for trees on District facilities and properties will be to ensure site aesthetics, maintain public and worker safety, manage ladder fuels, prevent damage to above and below ground facilities, pipelines and vaults, and ensure reasonable access for operation and maintenance of the water and wastewater systems.

Hazardous and Nuisance Conditions

Hazardous conditions include any significant part of dead, decadent or rotten trees, trees weakened by decay or disease and trees adjacent to or overhanging any buildings, areas frequented by District staff or the public, including hiking and equestrian trails such that structural failure may pose a significant threat to life or property or trees presenting a fuel load problem. Tree management practices for these conditions may include felling, cutting and trimming all or a portion of the tree, as required to remove the identified hazard.

Nuisance conditions include any significant part of dead, decadent or rotten trees, trees weakened by decay or disease and trees blocking access to areas frequented by District staff or the public, including hiking and equestrian trails that do not pose a significant threat to life or property. Under these conditions, tree management practices will be limited to prioritizing the need to cut, fell or trim these trees for public access only.

Discased Trees

Trees containing diseases or dying will be reviewed to determine condition and overall risk to the public and other trees.

Tree management practices may include felling, cutting and trimming of diseased trees. If, in the Department's opinion, the removal of diseased trees will create a significant public issue, concerned federal, state and local agencies of government will be notified prior to the tree removal

Aesthetic/View Maintenance

Trees on facilities and grounds may be managed for aesthetic considerations. Occasionally, the District will receive a request to remove or trim a tree based on a neighbor's desire for view improvement. These requests will be denied unless the tree

- Tree trimming is required by local code or public initiative.
- View requestor contacts all affected neighbors along with the District to discuss tree trimming or removal plan and get concerns from all neighbors addressed.
- View requestor pays for all costs, hires licensed and insured tree contractor that is approved by the District to perform the work and comply with the standards of the International Society of Arboriculture.
- View requestor applies for permit from the District to access District property.
- All District rules, policies and procedures are followed.

