

Estates Reservoir Replacement
Response to Comments Document
Final Supplemental Environmental Impact Report

State Clearinghouse # 2008082060

East Bay Municipal Utility District



December 2013

TABLE OF CONTENTS

Estates Reservoir Supplemental Draft Environmental Impact Report - Response to Comments

1. Introduction

1.1	Introduction.....	1-1
1.2	Environmental Review Process	1-1
1.3	Report Organization	1-2

2. Comments and Responses

2.1	Master Responses	
2.1.1	Master Response Regarding Concerns that a Public Nuisance will Result From Tree Removal.....	2.1-1
2.1.2	Master Response to Concerns that a Public Nuisance will Result from the Installation of the Path	2.1-5
2.1.3	Master Response Regarding Public Nuisance Resulting From the Installation of an Interpretive Sign	2.1-5
2.1.4	Master Response to Concerns that Tree Removal will Eliminate Habitat for Wildlife.....	2.1-7
2.1.5	Master Response on Tree Removal versus Pruning	2.1-8
2.1.6	Master Response on Photo Simulations and Aerial Figure Provided in Draft Supplemental EIR.....	2.1-8
2.1.7	Master Response Concerns over Opened-Up Views Resulting from Tree Removal.....	2.1-9
2.1.8	Master Response to Concerns over Damaging Adjacent Trees and Bushes	2.1-10
2.1.9	Master Response Regarding Peer Review	2.1-11

2.2 Through 2.24 Comments and Responses

State Agencies

2.2	State Clearinghouse	2.2-1
2.3	Department of Forestry and Fire Prevention	2.3-1

Individuals, Businesses, Organization, and Associations

2.4	Anna Pabjanek	2.4-1
2.5	Barrett Johnson	2.5-1
2.6	Bob and Lila Walz	2.6-1
2.7	David Rovno	2.7-1
2.8.1	Daniel Solli	2.8-1
2.8.2	Daniel Solli	2.8-2
2.9	Elizabeth Pabjanek	2.9-1

2.10	E. Solli.....	2.10-1
2.11	James Hallock	2.11-1
2.12	Joan Ruderman	2.12-1
2.13	John and Claire Rubin	2.13-1
2.14.1	Jane Sinton	2.14-1
2.14.2	Jane Sinton	2.14-2
2.15	James St. John and Marja Saarinen.....	2.15-1
2.16	Kazimierz Pabjanek	2.16-1
2.17	Leland Dobbs & Colleen Brent	2.17-1
2.18	Lauren Kahn.....	2.18-1
2.19	Michael Graf	2.19-1
2.20	Michael and Sue Jordan	2.20-1
2.21	Melinda and Vahed Vahedi	2.21-1
2.22	Nick Solli	2.22-1
2.23	Riva Kahn Hallock	2.23-1
2.24	Yasmin Kudrolli.....	2.24-1

3. Text Revisions

3.1	Introduction.....	3-1
3.2	Text Revisions -Staff Initiated to the Draft Supplemental EIR	3-1

Figures

1	Bottom Fence Rail	2.1-3
2	Uphill View.....	2.1-3
3.	Fencing.....	2.1-4
4.	Uphill View	2.1-4
5.	Location of Former Roof Planter Wall	2.1-7

CHAPTER 1

INTRODUCTION

1.1 Introduction

This Response to Comments Document (RTC) has been prepared to accompany the Draft Supplemental Environmental Impact Report (EIR) for East Bay Municipal Utility District's (EBMUD) Estates Reservoir Replacement Project (Project). The Draft Supplemental EIR identified the environmental consequences associated with proposed modifications to the Project as approved in 2010 EIR. The modifications include the removal of some trees and changes to the pedestrian path, and recommended mitigation measures to reduce the significant and potentially significant impacts of these changes to less than significant. The RTC has been prepared pursuant to the CEQA Guidelines. It responds to the comments on the Draft Supplemental EIR and makes revisions to the Draft Supplemental EIR, as necessary, in response to these comments. Together with the Draft Supplemental EIR, this RTC document constitutes the Final Supplemental EIR for the project.

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

The Final Supplemental EIR shall consist of:

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

1.2 Environmental Review Process

On September 6, 2013 EBMUD (lead agency) released the EBMUD Estates Reservoir Replacement Project Draft Supplemental EIR for public review (State Clearinghouse No. 2008082060). The public review and comment period on the Draft Supplemental EIR began on September 6, 2013 and closed on October 21, 2013. This Response to Comments Document has been prepared based on comments submitted as a result of the public review period.

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

The EBMUD Board of Directors anticipates certifying the Final Supplemental EIR (a finding that the Supplemental EIR complies with the requirements of CEQA) at a regularly scheduled Board meeting on December 10, 2013. Following Supplemental EIR certification and prior to Project modification approval, the Board shall make findings for each significant environmental impact that are supported by substantial evidence in the record and shall adopt the Mitigation Monitoring and Reporting Program (MMRP).

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

1.3 Report Organization

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

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

- 2.1.1 Master Response on Public Nuisance Resulting from Tree Removal
- 2.1.2 Master Response on Public Nuisance Resulting from the Installation of the Path
- 2.1.3 Master Response on Public Nuisance Resulting from the Installation of the Interpretive Sign
- 2.1.4 Master Response on Elimination of Wildlife Habitat Resulting from Tree Removal
- 2.1.5 Master Response on Tree Removal versus Pruning
- 2.1.6 Mater Response to Concerns over Photo Simulations and Aerial Figure Provided in Draft Supplemental EIR

- 2.1.7 Master Response to Concerns over Opened-Up Views from Tree Removal
- 2.1.8 Master Response to Concerns over Damaging Adjacent Trees and Bushes
- 2.1.9 Master Comment Regarding Peer Review

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

Letter Code Commenter

State Agencies

SCH	Terry Roberts, Director, State Clearinghouse, Governor's Office of Planning and Research
DFF	Department of Forestry and Fire Protection

Individuals and Businesses

AP	Anne Pabjanek
BJ	Barrett Johnson
BWLW	Bob and Lila Walz
DR	David Rovno
DS	Daniel Solli
EP	Elizabeth Pabjanek
ES	E. Solli
JH	James Hallock
JR	Joan Ruderman
JRCR	John Rubin and Claire Ruben
JS	Jane Sinton
JSMS	James St. John and Marja Saarinen
KP	Kazimierz Pabjanek
LK	Lauren Kahn
LDCB	Leland Dobbs and Colleen Brent
LK	Lauren Kahn
MG	Michael W. Graf
MJSJ	Michael and Susan Jordan
MVVV	Melinda and Vahed Vahedi
NS	Nick Solli
RH	Riva Kahn Hallock
YK	Yasim Kudrolli

Chapter 2

COMMENTS AND RESPONSES

2.1 Master Responses

2.1.1 Master Response Regarding Concerns that a Public Nuisance will Result From Tree Removal

Comments on the Draft EIR addressed the issue of a public nuisance that could result from tree removal.

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

AP-6	ES-6	JSMS-6	NS-6
BWLW-1	JH-4	KP-6	RH-6
DR-6	JR-6	LDCB-4	YK-6
DS-1-6	JRCR-6	MG-4	
EP-6	JS-2-1	MVVV-6	

Several individuals have expressed the concern that cutting the trees specified in the Draft Supplemental EIR will create open space areas, thus increasing the potential for public gatherings at the Project site, with resulting adverse impacts on the neighborhood i.e. late night gatherings consisting of noise and disturbances, and littering. The past events cited by the commenters in support of their contentions were the result of paved turnouts overlooking the roof-top fountains, both installed in the 1960's. These turnouts were removed in the 1980's in response to neighborhood complaints. Landscaping was then installed on the site near the former turnouts to prevent off-road vehicle parking. As a result of these actions, the number of disturbances at the site substantially subsided. The new Project does not introduce any turnouts for vehicle parking, nor remove any landscaping in a manner that would allow for increased off-street parking. EBMUD has found no evidence that removal of trees will increase incidents of littering or loitering on the property.

What has occurred over recent years are break-ins to the reservoir site by individuals cutting the fencing to gain access to the reservoir site. The locations of these break-ins almost always occurred at areas where the overgrown landscape bushes shelter the views from the roadway and surrounding homes. Refer to Figures 1 through 4. As a result, EBMUD Security requested that the fencing be replaced around the entire reservoir perimeter and that existing bushes along the perimeter be thinned, including the lower branches of existing trees, for both security concerns and fire prevention. Refer to the 2009 Draft EIR project description located on page S-3. This action will increase the efficiency of security patrolling by EBMUD, Oakland Police Department (OPD) and

observations by adjacent neighbors. The purpose of removing 22 trees is discussed on page 2-5 of the Draft Supplemental EIR; tree removal is independent of the security issues mentioned above.

Furthermore, EBMUD has consulted with OPD on two separate occasions (June 2008 and July 2013) to discuss techniques to prevent crime through environmental design specifically to this project. Both times, OPD confirmed that a more open landscape at Estates reservoir would “allow natural surveillance from passing cars, other users, and neighbors”.



Figure 1

Bottom Fence Rail Cut to Gain access into reservoir site; breach repaired with additional galvanized fencing. Area located on west side of reservoir and adjacent to existing unimproved pathway. (2009)



Figure 2

Uphill view looking towards Estates Drive at the location identified in Figure 1. The area is sheltered from the natural surveillance from passing cars, other users, and neighbors. In this semi-remote setting, being seen is the best protection for joggers, etc. (OPD June 2009)



Figure 3

Fencing cut to gain access to reservoir site; breach repaired with galvanized fencing material. (2009)



Figure 4

Uphill View looking towards Estates Drive at the location identified in Figure 3. (2009)

2.1.2 Master Response to Concerns that a Public Nuisance will Result from the Installation of the Path

Comments on the Draft EIR addressed the issue of a public nuisance that could result from the installation of the path.

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

BJ-1	JH-3	LDCB-2
BJ-3	JS-1-2	LK-5
BWLW-2	JS-2-2	MG-4

The Project as described in the 2010 EIR included an improved path at the site. The August 2009 Draft EIR, Appendix C Initial Study, Page 28 and 29, concludes that there will be no increased visitation to the site as a result of the Project, and thus no significant impacts to Recreation or Public Services by installing an improved path connecting with the existing unimproved path. The Supplemental EIR describes the relocation of the improved path (page 2-2), showing that it is substantially similar to the path as contemplated in the 2010 EIR, though shorter; this modification does not change the 2010 EIR assumptions and analysis as it pertains to impacts of the path on increased usage of the site.

The new Project does not introduce any turnouts for vehicle parking, nor remove any landscaping in a manner that would allow for off-street parking. Therefore EBMUD finds no evidence that installing an improved path connecting to the existing path will attract or increase public gatherings that would constitute a nuisance resulting in an environmental impact.

2.1.3 Master Response to Concerns that a Public Nuisance will Result from the Installation of the Interpretive Sign

Comments on the Draft EIR addressed the issue of a public nuisance that could result from the installation of the interpretive sign.

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

AP-5	DS-2-1	JRCR-5	LK-6
BJ-4	EP-5	JS-2-3	MVVV-5
BJ-5	ES-5	JSMS-5	NS-5
BWLW-3	JH-2	KP-5	RH-5
DR-5	JR-5	LK-6	YK-5
DS-1-5			

As indicated in the Supplemental Draft EIR, the proposed interpretive signage is not a “change” in the project; it was included as a courtesy notification as to where the sign specified in the 2010 EIR would be located, because the 2010 EIR did not specify the location. The analysis, findings and proposed mitigations have already been provided in section 3.5 of the 2010 EIR. In summary, the environmental impacts of the removal of the Estates Reservoir roof were found to be significant and unavoidable. At the request of the City of Oakland Landmark Preservation Advisory Board, EBMUD committed to installing an interpretive sign as part of 2010 EIR (Mitigation 3.5-1). The request was a result of a petition to “Save the Estates Fountains” submitted to the City of Oakland which was signed by over 160 Oakland residents living near Estates Reservoir.

Recently, some neighbors requested that the interpretive sign should not be installed for various reasons; however, not installing the interpretive sign would not comply with the 2010 EIR. Moreover, as specified in the Draft Supplemental EIR, the sign will be installed behind the fence so that it will not be a “magnet” for taggers (also an EBMUD maintenance concern). This decision was made, in part, in response to neighborhood concerns. The new Project does not introduce any turnouts for vehicle parking, nor remove any landscaping in a manner that would allow for off-street parking. Therefore EBMUD finds no evidence that installing an interpretive sign will attract or increasing public gatherings that would constitute a nuisance resulting in an environmental impact.

Neighbors refer to a “clearing” or “dead-end” at the end of the improved path that they state has a potential to attract loiterers, trash and create a late-night hangout. This “clearing” is a pre-construction condition; existing years before the Project was approved in 2010 (see Figure 5). With the exception of a one bush removal, no alterations to this clearing have been made to enlarge it any way. In constructing the Project, contractors installed in this clearing, a low dais (referred as a “concrete platform” or “concrete base” by some neighbors) constructed from parts of the former Estates Reservoir roof planter wall. In response to community concerns, this dais will be removed and wood chips will be placed in this area. A wheel chair turn-around landing area (approximately 6 feet by 6 feet) will be installed at the end of the improved path because it is required pursuant to American Disability Act requirement. The location of the landing area intersects the unimproved trail as depicted in Figure 2-1 of the Draft Supplemental EIR.



Figure 5
Location of Former Roof Planter Wall

2.1.4 Master Response to Concern that Tree Removal will Eliminate Habitat for Wildlife

Comments on the Draft EIR addressed concerns that removing trees will eliminate habitat for wildlife.

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

AP-4	ES-4	KP-4	KH-4
DR-4	JR-4	LK-4	YK-4
DS-1-4	JRCR-4	MVVV-4	
EP-4	JSMS-4	NS-4	

As described in the Draft Supplemental EIR (Section 3.3.1) a biological survey was performed of the entire project area and wildlife habitat was taken into account. The trees

and brush that will be removed are mostly non-native and were found not to provide habitat for sensitive species. The remaining trees and trees that will be planted on site around the buried water tanks as mitigation will provide additional future habitat for wildlife that might use the area. In general, the Project will result in more diverse and better habitat for wildlife species that inhabit the area.

2.1.5 Master Response on Tree Removal versus Pruning

Comments on the Draft EIR addressed concerns that tree pruning should be performed in lieu of tree removal.

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

AP-3	EP-3	JSMS-3	NS-3
BJ-8	ES-3	KP-3	RH-3
DR-3	JR-3	LK-3	YK-3
DS-1-3	JRCR-3	MVVV-3	

EBMUD, based on the collaborative opinion of RHAA and the City arborist has determined there is no benefit to pruning efforts on the 22 trees identified for removal and three of the trees are in the alignment of the proposed path. These trees have been evaluated taking into consideration their health, their impacts to other healthy trees (see Supplemental EIR Table 2.1), the safety issues they pose, and the aesthetic quality they contribute. For the remaining trees, pruning is a necessary and required effort for the trees to remain as part of an ongoing site monitoring effort to encourage tree health, and minimize safety and fire hazards.

2.1.6 Master Response to Concerns over the Photo Simulations and Aerial Figure Provided in the Draft Supplemental EIR

Comments on the Draft EIR addressed comments regarding the photo simulations and/or the Aerial graphic provided in the Supplemental EIR.

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

BWLW-4	JH-5	LK-2	MG-6
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The position/angle view shown in the Draft Supplemental EIR photo simulations were taken from public view points along Estates Drive in a similar fashion to those shown in the 2010 EIR (Figure 3.2-3 of the Draft EIR). In general, the views tend to be perpendicular to the roadway and which depicts the largest possible clearings upon removing the subject tree. If photos were taken at a less direct angle (skewed to the roadway), then the view of the removed trees would show adjacent trees rather than the clearings.

Shadows cast by the removed trees were removed in the photo simulations only in cases where there was a high certainty it was cast by the removed tree. Refer to Figure 3.2-3 of the Draft Supplemental EIR, which depicts a removed tree shadow upon removing the tree.

On Figure 2-1, the red circles with an “X” inside represent the engineered surveyed location of the trees to be removed. The circles are drawn to scale for the existing trees and represent the crown of the trees. The depicted tree/foliage for trees to be removed is not shown in Figure 2-1 of the Draft Supplemental EIR. Any foliage depicted within the boundaries of the circle is due to adjacent trees.

Regarding new tree plantings, they are located in the area where the previous reservoir roof structure existed. Several new trees planting are also located adjacent to the entry gate parking area (on the secured side of fencing). The locations of the new planting are approximate and the canopy/foliage depicted is based on a 5 year growth.

2.1.7 Master Response to Concerns over Opened-Up Views Resulting from Tree Removal

Comments on the Draft EIR addressed concerns that removing trees will open-up views.

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

AB-1	ES-1	KP-1	RH-1
DR-1	JR-1	LK-1	YK-1
DS-1-1	JRCR-1	MVVV-1	
EP-1	JSMS-1	NS-1	

The effects of the opened-up views were analyzed in Section 3.2.3 and Figure 2-3 of the 2010 EIR. The effects on views from the surrounding area were less than significant with implementation of the proposed concept landscape plan prepared by RHAA and still remain less than significant with the 22 trees removed. Examples of this are views 1, 2, and 3 in Figure 2-3 indicating tree removal and opening up views.

The tree removal presented in the Draft Supplemental EIR will still open-up some public views into the reservoir site. Views of the new security fencing will be noticeable, but less as shown in, for example, Figure 3.2-5 of the Draft Supplemental EIR. The fence color chosen is black because this color blends in with the environment more than other colors – refer to mitigation 3.2-2 of the 2010 EIR.

Additionally, the roof tops of the reservoir complex are buried and planted with grasses and trees around them to provide screening and visual quality mitigation of the replacement reservoir; this aspect of the Project was discussed in detail under impact

3.2-4 of the 2010 EIR. As a result, the District does not believe that the proposed removal of the trees will change the existing viewscape over the reservoir in a manner that is substantially different than the existing viewscape from an aesthetics standpoint. Through the design of the reservoir roof and the implementation of mitigation measure 3.2-2, the impact on public views will remain less than significant.

2.1.8 Master Response Concerns over Damaging Adjacent Trees and Bushes

Comments on the Draft EIR addressed concerns that removing trees will damage adjacent trees.

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

AP-2	ES-2	JSMS-2	RH-2
DR-2	JH-6	KP-2	YK-2
DS-1-2	JR-2	MVVV-2	
EP-2	JRCR-2	NS-2	

The extent of tree removal is identified in Figure 2-1 of the Supplemental EIR. A total of 22 trees will be removed. EBMUD does not anticipate the need for further tree removal under the Project. EBMUD contract requirements do not allow other trees to be removed without approval of the Engineer. EBMUD also requires of the contractor that excavations be relocated that may interfere with existing root systems in order to avoid or reduce damage to the root system.

2.1.9 Master Response Regarding Peer Review

Comments on the Draft Supplemental EIR addressed concerns that there has been not been an independent Peer review of the Draft Supplemental EIR.

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

AP-7	ES-7	JSMS-7	NS-3
DS-7	JR-7	KP-7	RH-3
EP-7	JRCR-7	MVVV-7	YK-7

For this project, EBMUD has hired and relied upon the input of consultants who have special expertise with respect to environmental impacts. These consultants are listed in Chapter 6 of the 2010 EIR and Chapter 4 of the Draft Supplemental EIR. In addition, EBMUD has met with various City of Oakland departments regarding this project, specifically, the Police Department, the Fire Department, and the City Arborist, and has relied upon their input.

2.2 THROUGH 2.24
COMMENTS AND RESPONSES



Edmund G. Brown Jr.
Governor

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



Ken Alex
Director

October 22, 2013

Tim Fuelle
East Bay Municipal Utility District
375 11th Street
Oakland, CA 94611

Subject: Estates Reservoir Replacement - Vegetation Removal and Interpretive Sign
SCH#: 2008082060

SCH-1

Dear Tim Fuelle:

The State Clearinghouse submitted the above named Supplemental EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 21, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

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

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

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

2.2 State Clearinghouse

SCH-1. As noted, the Draft EIR was circulated to fifteen selected state agencies for review and one comment was forwarded from the Department Forestry and Fire Prevention.

Comment Letter DFF

clear
10/21/13
E

Department of Forestry and Fire Protection

Attention: Environmental Coordinator
Santa Clara Unit

Telephone: (916) 653-4995

From: Department of Forestry and Fire Protection
Chris Browder, Deputy Chief
Environmental Protection

Subject: Environmental Document Review

Project Name: Estates Reservoir Replacement PProject - Draft Supplemental EIR
SCH #: 2008082060
Document Type: Supplemental/Subsequent EIR

Potential Area(s) of Concern: Fire Protection?; Oak Woodland

Other:

MANDATED DUE DATE: 10/21/2013

DI

The above referenced environmental document was submitted to State Headquarters, Environmental Protection for review under the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA). The proposed project, located within your Unit/Program Area, may have an impact upon the Department's fire protection and/or natural resource protection and management responsibilities or require the Department's permits or approval. Your determination of the appropriate level of CAL FIRE involvement with this project is needed. Please review the attached document and address your comments, if any, **to the lead agency** prior to the due date. Your input at this time can be of great value in shaping the project. If your Unit's Environmental Coordinator is not available, please pass on to another staff member in order to meet the mandated deadline.

Please submit comments directly to the lead agency before the mandated due date with copy to the State Clearinghouse (P.O. Box 3044, Sacramento, CA 95812-3044).

No Comment - explain briefly on the lines below.

*We support this project with the following guidelines, EIS M&D
consults with a licensed Forester to determine if the project
is on Timber Lands and if permits are required.*

*Abide by all regulations and practices in regard to
sudden oak death syndrome (SODS).*

Name and Title of Reviewer: Robert Chow, DC
Phone: (916) 472-1607 Email: robert.chow@fire.ca.gov

Note: Please complete this form and return it, with a copy of any comments, for CAL FIRE's records to: Ken Nehoda or Chris Browder, Deputy Chief, Environmental Protection, P.O. Box 944246, Sacramento CA 94244-2460.

RECEIVED
OCT 21 2013
STATE CLEARING HOUSE

2.3 Department of Forestry and Fire Prevention

DFF-1. As requested by the Department Forestry and Fire prevention, EBMUD hired a license forester to determine if the project site is on timberland. It was determined by the license forester that the project site is not on timberland, therefore no permits are required from the department to remove the trees. See following letter.

November 18, 2013

Mr. Timothy Fuette
Associate Civil Engineer
East Bay Municipal Utility District

Re: Estates Reservoir Replacement Project

I have reviewed the Engineer's Design for the new reservoir facility and find that the entire site is located in the City of Oakland, in a well-established residential neighborhood West of the Warren Freeway. This is not forest land as defined by the California Forest Practice Act.

The trees to be removed were planted to beautify the existing reservoir and to hide said reservoir from the neighborhood. Removal of 22 trees around the perimeter of the project will be done to remove dead and dying vegetation and to make safe the construction zone for the two (2) replacement reservoirs.

No commercial use will be made of the removed vegetation as it will be chipped on site and those chips stored at the same site for future use.

It is my belief, therefore, that no permits are needed from the State of California to authorize the removal of the existing vegetation for this project.

Sincerely,



Mark Mueller-RPF 2013

1608 Highland Way, Brentwood, CA.

925.240.7618

Additionally an independent scientist has reviewed the trees that are proposed to be removed and he has found no evidence of sudden oak death cankers or leaf lesions. Nevertheless, EBMUD will abide by all regulations and practices in regards to sudden oak death syndrome if the disease is observed on any trees being removed. See the following letter.



Lee Klinger, MA, PhD, Independent Scientist & Consultant
PO Box 664, Big Sur, CA 93920 • 831-917-7070

Estates Reservoir Tree Removal Assessment

January 29, 2013

Inspection Results

On January 28, 2013, I inspected a grove of about 40 coast live oak trees that are slated for removal as part of the EBMUD Estates Reservoir Replacement Project in Oakland, CA. I am an independent scientist and consultant specializing in oak health, and was requested by Jane Sinton to provide an independent assessment of the recommendations by the landscape architecture firm Royston Hanamoto Alley & Abey (RHAA) regarding the removal of the oak grove.

In particular, I carefully examined the trees for any signs of sudden oak death disease, as the RHAA assessment dated August 12, 2010 stated, with regards to the coast live oak health, "Several trees are showing signs of the sudden oak death pathogen by way of small cankers on their trunks and spotted leaves."

The following are the tag numbers of the coast live oaks marked for removal that I examined – 27, 33, 36, 40, 43, 52-57, 61-65, 69, 84-86, 91, 97, 102, 106, and 107. Nearly all of these oaks were medium-sized mature trees with canopy densities ranging from fair (50-70% sky occlusion) to good (70 to 90% sky occlusion). I found no evidence of sudden oak death cankers or leaf lesions, nor did I find any evidence of other diseases or insect pests affecting any of the oaks. I noted that a number of smaller oaks marked for removal (not included in my list above) were underneath the canopies of large trees and did have poor canopy densities (25-50% sky occlusion).

I also noticed that five mature redwood trees (near large pine, no tag numbers) and two cedar trees (tag numbers 24 and 93) were also marked for removal. I inspected these trees as well and found that they all had good canopy densities and no signs of disease or insect pests.

While many of the trees listed above are located in somewhat close proximity to each other, that is the typical nature of an oak grove. In no case did I find the situation that the mature trees listed above were in too close a proximity to warrant removal.

Appendix A provides photos showing examples of healthy oaks that are slated for removal. As can be observed, removal of these trees would significantly alter

Comment AP

Mr. Tim Fuelle, EBMUD
375 11th Street
Oakland, CA 94607
Comments on Draft Supplemental Environmental Impact Report, Estates Reservoir Replacement

Dear Mr. Fuelle,

I am writing to submit my comments on the Draft Supplemental Environmental Impact Report (DSEIR) on EBMUD's Estates Reservoir Project. I strongly oppose EBMUD's plans to remove 22 trees and install interpretative signage, a path, and sections of low wooden fence. I live adjacent to the site and will be negatively impacted by the plans described in the DSEIR. My objections to the plans are described in detail below.

AP-1

There are just over 100 trees on the site and 20% are marked for removal. This is a significant fraction contrary to the assertions of the DSEIR. There is also no further need to remove trees and bushes from the reservoir site. The presence of trees and bushes are also very important for the aesthetics of the neighborhood and property values. Views will be impacted in ways that are not anticipated by the DSEIR, and its analysis is limited to specific angles/positions. Notably, two of the largest and most beautiful trees on the site are marked for removal (pp.33,36), and with these trees gone, a very large clearing will be created, which is not properly shown in the DSEIR's photoshopped images or aerial sketch. Views of the chain link fence and reservoir complex will be significantly increased (even shown in DSEIR analysis, e.g., p.36). Additionally, some trees are marked for removal in areas where foliage is already thin. Some neighbors have raised views, which will also be impacted. Other foliage will likely be damaged/removed during the tree removal, and this will have further impact on the view. For example, it is likely that additional trees/bushes will be removed or damaged to accommodate the planned sections of the low wooden fence, as they are shown intersecting with foliage not marked for removal in the DSEIR aerial sketch (p.23).

AP-2

AP-3

AP-4

AP-5

Most of these reasons given in the DSEIR for tree removal (p.24) are very subjective. In some cases, the DSEIR cites tree health issues or overcrowding, yet there has been no attempt to address these issues with (much cheaper) pruning/ maintenance rather than removal. Some trees may not be thriving as well as others, but that is always true in a wooded area. Tree and bush removal will eliminate habitat for the birds and other wildlife that live there, and their removal would also create open spaces where people can gather, make noise, and dump litter and other trash.

The DSEIR describes plans to construct an interpretative signage area on the reservoir site. In order to reach the interpretative signage, EBMUD intends to create an ADA-compliant path through the wooded region, which will require the removal of trees and bushes. The path has a turnaround (dead end) at the interpretative signage, so its primary purpose is to reach the signage. Originally, the signage was planned for a publicly accessible part of the path, and an unsightly concrete base/retaining wall was constructed for it. This base had already attracted late-night activity, noise, trash, and graffiti. In the DSEIR, EBMUD has decided to move the signage to the other side of the chain-link perimeter fence: For example, p.2-6 (p.22 in the pdf) states: "Therefore, the retaining wall will be removed and the signage will be placed near the existing clearing overlooking the reservoir at the end of the improved ADA path; however, it will be placed on the secured side of the fencing..." The aerial sketch on p.2-7 (p.23 in the pdf) also indicates that it will be located in essentially the same place as the current concrete base, but on the other side of the fence.

Interpretive signage should not be constructed on the site in any form. It is inappropriate for this location. The dead-end path and signage will attract loiterers, trash, and create late-night hangouts. This is not a tourist destination, and people who live near the reservoir are unlikely to visit the signage on a regular basis. EBMUD has not described any plans to maintain the path to the signage, and it will undoubtedly become heavily littered. The dead-end path will be dangerous, especially during nights/evenings, as there will be no security presence, no lighting and only one accessible way out; one could be easily trapped by

Comment AP

Comments on Draft Supplemental Environmental Impact Report, Estates Reservoir Replacement

AP-5

an assailant. The DSEIR has not considered the impact that the signage and path will have on the neighborhood, and if EBMUD believes the interpretive signage and path will not be an attraction, then they have no function and should not be constructed. A much more appropriate location for interpretive signage would be in the lobby of EBMUD's 11th St. Oakland headquarters, where it would get proper exposure and maintenance and be adequately monitored by security. Other suitable locations include the Oakland City Hall or the offices of Royston Hanamoto Alley and Abey. The latter entity stands to reap the benefits of the interpretive signage, as it is an homage to Royston and his work. The ADA-compliant path to the signage area and sections of low wooden fence are unnecessary if the signage is not erected within the site. The natural pathways around the northeast perimeter of the reservoir have always been adequate for those neighbors and visitors who use it, whether frequently or occasionally, and an additional dead-end path adds no advantage or convenience. There would thus be no need to eliminate trees and bushes for the ADA pathway.

I also note that the DSEIR does not mention any plans for the clearing that will be left behind when the existing concrete base/retaining wall is removed. This base was constructed as part of the original signage plans, and an area was cleared by EBMUD to accommodate it. Trees and/or bushes should be planted here to ensure that it does not become a littered gathering area.

AP-6

I would also like to emphasize that late-night hangouts, trash buildup, and neighborhood safety are serious concerns that will be compromised by the plans outlined in the DSEIR. EBMUD's public records show that late-night gatherings consisting of noisy and often violent disturbances became a regular occurrence when lookout areas (clearings) were created in the late 1960s and remained until the early 1980s. EBMUD records from that time contain numerous written complaints from the neighbors. Some eye witnesses from that time still live in the neighborhood and can attest to these problems. Records show that EBMUD and the police were unable to prevent these gatherings. Ultimately (after nearly 15 years of neighborhood letters, complaints, and calls to police), they had to do away with the lookout areas to make this problem go away. Today, police presence in Oakland is lower than ever. The police cannot and will not provide security for the site. The plans described in the DSEIR will create public gathering places, yet the DSEIR has not described any plans to ensure site security, neighborhood safety, and regular trash cleanup. Already, the clearing area that EBMUD created for the original signage plans has attracted late-night hangouts with beer cans and other trash left behind. Additionally, other clearing areas in the Montclair area have become heavily littered, demonstrating that this problem is likely to occur at the Estates Reservoir if clearings are created. I am also aware of Oakland's nuisance abatement program and a graffiti ordinance. Under these programs, EBMUD will be required to ensure that trash and graffiti are promptly removed from the site. EBMUD does not seem prepared to handle this responsibility, as very little regular maintenance is performed on the grounds. If and when noisy hangouts occur and trash and graffiti appear, neighbors will actively request that the City of Oakland enforce the ordinances.

AP-7

Finally, I would like to note the following points. The EIR and DSEIR for the project have been prepared by EBMUD, and there has been no mention of independent peer review. Additionally, the plans outlined in the DSEIR will cost a great deal of money needlessly at a time when EBMUD customers are being hit with significant rate hikes. Please halt these plans as described above.

Name: *Anna Pabjanek*
Address: *5980 Mc Andrew Dr.
Oakland, CA 94611*

2.4 Anna Pabjenek

- AP-1. Refer to 2.1.7 Master Response to Concerns over Opened-up Views Resulting from Tree Removal.
- AP-2. Refer to 2.1.8 Master Response to Concerns over Damaging Adjacent Trees and Bushes.
- AP-3. Refer to 2.1.5 Master Response on Tree Removal versus Pruning.
- AP-4. Refer to 2.1.4 Master Response to Concerns that Tree Removal will Eliminate Habitat for Wildlife.
- AP-5. Refer to 2.1.3 Master Response to Concerns that a Public Nuisance will Occur from the Installation of an Interpretive Sign.
- AP-6. EBMUD acknowledges the facts set forth in this comment. Refer to 2.1.1 Master Response to Concerns that a Public Nuisance will Occur from Tree Removal.
- AP-7. Refer to 2.1.9 Master Comment Regarding Peer Review.

Comment BJ

From: BARRETT johnson
Sent: Oct 17, 2013 7:55 PM
To: "estates.supplemental.eir@ebmud.com"
Cc: Bob & Lila Walz , Claire Rubin , Colleen Dobbs , Doug Saunders , Elizabeth Pabjanek , Jim Hallock , Jo Loughran , Joan Ruderman , John Rubin , Lauren Kahn , Laurence Allen , Leland Dobbs , Maryrose Dunton , Melinda Gibbons , Nick Solli , Sue Jordan , Susan Sprague , Yasmin Kudrolli, Jane Stinton
Subject: Estates DSEIR

Mr. Tim Fuelle, Associate Civil Engineer
MS #701
375 Eleventh Street
Oakland, CA 94607-4240

Re: Estates Reservoir Replacement Project

Dear Mr. Fuelle

I've reviewed the Draft Supplemental EIR that your department made available in September. I have the following comments:

BJ-1

ELIMINATE THE PATH,

Because it is an attractive nuisance. The neighborhood does not want a path that would allow vandals and transgressors to congregate. It is not needed and not wanted. For the best solution, put a six-foot fence at the westerly path exit/entrance point on Estates. (Or some solution that would prevent ANYONE from traversing the path.) THIS IS NUMBER ONE PRIORITY.

BJ-2

REPORTING NUMBER

Please give me a telephone number that the neighborhood can use to report, "party congregates" at any time of night or day. We want to be able to FORMALLY report usage that is disturbing the neighborhood. WE HOLD YOU RESPONSIBLE FOR ANY PROBLEM THAT IMITATES FROM YOUR PROPERTY.

BJ-3

GENERAL COMMENTS

First and foremost, the proposed path goes nowhere. It leads halfway into the wooded corridor, and provides a turnaround, so that pedestrians must go back the way they came.

As a result of your design, the low, rustic fence, which will draw attention, and the turnaround, becomes a destination, and as such will always risk being a nuisance. It serves no purpose to the neighborhood whatsoever, and could easily become a problem which will always be the responsibility of EBMUD, since Oakland has neither shown much interest or resources to police troublemakers in our neighborhood. (Past history will attest to that.)

Comment BJ

BJ-4

LOSE THE SIGNAGE

The path is being constructed to invite people to visit the "signage", to which I would say that we do not want to encourage visitors or strangers into our neighborhood. If this were a commercial area or public park it might be different, but it is a residential neighborhood that is ill equipped for any additional traffic.

BJ-5

THE SIGNAGE ONLY HIGHLIGHTS YOUR FAILURE TO PROTECT A LANDMARK

From a cultural/historical perspective, there is nothing enlightening at the on-site outlook that couldn't be better obtained in records and photos kept elsewhere. And finally, if any proposed signage is to be legible by passers-by, it will be susceptible to graffiti, no matter where it's placed.

BJ-6

NEIGHBORHOOD DOES NOT WANT UNWANTED VISITORS

The construction of the half-path and turnaround, as it is proposed, serves no other purpose but to bring visitors to its destination. It is de facto an invitation for visitors, entirely inappropriate for a residential neighborhood interested in keeping crime and vandalism at a minimum, and as such, MUST be eliminated.

BJ-7

KEEP SHOULDERS AVAILABLE FOR EMERGENCY USE

The low, rustic fence mentioned above is an additional hazard (if I am reading the plan correctly) in that it will abut the paved road and create an obstacle to any pedestrian or cyclist who might need to use the shoulder quickly in an emergency. The road there is very narrow and curved, challenging drivers who themselves sometimes need to use the shoulder. The narrowing road is an accident waiting to happen. The blind curve is extremely dangerous.

Comment BJ

BJ-8 TREE REMOVAL MINIMIZED, PRUNING ADVISED

I don't understand the need to remove trees; especially if the original rationale was that a tree blocked the proposed path. I would argue that while your photo shopped images show little impact after the removal of the condemned trees, you neglected to remove the shadows and shade those trees provide, a great boon to pedestrians during the day. In the best interest of the health of that grove of trees, a better and less expensive approach would be to prune them now, and maintain them on a regular basis.

BJ-9 You refer to "neighbors" and "neighboring property owners" several times in your document, and if there are neighbors who still support YOUR plan as proposed, I would like to see some documentation at the very least, certainly a numerical count.

UNITED NEIGHBORHOOD

I believe I stand with a majority of my neighbors and would prefer to see the plan abolished with the recommendations provided herein.

BJ-10 DOCUMENTATION DEMANDED

I would also like to see documentation that OFD and the Oakland Wildfire Prevention District have okayed the planting of grasses inside the fence, covering the tanks and fill areas.

FIRE RISK

It looks like 4 or 5 acres of what will be brown grass most of the year, which could ignite and spread to surrounding trees and homes very quickly.

BJ-11 PLANT HEALTHY TREES keeps our trees safe

I would also like assurances that any new planting will be free of sudden oak death (phytophthora ramorum), since some of the species you list for planting are highly susceptible to that pathogen.

Sincerely,

Barrett A, Johnson
6232 Estates Drive
Oakland, CA94611
(510) 338 0254

please email me at barrettjoh@gmail.com that you FORMALLY received this email.

2.5 Barrett Johnson

- BJ-1. Refer to 2.1.2 Master Response on Public Nuisance Resulting from Path Installation on EBMUD Property.
- BJ-2. EBMUD’s Emergency Contact Phone Number is 1-866-403-2683.
- BJ-3. Refer to 2.1.2 Master Response on Public Nuisance Resulting from Path Installation of EBMUD Property.
- BJ-4. Refer to 2.1.3 Master Response to Concerns that a Public Nuisance will Occur from the Installation of an Interpretive Sign.
- BJ-5. Refer to 2.1.3 Master Response to Concerns that a Public Nuisance will Occur from the Installation of an Interpretive Sign.
- BJ-6. EBMUD acknowledges the statement set forth in this comment. The new project does not introduce any turnouts for vehicle parking and the “attractive” fountains have been demolished. Though EBMUD has no right to exclude members of the public from publicly-accessible places, the trail is intended for use by pedestrian traffic that passes through the site.
- BJ-7. EBMUD acknowledges the statement set forth in this comment. EBMUD consulted with an engineering firm to provide design safety measures related to installing the fence adjacent to the pedestrian trail/ road junction.
- BJ-8. Refer to 2.1.5 Master Response on Tree Removal versus Pruning.
- BJ-9. As stated in the 2010 EIR (NOA, Section S.2, section 2.2.2), The facility improvements at Estates reservoir had three major objectives: (1) Increase system reliability and operating efficiency by reducing the excess storage to improve water quality; (2) to address the seismic vulnerability of the earthen embankment, and (3) to address the roof structure which does not meet current seismic requirements. As a result, EBMUD developed the Project to meet these needs: to replace the existing 17.4 million gallon reservoir with two 3.3 MG tanks.

EBMUD, through 5 public meetings, solicited public input regarding the project resulting in several key design features. First, neighbors wanted to preserve the roof top fountains and sought input from the City of Oakland Landmarks Preservation Advisory Board (COLPAB) related to this matter. When it became apparent that preservation of the fountains was not feasible, neighbors requested that the tanks be buried so the roof tops would not be visible. EBMUD implemented this community-driven request into the Project. In addition, COLPAB requested that an

interpretive sign to be placed onsite – a common practice related to historical significance and preservation. EBMUD implemented this request into the Project. Finally, many residents signed a community petition to install a perimeter path for pedestrian safety. EBMUD also implemented these elements into the Project.

In summary, many components of the Project approved by the Board of Directors in January 2010 were driven by community input. The “changes” to the Project as set forth in the Draft Supplemental EIR reflect those actions necessary to further several elements of the Project that were approved by the Board with community input and support.

- BJ-10. Pursuant to 53091 of the State Planning, Zoning and Development Laws, EBMUD is exempt from local government zoning and building ordinances as they relate to the location or construction of facilities for the production, generation, storage or transmission of water. Although ordinances do not strictly apply to EBMUD projects, it is the practice of EBMUD to work with host jurisdictions and neighboring communities during project planning and to conform to local environmental protection policies to the extent possible. For this project, EBMUD consulted with RHAA to develop landscaped design plans. RHAA used several guidelines and standards from the City of Oakland Fire Department as well as California State Forestry and Fire Protection Board. These guidelines and standards are included on Sheet 2116-L-004 of the Estates Reservoir Replacement contract drawings.
- BJ-11. The EBMUD contract with its contractor requires that new plantings be nursery-grown stock that are free from insect and diseases. The contractor working on the Project must submit inspection certificates to the Engineer prior to installing the plants.

Comment BWLW

From: Jane Sinton <jnsinton@hotmail.com>

To: estates.supplemental.eir <estates.supplemental.eir@ebmud.com>

Cc: Barrett Johnson <barrettjoh@earthlink.net>; Bob & Lila Walz <lwalz@aol.com>; Claire Rubin <clairerubin@comcast.net>; Colleen Dobbs <cbrent@lmi.net>; Darcy Parkyn <darcyclearnold@sbcglobal.net>; Doug Saunders <dls@alum.calberkeley.org>; Elizabeth Pabjanek <epabjanek@comcast.net>; Jane Nibley Sinton <jnsinton@hotmail.com>; Jim Hallock <jim.hallock@comcast.net>; Jo Loughran <joloughran1@sbcglobal.net>; Joan Ruderman <joanmr99@aol.com>; John Rubin <john_rubin@comcast.net>; Lauren Kahn <lauren.ok@gmail.com>; Laurence Allen <laurence.a@sbcglobal.net>; Leland Dobbs <ldobbs@lmi.net>; Maryrose Dunton <mdunton@gmail.com>; Melinda Gibbons <mgibbons101@yahoo.com>; Nick Solli <nicksolli@yahoo.com>; Sue Jordan <stj339@aol.com>; Susan Sprague <ssprague2003@aol.com>; Tim Parkyn <timparkyn@yahoo.com>; Yasmin Kudrolli <ykudrolli@gmail.com>

Subject: Estates DSEIR

Date: Thu, Oct 17, 2013 7:55 pm

Mr. Tim Fuelle, Associate Civil Engineer
MS #701
375 Eleventh Street
Oakland, CA 94607-4240

My husband & I agree with this letter. We live @ 6178 Estates, looking directly @ the project, straight down our driveway.

Re: Estates Reservoir Replacement Project

Dear Mr. Fuelle

BWLW-1
BWLW-2
BWLW-3
BWLW-4

I've read the Draft Supplemental EIR which your department made available in September. I have the following comments:

First and foremost, the proposed path goes nowhere. It leads halfway into the wooded corridor, and provides a turnaround, so that pedestrians must go back the way they came. As a result of its design, including the low, rustic fence which will draw attention, the turnaround becomes a destination, and as such will always risk being a nuisance. It serves no purpose to the neighborhood whatsoever, and could easily become a problem which will always be the responsibility of EBMUD, since Oakland has neither the interest or resources to police troublemakers in our neighborhood. Past history will attest to that. The path is being constructed to invite people to visit the "signage", to which I would say that we do not want to encourage visitors or strangers into our neighborhood. If this were a commercial area or public park it might be different, but it is a residential neighborhood ill-equipped for any additional traffic. From a cultural/historical perspective, there is nothing enlightening at the on-site outlook that couldn't be better obtained in records and photos kept elsewhere. And finally, if any proposed signage is to be legible by passers-by, it will be susceptible to graffiti, no matter where it's placed. The construction of the half-path and turnaround, as it is proposed, serves no other purpose but to bring visitors to its destination. It is de facto an invitation for visitors, entirely inappropriate for a residential neighborhood interested in keeping crime and vandalism at a minimum, and as such, should be eliminated.

The low, rustic fence mentioned above is an additional hazard (if I am reading the plan correctly) in that it will abut the paved road and create an obstacle to any pedestrian or cyclist who might need to use the shoulder quickly in an emergency. The road there is very narrow and curved, challenging drivers who themselves sometimes need to use the shoulder.

I don't understand the need to remove trees, especially if the original rationale was that a tree blocked the proposed path. I would argue that while your photoshopped images show little impact after the removal of the condemned trees, you neglected to remove the shadows and shade those trees provide, a great boon to pedestrians during the day. In the best interest of the health of that grove of trees, a better and less expensive approach would be to prune them now, and maintain them on a regular basis.

BWLW-5
BWLW-6

You refer to "neighbors" and "neighboring property owners" several times in your document, and if there are neighbors who still support the plan as proposed, I would like to see some documentation. I believe I now stand with a majority of my neighbors and would prefer to see the plan abolished. I would also like to see documentation that OFD and the Oakland Wildfire Prevention District have okayed the planting of grasses inside the fence, covering the tanks and fill areas. It looks like 4 or 5 acres of what will be brown grass most of the year, which could ignite and spread to surrounding trees and homes very quickly. I

Comment Letter BWLW

Estates DSEIR

Page 2 of 2

BWLW-7

would also like assurances that any new planting will be free of sudden oak death (phytophthora ramorum), since some of the species you list for planting are highly susceptible to the pathogen.

I apologize for the redundancy in my letter. I made similar comments in my letter to you dated 7/17/13. I appreciate your attention to my concerns.

Sincerely,

Jane Sinton
6216 Estates Dr.
510/338-0407

2.6 Bob and Lila Walz

- BWLW-1. Refer to 2.1.1 Master Response on Public Nuisance Resulting from Tree Removal.
- BWLW-2. Refer to 2.1.2 Master Response on Public Nuisance Resulting from Path Installation of EBMUD Property.
- BWLW-3. Refer to 2.1.3 Master Response to Concerns that a Public Nuisance will Occur from the Installation of an Interpretive Sign.
- BWLW-4. Refer to 2.1.6 Master Response to Concerns over the Photo Simulations and Aerial Figure provided in the Draft Supplemental EIR.
- BWLW-5. As stated in the 2010 EIR (NOA, Section S.2, section 2.2.2), The facility improvements at Estates reservoir had three major objectives: (1) Increase system reliability and operating efficiency by reducing the excess storage to improve water quality; (2) to address the seismic vulnerability of the earthen embankment, and (3) to address the roof structure which does not meet current seismic requirements. As a result, EBMUD developed the Project to meet these needs: to replace the existing 17.4 million gallon reservoir with two 3.3 MG tanks.

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In summary, many components of the Project approved by the Board of Directors in January 2010 were driven by community input. The “changes” to the Project as set forth in the Draft Supplemental EIR reflect those actions necessary to further several elements of the Project that were approved by the Board with community input and support.

- BWLW-6. Pursuant to 53091 of the State Planning, Zoning and Development Laws, EBMUD is exempt from local government zoning and building ordinances as they relate to the location or construction of facilities for the

production, generation, storage or transmission of water. Although ordinances do not strictly apply to EBMUD projects, it is the practice of EBMUD to work with host jurisdictions and neighboring communities during project planning and to conform to local environmental protection policies to the extent possible. For this project, EBMUD consulted with RHAA to develop landscaped design plans. RHAA used several guidelines and standards from the City of Oakland Fire Department as well as California State Forestry and Fire Protection Board. These guidelines and standards are included on Sheet 2116-L-004 of the Estates Reservoir Replacement contract drawings.

- BWLW-7. The EBMUD contract with its contractor requires that new plantings be nursery-grown stock that are free from insect and diseases. The contractor working on the Project must submit inspection certificates to the Engineer prior to installing the plants.

Comment DR

Mr. Tim Fuelle, EBMUD
375 11th Street
Oakland, CA 94607
Comments on Draft Supplemental Environmental Impact Report, Estates Reservoir Replacement

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- DR-1 | There are just over 100 trees on the site and 20% are marked for removal. This is a significant fraction contrary to the assertions of the DSEIR. There is also no further need to remove trees and bushes from the reservoir site. The presence of trees and bushes are also very important for the aesthetics of the neighborhood and property values. Views will be impacted in ways that are not anticipated by the DSEIR, and its analysis is limited to specific angles/positions. Notably, two of the largest and most beautiful trees on the site are marked for removal (pp.33,36), and with these trees gone, a very large clearing will be created, which is not properly shown in the DSEIR's photo-shopped images or aerial sketch. Views of the chain link fence and reservoir complex will be significantly increased (even shown in DSEIR analysis, e.g., p.36). Additionally, some trees are marked for removal in areas where foliage is already thin. Some neighbors have raised views, which will also be impacted. Other foliage will likely be damaged/removed during the tree removal, and this will have further impact on the view. For example, it is likely that additional trees/ bushes will be removed or damaged to accommodate the planned sections of the low wooden fence, as they are shown intersecting with foliage not marked for removal in the DSEIR aerial sketch (p.23).
- DR-2 |
- DR-3 | Most of these reasons given in the DSEIR for tree removal (p.24) are very subjective. In some cases, the DSEIR cites tree health issues or overcrowding, yet there has been no attempt to address these issues with (much cheaper) pruning/ maintenance rather than removal. Some trees may not be thriving as well as others, but that is always true in a wooded area. Tree and bush removal will eliminate habitat for the birds and other wildlife that live there, and their removal would also create open spaces where people can gather, make noise, and dump litter and other trash.
- DR-4 |
- DR-5 | The DSEIR describes plans to construct an interpretative signage area on the reservoir site. In order to reach the interpretative signage, EBMUD intends to create an ADA-compliant path through the wooded region, which will require the removal of trees and bushes. The path has a turnaround (dead end) at the interpretative signage, so its primary purpose is to reach the signage. Originally, the signage was planned for a publicly accessible part of the path, and an unsightly concrete base/retaining wall was constructed for it. This base had already attracted late-night activity, noise, trash, and graffiti. In the DSEIR, EBMUD has decided to move the signage to the other side of the chain-link perimeter fence: For example, p.2-6 (p.22 in the pdf) states: "Therefore, the retaining wall will be removed and the signage will be placed near the existing clearing overlooking the reservoir at the end of the improved ADA path; however, it will be placed on the secured side of the fencing..." The aerial sketch on p.2-7 (p.23 in the pdf) also indicates that it will be located in essentially the same place as the current concrete base, but on the other side of the fence.
- Interpretive signage should not be constructed on the site in any form. It is inappropriate for this location. The dead-end path and signage will attract loiterers, trash, and create late-night hangouts. This is not a tourist destination, and people who live near the reservoir are unlikely to visit the signage on a regular basis. EBMUD has not described any plans to maintain the path to the signage, and it will undoubtedly become heavily littered. The dead-end path will be dangerous, especially during nights/evenings, as there will be no security presence, no lighting and only one accessible way out; one could be easily trapped by

Comment Letter DR

Comments on Draft Supplemental Environmental Impact Report, Estates Reservoir Replacement

DR-5

an assailant. The DSEIR has not considered the impact that the signage and path will have on the neighborhood, and if EBMUD believes the interpretive signage and path will not be an attraction, then they have no function and should not be constructed. A much more appropriate location for interpretive signage would be in the lobby of EBMUD's 11th St. Oakland headquarters, where it would get proper exposure and maintenance and be adequately monitored by security. Other suitable locations include the Oakland City Hall or the offices of Royston Hanamoto Alley and Abey. The ADA-compliant path to the signage area and sections of low wooden fence are unnecessary if the signage is not erected within the site. The natural pathways around the northeast perimeter of the reservoir have always been adequate for those neighbors and visitors who use it, whether frequently or occasionally, and an additional dead-end path adds no advantage or convenience. There would thus be no need to eliminate trees and bushes for the ADA pathway.

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DR-6

I would also like to emphasize that late-night hangouts, trash buildup, and neighborhood safety are serious concerns that will be compromised by the plans outlined in the DSEIR. EBMUD's public records show that late-night gatherings consisting of noisy and often violent disturbances became a regular occurrence when lookout areas (clearings) were created in the late 1960s and remained until the early 1980s. EBMUD records from that time contain numerous written complaints from the neighbors. Some eye witnesses from that time still live in the neighborhood and can attest to these problems. Records show that EBMUD and the police were unable to prevent these gatherings. Ultimately (after nearly 15 years of neighborhood letters, complaints, and calls to police), they had to do away with the lookout areas to make this problem go away. Today, police presence in Oakland is lower than ever. The police cannot and will not provide security for the site. The plans described in the DSEIR will create public gathering places, yet the DSEIR has not described any plans to ensure site security, neighborhood safety, and regular trash cleanup. Already, the clearing area that EBMUD created for the original signage plans has attracted late-night hangouts with beer cans and other trash left behind. Additionally, other clearing areas in the Montclair area have become heavily littered, demonstrating that this problem is likely to occur at the Estates Reservoir if clearings are created. I am also aware of Oakland's nuisance abatement program and a graffiti ordinance. Under these programs, EBMUD will be required to ensure that trash and graffiti are promptly removed from the site. EBMUD does not seem prepared to handle this responsibility, as very little regular maintenance is performed on the grounds. If and when noisy hangouts occur and trash and graffiti appear, neighbors will actively request that the City of Oakland enforce the ordinances.

Please halt these plans as described above.

Name: David Rovno MD
Address: 6238 Estates Drive, Oakland, CA 94611-3119
Mail Address: PO BOX 13307, Oakland, CA 94661-0307

2.7 David Rovno

- DR-1. Refer to 2.1.7 Master Response to Concerns over Opened-Up Views Resulting from Tree Removal.

- DR-2. Refer to 2.1.8 Master Response to Concerns over Damaging Adjacent Trees and Bushes.

- DR-3. Refer to 2.1.5 Master Response on Tree Removal versus Pruning.

- DR-4. Refer to 2.1.4 Master Response to Concerns that Tree Removal will Eliminate Habitat for Wildlife.

- DR-5. Refer to 2.1.3 Master Response to Concerns that a Public Nuisance will Occur from the Installation of an Interpretive Sign.

- DR-6. EBMUD acknowledges the facts set forth in this comment. Refer to 2.1.1 Master Response to Concerns that a Public Nuisance will Occur from Tree Removal.

Comment Letter DS-1

Mr. Tim Fuelle, EBMUD
375 11th Street
Oakland, CA 94607

Comments on Draft Supplemental Environmental Impact Report, Estates Reservoir Replacement

Dear Mr. Fuelle,

I am writing to submit my comments on the Draft Supplemental Environmental Impact Report (DSEIR) on EBMUD's Estates Reservoir Project. I strongly oppose EBMUD's plans to remove 22 trees and install interpretative signage, a path, and sections of low wooden fence. I live adjacent to the site and will be negatively impacted by the plans described in the DSEIR. My objections to the plans are described in detail below.

- DS-1-1 | There are just over 100 trees on the site and 20% are marked for removal. This is a significant fraction contrary to the assertions of the DSEIR. There is also no further need to remove trees and bushes from the reservoir site. The presence of trees and bushes are also very important for the aesthetics of the neighborhood and property values. Views will be impacted in ways that are not anticipated by the DSEIR, and its analysis is limited to specific angles/positions. Notably, two of the largest and most beautiful trees on the site are marked for removal (pp.33,36), and with these trees gone, a very large clearing will be created, which is not properly shown in the DSEIR's photoshopped images or aerial sketch. Views of the chain link fence and reservoir complex will be significantly increased (even shown in DSEIR analysis, e.g., p.36). Additionally, some trees are marked for removal in areas where foliage is already thin. Some neighbors have raised views, which will also be impacted. Other foliage will likely be damaged/removed during the tree removal, and this will have further impact on the view. For example, it is likely that additional trees/ bushes will be removed or damaged to accommodate the planned sections of the low wooden fence, as they are shown intersecting with foliage not marked for removal in the DSEIR aerial sketch (p.23).
- DS-1-2 |
- DS-1-3 | Most of these reasons given in the DSEIR for tree removal (p.24) are very subjective. In some cases, the DSEIR cites tree health issues or overcrowding, yet there has been no attempt to address these issues with (much cheaper) pruning/ maintenance rather than removal. Some trees may not be thriving as well as others, but that is always true in a wooded area. Tree and bush removal will eliminate habitat for the birds and other wildlife that live there, and their removal would also create open spaces where people can gather, make noise, and dump litter and other trash.
- DS-1-4 |
- DS-1-5 | The DSEIR describes plans to construct an interpretative signage area on the reservoir site. In order to reach the interpretative signage, EBMUD intends to create an ADA-compliant path through the wooded region, which will require the removal of trees and bushes. The path has a turnaround (dead end) at the interpretative signage, so its primary purpose is to reach the signage. Originally, the signage was planned for a publicly accessible part of the path, and an unsightly concrete base/retaining wall was constructed for it. This base had already attracted late-night activity, noise, trash, and graffiti. In the DSEIR, EBMUD has decided to move the signage to the other side of the chain-link perimeter fence: For example, p.2-6 (p. 22 in the pdf) states: "Therefore, the retaining wall will be removed and the signage will be placed near the existing clearing overlooking the reservoir at the end of the improved ADA path; however, it will be placed on the secured side of the fencing..." The aerial sketch on p.2-7 (p.23 in the pdf) also indicates that it will be located in essentially the same place as the current concrete base, but on the other side of the fence.
- Interpretive signage should not be constructed on the site in any form. It is inappropriate for this location. The dead-end path and signage will attract loiterers, trash, and create late-night hangouts. This is not a tourist destination, and people who live near the reservoir are unlikely to visit the signage on a regular basis. EBMUD has not described any plans to maintain the path to the signage, and it will undoubtedly become heavily littered. The dead-end path will be dangerous, especially during nights/evenings, as there

Comment Letter DR

DS-1-5

will be no security presence, no lighting and only one accessible way out; one could be easily trapped by an assailant. The DSEIR has not considered the impact that the signage and path will have on the neighborhood, and if EBMUD believes the interpretive signage and path will not be an attraction, then they have no function and should not be constructed. A much more appropriate location for interpretive signage would be in the lobby of EBMUD's 11th St. Oakland headquarters, where it would get proper exposure and maintenance and be adequately monitored by security. Other suitable locations include the Oakland City Hall or the offices of Royston Hanamoto Alley and Abey. The latter entity stands to reap the benefits of the interpretive signage, as it is an homage to Royston and his work. The ADA-compliant path to the signage area and sections of low wooden fence are unnecessary if the signage is not erected within the site. The natural pathways around the northeast perimeter of the reservoir have always been adequate for those neighbors and visitors who use it, whether frequently or occasionally, and an additional dead-end path adds no advantage or convenience. There would thus be no need to eliminate trees and bushes for the ADA pathway.

I also note that the DSEIR does not mention any plans for the clearing that will be left behind when the existing concrete base/retaining wall is removed. This base was constructed as part of the original signage plans, and an area was cleared by EBMUD to accommodate it. Trees and/or bushes should be planted here to ensure that it does not become a littered gathering area.

DS-1-6

I would also like to emphasize that late-night hangouts, trash buildup, and neighborhood safety are serious concerns that will be compromised by the plans outlined in the DSEIR. EBMUD's public records show that late-night gatherings consisting of noisy and often violent disturbances became a regular occurrence when lookout areas (clearings) were created in the late 1960s and remained until the early 1980s. EBMUD records from that time contain numerous written complaints from the neighbors. Some eye witnesses from that time still live in the neighborhood and can attest to these problems. Records show that EBMUD and the police were unable to prevent these gatherings. Ultimately (after nearly 15 years of neighborhood letters, complaints, and calls to police), they had to do away with the lookout areas to make this problem go away. Today, police presence in Oakland is lower than ever. The police cannot and will not provide security for the site. The plans described in the DSEIR will create public gathering places, yet the DSEIR has not described any plans to ensure site security, neighborhood safety, and regular trash cleanup. Already, the clearing area that EBMUD created for the original signage plans has attracted late-night hangouts with beer cans and other trash left behind. Additionally, other clearing areas in the Montclair area have become heavily littered, demonstrating that this problem is likely to occur at the Estates Reservoir if clearings are created. I am also aware of Oakland's nuisance abatement program and a graffiti ordinance. Under these programs, EBMUD will be required to ensure that trash and graffiti are promptly removed from the site. EBMUD does not seem prepared to handle this responsibility, as very little regular maintenance is performed on the grounds. If and when noisy hangouts occur and trash and graffiti appear, neighbors will actively request that the City of Oakland enforce the ordinances.

DS-1-7

Finally, I would like to note the following points. The EIR and DSEIR for the project have been prepared by EBMUD, and there has been no mention of independent peer review. Additionally, the plans outlined in the DSEIR will cost a great deal of money needlessly at a time when EBMUD customers are being hit with significant rate hikes. Please halt these plans as described above.

Name: Daniel Solli *Daniel Solli*
Address: 6228 Estates Dr., Oakland, CA

2.8.1 Daniel Solli

- DS-1-1. Refer to 2.1.7 Master Response to Concerns over Opened-Up Views Resulting from Tree Removal.
- DS-1-2. Refer to 2.1.8 Master Response to Concerns over Damaging Adjacent Trees and Bushes.
- DS-1-3. Refer to 2.1.5 Master Response on Tree Removal versus Pruning.
- DS-1-4. Refer to 2.1.4 Master Response to Concerns that Tree Removal will Eliminate Habitat for Wildlife.
- DS-1-5. Refer to 2.1.3 Master Response to Concerns that a Public Nuisance will Occur from the Installation of an Interpretive Sign.
- DS-1-6. EBMUD acknowledges the facts set forth in this comment. Refer to 2.1.1 Master Response to Concerns that a Public Nuisance will Occur from Tree Removal.
- DS-1-7. Refer to 2.1.9 Master Comment Regarding Peer Review.

Comment DS-2

October 21, 2013

Tim Fvette, Project Manager
East Bay Municipal Utility District
375 Eleventh Street (Mail Slot 701)
Oakland, CA 94607-4240

Dear Mr. Fvette,

I am writing to submit further comments on the Draft Supplemental Environmental Impact Report. These comments are an addition to those presented in the letter I submitted in hard copy last week.

DS-2-1

I would like to emphasize that we do not want the Estates Reservoir to be transformed into a destination via the planned interpretive signage. At one time, some neighbors sought to preserve the previous reservoir fountains and particularly to have them operate again, as they had not been regularly used in many years. Furthermore, many neighbors were concerned about the uncertainty of the reservoir reconstruction plans at that time and wanted to ensure that the site was not transformed into something untenable to those of us who live here. However, now that the previous structure has been torn down, there is certainly no need to memorialize it here. As I and many other neighbors have noted in our comments, this location is not a park and should not be made into one. It is not monitored by security, nor is there any regular maintenance such as trash cleanup.

In addition, why memorialize the old structure in the first place now that it's gone, and in what way does this benefit the neighborhood? Even EBMUD's original EIR for the Estates Reservoir Project contains the following statement on pp. 108-109: "the Cultural Landscape Foundation's website states that the reservoir design is 'not considered one of the most important examples of Royston's work' (The Cultural Landscape Foundation 2007)." In fact, neighbors and visitors often remarked that without the fountains running, the structure was somewhat unsightly—a desolate industrialized landscape behind a barbed-wire fence. Indeed, this is a large part of the reason why neighbors had been petitioning EBMUD to turn on the fountains for so many years. The fountains were used relatively infrequently in the 1970s and 80s and very rarely in the last 20 years, and letters written by neighbors (part of EBMUD's records) indicate that they were unhappy about this. As I and others have also noted, if EBMUD really wishes to memorialize the former structure, such materials would be much more appropriate for, e.g., EBMUD's 11th St. Oakland headquarters. This building has a beautiful spacious lobby, which is monitored by security and receives many, many more visitors than the Reservoir.

We sincerely hope that EBMUD will consider the best interests of the neighborhood in revisiting the plans outlined in the Draft Supplemental Environmental Impact Report. The neighbors who live adjacent to the property will have to cope—on a daily basis—with the negative impacts that will be brought by these plans.

Sincerely,

Daniel Solli
6228 Estates Dr.
Oakland, CA 94611

2.8.2 Daniel Solli

DS-2-1. Refer to 2.1.3 Master Response to Concerns that a Public Nuisance will Occur from the Installation of an Interpretive Sign

Comment EP

Mr. Tim Fuelle, EBMUD
375 11th Street
Oakland, CA 94607
Comments on Draft Supplemental Environmental Impact Report, Estates Reservoir Replacement

Dear Mr. Fuelle,

I am writing to submit my comments on the Draft Supplemental Environmental Impact Report (DSEIR) on EBMUD's Estates Reservoir Project. I strongly oppose EBMUD's plans to remove 22 trees and install interpretative signage, a path, and sections of low wooden fence. I live adjacent to the site and will be negatively impacted by the plans described in the DSEIR. My objections to the plans are described in detail below.

EP-1

There are just over 100 trees on the site and 20% are marked for removal. This is a significant fraction contrary to the assertions of the DSEIR. There is also no further need to remove trees and bushes from the reservoir site. The presence of trees and bushes are also very important for the aesthetics of the neighborhood and property values. Views will be impacted in ways that are not anticipated by the DSEIR, and its analysis is limited to specific angles/positions. Notably, two of the largest and most beautiful trees on the site are marked for removal (pp.33,36), and with these trees gone, a very large clearing will be created, which is not properly shown in the DSEIR's photoshopped images or aerial sketch. Views of the chain link fence and reservoir complex will be significantly increased (even shown in DSEIR analysis, e.g., p.36). Additionally, some trees are marked for removal in areas where foliage is already thin. Some neighbors have raised views, which will also be impacted. Other foliage will likely be damaged/removed during the tree removal, and this will have further impact on the view. For example, it is likely that additional trees/ bushes will be removed or damaged to accommodate the planned sections of the low wooden fence, as they are shown intersecting with foliage not marked for removal in the DSEIR aerial sketch (p.23).

EP-2

EP-3

EP-4

EP-5

Most of these reasons given in the DSEIR for tree removal (p.24) are very subjective. In some cases, the DSEIR cites tree health issues or overcrowding, yet there has been no attempt to address these issues with (much cheaper) pruning/ maintenance rather than removal. Some trees may not be thriving as well as others, but that is always true in a wooded area. Tree and bush removal will eliminate habitat for the birds and other wildlife that live there, and their removal would also create open spaces where people can gather, make noise, and dump litter and other trash.

The DSEIR describes plans to construct an interpretative signage area on the reservoir site. In order to reach the interpretative signage, EBMUD intends to create an ADA-compliant path through the wooded region, which will require the removal of trees and bushes. The path has a turnaround (dead end) at the interpretative signage, so its primary purpose is to reach the signage. Originally, the signage was planned for a publicly accessible part of the path, and an unsightly concrete base/retaining wall was constructed for it. This base had already attracted late-night activity, noise, trash, and graffiti. In the DSEIR, EBMUD has decided to move the signage to the other side of the chain-link perimeter fence: For example, p.2-6 (p.22 in the pdf) states: "Therefore, the retaining wall will be removed and the signage will be placed near the existing clearing overlooking the reservoir at the end of the improved ADA path; however, it will be placed on the secured side of the fencing...." The aerial sketch on p.2-7 (p.23 in the pdf) also indicates that it will be located in essentially the same place as the current concrete base, but on the other side of the fence.

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Comment EP

Comments on Draft Supplemental Environmental Impact Report, Estates Reservoir Replacement

EP-5

an assailant. The DSEIR has not considered the impact that the signage and path will have on the neighborhood, and if EBMUD believes the interpretive signage and path will not be an attraction, then they have no function and should not be constructed. A much more appropriate location for interpretive signage would be in the lobby of EBMUD's 11th St. Oakland headquarters, where it would get proper exposure and maintenance and be adequately monitored by security. Other suitable locations include the Oakland City Hall or the offices of Royston Hanamoto Alley and Abey. The latter entity stands to reap the benefits of the interpretive signage, as it is an homage to Royston and his work. The ADA-compliant path to the signage area and sections of low wooden fence are unnecessary if the signage is not erected within the site. The natural pathways around the northeast perimeter of the reservoir have always been adequate for those neighbors and visitors who use it, whether frequently or occasionally, and an additional dead-end path adds no advantage or convenience. There would thus be no need to eliminate trees and bushes for the ADA pathway.

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EP-6

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EP-7

Finally, I would like to note the following points. The EIR and DSEIR for the project have been prepared by EBMUD, and there has been no mention of independent peer review. Additionally, the plans outlined in the DSEIR will cost a great deal of money needlessly at a time when EBMUD customers are being hit with significant rate hikes. Please halt these plans as described above.

Name: Elizabeth Pabjanek
Address: 5980 Mc Andrew Dr.
Oakland, CA 94611

2.9 Elizabeth Pabjanek

- EP-1. Refer to 2.1.7 Master Response to Concerns over Opened-Up Views Resulting from Tree Removal.
- EP-2. Refer to 2.1.8 Master Response to Concerns over Damaging Adjacent Trees and Bushes.
- EP-3. Refer to 2.1.5 Master Response on Tree Removal versus Pruning.
- EP-4. Refer to 2.1.4 Master Response to Concerns that Tree Removal will Eliminate Habitat for Wildlife.
- EP-5. Refer to 2.1.4 Master Response to Concerns that a Public Nuisance will Occur from the Installation of an Interpretive Sign.
- EP-6. EBMUD acknowledges the facts set forth in this comment. Refer to 2.1.1 Master Response to Concerns that a Public Nuisance will Occur from Tree Removal.
- EP-7. Refer to 2.1.9 Master Comment Regarding Peer Review.

Comment ES

Mr. Tim Fuetter, EBMUD
375 11th Street
Oakland, CA 94607

Comments on Draft Supplemental Environmental Impact Report, Estates Reservoir Replacement

Dear Mr. Fuetter,

I am writing to submit my comments on the Draft Supplemental Environmental Impact Report (DSEIR) on EBMUD's Estates Reservoir Project. I strongly oppose EBMUD's plans to remove 22 trees and install interpretative signage, a path, and sections of low wooden fence. I live adjacent to the site and will be negatively impacted by the plans described in the DSEIR. My objections to the plans are described in detail below.

ES-1

There are just over 100 trees on the site and 20% are marked for removal. This is a significant fraction contrary to the assertions of the DSEIR. There is also no further need to remove trees and bushes from the reservoir site. The presence of trees and bushes are also very important for the aesthetics of the neighborhood and property values. Views will be impacted in ways that are not anticipated by the DSEIR, and its analysis is limited to specific angles/positions. Notably, two of the largest and most beautiful trees on the site are marked for removal (pp.33,36), and with these trees gone, a very large clearing will be created, which is not properly shown in the DSEIR's photoshopped images or aerial sketch. Views of the chain link fence and reservoir complex will be significantly increased (even shown in DSEIR analysis, e.g., p.36). Additionally, some trees are marked for removal in areas where foliage is already thin. Some neighbors have raised views, which will also be impacted. Other foliage will likely be damaged/removed during the tree removal, and this will have further impact on the view. For example, it is likely that additional trees/ bushes will be removed or damaged to accommodate the planned sections of the low wooden fence, as they are shown intersecting with foliage not marked for removal in the DSEIR aerial sketch (p.23).

ES-2

ES-3

Most of these reasons given in the DSEIR for tree removal (p.24) are very subjective. In some cases, the DSEIR cites tree health issues or overcrowding, yet there has been no attempt to address these issues with (much cheaper) pruning/ maintenance rather than removal. Some trees may not be thriving as well as others, but that is always true in a wooded area. Tree and bush removal will eliminate habitat for the birds and other wildlife that live there, and their removal would also create open spaces where people can gather, make noise, and dump litter and other trash.

ES-4

ES-5

The DSEIR describes plans to construct an interpretative signage area on the reservoir site. In order to reach the interpretative signage, EBMUD intends to create an ADA-compliant path through the wooded region, which will require the removal of trees and bushes. The path has a turnaround (dead end) at the interpretative signage, so its primary purpose is to reach the signage. Originally, the signage was planned for a publicly accessible part of the path, and an unsightly concrete base/retaining wall was constructed for it. This base had already attracted late-night activity, noise, trash, and graffiti. In the DSEIR, EBMUD has decided to move the signage to the other side of the chain-link perimeter fence: For example, p.2-6 (p. 22 in the pdf) states: "Therefore, the retaining wall will be removed and the signage will be placed near the existing clearing overlooking the reservoir at the end of the improved ADA path; however, it will be placed on the secured side of the fencing...." The aerial sketch on p.2-7 (p.23 in the pdf) also indicates that it will be located in essentially the same place as the current concrete base, but on the other side of the fence.

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Comment ES

ES-5

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I also note that the DSEIR does not mention any plans for the clearing that will be left behind when the existing concrete base/retaining wall is removed. This base was constructed as part of the original signage plans, and an area was cleared by EBMUD to accommodate it. Trees and/or bushes should be planted here to ensure that it does not become a littered gathering area.

ES-6

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ES-7

Finally, I would like to note the following points. The EIR and DSEIR for the project have been prepared by EBMUD, and there has been no mention of independent peer review. Additionally, the plans outlined in the DSEIR will cost a great deal of money needlessly at a time when EBMUD customers are being hit with significant rate hikes. Please halt these plans as described above.

Name: *Ethan Soll*
Address: *6228 Estates Dr*
Oakland, Ca

2.10 E. Solli

- ES-1. Refer to 2.1.7 Master Response to Concerns over Opened-Up Views Resulting from Tree Removal.
- ES-2. Refer to 2.1.8 Master Response to Concerns over Damaging Adjacent Trees and Bushes.
- ES-3. Refer to 2.1.5 Master Response on Tree Removal versus Pruning.
- ES-4. Refer to 2.1.4 Master Response to Concerns that Tree Removal will Eliminate Habitat for Wildlife.
- ES-5. Refer to 2.1.4 Master Response to Concerns that a Public Nuisance will Occur from the Installation of an Interpretive Sign.
- ES-6. EBMUD acknowledges the facts set forth in this comment. Refer to 2.1.1 Master Response to Concerns that a Public Nuisance will Occur from Tree Removal.
- ES-7. Refer to 2.1.9 Master Comment Regarding Peer Review.

Comment Letter JH

October 17, 2013

Mr. Tim Fuelle
EBMUD
375 11th St.
Oakland, CA 94607

Re: Supplemental EIR for Estates Reservoir

Dear Mr. Fuelle,

This is to register my concerns about the Draft Supplemental Environmental Impact Report (DSEIR) on EBMUD's Estates Reservoir Project.

JH-1

After meeting with EBMUD's team, and listening to your arguments about why you wanted to remove trees, I'm unconvinced that the tree removal is best for the neighborhood and the safety of the site. It seems you are doing this to clear yourselves of any possible responsibility from vandalism or theft, and yet you are building a memorial site that will attract kids. I personally witnessed kids with open alcohol containers hanging around the site, and it is simply a tempting target.

JH-2

JH-3

JH-4

I am against the construction of the interpretive site, the ADA footpath, and any signage. I also oppose EBMUD's plans to remove 22 trees at this site. The dead-end path and signage will attract loiterers, trash, and create late-night hangouts. This is not a tourist destination, and people who live near the reservoir are unlikely to visit the signage on a regular basis. EBMUD has not described any plans to maintain the path to the signage, and it will undoubtedly become heavily littered. The dead-end path will be dangerous, especially during nights/evenings, as there will be no security presence, no lighting and only one accessible way out; one could be easily trapped by an assailant. The DSEIR has not considered the impact that the signage and path will have on the neighborhood, and if EBMUD believes the interpretive signage and path will not be an attraction, then they have no function and should not be constructed.

JH-5

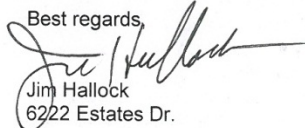
I am also against the removal of two of the largest and most beautiful trees on the site (pp.33,36), and with these trees gone, a very large clearing will be created, which is not properly shown in the DSEIR's photoshopped images or aerial sketch. Views of the chain link fence and reservoir complex will be significantly increased (even shown in DSEIR analysis, e.g., p.36).

JH-6

Other foliage will likely be damaged/removed during the tree removal, and this will have further impact on the view. For example, it is likely that additional trees/ bushes will be removed or damaged to accommodate the planned sections of the low wooden fence, as they are shown intersecting with foliage not marked for removal in the DSEIR aerial sketch (p.23).

Please help save the integrity of the neighborhood by keeping key trees and brush in place, and by not building the ADA path and interpretive site. We don't need more grassland—we bought our home in a wooded area and would like it to stay that way.

Best regards,



Jim Hallock
6222 Estates Dr.

2.11 James Hallock

- JH-1. EBMUD acknowledges the statement set forth in this comment.
- JH-2. Refer to 2.1.3 Master Response to Concerns that a Public Nuisance will Occur from the Installation of an Interpretive Sign.
- JH-3. Refer to 2.1.2 Master Response on Public Nuisance Resulting from Path Installation on EBMUD Property.
- JH-4. Refer to 2.1.1 Master Response on Public Nuisance Resulting from Tree Removal.
- JH-5. Refer to 2.1.6 Master Response on Photo Simulations Provided in Draft Supplemental EIR.
- JH-6. Refer to 2.1.8 Master Response to Concerns over Damaging Adjacent Trees and Bushes.

Comment Letter JR

Fuette, Timothy

From: Joan Ruderman <joanmr99@aol.com>
Sent: Wednesday, October 16, 2013 12:51 PM
To: Estates Supplemental EIR
Subject: Comments On DSEIR

Mr. Tim Fuette, EBMUD
375 11th Street
Oakland, CA 94607

Comments on Draft Supplemental Environmental Impact Report,
Estates Reservoir Replacement

Dear Mr. Fuette,

I am writing to submit my comments on the Draft Supplemental Environmental Impact Report (DSEIR) on EBMUD's Estates Reservoir Project. I strongly oppose EBMUD's plans to remove 22 trees and install interpretative signage, a path, and sections of low wooden fence. I live adjacent to the site and will be negatively impacted by the plans described in the DSEIR. My objections to the plans are described in detail below.

JR-1

There are just over 100 trees on the site and 20% are marked for removal. This is a significant fraction contrary to the assertions of the DSEIR. There is also no further need to remove trees and bushes from the reservoir site. The presence of trees and bushes are also very important for the aesthetics of the neighborhood and property values. Views will be impacted in ways that are not anticipated by the DSEIR, and its analysis is limited to specific angles/positions. Notably, two of the largest and most beautiful trees on the site are marked for removal (pp.33,36), and with these trees gone, a very large clearing will be created, which is not properly shown in the DSEIR's photoshopped images or aerial sketch. Views of the chain link fence and reservoir complex will be significantly increased (even shown in DSEIR analysis, e.g., p.36). Additionally, some trees are marked for removal in areas where foliage is already thin. Some neighbors have raised views, which will also be impacted. Other foliage will likely be damaged/removed during the tree removal, and this will have further impact on the view. For example, it is likely that additional trees/ bushes will be removed or damaged to accommodate the planned sections of the low wooden fence, as they are shown intersecting with foliage not marked for removal in the DSEIR aerial sketch (p.23).

JR-2

JR-3

Most of these reasons given in the DSEIR for tree removal (p.24) are very subjective. In some cases, the DSEIR cites tree health issues or overcrowding, yet there has been no attempt to address these issues with (much cheaper) pruning/ maintenance rather than removal. Some trees may not be thriving as well as others, but that is always true in a wooded area. Tree and bush removal will eliminate habitat for the birds and other wildlife that live there, and their removal would also create open spaces where people can gather, make noise, and dump litter and other trash.

JR-4

JR-5

The DSEIR describes plans to construct an interpretative signage area on the reservoir site. In order to reach the interpretative signage, EBMUD intends to create an ADA-compliant path through the wooded region, which will require the removal of trees and bushes. The path has a turnaround (dead end) at the interpretative signage, so its primary purpose is to reach the signage. Originally, the signage was planned for a publicly accessible part of the path, and an unsightly concrete base/retaining wall was constructed for it. This base had already attracted late-night activity, noise, trash, and graffiti. In the DSEIR, EBMUD has decided to move the signage to the other side of the chain-link perimeter fence: For example, p.2-6 (p.22 in the pdf) states: "Therefore, the retaining wall will be removed and the signage will be placed near the existing clearing overlooking the reservoir at the end of the improved ADA path; however, it will be placed on the secured side of the fencing..." The aerial sketch on p.2-7 (p.23 in the pdf) also indicates that it will be located in essentially the same place as the current concrete base, but on the other side of the fence.

Interpretive signage should not be constructed on the site in any form. It is inappropriate for this location. The dead-end path and signage will attract loiterers, trash, and create late-night hangouts. This is not a tourist destination, and people who live near the reservoir are unlikely to visit the signage on a regular basis. EBMUD has not described any plans to maintain the path to the signage, and it will undoubtedly become heavily littered. The dead-end path will be dangerous, especially during nights/evenings, as there will be no security presence, no lighting and only one accessible way out; one could be easily trapped by

Comment JR

JR-5

an assailant. The DSEIR has not considered the impact that the signage and path will have on the neighborhood, and if EBMUD believes the interpretive signage and path will not be an attraction, then they have no function and should not be constructed. A much more appropriate location for interpretive signage would be in the lobby of EBMUD's 11th St. Oakland headquarters, where it would get proper exposure and maintenance and be adequately monitored by security. Other suitable locations include the Oakland City Hall or the offices of Royston Hanamoto Alley and Abey. The latter entity stands to reap the benefits of the interpretive signage, as it is an homage to Royston and his work. The ADA-compliant path to the signage area and sections of low wooden fence are unnecessary if the signage is not erected within the site. The natural pathways around the northeast perimeter of the reservoir have always been adequate for those neighbors and visitors who use it, whether frequently or occasionally, and an additional dead-end path adds no advantage or convenience. There would thus be no need to eliminate trees and bushes for the ADA pathway.

I also note that the DSEIR does not mention any plans for the clearing that will be left behind when the existing concrete base/retaining wall is removed. This base was constructed as part of the original signage plans, and an area was cleared by EBMUD to accommodate it. Trees and/or bushes should be planted here to ensure that it does not become a littered gathering area.

JR-6

I would also like to emphasize that late-night hangouts, trash buildup, and neighborhood safety are serious concerns that will be compromised by the plans outlined in the DSEIR. EBMUD's public records show that late-night gatherings consisting of noisy and often violent disturbances became a regular occurrence when lookout areas (clearings) were created in the late 1960s and remained until the early 1980s. EBMUD records from that time contain numerous written complaints from the neighbors. Some eye witnesses from that time still live in the neighborhood and can attest to these problems. Records show that EBMUD and the police were unable to prevent these gatherings. Ultimately (after nearly 15 years of neighborhood letters, complaints, and calls to police), they had to do away with the lookout areas to make this problem go away. Today, police presence in Oakland is lower than ever. The police cannot and will not provide security for the site. The plans described in the DSEIR will create public gathering places, yet the DSEIR has not described any plans to ensure site security, neighborhood safety, and regular trash cleanup. Already, the clearing area that EBMUD created for the original signage plans has attracted latenight hangouts with beer cans and other trash left behind. Additionally, other clearing areas in the Montclair area have become heavily littered, demonstrating that this problem is likely to occur at the Estates Reservoir if clearings are created. I am also aware of Oakland's nuisance abatement program and a graffiti ordinance. Under these programs, EBMUD will be required to ensure that trash and graffiti are promptly removed from the site. EBMUD does not seem prepared to handle this responsibility, as very little regular maintenance is performed on the grounds. If and when noisy hangouts occur and trash and graffiti appear, neighbors will actively request that the City of Oakland enforce the ordinances.

JR-7

Finally, I would like to note the following points. The EIR and DSEIR for the project have been prepared by EBMUD, and there has been no mention of independent peer review. Additionally, the plans outlined in the DSEIR will cost a great deal of money needlessly at a time when EBMUD customers are being hit with significant rate hikes. Please halt these plans as described above.

Name: Joan Ruderman
Address: 6232 Estates Dr. Oakland, CA 94611

2.12 Joan Ruderman

- JR-1. Refer to 2.1.7 Master Response to Concerns over Opened-Up Views Resulting from Tree Removal.

- JR-2. Refer to 2.1.8 Master Response to Concerns over Damaging Adjacent Trees and Bushes.

- JR-3. Refer to 2.1.5 Master Response on Tree Removal versus Pruning.

- JR-4. Refer to 2.1.4 Master Response to Concerns that Tree Removal will Eliminate Habitat for Wildlife.

- JR-5. Refer to 2.1.3 Master Response to Concerns that a Public Nuisance will Occur from the Installation of an Interpretive Sign.

- JR-6. EBMUD acknowledges the facts set forth in this comment. Refer to 2.1.1 Master Response to Concerns that a Public Nuisance will Occur from Tree Removal.

- JR-7. Refer to 2.1.9 Master Comment Regarding Peer Review.

Comment JRCR

Mr. Tim Fuelle, EBMUD
375 11th Street
Oakland, CA 94607
Comments on Draft Supplemental Environmental Impact Report, Estates Reservoir Replacement

Dear Mr. Fuelle,

I am writing to submit my comments on the Draft Supplemental Environmental Impact Report (DSEIR) on EBMUD's Estates Reservoir Project. I strongly oppose EBMUD's plans to remove 22 trees and install interpretative signage, a path, and sections of low wooden fence. I live adjacent to the site and will be negatively impacted by the plans described in the DSEIR. My objections to the plans are described in detail below.

JRCR-1

There are just over 100 trees on the site and 20% are marked for removal. This is a significant fraction contrary to the assertions of the DSEIR. There is also no further need to remove trees and bushes from the reservoir site. The presence of trees and bushes are also very important for the aesthetics of the neighborhood and property values. Views will be impacted in ways that are not anticipated by the DSEIR, and its analysis is limited to specific angles/positions. Notably, two of the largest and most beautiful trees on the site are marked for removal (pp.33,36), and with these trees gone, a very large clearing will be created, which is not properly shown in the DSEIR's photoshopped images or aerial sketch. Views of the chain link fence and reservoir complex will be significantly increased (even shown in DSEIR analysis, e.g., p.36). Additionally, some trees are marked for removal in areas where foliage is already thin. Some neighbors have raised views, which will also be impacted. Other foliage will likely be damaged/removed during the tree removal, and this will have further impact on the view. For example, it is likely that additional trees/ bushes will be removed or damaged to accommodate the planned sections of the low wooden fence, as they are shown intersecting with foliage not marked for removal in the DSEIR aerial sketch (p.23).

JRCR-2

JRCR-3

Most of these reasons given in the DSEIR for tree removal (p.24) are very subjective. In some cases, the DSEIR cites tree health issues or overcrowding, yet there has been no attempt to address these issues with (much cheaper) pruning/ maintenance rather than removal. Some trees may not be thriving as well as others, but that is always true in a wooded area. Tree and bush removal will eliminate habitat for the birds and other wildlife that live there, and their removal would also create open spaces where people can gather, make noise, and dump litter and other trash.

JRCR-4

JRCR-5

The DSEIR describes plans to construct an interpretative signage area on the reservoir site. In order to reach the interpretative signage, EBMUD intends to create an ADA-compliant path through the wooded region, which will require the removal of trees and bushes. The path has a turnaround (dead end) at the interpretative signage, so its primary purpose is to reach the signage. Originally, the signage was planned for a publicly accessible part of the path, and an unsightly concrete base/retaining wall was constructed for it. This base had already attracted late-night activity, noise, trash, and graffiti. In the DSEIR, EBMUD has decided to move the signage to the other side of the chain-link perimeter fence: For example, p.2-6 (p.22 in the pdf) states: "Therefore, the retaining wall will be removed and the signage will be placed near the existing clearing overlooking the reservoir at the end of the improved ADA path; however, it will be placed on the secured side of the fencing..." The aerial sketch on p.2-7 (p.23 in the pdf) also indicates that it will be located in essentially the same place as the current concrete base, but on the other side of the fence.

Interpretive signage should not be constructed on the site in any form. It is inappropriate for this location. The dead-end path and signage will attract loiterers, trash, and create late-night hangouts. This is not a tourist destination, and people who live near the reservoir are unlikely to visit the signage on a regular basis. EBMUD has not described any plans to maintain the path to the signage, and it will undoubtedly become heavily littered. The dead-end path will be dangerous, especially during nights/evenings, as there will be no security presence, no lighting and only one accessible way out; one could be easily trapped by

Comment JRCR

Comments on Draft Supplemental Environmental Impact Report, Estates Reservoir Replacement

JRCR-5

an assailant. The DSEIR has not considered the impact that the signage and path will have on the neighborhood, and if EBMUD believes the interpretive signage and path will not be an attraction, then they have no function and should not be constructed. A much more appropriate location for interpretive signage would be in the lobby of EBMUD's 11th St. Oakland headquarters, where it would get proper exposure and maintenance and be adequately monitored by security. Other suitable locations include the Oakland City Hall or the offices of Royston Hanamoto Alley and Abey. The latter entity stands to reap the benefits of the interpretive signage, as it is an homage to Royston and his work. The ADA-compliant path to the signage area and sections of low wooden fence are unnecessary if the signage is not erected within the site. The natural pathways around the northeast perimeter of the reservoir have always been adequate for those neighbors and visitors who use it, whether frequently or occasionally, and an additional dead-end path adds no advantage or convenience. There would thus be no need to eliminate trees and bushes for the ADA pathway.

I also note that the DSEIR does not mention any plans for the clearing that will be left behind when the existing concrete base/retaining wall is removed. This base was constructed as part of the original signage plans, and an area was cleared by EBMUD to accommodate it. Trees and/or bushes should be planted here to ensure that it does not become a littered gathering area.

JRCR-6

I would also like to emphasize that late-night hangouts, trash buildup, and neighborhood safety are serious concerns that will be compromised by the plans outlined in the DSEIR. EBMUD's public records show that late-night gatherings consisting of noisy and often violent disturbances became a regular occurrence when lookout areas (clearings) were created in the late 1960s and remained until the early 1980s. EBMUD records from that time contain numerous written complaints from the neighbors. Some eye witnesses from that time still live in the neighborhood and can attest to these problems. Records show that EBMUD and the police were unable to prevent these gatherings. Ultimately (after nearly 15 years of neighborhood letters, complaints, and calls to police), they had to do away with the lookout areas to make this problem go away. Today, police presence in Oakland is lower than ever. The police cannot and will not provide security for the site. The plans described in the DSEIR will create public gathering places, yet the DSEIR has not described any plans to ensure site security, neighborhood safety, and regular trash cleanup. Already, the clearing area that EBMUD created for the original signage plans has attracted late-night hangouts with beer cans and other trash left behind. Additionally, other clearing areas in the Montclair area have become heavily littered, demonstrating that this problem is likely to occur at the Estates Reservoir if clearings are created. I am also aware of Oakland's nuisance abatement program and a graffiti ordinance. Under these programs, EBMUD will be required to ensure that trash and graffiti are promptly removed from the site. EBMUD does not seem prepared to handle this responsibility, as very little regular maintenance is performed on the grounds. If and when noisy hangouts occur and trash and graffiti appear, neighbors will actively request that the City of Oakland enforce the ordinances.

JRCR-7

Finally, I would like to note the following points. The EIR and DSEIR for the project have been prepared by EBMUD, and there has been no mention of independent peer review. Additionally, the plans outlined in the DSEIR will cost a great deal of money needlessly at a time when EBMUD customers are being hit with significant rate hikes. Please halt these plans as described above.

Name: *Clarie Rubin*

Address: *6220 ESTATES DR*

Oakland CA 94611

*John Rubin
6220 Estates Dr.
Oakland, CA 94611*

2.13 John and Claire Rubin

- JRCR-1 Refer to 2.1.7 Master Response to Concerns over Opened-Up Views Resulting from Tree Removal.
- JRCR-2 Refer to 2.1.8 Master Response to Concerns over Damaging Adjacent Trees and Bushes.
- JRCR-3 Refer to 2.1.5 Master Response on Tree Removal versus Pruning.
- JRCR-4 Refer to 2.1.4 Master Response to Concerns that Tree Removal will Eliminate Habitat for Wildlife.
- JRCR-5 Refer to 2.1.3 Master Response to Concerns that a Public Nuisance will Occur from the Installation of an Interpretive Sign.
- JRCR-6 EBMUD acknowledges the facts set forth in this comment. Refer to 2.1.1 Master Response to Concerns that a Public Nuisance will Occur from Tree Removal.
- JRCR-7 Refer to 2.1.9 Master Comment Regarding Peer Review.

Comment JS-1

Mr. Tim Fuelle, Associate Civil Engineer
MS #701
375 Eleventh Street
Oakland, CA 94607-4240

October 19, 2013

Re: Estates Reservoir Replacement Project

Dear Mr. Fuelle

I've read the Draft Supplemental EIR which your department made available in September. I would like to reiterate my concern about the "destination" created by the signage and the path leading up to it.

JS-1-1

In the 1970's, EBMUD installed a roof over its reservoir on Estates with three fountains on that roof. In addition, it created a pull-out zone off the road so that visitors could stop and admire the fountains. The result was that a hoard of loud and sometimes destructive visitors stopped, stayed, littered, and degraded the neighborhood for years afterward, in spite of neighbors' repeated pleas for help from both EBMUD and Oakland Police. It wasn't until the late '80's that the pull-out was removed, stopping was discouraged and the problem ceased.

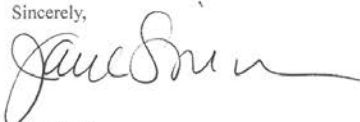
JS-1-2

Now EBMUD wants to create a destination again, and I want to know, why would you want to encourage visitors as you did 40 years ago? I realize this signage is not a destination like the fountains were, but then my question is, why encourage any visitors at all? Why give anyone a reason to stop and loiter in a residential neighborhood, especially when crime and vandalism are a growing problem? The fence and path will attract them just as the pull-out did 40 years ago. I can't imagine EBMUD would want a repeat of that debacle.

Why is EBMUD considering construction of a half path, if not to create a destination??

I believe we can waive the need for the signage with a petition to the City of Oakland Landmarks Preservation Advisory Board.

Sincerely,



Jane Sinton
6216 Estates Dr.
510/338-0407

2.14.1 Jane Sinton

- JS-1-1. EBMUD acknowledges the facts set forth in this comment.
- JS-1-2. Refer to 2.1.2 Master Response on Public Nuisance Resulting from Path Installation of EBMUD Property.

Comment JS-2

Fuette, Timothy

From: Jane Sinton <jnsinton@hotmail.com>
Sent: Thursday, October 17, 2013 7:56 PM
To: Estates Supplemental EIR
Cc: Barrett Johnson; Bob & Lila Walz; Claire Rubin; Colleen Dobbs; Darcy Parkyn; Doug Saunders; Elizabeth Pabjanek; Jane Nibley Sinton; Jim Hallock; Jo Loughran; Joan Ruderman; John Rubin; Lauren Kahn; Laurence Allen; Leland Dobbs; Maryrose Dunton; Melinda Gibbons; Nick Solli; Sue Jordan; Susan Sprague; Tim Parkyn; Yasmin Kudrolli
Subject: Estates DSEIR

Mr. Tim Fuelle, Associate Civil Engineer
MS #701
375 Eleventh Street
Oakland, CA 94607-4240

Re: Estates Reservoir Replacement Project

Dear Mr. Fuelle

I've read the Draft Supplemental EIR which your department made available in September. I have the following comments:

JS-2-1
JS-2-2
JS-2-3

First and foremost, the proposed path goes nowhere. It leads halfway into the wooded corridor, and provides a turnaround, so that pedestrians must go back the way they came. As a result of its design, including the low, rustic fence which will draw attention, the turnaround becomes a destination, and as such will always risk being a nuisance. It serves no purpose to the neighborhood whatsoever, and could easily become a problem which will always be the responsibility of EBMUD, since Oakland has neither the interest or resources to police troublemakers in our neighborhood. Past history will attest to that. The path is being constructed to invite people to visit the "signage", to which I would say that we do not want to encourage visitors or strangers into our neighborhood. If this were a commercial area or public park it might be different, but it is a residential neighborhood ill-equipped for any additional traffic. From a cultural/historical perspective, there is nothing enlightening at the on-site outlook that couldn't be better obtained in records and photos kept elsewhere. And finally, if any proposed signage is to be legible by passers-by, it will be susceptible to graffiti, no matter where it's placed. The construction of the half-path and turnaround, as it is proposed, serves no other purpose but to bring visitors to its destination. It is de facto an invitation for visitors, entirely inappropriate for a residential neighborhood interested in keeping crime and vandalism at a minimum, and as such, should be eliminated.

The low, rustic fence mentioned above is an additional hazard (if I am reading the plan correctly) in that it will abut the paved road and create an obstacle to any pedestrian or cyclist who might need to use the shoulder quickly in an emergency. The road there is very narrow and curved, challenging drivers who themselves sometimes need to use the shoulder.

I don't understand the need to remove trees, especially if the original rationale was that a tree blocked the proposed path. I would argue that while your photoshopped images show little impact after the removal of the condemned trees, you neglected to remove the shadows and shade those trees provide, a great boon to

Comment Letter JS-2

pedestrians during the day. In the best interest of the health of that grove of trees, a better and less expensive approach would be to prune them now, and maintain them on a regular basis.

JS-2-4

JS-2-5

JS-2-6

You refer to "neighbors" and "neighboring property owners" several times in your document, and if there are neighbors who still support the plan as proposed, I would like to see some documentation. I believe I now stand with a majority of my neighbors and would prefer to see the plan abolished. I would also like to see documentation that OFD and the Oakland Wildfire Prevention District have okayed the planting of grasses inside the fence, covering the tanks and fill areas. It looks like 4 or 5 acres of what will be brown grass most of the year, which could ignite and spread to surrounding trees and homes very quickly. I would also like assurances that any new planting will be free of sudden oak death (*phytophthora ramorum*), since some of the species you list for planting are highly susceptible to the pathogen.

I apologize for the redundancy in my letter. I made similar comments in my letter to you dated 7/17/13. I appreciate your attention to my concerns.

Sincerely,

Jane Sinton
6216 Estates Dr.
510/338-0407

2.14.2 Jane Sinton

- JS-2-1. Refer to 2.1.1 Master Response on Public Nuisance Resulting from Tree Removal.
- JS-2-2. Refer to 2.1.2 Master Response on Public Nuisance Resulting from Path Installation of EBMUD Property.
- JS-2-3. Refer to 2.1.3 Master Response to Concerns that a Public Nuisance will Occur from the Installation of an Interpretive Sign.
- JS-2-4. As stated in the 2010 EIR (NOA, Section S.2, section 2.2.2), The facility improvements at Estates reservoir had three major objectives: (1) Increase system reliability and operating efficiency by reducing the excess storage to improve water quality; (2) to address the seismic vulnerability of the earthen embankment, and (3) to address the roof structure which does not meet current seismic requirements. As a result, EBMUD developed the Project to meet these needs: to replace the existing 17.4 million gallon reservoir with two 3.3 MG tanks.

EBMUD, through 5 public meetings, solicited public input regarding the project resulting in several key design features. First, neighbors wanted to preserve the roof top fountains and sought input from the City of Oakland Landmarks Preservation Advisory Board (COLPAB) related to this matter. When it became apparent that preservation of the fountains was not feasible, neighbors requested that the tanks be buried so the roof tops would not be visible. EBMUD implemented this community-driven request into the Project. In addition, COLPAB requested that an interpretive sign to be placed onsite. – a common practice related to historical significance and preservation. EBMUD implemented this request into the Project. Finally, many residents signed a community petition to install a perimeter path for pedestrian safety. EBMUD also implemented these elements into the Project.

In summary, many components of the Project approved by the Board of Directors in January 2010 were driven by community input. The “changes” to the Project as set forth in the Draft Supplemental EIR reflect those actions necessary to further several elements of the Project that were approved by the Board with community input and support.

- JS-2-5. Pursuant to 53091 of the State Planning, Zoning and Development Laws, EBMUD is exempt from local government zoning and building ordinances as they relate to the location or construction of facilities for the production, generation, storage or transmission of water. Although ordinances do not strictly apply to EBMUD projects, it is the practice of EBMUD to work with host jurisdictions and neighboring communities

during project planning and to conform to local environmental protection policies to the extent possible. For this project, EBMUD consulted with RHAA to develop landscaped design plans. RHAA used several guidelines and standards from the City of Oakland Fire Department as well as California State Forestry and Fire Protection Board. These guidelines and standards are included on Sheet 2116-L-004 of the Estates Reservoir Replacement contract drawings.

- JS-2-6. The EBMUD contract with its contractor requires that new plantings be nursery-grown stock that are free from insect and diseases. The contractor working on the Project must submit inspection certificates to the Engineer prior to installing the plants.

Comment JSMS

Mr. Tim Fuelle, EBMUD
375 11th Street
Oakland, CA 94607
Comments on Draft Supplemental Environmental Impact Report, Estates Reservoir Replacement

Dear Mr. Fuelle,

I am writing to submit my comments on the Draft Supplemental Environmental Impact Report (DSEIR) on EBMUD's Estates Reservoir Project. I strongly oppose EBMUD's plans to remove 22 trees and install interpretative signage, a path, and sections of low wooden fence. I live adjacent to the site and will be negatively impacted by the plans described in the DSEIR. My objections to the plans are described in detail below.

- JSMS-1 | There are just over 100 trees on the site and 20% are marked for removal. This is a significant fraction contrary to the assertions of the DSEIR. There is also no further need to remove trees and bushes from the reservoir site. The presence of trees and bushes are also very important for the aesthetics of the neighborhood and property values. Views will be impacted in ways that are not anticipated by the DSEIR, and its analysis is limited to specific angles/positions. Notably, two of the largest and most beautiful trees on the site are marked for removal (pp.33,36), and with these trees gone, a very large clearing will be created, which is not properly shown in the DSEIR's photoshopped images or aerial sketch. Views of the chain link fence and reservoir complex will be significantly increased (even shown in DSEIR analysis, e.g., p.36). Additionally, some trees are marked for removal in areas where foliage is already thin. Some neighbors have raised views, which will also be impacted. Other foliage will likely be damaged/removed during the tree removal, and this will have further impact on the view. For example, it is likely that additional trees/ bushes will be removed or damaged to accommodate the planned sections of the low wooden fence, as they are shown intersecting with foliage not marked for removal in the DSEIR aerial sketch (p.23).
- JSMS-2 |
- JSMS-3 | Most of these reasons given in the DSEIR for tree removal (p.24) are very subjective. In some cases, the DSEIR cites tree health issues or overcrowding, yet there has been no attempt to address these issues with (much cheaper) pruning/ maintenance rather than removal. Some trees may not be thriving as well as others, but that is always true in a wooded area. Tree and bush removal will eliminate habitat for the birds and other wildlife that live there, and their removal would also create open spaces where people can gather, make noise, and dump litter and other trash.
- JSMS-4 |
- JSMS-5 | The DSEIR describes plans to construct an interpretative signage area on the reservoir site. In order to reach the interpretative signage, EBMUD intends to create an ADA-compliant path through the wooded region, which will require the removal of trees and bushes. The path has a turnaround (dead end) at the interpretative signage, so its primary purpose is to reach the signage. Originally, the signage was planned for a publicly accessible part of the path, and an unsightly concrete base/retaining wall was constructed for it. This base had already attracted late-night activity, noise, trash, and graffiti. In the DSEIR, EBMUD has decided to move the signage to the other side of the chain-link perimeter fence: For example, p.2-6 (p.22 in the pdf) states: "Therefore, the retaining wall will be removed and the signage will be placed near the existing clearing overlooking the reservoir at the end of the improved ADA path; however, it will be placed on the secured side of the fencing..." The aerial sketch on p.2-7 (p.23 in the pdf) also indicates that it will be located in essentially the same place as the current concrete base, but on the other side of the fence.

Interpretive signage should not be constructed on the site in any form. It is inappropriate for this location. The dead-end path and signage will attract loiterers, trash, and create late-night hangouts. This is not a tourist destination, and people who live near the reservoir are unlikely to visit the signage on a regular basis. EBMUD has not described any plans to maintain the path to the signage, and it will undoubtedly become heavily littered. The dead-end path will be dangerous, especially during nights/evenings, as there will be no security presence, no lighting and only one accessible way out; one could be easily trapped by

Comment Letter JSMS

Comments on Draft Supplemental Environmental Impact Report, Estates Reservoir Replacement

JSMS-5

an assailant. The DSEIR has not considered the impact that the signage and path will have on the neighborhood, and if EBMUD believes the interpretive signage and path will not be an attraction, then they have no function and should not be constructed. A much more appropriate location for interpretive signage would be in the lobby of EBMUD's 11th St. Oakland headquarters, where it would get proper exposure and maintenance and be adequately monitored by security. Other suitable locations include the Oakland City Hall or the offices of Royston Hanamoto Alley and Abey. The latter entity stands to reap the benefits of the interpretive signage, as it is an homage to Royston and his work. The ADA-compliant path to the signage area and sections of low wooden fence are unnecessary if the signage is not erected within the site. The natural pathways around the northeast perimeter of the reservoir have always been adequate for those neighbors and visitors who use it, whether frequently or occasionally, and an additional dead-end path adds no advantage or convenience. There would thus be no need to eliminate trees and bushes for the ADA pathway.

I also note that the DSEIR does not mention any plans for the clearing that will be left behind when the existing concrete base/retaining wall is removed. This base was constructed as part of the original signage plans, and an area was cleared by EBMUD to accommodate it. Trees and/or bushes should be planted here to ensure that it does not become a littered gathering area.

JSMS-6

I would also like to emphasize that late-night hangouts, trash buildup, and neighborhood safety are serious concerns that will be compromised by the plans outlined in the DSEIR. EBMUD's public records show that late-night gatherings consisting of noisy and often violent disturbances became a regular occurrence when lookout areas (clearings) were created in the late 1960s and remained until the early 1980s. EBMUD records from that time contain numerous written complaints from the neighbors. Some eye witnesses from that time still live in the neighborhood and can attest to these problems. Records show that EBMUD and the police were unable to prevent these gatherings. Ultimately (after nearly 15 years of neighborhood letters, complaints, and calls to police), they had to do away with the lookout areas to make this problem go away. Today, police presence in Oakland is lower than ever. The police cannot and will not provide security for the site. The plans described in the DSEIR will create public gathering places, yet the DSEIR has not described any plans to ensure site security, neighborhood safety, and regular trash cleanup. Already, the clearing area that EBMUD created for the original signage plans has attracted late-night hangouts with beer cans and other trash left behind. Additionally, other clearing areas in the Montclair area have become heavily littered, demonstrating that this problem is likely to occur at the Estates Reservoir if clearings are created. I am also aware of Oakland's nuisance abatement program and a graffiti ordinance. Under these programs, EBMUD will be required to ensure that trash and graffiti are promptly removed from the site. EBMUD does not seem prepared to handle this responsibility, as very little regular maintenance is performed on the grounds. If and when noisy hangouts occur and trash and graffiti appear, neighbors will actively request that the City of Oakland enforce the ordinances.

JSMS-7

Finally, I would like to note the following points. The EIR and DSEIR for the project have been prepared by EBMUD, and there has been no mention of independent peer review. Additionally, the plans outlined in the DSEIR will cost a great deal of money needlessly at a time when EBMUD customers are being hit with significant rate hikes. Please halt these plans as described above.

Name:
Address:

Maq Saeedie James A. John
6212 Estates Dr.
Oakland, CA 94611

2.15 James St. John and Marja Saarinen

- JSMS-1. Refer to 2.1.7 Master Response to Concerns over Opened-Up Views Resulting from Tree Removal.
- JSMS-2. Refer to 2.1.8 Master Response to Concerns over Damaging Adjacent Trees and Bushes.
- JSMS-3. Refer to 2.1.5 Master Response on Tree Removal versus Pruning.
- JSMS-4. Refer to 2.1.4 Master Response to Concerns that Tree Removal will Eliminate Habitat for Wildlife.
- JSMS-5. Refer to 2.1.3 Master Response to Concerns that a Public Nuisance will Occur from the Installation of an Interpretive Sign.
- JSMS-6. EBMUD acknowledges the facts set forth in this comment. Refer to 2.1.1 Master Response to Concerns that a Public Nuisance will Occur from Tree Removal.
- JSMS-7. Refer to 2.1.9 Master Comment Regarding Peer Review.

Comment Letter KP

Mr. Tim Fuelle, EBMUD
375 11th Street
Oakland, CA 94607
Comments on Draft Supplemental Environmental Impact Report, Estates Reservoir Replacement

Dear Mr. Fuelle,

I am writing to submit my comments on the Draft Supplemental Environmental Impact Report (DSEIR) on EBMUD's Estates Reservoir Project. I strongly oppose EBMUD's plans to remove 22 trees and install interpretative signage, a path, and sections of low wooden fence. I live adjacent to the site and will be negatively impacted by the plans described in the DSEIR. My objections to the plans are described in detail below.

KP-1

There are just over 100 trees on the site and 20% are marked for removal. This is a significant fraction contrary to the assertions of the DSEIR. There is also no further need to remove trees and bushes from the reservoir site. The presence of trees and bushes are also very important for the aesthetics of the neighborhood and property values. Views will be impacted in ways that are not anticipated by the DSEIR, and its analysis is limited to specific angles/positions. Notably, two of the largest and most beautiful trees on the site are marked for removal (pp.33,36), and with these trees gone, a very large clearing will be created, which is not properly shown in the DSEIR's photoshopped images or aerial sketch. Views of the chain link fence and reservoir complex will be significantly increased (even shown in DSEIR analysis, e.g., p.36). Additionally, some trees are marked for removal in areas where foliage is already thin. Some neighbors have raised views, which will also be impacted. Other foliage will likely be damaged/removed during the tree removal, and this will have further impact on the view. For example, it is likely that additional trees/ bushes will be removed or damaged to accommodate the planned sections of the low wooden fence, as they are shown intersecting with foliage not marked for removal in the DSEIR aerial sketch (p.23).

KP-2

KP-3

Most of these reasons given in the DSEIR for tree removal (p.24) are very subjective. In some cases, the DSEIR cites tree health issues or overcrowding, yet there has been no attempt to address these issues with (much cheaper) pruning/ maintenance rather than removal. Some trees may not be thriving as well as others, but that is always true in a wooded area. Tree and bush removal will eliminate habitat for the birds and other wildlife that live there, and their removal would also create open spaces where people can gather, make noise, and dump litter and other trash.

KP-4

KP-5

The DSEIR describes plans to construct an interpretative signage area on the reservoir site. In order to reach the interpretative signage, EBMUD intends to create an ADA-compliant path through the wooded region, which will require the removal of trees and bushes. The path has a turnaround (dead end) at the interpretative signage, so its primary purpose is to reach the signage. Originally, the signage was planned for a publicly accessible part of the path, and an unsightly concrete base/retaining wall was constructed for it. This base had already attracted late-night activity, noise, trash, and graffiti. In the DSEIR, EBMUD has decided to move the signage to the other side of the chain-link perimeter fence: For example, p.2-6 (p.22 in the pdf) states: "Therefore, the retaining wall will be removed and the signage will be placed near the existing clearing overlooking the reservoir at the end of the improved ADA path; however, it will be placed on the secured side of the fencing..." The aerial sketch on p.2-7 (p.23 in the pdf) also indicates that it will be located in essentially the same place as the current concrete base, but on the other side of the fence.

Interpretive signage should not be constructed on the site in any form. It is inappropriate for this location. The dead-end path and signage will attract loiterers, trash, and create late-night hangouts. This is not a tourist destination, and people who live near the reservoir are unlikely to visit the signage on a regular basis. EBMUD has not described any plans to maintain the path to the signage, and it will undoubtedly become heavily littered. The dead-end path will be dangerous, especially during nights/evenings, as there will be no security presence, no lighting and only one accessible way out; one could be easily trapped by

Comment Letter KP

Comments on Draft Supplemental Environmental Impact Report, Estates Reservoir Replacement

KP-5

an assailant. The DSEIR has not considered the impact that the signage and path will have on the neighborhood, and if EBMUD believes the interpretive signage and path will not be an attraction, then they have no function and should not be constructed. A much more appropriate location for interpretive signage would be in the lobby of EBMUD's 11th St. Oakland headquarters, where it would get proper exposure and maintenance and be adequately monitored by security. Other suitable locations include the Oakland City Hall or the offices of Royston Hanamoto Alley and Abey. The latter entity stands to reap the benefits of the interpretive signage, as it is an homage to Royston and his work. The ADA-compliant path to the signage area and sections of low wooden fence are unnecessary if the signage is not erected within the site. The natural pathways around the northeast perimeter of the reservoir have always been adequate for those neighbors and visitors who use it, whether frequently or occasionally, and an additional dead-end path adds no advantage or convenience. There would thus be no need to eliminate trees and bushes for the ADA pathway.

I also note that the DSEIR does not mention any plans for the clearing that will be left behind when the existing concrete base/retaining wall is removed. This base was constructed as part of the original signage plans, and an area was cleared by EBMUD to accommodate it. Trees and/or bushes should be planted here to ensure that it does not become a littered gathering area.

KP-6

I would also like to emphasize that late-night hangouts, trash buildup, and neighborhood safety are serious concerns that will be compromised by the plans outlined in the DSEIR. EBMUD's public records show that late-night gatherings consisting of noisy and often violent disturbances became a regular occurrence when lookout areas (clearings) were created in the late 1960s and remained until the early 1980s. EBMUD records from that time contain numerous written complaints from the neighbors. Some eye witnesses from that time still live in the neighborhood and can attest to these problems. Records show that EBMUD and the police were unable to prevent these gatherings. Ultimately (after nearly 15 years of neighborhood letters, complaints, and calls to police), they had to do away with the lookout areas to make this problem go away. Today, police presence in Oakland is lower than ever. The police cannot and will not provide security for the site. The plans described in the DSEIR will create public gathering places, yet the DSEIR has not described any plans to ensure site security, neighborhood safety, and regular trash cleanup. Already, the clearing area that EBMUD created for the original signage plans has attracted late-night hangouts with beer cans and other trash left behind. Additionally, other clearing areas in the Montclair area have become heavily littered, demonstrating that this problem is likely to occur at the Estates Reservoir if clearings are created. I am also aware of Oakland's nuisance abatement program and a graffiti ordinance. Under these programs, EBMUD will be required to ensure that trash and graffiti are promptly removed from the site. EBMUD does not seem prepared to handle this responsibility, as very little regular maintenance is performed on the grounds. If and when noisy hangouts occur and trash and graffiti appear, neighbors will actively request that the City of Oakland enforce the ordinances.

KP-7

Finally, I would like to note the following points. The EIR and DSEIR for the project have been prepared by EBMUD, and there has been no mention of independent peer review. Additionally, the plans outlined in the DSEIR will cost a great deal of money needlessly at a time when EBMUD customers are being hit with significant rate hikes. Please halt these plans as described above.

Name: *Kristin Wierz Pabjaner*
Address: *5980 Mc Andrew Dr.
Oakland, CA 94611*

2.16 Kazimierz Pabjanek

- KP-1. Refer to 2.1.7 Master Response to Concerns over Opened-Up Views Resulting from Tree Removal.
- KP-2. Refer to 2.1.8 Master Response to Concerns over Damaging Adjacent Trees and Bushes.
- KP-3. Refer to 2.1.5 Master Response on Tree Removal versus Pruning.
- KP-4. Refer to 2.1.4 Master Response to Concerns that Tree Removal will Eliminate Habitat for Wildlife.
- KP-5. Refer to 2.1.3 Master Response to Concerns that a Public Nuisance will Occur from the Installation of an Interpretive Sign.
- KP-6. EBMUD acknowledges the facts set forth in this comment. Refer to 2.1.1 Master Response to Concerns that a Public Nuisance will Occur from Tree Removal.
- KP -7 Refer to 2.1.9 Master Comment Regarding Peer Review.

Comment Letter LDCB

Fuette, Timothy

From: Leland Dobbs <ldobbs@lmi.net>
Sent: Friday, October 18, 2013 5:53 PM
To: Estates Supplemental EIR
Cc: Sinton Jane; Vahedi Melinda Gibbons & Vahid; Jordan Mike & Sue; Solli Nick; Ruderman (ao) Joan; Sprague Susan; Allen Lawrence; Rubin Clarie & John; Kudrolli Yasmin; Hallock Jim (James) & Lauren; Loughran Jo & Charles; Walz Bob & Lila; Pabjanek Elizabeth; rubin claire; Macneil Douglas & Tracy Fitzgerald; Saunders Douglas L.; Dunton Maryrose; Barrett Johnson
Subject: Re: Estates DSEIR
Attachments: EBMUD Estates Reservoir 10.18.docx

Please see enclosed word document.

Mr. Tim Fuette, EBMUD
375 11th Street
Oakland, CA 94609
Comments on Draft Supplemental Environmental Impact Report, Estates Reservoir Replacement.

October 18, 2013

Dear Mr. Fuette,

We are writing with respect to the Draft Supplemental Environmental Impact Report (DSEIR) on EBMUD's Estates Reservoir Project. We strongly oppose EBMUD's plans to: 1) install interpretative signage, a path, and a fence; 2) remove trees; and 3) plant the area as currently proposed.

LDCB-1
LDCB-2
LDCB-3

1) Opposition to signage, pathway, and fence. The DSEIR describes plans to construct an interpretative signage area on the reservoir site. In order to reach the interpretative signage, EBMUD intends to create an ADA-compliant path through the wooded region, which will require the removal of trees and bushes. The path has a turnaround (dead end) at the interpretative signage, so its primary purpose is to reach the signage.

We are opposed to installing interpretive signage on the site in any form. It is inappropriate for this location. The dead-end path and signage will attract loiterers, trash, and create late-night hangouts. This is not a tourist destination, and people who live near the reservoir are extremely unlikely to visit the signage. The DSEIR has not considered the negative impact that the signage and path will have on the neighborhood. The natural pathways around the northeast perimeter of the reservoir have always been adequate for those neighbors and visitors who use it, and an additional dead-end path adds no advantage or convenience. There would thus be no need to eliminate trees and bushes for the ADA pathway.

We see that the DSEIR does not mention any plans for the clearing that will be left behind when the existing concrete base/retaining wall is removed. This base was constructed as part of the original signage plans, and an area was cleared by EBMUD to accommodate it. Trees and/or bushes should be planted here to ensure that it does not become a littered gathering area.

Opposition to pathway. The dead-end path will be dangerous, especially during nights/evenings, as there will be no security presence, no lighting and only one egress. Late-night gatherings, trash buildup, and neighborhood safety are serious concerns that will be exacerbated by the plans outlined in the DSEIR. EBMUD's public records show that late-

Comment Letter LDCB

Cont'd
LDCB-1
LDCB-2
LDCB-3

night gatherings consisting of noisy and often violent disturbances became a regular occurrence when lookout areas (clearings) were created in the late 1960s and remained until the early 1980s. EBMUD records from that time contain numerous written complaints from the neighbors. We lived in the neighborhood at that time and can remember these problems. Records show that EBMUD and the police were unable to prevent these gatherings. Ultimately (after nearly 15 years of neighborhood letters, complaints, and calls to police), they had to do away with the lookout areas to make this problem go away. The plans described in the DSEIR will create public gathering places, yet the DSEIR has not described any plans to ensure site security, neighborhood safety, and regular trash cleanup. Already, the clearing area that EBMUD created for the original signage plans has attracted late-night hangouts with beer cans and other trash left behind. Additionally, other clearing areas in the Montclair area have become heavily littered, demonstrating that this problem is likely to occur at the Estates Reservoir if clearings are created. Of course, Oakland's nuisance abatement program and a graffiti ordinance covers this area. Under these programs, EBMUD will be required to ensure that trash and graffiti are promptly removed from the site. EBMUD does not seem prepared to handle this responsibility, as very little regular maintenance is performed on the grounds. If and when noisy hangouts occur and trash and graffiti appear, neighbors will actively request that the City of Oakland enforce the ordinances.

Opposition to fence. We are opposed to construction of the fence, which will compromise the narrow shoulder on a road that has many sharp curves with blindspots.

LDCB-4

2) Opposition to removing trees. There are just over 100 trees on the site and 20% are marked for removal. This is a significant fraction contrary to the assertions of the DSEIR. Views will be negatively affected in ways that are not anticipated by the DSEIR; its analysis is limited to specific views and it not representative of what will happen. Two of the largest and most beautiful trees on the site are marked for removal (pp.33, 36), and with these trees gone, a very large clearing will be created, which is not properly shown in the DSEIR's images or the aerial sketch. Views of the chain link fence and reservoir complex will be significantly increased (even shown in DSEIR analysis, e.g., p.36). Additionally, some trees are marked for removal in areas where foliage is already thin. Other foliage will likely be damaged/removed during the tree removal, and this will have further negative impact on the view.

There is no convincing need to remove trees and bushes from the reservoir site. Most of the reasons given in the DSEIR for tree removal (p.24) are subjective. In some cases, the DSEIR cites tree health issues or overcrowding, yet there has been no attempt to address these issues with pruning and maintenance, rather than removal. Removing trees and bushes will eliminate habitat for the birds and other wildlife that live there, and would create unwelcome open spaces that have the potential of unwelcome noisy gatherings where and dumping of litter and trash.

LDCB-5

3) Concerns about proposed planting. As others have stated, we also would like to see documentation that OFD and the Oakland Wildfire Prevention District have supervised and agree with the planting of specific types of grasses inside the fence, covering the tanks and fill areas. It appears that there will be a large expanse of what will be brown grass most of the year. This is likely not only to be unsightly, but presents a fire hazard that could potentially endanger surrounding trees and homes. We also want assurances that any new planting will be free of sudden oak death, since some of the species you list for planting are highly susceptible to the pathogen. If the plantings proceed, how will this area be monitored for fire?

LDCB-6

Finally, among the neighbors who will be affected by the project, we know of no one who believes that the plans should be executed as proposed.

Name: Leland Dobbs
Colleen Brent
Address: 6150 Estates Drive

2.17 Leland Dobbs and Colleen Brent

- LDCB-1. Refer to 2.1.3 Master Response to Concerns that a Public Nuisance will Occur from the Installation of an Interpretive Sign.
- LDCB-2. Refer to 2.1.2 Master Response on Public Nuisance Resulting from Path Installation of EBMUD Property.
- LDCB-3. EBMUD acknowledges the statement set forth in this comment. EBMUD consulted with an engineering firm and the City of Oakland staff to provide design safety measures related to the installing the fence adjacent to the pedestrian trail/ road junction.
- LDCB-4. Refer to 2.1.1 Master Response on Public Nuisance Resulting from Tree Removal.
- LDCB-5. Pursuant to 53091 of the California Government Code, EBMUD is exempt from local government zoning and building ordinances as they relate to the location or construction of facilities for the production, generation, storage or transmission of water. Although ordinances do not strictly apply to EBMUD projects, it is the practice of EBMUD to work with host jurisdictions and neighboring communities during project planning and to conform to local environmental protection policies to the extent possible. For this project, EBMUD consulted with RHAA to develop landscape design plans. RHAA used several guidelines and standards from the City of Oakland Fire Department as well as California State Forestry and Fire Protection Board. These guidelines and standards are cited on Sheet 2116-L-004 of the Estates Reservoir Replacement contract drawings.
- LDCB-6. The EBMUD contract with its contractor requires that new plantings be nursery-grown stock that are free from insect and diseases. The contractor working on the Project must submit inspection certificates to the Engineer prior to installing the plants.

Comment Letter LK

Mr. Tim Fuelle, EBMUD
375 11th Street
Oakland, CA 94607
Comments on Supplemental Environmental Impact Report,
Estates Reservoir Replacement

October 17, 2013

Dear Mr. Fuelle,

Regarding the Draft Supplemental Environmental Impact Report (DSEIR) on EBMUD's Estates Reservoir Project, I am pleading with you to refrain from removing the 22 trees and constructing signage, a path, and low fencing. I live adjacent to the site and, though I realize there is a desire to put a finish on this project, find these measures a setback for the neighborhood, not an enhancement nor benefit.

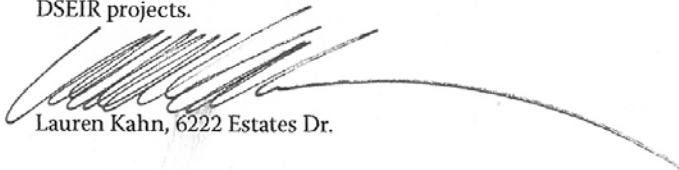
LK-1 | There are just over 100 trees on the site and 20% are marked for removal. I am not convinced we need to remove trees and bushes from the reservoir site, period. The presence of greenery is vital to the aesthetics of the neighborhood and property values. Views will be impacted in ways that are not anticipated by the DSEIR, and its analysis is limited to specific angles. Two of the largest and most beautiful trees on the site are marked for removal (pp.33,36), and with these trees gone, a very large clearing will be created, which is not properly shown in the DSEIR's photoshopped images or aerial sketch. I'm sure other foliage will likely be damaged and thus removed during the tree removal.

LK-2 | Most of the reasons given in the DSEIR for tree removal (p.24) are quite subjective. In some cases, the DSEIR cites tree health issues or overcrowding, but why not offer (much cheaper) pruning and maintenance rather than removal? Some trees may not be thriving as well as others, but that is always true in a natural ecosystem. Tree and bush removal will eliminate habitat for the birds and other wildlife that live there, and their removal would also create open spaces where people can gather, make noise, and dump litter and other trash.

LK-3 | The path is completely unnecessary. I have been walking there for years, and love this small refuge where the human thumbprint isn't visible. You create your own path with the opportunity to just meander and observe. We are directed so much of our lives, I can't tell you how much I appreciate this respite.

LK-4 | I am also completely lost as to why the interpretative signage is still in the proposal, although moved to the other side of the fence. For whom is this a destination spot? Why do we need one? A dead-end path and signage here will become a late-night hangout and again, us neighbors will inherit the mess. Also, there is such a reduction of security presence in our area, it's inviting trouble. A much more appropriate location for interpretive signage would be in the lobby of EBMUD's Oakland headquarters or the offices of Royston Hanamoto Alley and Abey where it can be appreciated.

LK-5 | To save EBMUD additional funds, to maintain our neighborhood "park" which has served us so well, and to consider our property values and quality of life, please halt the plans for the EIR and DSEIR projects.


Lauren Kahn, 6222 Estates Dr.

2.18 Lauren Kahn

- LK-1 Refer to 2.1.7 Master Response to Concerns over Opened-Up Views Resulting from Tree Removal.

- LK-2 Refer to 2.1.6 Master Response to Concerns over Photo Simulations and Aerial Figure provided in the Draft Supplemental EIR.

- LK-3 Refer to 2.1.5 Master Response on Tree Removal versus Pruning.

- LK-4 Refer to 2.1.4 Master Response to Concerns that Tree Removal will Eliminate Habitat for Wildlife.

- LK-5 Refer to 2.1.3 Master Response to Concerns that a Public Nuisance will Result from the Installation of the Path.

- LK-6 Refer to 2.1.3 Master Response to Concerns that a Public Nuisance will Result from the Installation of the Interpretive Sign.

Comment Letter MG

**Michael W. Graf
Law Offices**

227 Behrens St.,
El Cerrito CA 94530

Tel/Fax: 510-525-1208
email: mwgraf@aol.com

October 18, 2013

Via Email and Regular Mail

Tim Fuelle, Project Manager
East Bay Municipal Utility District
375 Eleventh Street (Mail Slot 701)
Oakland, CA 94607-4240
tfuelle@ebmud.com
estates.supplemental.eir@ebmud.com

RE: Comments on Estates Reservoir Replacement Project Draft Supplemental Environmental Impact Report

MG-1

I am writing on behalf of the neighbors living adjacent to the Estates Reservoir ("Neighbors") regarding EBMUD's Draft Supplemental Environmental Impact Report (DSEIR) for the Estates Reservoir Replacement Project ("Project"). The Project proposes to cut 22 trees on the site and establish an expanded area for public use at the Estates Reservoir, a water storage facility located in the Oakland Hills. These are changes from an earlier 2010 project not assessed in the EIR done at that time, which instead assumed these trees would provide visual screening for neighbors by blocking the view of the reservoir facility. The DSEIR provides a brief analysis of the visual impacts that may occur due to the cutting of additional trees, which, however, falls short of CEQA standards.

The DSEIR also did not address the utilization of the reservoir grounds as a gathering area for the general public, despite the proposal for substantial clearing of the area and establishment of a public memorial and footpath. As discussed in a prior June 5, 2013 letter sent on behalf of residents, these physical changes to the reservoir area have the potential to cause substantial changes in how this area is used, including greatly increasing crowds, noise, vandalism, without any oversight authority or open/closed hours. The DSEIR does not provide any analysis of these potential impacts.

In the DSEIR EBMUD is proposing changes to the reservoir area that could greatly affect local residents, by creating conditions that are very similar to those that existed in the past, which EBMUD acknowledged at the time were creating substantial adverse effects on the local neighborhood. In prior years, EBMUD has shown itself incapable of overseeing public use in the reservoir facility and has instead informed neighbors to rely on the Oakland Police Department to monitor the area. The evidence shows, however, that due to staffing shortfalls and higher priority crime issues in the City, reliance on the Oakland Police will not mitigate the significant effects of this project.

MG-2

I. BACKGROUND

The Estates Reservoir is a large water storage facility located in the Montclair district of the Oakland Hills, consisting of a restricted area where the water is stored, surrounded by a chain-link barbed wire fence and an accessible wooded area between the fence and the road. The wooded area consists of trees (oaks, redwoods, pines, and other types of trees) and bushes of various sizes; this vegetation is home to diverse wildlife and is very important to the aesthetic and environment of the neighborhood. The wooded area forms an important barrier between the neighborhood and the unsightly fence/reservoir complex and creates a picturesque scene. It also discourages loitering, parking, and dumping of trash on the site.

On or about January 26, 2010, EBMUD certified an EIR and approved a project authorizing facility improvements to the Estates Reservoir and Montclair Pumping Plant to address long-term issues related to water quality (excess storage), seismic safety and aging infrastructure. The EIR described the project as involving the removal of the Estates Reservoir roof, roof features and supporting structures, and construction of two buried 3.3- MG replacement tanks, landscaping of the reservoir bowl with a mixture of native grasses and shrubs, interspersed with trees. The EIR found that existing landscaping would be preserved and that no large trees would be cut.

The 2010 EIR determined that the project would not have significant visual impacts to surrounding residences because the residences' view of the facility will still be blocked by the existing perimeter vegetation, which will remain unchanged. The 2010 EIR did not address public safety issues or other impacts that might be caused by opening up the site to increased public use.

Sometime after approving the 2010 Project, EBMUD made an internal decision to cut 22 trees on the site, including many large and mature trees, in order to create a more open setting for the new facility. In the meantime, EBMUD also constructed a concrete platform for interpretive signage/memorial within the facility. On April 11, 2013 EBMUD prepared an internal memo, which purported to explain why these Project changes do not require further CEQA review.

Following the internal memo, the Neighbors submitted a letter identifying why the new project idea for the Estates Reservoir required a new EIR, based on changes to the 2010 Project that were not analyzed in the original plan, including 1) the cutting of 22 trees which currently act as a visual screen of the existing facility for nearby residences; 2) the clearing of understory and other vegetation to create a more open setting; and 3) the establishment of interpretive signage/memorial in the facility.

In response to the letter, in September 2013, EBMUD issued an DSEIR on the revised project. The DSEIR purports to analyze the visual and biological impacts of the new project proposal, but not indirect impacts caused by creating a potential gathering place for the public without hours of operation, oversight or any regulatory supervision or security.

//

MG-3

II. BACKGROUND ON CEQA

CEQA's fundamental policy is that all public agencies "shall regulate such activities so that major consideration is given to preventing environmental damage." *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 390; Pub. Res. Code § 21000(g.) CEQA defines a "significant effect" as a "substantial, or potentially substantial, adverse change." Pub. Res. Code § 21068. This means that an activity has a significant effect if it "has the potential to degrade the quality of the environment." *Azusa Land Reclamation Company, Inc. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal. App. 4th 1165, 1192.

CEQA applies to discretionary activities undertaken by a public agency. Pub. Res. Code § 21080. If an initial study demonstrates that the project will not have a significant effect on the environment, the agency makes a "negative declaration" to that effect. Pub. Res. Code § 21080(c.) If the "Initial Study" determines that the project *may* have a significant effect, an Environmental Impact Report ("EIR") is required. Pub. Res. Code § 21151. An EIR is intended to serve as "an environmental full disclosure statement." *Rural Land Owners Assn. v. City Council of Lodi* (1983) 143 Cal. App.3d 1013, 1020. EIRs demonstrate to an apprehensive citizenry that the agency has analyzed and considered the ecological implications of its action. *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 86.

CEQA requires the EIR to identify and adopt, if feasible, mitigation measures or project alternatives which may substantially reduce or avoid the project's significant adverse impacts. *See Laurel Heights, supra*, 47 Cal.3d at 400-403; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564; Pub. Res. Code §§ 21002, 21002.1. This analysis of feasible mitigation measures and a reasonable range of alternatives is crucial to CEQA's substantive mandate that significant environmental damage be substantially lessened or avoided where feasible. Pub. Res. Code §§ 21002, 21081; 14 Cal. Code Regs. §§ 15002(a)(2) and (3). *Laurel Heights, supra*, 47 Cal.3d at 392, 404-405. CEQA requires government agencies to disclose to the public the reasons why they have approved a particular project resulting in significant environmental effects. 14 Cal. Code Regs. § 15002(a)(4). "The EIR process protects not only the environment but also informed self-government." *Laurel Heights, supra*, 47 Cal.3d at 392.

III. COMMENTS

A. The Removal of Vegetation and Creation of a Public Destination at the Reservoir Facility Has the Potential For Significant Impacts that Were Not Addressed by the 2010 EIR.

The Neighbor's June 5, 2013 letter to EBMUD identified that the new project had the potential to increase public use of the facility due to the cutting of trees, removal of understory vegetation and establishment of an interpretive sign/memorial and ADA path on the site. These physical changes to the environment could greatly increase the likelihood that the area will function as a late night gathering place for persons, which could lead to increased vandalism, noise, littering,

MG-4

MG-4
(cont'd)

all without any of the oversight that would be required for a public park such as attendants, hours of operation, security patrols, etc. None of these potential effects were addressed in any way in the 2010 EIR. The DSEIR also does not address this issue.

As previously stated, CEQA defines "Environment" as the "physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, and objects of historic or aesthetic significance." *See* Pub. Res. Code § 21060.5. CEQA defines a "project" as "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." Pub. Res. Code § 21065.

The CEQA Guidelines define an "indirect physical change in the environment" as "a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment. For example, the construction of a new sewage treatment plant may facilitate population growth in the service area due to the increase in sewage treatment capacity and may lead to an increase in air pollution." 14 Cal. Code Regs. § 15064(d)(2).

Under CEQA, "[e]conomic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect." 14 Cal. Code Regs. § 15064(e).^{1/}

The DSEIR for the Project still does not assess the indirect changes over time from clearing out the vegetation in the Reservoir area, and building an interpretive signage/memorial and ADA

^{1/}*See also Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal. App. 4th 1184, 1204-1205 (CEQA requires that the "[d]irect and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects" and that "both primary (direct) and 'reasonably foreseeable' secondary (indirect) consequences be considered in determining the significance of a project's environmental effect." (citing to 14 Cal. Code Regs. §§ 15064(d) & 15126.2(a)). *Id.* at 1205 ("[I]f the forecasted economic or social effects of a proposed project directly or indirectly will lead to adverse physical changes in the environment, then CEQA requires disclosure and analysis of these resulting physical impacts.")

MG-4
(cont'd)

path on the grounds. These physical changes to the environment are potentially significant as they will lead to indirect impacts to the neighborhood by having these areas utilized for gatherings with the attendant noise, traffic, litter, vandalism, and other adverse impacts. These are indirect physical changes in the environment that are foreseeable with the new project, which have never been addressed by EBMUD in a CEQA document.

In fact, Neighbors and EBMUD are both well aware of the past issues that have occurred at the Reservoir facility when open areas were created. This can be seen from written exchanges between EBMUD and local residents that occurred throughout the 1970s and early 1980s when the reservoir facility was being used as a public hangout spot for local youths. *See* Attached Exhibit 1, p. 1 (local resident states that the reservoir area is "From early evening till one and two o'clock in the morning, these teenagers...treat the turnouts as their private park, with absolutely no concern for the residents in this area. They drink, smoke marijuana, yell, scream, litter the area with all kinds of bottles, cartons, food containers that attract rodents, with music blasting, honking of horns, racing their cars and drag racing. They also leave their cars and wander through the neighborhood on foot.")

In response, EBMUD officials stated that "[w]e are sorry to hear also that this public convenience is being abused by some young people. We can only advise you to call the police when you are disturbed." *Id.*, p. 3. In response to numerous complaints about gatherings at the reservoir, EBMUD sent an internal memo stating:

We have received complaints about noise and litter from teenagers congregating at the overlook turnouts at Estates Reservoir in Oakland...Please alert the night switchboard that if calls come in about this problem in the future to notify the Oakland police as a routine complaint...We hope that this action will be sufficient to handle the situation, for the next alternative appears to be an expensive removal of the facility.

Id., p. 4. The evidence shows, however, that reliance on the Oakland police to oversee EBMUD's facilities was not successful in avoiding impacts to neighbors:

From early evening till one and two o'clock in the morning, these teenagers...treat the turnouts as their private park, with absolutely no concern for the residents in this area. They drink, smoke ..., yell, scream, litter the area...with music blasting, honking of horns, racing their cars and drag racing. They also leave their cars and wander through the neighborhood on foot... I complained to your company and repeatedly to the police. The *police certainly have not cooperated.*

Id., p. 5. (emphasis added.) EBMUD acknowledged the continuing problem. *Id.* ("Recurring and persistent problems have included rowdy youths and their cars jamming the overlooks and the adjacent street, particularly on warm spring and summer evenings and the litter caused by these and other thoughtless persons.")

To mitigate these ongoing impacts, EBMUD agreed to close off vehicle access and plant

MG-4
(cont'd)

vegetation to reduce the open setting that was attracting the gatherings in the first place. *Id.*

The new plan to remove this same vegetation that currently discourages occupation, and to create a path and open space areas with the interpretive signage/memorial, has the potential to encourage precisely the type of public gatherings that previously occurred, with resulting adverse impacts on the neighborhood. The evidence indicates that the project implemented so far has already created new opportunities for group gatherings and litter at the reservoir site. *See* Exhibit 2 (containing photos taken in the last 6 months showing trash at the reservoir facility including litter as well as graffiti at the clearing adjacent to the proposed interpretive signage/memorial site.)² The further removal of vegetation will only increase the foreseeable future impacts, potentially similar to those that occurred in the past the last time that EBMUD offered features intended to encourage public visitation.

Further, EBMUD's prior – and false – assumption that the Oakland police would be able to oversee and supervise the public use of the facility is even less true today than in the past. The evidence shows that the local police are severely understaffed and unable to respond to complaints about late night gatherings in light of the more severe crime problems in the City. *See* Exhibit 3, attached hereto.

Under CEQA, the establishment of a public facility would normally be accompanied by an environmental review of how the facility would be operated, including hours of operation and plan for regulatory oversight of visitors to the area. Here, the new project proposes to operate the reservoir area in a manner akin to a park – but without any regulatory oversight or control or time of operation. For example, the DSEIR contains a mitigation and monitoring report, which, however, makes *no mention of how public use will be regulated* at the site. The irony is that the monitoring report provides noise control mitigation that limits construction work at the site to the day hours, 9 am to 4 pm, with strict decibel levels during that time, yet provides no oversight or security presence that would regulate when members of the public may visit the facility or how loud they can be.

The evidence shows the reservoir facility is susceptible to attracting public gatherings, which for all practical purposes will be unsupervised and, as was true in the past, will cause potentially significant impacts that have not been addressed in any way by the DSEIR or its accompanying monitoring program. Under the current plan, the clearings and the path are again an invitation for people to loiter there, yet EBMUD proceeds as if the problem does not exist. The Neighbors' past experience shows that the new project will cause impacts that EBMUD will be unable to prevent. The last time this occurred, it took well over a decade for EBMUD to fix the problem.

²Exhibit 2, p. 1 shows a portion of the clearing where the concrete base/retaining wall is. It is already marked with graffiti. Even if the base were removed, the clearing will still be left. Exhibit 2, p. 2 shows a few of the beer cans left behind after one of the recent unsupervised late-night parties at the clearing shown on page 1. Exhibit 2, p. 3 shows one of dozens of CO2 cartridges left at the site, along with a pornographic box they came in. Exhibit 2, p. 4 shows photos of a nearby open area, which has become completely littered despite no dumping signs.

MG-5

B. The DSEIR Presents An Incomplete Picture of the Visual Impacts of the Project.

In response to the Neighbors' prior letter, the DSEIR purports to assess the aesthetic impacts^{3/} to neighbors of cutting the trees and clearing vegetation as part of the new project. However the DSEIR's analysis on these issues is often misleading and/or incomplete.

The project changes now proposed will remove at least 22 medium to large trees and clear out understory vegetation that until now has served as a visual barrier to avoid aesthetic impacts of the reservoir facility. The DSEIR offers a series of visual simulations intended to demonstrate that the aesthetic impacts of clearing vegetation and large trees will be insignificant. However, the simulations are fundamentally misleading in the following ways.

First, the simulations do not properly show how much of a clearing will be created because key photos are taken from a very low angle, which compresses the visual presentation of the space. As a result, the overall viewshed that is currently occupied by large trees is not presented, nor is there any depiction of how the loss of the upper canopy of the trees will affect the Neighbors views of the facility. This can be seen especially with respect to two of the largest and most beautiful trees on the site, which are marked for removal. (See DSEIR, pp. 33, 36.)

Second, the clearings created by removal of the trees will be essentially contiguous, but this is not shown by the individual photos, which segment the overall viewshed into separate slices, thereby avoiding a meaningful presentation of what aesthetic impact will be caused by cumulative removal of this many large trees.

Third, the shadows cast by the removed trees have not been removed in the simulated images. Thus, the simulations create a deception that removing trees would not alter shade patterns.

Other problems are also present with the DSEIR's visual analysis. For example, the aerial sketch of the site (p.23) does not correctly depict trees/foilage. Instead, some trees are marked for removal in areas where foliage is in actuality already very thin, but this is not properly depicted in the aerial sketch. Further, sections of the proposed low wooden fence are shown intersecting with trees that are not marked for removal. The DSEIR is unclear as to whether EBMUD intends to remove trees and bushes to accommodate this fence. The DSEIR also provides no information as to whether tree stumps will be left behind.

^{3/}Aesthetic issues "are properly studied in an EIR to assess the impacts of a project." *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 937-938; See also *Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 402 (EIR required where record contained photographic evidence that a large aluminum reservoir cover would be visible from public trails as well as private homes.); *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1606 (EIR required where project could affect a public park's unobstructed view of Pacific Ocean).

MG-5
(Cont'd)

Most fundamentally, the DSEIR does not analyze the overall effect of vegetation clearing and tree removal on the viewsheds of Neighbors, who will be required to gaze onto the concrete facility as opposed to the tree-lined views that are now enjoyed. The DSEIR states:

The 2010 EIR concluded that because the project site is not within a defined scenic vista, there would be no impact on scenic vistas (2010 Draft EIR, p. 3-2.10). One basis of this conclusion was that mature trees on the dam downslope and embankment slope towards Woods Drive block or filter distant views of the Bay. None of the trees to be removed under the proposed changes to the project are on the dam downslope and embankment slope; therefore, *all proposed changes are within the site that the 2010 EIR concluded was not a scenic vista*. Furthermore, as shown in Figures 3.2-1 through 3.2-9...the removal of the trees will not change the viewscape in a manner that is substantially different than the existing viewscape. Thus, the proposed changes will have a less than significant impact.

DSEIR, p. 3.2.13 - 3.2.14. (emphasis added.)

This analysis does not acknowledge the role of these trees in screening the reservoir facility itself, which, as noted by Neighbor comments, has negative aesthetic impacts when unobstructed by vegetation. See *Ocean View Estates Homeowners Assn, Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 402-403 (project's creation of visibility of a aesthetically incongruous reservoir to private residences constituted a significant impact under CEQA.)

Indeed, the prior 2010 EIR found that the shrubs and trees on the site were planted "to create a visual barrier to mitigate the visual impact of the covered reservoir on the surrounding community." The 2010 EIR analyzed potential Impact 3.2-4, described as the "[e]ffects on views from the surrounding area, including public roadways, public trails, and open space and residential areas" and determined that "[p]roject related visual changes would not substantially affect existing views from the surrounding residential area *because existing perimeter vegetation along Estates Drive, which provides site screening will remain unchanged*. Views into the site would continue to be partial/filtered." EIR, p. 3.2.11. (emphasis added.)

The DSEIR's new analysis undermines EBMUD's prior analysis completely, since it now assumes that the loss of vegetative screening protection is somehow unrelated to aesthetic impacts. Nor can EBMUD limit its aesthetic impact analysis to its own conclusions as to what constitutes a protectable viewshed:

[W]e are not considering a matter as objective as whether the project will obstruct views. Here we are concerned with the overall aesthetic impact of an aluminum cover. Consideration of the overall aesthetic impact of the cover by its very nature is subjective. Opinions that the cover will not be aesthetically pleasing is not the special purview of experts. Personal observations on these nontechnical issues can constitute substantial evidence. (See *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal. App. 3d 872, 882 [residents' complaints about noise can constitute substantial evidence].)....The

District did adopt landscape screening, but there is substantial evidence that the cover will be visible from some private and public view areas, despite the screening.

MG-5
(Cont'd)

Ocean View Estates Homeowners Assn, Inc. v. Montecito Water Dist., supra, 116 Cal. App. 4th at 402-403. See also *Pocket Protectors v. City of Sacramento* (2004) 124 Cal. App. 4th 903, 937 (“[T]he opinions of area residents, if based on direct observation, may be relevant as to aesthetic impact and may constitute substantial evidence in support of a fair argument; no special expertise is required on this topic.”)

The evidence submitted by local residents regarding the visual impacts of removing trees and bushes on the site must be considered substantial evidence of a potentially significant aesthetic impact, whereas the DSEIR’s conclusions that no impact can be expected because EBMUD’s chosen “viewsheds” – those of the bay – are not substantially affected does not mean that aesthetic impacts overall will be insignificant. Here, the new project will remove trees and brush identified in the prior 2010 EIR as visual barriers that would render the overall visual impacts of the project insignificant. EBMUD’s failure to conduct CEQA review on this issue is still contrary to law.

IV. CONCLUSION

MG-6

EBMUD’s actions in this instance are contrary to CEQA and lack an overall long term vision for the area that has been communicated and vetted with the public in an open public arena. If EBMUD believes the interpretive signage/memorial and path will not be an attraction, then they have no function and should not be constructed. On the other hand, if EBMUD truly intends to create a destination/park in the middle of a residential neighborhood, the merits of that objective – and future foreseeable direct and indirect effects of that approach – must be analyzed as part of a CEQA document, not swept under the rug without analysis.

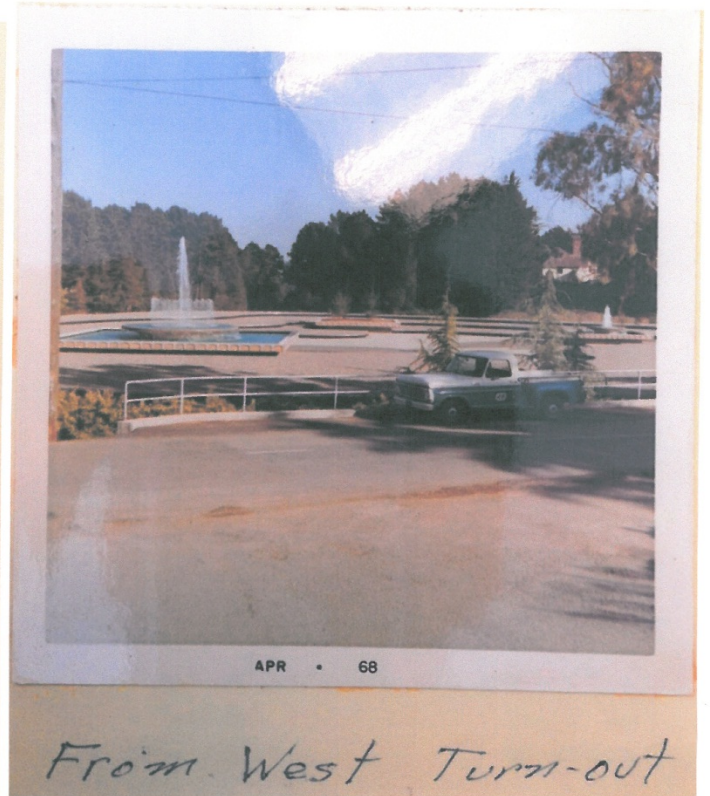
For these reasons, the Neighbors request that EBMUD revise its project as described: leave the 22 trees in place and do not construct the interpretative signage/memorial, path, or sections of low wooden fence. Maintaining the site as is without the changes described in the DSEIR will ensure that significant impacts in the future are avoided.

Sincerely,


Michael W. Graf

EXHIBIT 1

History of Public Gathering Places at Estates Reservoir



Comment Letter MG

-FILE 118 Estates Res.
CC / FILED 218 Leet, R.

Robert Leet at
6238 Estates Dr.

ROBERT S. LEET, M.D.



Mr. John Plum
EBMUD 250 17th St
Oakland, 94612

Dear Mr. Plum

Mr. Leet and I are old time residents of Estates Dr, overlooking your reservoir there. We were happy to see you cover it but we adjusted to the fountains. When you turned them off, we hope you will find the energy to turn them on again, but if not, that something will be done to improve the appearance of the cover.

Let me call to your attention again the nuisance that has resulted from the parking areas on Estates Dr that were put in at the time that the reservoir was covered. These were intended, I am sure, for people who wanted to stop and enjoy the fountains and the view. Presently they are used as gathering spots for teen agers, who are noisy, dirty, and generally obnoxious, and by loiterers. It is necessary to call the police to disperse these gatherings. We would appreciate your attention to these matters -
Sincerely Robert S Leet

"Let me call to your attention again the nuisance that has resulted from the parking areas on Estates Dr. that were put in at the time that the reservoir was covered."

"These were intended, I am sure, for people who wanted to stop and enjoy the fountains and the view."

"Presently they are used as gathering spots for teenagers, who are noisy, dirty, and generally obnoxious, and by loiterers."

"Frequently it is necessary to call the police to disperse the gatherings."

July 29, 1974

Robert S. Leet, M.D.
6238 Estates Drive
Oakland, California 94611

Dear Doctor Leet:

We also regret the prolonged absence of the fountains at Estates Reservoir, and we hope to have a suitable alternative soon to restore the beauty of the roof of the reservoir. It may be a matter of part-time or lower operation of the fountains, or perhaps a solution which does not use fountains at all.

The fountains were turned off voluntarily last November to reduce power consumption. Not long after that the State Public Utilities Commission banned all decorative fountains. The PUC has since relaxed this requirement, but it has asked that public agencies reduce their power consumption by 15 percent compared to the same period a year ago.

Most of the electricity the District consumes is for such essential needs as pumping water to hill areas. To meet the State PUC request, we have had to cut back on non-essential uses like the fountains.

At the same time EBMUD covered Estates Reservoir, we also provided a turnout for a scenic overlook at the rooftop fountains. It is ironic, we realize, that the viewpoint now looks over empty fountains. We are sorry to hear also that this public convenience is being abused by some young people. We can only advise you to call the police when you are disturbed.

We appreciate your bringing these matters to our attention. We can't promise that the fountains will be restored, but hopefully we will have a solution very soon.

Sincerely,

DJV/
JHP/mb

Original signed by
JOHN H. PLUMB

"At the same time EBMUD covered Estates Reservoir, we also provided a turnout for a scenic overlook at the rooftop fountains...We are sorry to hear also that this public convenience is being abused by some young people. We can only advise you to call the police when you are disturbed."

Comment Letter MG

FILE 118 Estates Res.
for file 379 Vossbrink, D.J
80 Complaints

October 7, 1975

MEMO TO: M. K. Carter, Administrative Services
VIA: J. H. Plumb, Secretary
FROM: D. J. Vossbrink, Public Information
SUBJECT: Estates Reservoir Complaints

We have received complaints about noise and litter from teenagers congregating at the overlook turnouts at Estates Reservoir in Oakland.

We have notified the Oakland police to add Estates to the routine beat patrol on weekends and evenings. We have also advised the neighbors, specifically Mr. Robert Greathouse, that if the problem happens again to notify both the police and EBMUD.

Please alert the night switchboard that if calls come in about this problem in the future to notify the Oakland police as a routine complaint. We hope that this action will be sufficient to handle the situation, for the next alternative appears to be an expensive removal of the facility.

"We have received complaints about noise and litter from teenagers congregating at the overlook turnouts at Estates Reservoir in Oakland."

"Please alert the night switchboard that if calls come in about this problem in the future to notify the Oakland police as a routine complaint."

"We hope that this action will be sufficient to handle the situation, for the next alternative appears to be an expensive removal of the facility."

DJV/pm

EAST BAY MUNICIPAL UTILITY DISTRICT

February 26, 1982

TO OUR NEIGHBORS NEAR ESTATES RESERVOIR:

The landscaping and turnouts along the perimeter of Estates Reservoir were intended to be attractive additions to the neighborhood. Unfortunately the turnouts (overlooks) have become "attractive" in a way that has caused inconvenience to area residents.

Recurring and persistent problems have included rowdy youths and their cars jamming the overlooks and the adjacent street, particularly on warm spring and summer evenings, and the litter caused by these and other thoughtless persons.

In an effort to solve the long-standing problems in your area, a solution is proposed by East Bay Municipal Utility District -- pending approval by the majority of the neighbors -- to remove the paved turnouts and to plant them to match the other landscaping around the reservoir.

Before we go ahead with this proposal we want to know what you and your neighbors think, and if you have other alternatives we should consider. (We have worked to find solutions before with both neighborhood residents and the police department, but the rowdiness and litter always seem to return.)

Please let us know your feelings about the suggested removal and replanting of the turnouts. Simply check the appropriate space on the enclosed card, put it in the postage-paid envelope provided, and drop it into the return mail.

There is space for additional comments you may wish to make either for or against the removal and re-landscaping plans.

Thank you for your patience. We hope that the quiet, scenic atmosphere the District intended for the grounds of Estates Reservoir will soon be restored. If you have any questions, please feel free to call me at the Oakland Business Office at 451-3440.

Sincerely,

Charles L. Hanson

(Please check one)

SAMPLE

YES. Please remove the turnouts and replant to harmonize with the rest of Estates Reservoir grounds.

NO. Please leave the turnouts alone. A better solution is as follows:

Signed: _____
My street address: _____

Comment Letter MG

6104 Estates Drive
Oakland, Ca. 94611
March 5, 1982

Letter from Mrs. Gene Sprague
March 1982

EAST BAY MUNICIPAL UTILITY DISTRICT
250 - 17th Street
Oakland, California 94604

Attention: Charles L. Hansen

Gentlemen:

We certainly are grateful and overjoyed that at long last something is being done to end the condition, at the Estates Reservoir, we have had to endure for so many years.

We moved to this address in 1969, thinking that it was a most beautiful spot, with the lovely fountains, trees, and planting. We soon found out that it was also attractive to selfish and thoughtless young people. From early evening till one and two o'clock in the morning, these teenagers arrive in their cars and treat the turnouts as their private park, with absolutely no concern for the residents in this area. They drink, smoke marijuana, yell, scream, litter the area with all kinds of bottles, cartons, food containers that attract rodents, with music blasting, honking of horns, racing their cars and drag racing. They also leave their cars and wander through the neighborhood on foot. You know the extent of all this litter as it requires one of your trucks and a driver to clean up the mess. The street, at the east turnout, is often blocked to traffic by cars double parked, and more than once I have had to back up to Bullard Avenue, and go around to reach Estates Drive.

Around the time school is out the teenagers assemble to commit the same activities they engage in at night, only in a lesser degree, but with music so loud that at times it is unbearable. It certainly is a very bad example for children walking by in the afternoon to see what is going on, and perhaps consider it proper behavior to be emulated.

In the past I complained to your company and repeatedly to the police. The police certainly have not cooperated. I was told by an Oakland officer "they are good kids - they come from Piedmont"! Incidentally, I found out that the Piedmont police were able to run these teenagers out of Piedmont into our area.

"We certainly are grateful and overjoyed that at long last something is being done to end the condition, at the Estates Reservoir, we have had to endure for so many years."

"From early evening till one and two o'clock in the morning, these teenagers...treat the turnouts as their private park, with absolutely no concern for the residents in this area. They drink, smoke marijuana, yell, scream, litter the area...with music blasting, honking of horns, racing their cars and drag racing. They also leave their cars and wander through the neighborhood on foot."

"...I complained to your company and repeatedly to the police. The police certainly have not cooperated."

"During the day I have observed the turnout being used as a restroom."

My bedroom, with a little balcony, faces on the north turnout. I have watched, from this balcony, an Oakland police officer tell the young people parked there sitting on the railing, drinking and passing a "cigarette" from one to another, "you know you shouldn't do this" and confiscate several packs of beer from their car and put it in his own, and merely tell them to leave. I blame the police as in my opinion if they had issued a few citations, with resulting fines, the condition might have been resolved. I have always thought that drinking in and around a car, littering, loitering, profanity, obscenity, disturbing the peace, etc., were against the law. I have seen, at one or two in the morning, teenagers sitting on the curb of the turnout with their backs on the railing, play bongos drums! They also have used the street for skateboard and football practice. All this being done with screaming and music at the highest volume. During the day I have observed the turnout being used as a restroom. People, not only teenagers, stop their cars and go down behind the railing, and return adjusting their trousers. On Saturday and Sunday afternoons I have seen cars being polished and one Sunday this turnout was even used as a barber shop! A girl trimmed a boy's hair as he sat on on the railings and she leaned against their car. Again all this with raucous music blaring.

Finally, I became so disgusted with the police and their lack of response to the situation and my calls, that I ceased calling them and purchased a flash light with a strong beam. While I shine the light on them, which they definitely dislike, and they respond with profanity and obscene suggestions, they then move on.

"The action you are now taking to eliminate the turnouts, is one I suggested to the police years ago, but was told that it couldn't be done."

Regional Parks and the Berkeley City Parks, have ordinances which close their parks at ten o'clock. I know that you put up unofficial "No Parking" signs, but they were soon torn down. The action you are now taking to eliminate the turnouts, is one I suggested to the police years ago, but was told that it couldn't be done. At that time I also suggested that large concrete pots, such as they have downtown to block off streets, be installed, but this was also ignored. This latter suggestion would not have eliminated the whole problem, as the railings would still be there, and the teenagers love to sit and lean on them.

"I have lost many hours of sleep and my health and disposition have been affected."

As you no doubt can gather I am very bitter about this problem. I have lost many hours of sleep and my health and disposition have been affected. If I had my way, we would have moved over the hill to Contra Costa County, but as my husband's business is in Oakland, it is not feasible.

We again want to applaud and thank you for at last taking action on this intolerable situation.

Very truly yours,

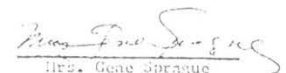

Mrs. Gene Sprague

EXHIBIT 2



Trash at Estates Reservoir Site



Trash at Estates Reservoir Site



Open Areas Nearby (Estates & Park)

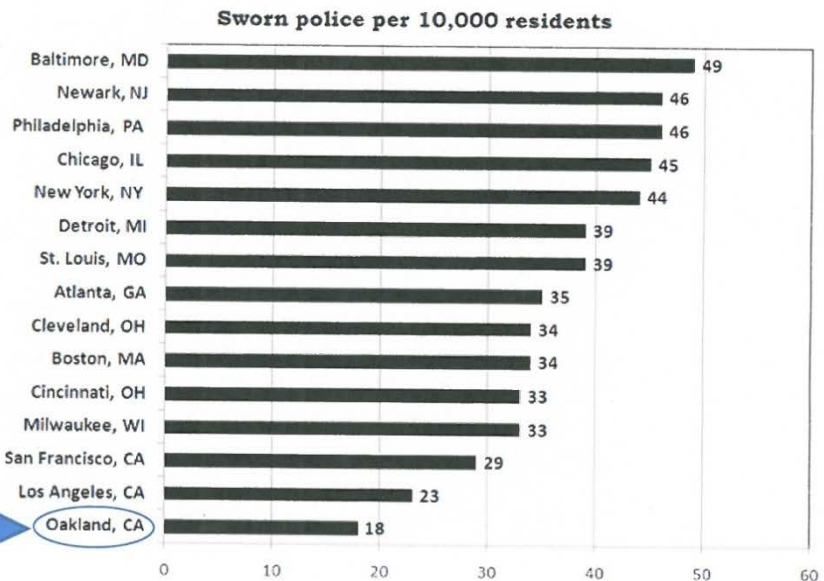


EXHIBIT 3

Safety & Security in Oakland

- 635 police officers as of June 1, 2013 (all Oakland)
- Almost no police presence in Montclair
- Police response
 - ~20 min typical for violent crimes
 - >1 hour typical for burglaries
 - Unable to respond to many issues
- Home robberies and burglaries are up
- Obligation of the victim to file a report
- Police response to neighborhood disturbances?
 - Very minimal response in 1970s
 - Now fewer police than ever
- EBMUD has no plans/budget to patrol Estates Reservoir

Safety & Security



Figures from 2004:
740 officers, 410,000 residents

As of 2013 there are <16 police officers per
10,000 residents

2.19 Michael Graf

- MG-1. This comment is introductory in nature and summarizes the discussion to follow in the letter. The detailed comments summarized in this introductory section of the letter are addressed in the further responses to comments below.
- MG-2. EBMUD acknowledges the statements set forth under the heading of “Background.” EBMUD notes that the “concrete platform” cited in this comment will be removed and will not be part of the final Project. The several reasons for the removal of the trees are stated in the Draft Supplemental EIR and further explained in these responses to comments received on the Draft Supplemental EIR. EBMUD further notes that through analysis of the Project site, goals and objectives, and with community input from a series of public meetings (detailed in the RHAA Estates Concept Design Process Recommendations Report, 2008 [updated 2009], and referenced in Appendix A of the 2010 EIR), five design alternatives were developed for the Project. EBMUD chose the preferred landscape project based on the preference for that project expressed by the community. Several neighbors of the Project commented with approval on the landscape plan that was developed as part of this project. Further statements in this comment are addressed below.
- MG-3. The comment recites a number of general principles contained in CEQA, the CEQA Guidelines and in cases interpreting CEQA, and does not provide any comments specific to the Draft Supplemental EIR. The responses to specific comments regarding the Draft Supplemental EIR are provided below.
- MG-4. The comment states that the proposed changes to the Project, including the removal of vegetation and the installation of a footpath to the interpretive signage at the reservoir facility will create a late-night public gathering place that could, in turn, lead to increased vandalism, noise and littering, all without necessary oversight for a “public park.” EBMUD is not creating a public park. Rather, EBMUD is proposing to implement design modifications that will improve the perimeter path that was proposed and analyzed in the 2010 EIR. Compare 2009 Draft EIR, p. 2-10 to 2013 Draft Supplemental EIR, pages 2-5 and 2-7. Those improvements include making the path American Disability Act compliant. The issue of whether an improved path would result in increased use of the reservoir site as a gathering area for the general public use was discussed and analyzed in the 2010 EIR. Please refer to the August 2009 Draft EIR, Appendix C Initial Study, Page 29, Item b.

EBMUD notes that the evidence of past “nuisance” activity cited in this comment largely relates to conditions that existed in the 1960s through the

1980s that have since been remedied, and to existing conditions on the existing unimproved path at the reservoir site – with the exception of the “concrete base,” which is slated for removal. EBMUD acknowledges that from time to time individuals that use the improved and existing unimproved path may continue to litter, as they currently do on the unimproved path. As shown, in Exhibit B, this problem occurs in other areas of Oakland (as well as other areas outside of Oakland). This phenomenon will likely continue at the Estates site because the reservoir site is located within an urban setting with pedestrians frequently using the area to pass through. EBMUD has no evidence that the installation of the improved path, the removal of vegetation and the installation of an interpretive sign will increase incidents of littering or loitering on the property.

Please refer further to 2.1.1, Master Response Regarding Concerns that a Public Nuisance will Result From Tree Removal, 2.1.2, Master Response to Concerns that a Public Nuisance will Result from the Installation of the Path and 2.1.3, Master Response to Concerns that a Public Nuisance will Result from the Installation of the Interpretive Sign.

- MG-5. The comment states that EBMUD’s visual representations of the impacts of tree removal are “misleading or incomplete” in a variety of ways. EBMUD notes that those few neighbors of the reservoir whose private views of the reservoir are impacted by the removal of trees will not “be required to gaze on to the concrete facility” of the reservoir. Rather, the reservoir site and the reservoir itself has been covered with soil, grass and planted trees, as depicted in the 2010 EIR and stated in Mitigation Measure 3.2-2, so as to provide a meadow-like setting as a view. Please refer further to 2.1.6, Master Response to Concerns over the Photo Simulations and Aerial Figure provide in the Draft Supplemental EIR.
- MG-6. The concluding comment states that EBMUD must either analyze the impacts of creating a “destination” at the reservoir site or abandon the planned improvements on the site as unnecessary since they will not be an attraction. As explained above, the proposed site improvements relate to mitigation measures established in the 2010 EIR in response to neighborhood concerns. They are therefore “necessary.” Moreover, as discussed above, EBMUD has no intention of creating a “park/destination.” Rather, EBMUD is installing improvements in response to neighborhood concerns. There is no evidence that these proposed site improvements will be any more attractive to loiterers than the existing unimproved path, the path as contemplated in the 2010 EIR, or the historic reservoir roof that has been replaced. Rather, the evidence indicates that security at the site will be improved due to the removal of vegetation that currently blocks views of the unimproved path.

Comment Letter MJSJ

From: [Foulkes, Katy](#)
To: ["Sue Jordan"](#)
Cc: [Fvette, Timothy](#); [Blackwell, Michelle](#); [Foulkes, Katy](#); [Farr, Cheryl](#)
Subject: RE: Emailing: get-attachment.htm
Date: Thursday, October 17, 2013 9:09:05 PM

Sue and Mike:

I'm really not sure if we can do anything at this point. The neighbors expressed concern of the loss of the previous design, and as a mitigation measure in the EIR, we agreed to commemorate the fountains and design by creating a 'memorial'. I think the Oakland Heritage commission also weighed in on this and insisted on it.

I might be a little fuzzy on details since I'm doing this from memory, but I do know that this was explained several times during the public meetings we held.

EBMUD would be happy to avoid the cost of creating this (although it may be too late if contracts have been let), but cannot go through the costs and time delays that a modification of the EIR would require at this time.

I honestly don't think this is going to re-create the problems you had in the past. Teenagers tend to be lazy and hopefully won't even realize that the monument is there. If you can come up with a way to get past the EIR dictates without costing EBMUD (and customers like you) a ton of money, I'll certainly support it!

Hope all else is well, Katy

From: Sue Jordan [mailto:SJordan@liftech.net]
Sent: Thursday, October 17, 2013 1:44 PM
To: Foulkes, Katy
Subject: Emailing: get-attachment.htm

Katy, I am sending this to you because it is something that should be stopped.

Thanks for any help you can give.

Sue Jordan

From: Michael Jordan
Sent: Wednesday, October 16, 2013 8:41 AM
To: 'estates.supplemental.eir@emud.com'
Cc: 'mblackwe@ebmud.com'; 'jnsinton@hotmail.com'; 'Sue Jordan'
Subject: Draft Supplemental Environmental Impact Report (DSEIR)

Dear Tim Fuentes:

Sue and I and our neighbors are still mystified by EBMUD's insistence on creating an attractive nuisance by including a trail to nothing but a gathering point. Who will gather there? Not neighbors. We already fought this battle and won after the EBMUD parking spot became attractive nuisance decades ago. The parking spot was removed and so were the drunken teenagers who were not even from Oakland, let alone our neighborhood.

Jane Sinton expressed our objections well in her email to the neighbors:

But my feeling is that our most effective objection is that the termination of the path, with or without a memorial, creates a "destination" which is undesirable in a residential neighborhood, and unwise to establish under the auspices of EBMUD.

With the path, they are effectively inviting people to come and loiter at its termination/turn-around point.

Sue and I are appealing to your good sense to do what you can to stop the construction of the path. If it is built, who knows what crimes may occur. Our neighborhood is much less safe now than it was decades ago. And who will be held responsible for creating such a crime site? We think EBMUD will be held responsible. EBMUD may win in court but not in the minds of the victims. There is enough crime in our neighborhood now, why invite more.

How about the interpretive signage? Really, what is there to interpret? What we will have is a pile of dirt and a vacant lot with weeds which hide the tanks. We know all what we need to know about the flora and fauna in vacant lots. Thanks for hiding the tanks. That was sensible.

Furthermore, I am appealing to you as a fellow Civil Engineer to apply the logic we have been trained to follow and stop the construction of the trail now.
Is the path a reasonable use of EBMUD's finances? Is it good for the neighborhood? Of course not!

Susan and Michael Jordan
6219 Bullard Dr.

MJSJ-1
MJSJ-2

MJSJ-1
MJSJ-2

2.20 Michael and Sue Jordan

- MJSJ-1. Refer to 2.1.2 Master Response on Public Nuisance Resulting from Path Installation on EBMUD Property.
- MJSJ-2. Refer to 2.1.3 Master Response to Concerns that a Public Nuisance will Occur from the Installation of an Interpretive Sign.

Comment Letter MVVV

Fuette, Timothy

From: Melinda Gibbons Vahedi <mgibbons101@yahoo.com>
Sent: Monday, October 21, 2013 11:55 AM
To: Estates Supplemental EIR
Subject: Estates Reservoir DSEIR comments

Dear Mr. Fuette,

We are writing to echo the comments made by many of our neighbors regarding the Draft Supplemental Environmental Impact Report (DSEIR) on EBMUD's Estates Reservoir Project. We strongly oppose EBMUD's plans to remove 22 trees and install interpretative signage, a path, and sections of low wooden fence. We live adjacent to the site and will be negatively impacted by the plans described in the DSEIR. Our objections to the plans are described in detail below.

MVVV-1-1

There are just over 100 trees on the site and 20% are marked for removal. This is a significant fraction contrary to the assertions of the DSEIR. There is also no further need to remove trees and bushes from the reservoir site. The presence of trees and bushes are also very important for the aesthetics of the neighborhood and property values. Views will be impacted in ways that are not anticipated by the DSEIR, and its analysis is limited to specific angles/positions. Notably, two of the largest and most beautiful trees on the site are marked for removal (pp.33,36), and with these trees gone, a very large clearing will be created, which is not properly shown in the DSEIR's photoshopped images or aerial sketch. Views of the chain link fence and reservoir complex will be significantly increased (even shown in DSEIR analysis, e.g., p.36). Additionally, some trees are marked for removal in areas where foliage is already thin. Some neighbors have raised views, which will also be impacted. Other foliage will likely be damaged/removed during the tree removal, and this will have further impact on the view. For example, it is likely that additional trees/ bushes will be removed or damaged to accommodate the planned sections of the low wooden fence, as they are shown intersecting with foliage not marked for removal in the DSEIR aerial sketch (p.23).

MVVV-1-2

MVVV-1-3

MVVV-1-4

Most of these reasons given in the DSEIR for tree removal (p.24) are very subjective. In some cases, the DSEIR cites tree health issues or overcrowding, yet there has been no attempt to address these issues with (much cheaper) pruning/ maintenance rather than removal. Some trees may not be thriving as well as others, but that is always true in a wooded area. Tree and bush removal will eliminate habitat for the birds and other wildlife that live there, and their removal would also create open spaces where people can gather, make noise, and dump litter and other trash.

MVVV-1-5

The DSEIR describes plans to construct an interpretative signage area on the reservoir site. In order to reach the interpretative signage, EBMUD intends to create an ADA-compliant path through the wooded region, which will require the removal of trees and bushes. The path has a turnaround (dead end) at the interpretative signage, so its primary purpose is to reach the signage. Originally, the signage was planned for a publicly accessible part of the path, and an unsightly concrete base/retaining wall was constructed for it. This base had already attracted late-night activity, noise, trash, and graffiti. In the DSEIR, EBMUD has decided to move the signage to the other side of the chain-link perimeter fence: For example, p.2-6 (p.22 in the pdf) states: "Therefore, the retaining wall will be removed and the signage will be placed near the existing clearing overlooking the reservoir at the end of the improved ADA path; however, it will be placed on the secured side of the fencing..." The aerial sketch on p.2-7 (p.23 in the pdf) also indicates that it will be located in essentially the same place as the current concrete base, but on the other side of the fence.

Comment Letter MVVV

MVVV-1-5

Interpretive signage should not be constructed on the site in any form. It is inappropriate for this location. The dead-end path and signage will attract loiterers, trash, and create late-night hangouts. This is not a tourist destination, and people who live near the reservoir are unlikely to visit the signage on a regular basis. EBMUD has not described any plans to maintain the path to the signage, and it will undoubtedly become heavily littered. The dead-end path will be dangerous, especially during nights/evenings, as there will be no security presence, no lighting and only one accessible way out; one could be easily trapped by an assailant. The DSEIR has not considered the impact that the signage and path will have on the neighborhood, and if EBMUD believes the interpretive signage and path will not be an attraction, then they have no function and should not be constructed. A much more appropriate location for interpretive signage would be in the lobby of EBMUD's 11th St. Oakland headquarters, where it would get proper exposure and maintenance and be adequately monitored by security. Other suitable locations include the Oakland City Hall or the offices of Royston Hanamoto Alley and Abe. The latter entity stands to reap the benefits of the interpretive signage, as it is an homage to Royston and his work. The ADA-compliant path to the signage area and sections of low wooden fence are unnecessary if the signage is not erected within the site. The natural pathways around the northeast perimeter of the reservoir have always been adequate for those neighbors and visitors who use it, whether frequently or occasionally, and an additional dead-end path adds no advantage or convenience. There would thus be no need to eliminate trees and bushes for the ADA pathway.

We also note that the DSEIR does not mention any plans for the clearing that will be left behind when the existing concrete base/retaining wall is removed. This base was constructed as part of the original signage plans, and an area was cleared by EBMUD to accommodate it. Trees and/or bushes should be planted here to ensure that it does not become a littered gathering area.

MVVV-1-6

We would also like to emphasize that late-night hangouts, trash buildup, and neighborhood safety are serious concerns that will be compromised by the plans outlined in the DSEIR. EBMUD's public records show that late-night gatherings consisting of noisy and often violent disturbances became a regular occurrence when lookout areas (clearings) were created in the late 1960s and remained until the early 1980s. EBMUD records from that time contain numerous written complaints from the neighbors. Some eye witnesses from that time still live in the neighborhood and can attest to these problems. Records show that EBMUD and the police were unable to prevent these gatherings. Ultimately (after nearly 15 years of neighborhood letters, complaints, and calls to police), they had to do away with the lookout areas to make this problem go away. Today, police presence in Oakland is lower than ever. The police cannot and will not provide security for the site. The plans described in the DSEIR will create public gathering places, yet the DSEIR has not described any plans to ensure site security, neighborhood safety, and regular trash cleanup. Already, the clearing area that EBMUD created for the original signage plans has attracted late-night hangouts with beer cans and other trash left behind. Additionally, other clearing areas in the Montclair area have become heavily littered, demonstrating that this problem is likely to occur at the Estates Reservoir if clearings are created. We are also aware of Oakland's nuisance abatement program and a graffiti ordinance. Under these programs, EBMUD will be required to ensure that trash and graffiti are promptly removed from the site. EBMUD does not seem prepared to handle this responsibility, as very little regular maintenance is performed on the grounds. If and when noisy hangouts occur and trash and graffiti appear, neighbors will actively request that the City of Oakland enforce the ordinances.

MVVV-1-7

Finally, we would like to note the following points. The EIR and DSEIR for the project have been prepared by EBMUD, and there has been no mention of independent peer review. Additionally, the plans outlined in the DSEIR will cost a great deal of money needlessly at a time when EBMUD customers are being hit with significant rate hikes. Please halt these plans as described above.

Sincerely,

Melinda and Vahid Vahedi

5970 McAndrew Dr
Oakland, CA 94611

2.21 Melinda and Vahed Vahedi

- MVVV-1. Refer to 2.1.7 Master Response to Concerns over Opened-Up Views Resulting from Tree Removal.
- MVVV-2. Refer to 2.1.8 Master Response to Concerns over Damaging Adjacent Trees and Bushes.
- MVVV-3. Refer to 2.1.5 Master Response on Tree Removal versus Pruning.
- MVVV-4. Refer to 2.1.4 Master Response to Concerns that Tree Removal will Eliminate Habitat for Wildlife.
- MVVV-5. Refer to 2.1.3 Master Response to Concerns that a Public Nuisance will Occur from the Installation of an Interpretive Sign.
- MVVV-6. EBMUD acknowledges the facts set forth in this comment. Refer to 2.1.1 Master Response to Concerns that a Public Nuisance will Occur from Tree Removal.
- MVVV-7. Refer to 2.1.9 Master Comment Regarding Peer Review.

Comment Letter NS

Mr. Tim Fvette, EBMUD
375 11th Street
Oakland, CA 94607

Comments on Draft Supplemental Environmental Impact Report, Estates Reservoir Replacement

Dear Mr. Fvette,

I am writing to submit my comments on the Draft Supplemental Environmental Impact Report (DSEIR) on EBMUD's Estates Reservoir Project. I strongly oppose EBMUD's plans to remove 22 trees and install interpretative signage, a path, and sections of low wooden fence. I live adjacent to the site and will be negatively impacted by the plans described in the DSEIR. My objections to the plans are described in detail below.

NS-1-1

There are just over 100 trees on the site and 20% are marked for removal. This is a significant fraction contrary to the assertions of the DSEIR. There is also no further need to remove trees and bushes from the reservoir site. The presence of trees and bushes are also very important for the aesthetics of the neighborhood and property values. Views will be impacted in ways that are not anticipated by the DSEIR, and its analysis is limited to specific angles/positions. Notably, two of the largest and most beautiful trees on the site are marked for removal (pp.33,36), and with these trees gone, a very large clearing will be created, which is not properly shown in the DSEIR's photoshopped images or aerial sketch. Views of the chain link fence and reservoir complex will be significantly increased (even shown in DSEIR analysis, e.g., p.36). Additionally, some trees are marked for removal in areas where foliage is already thin. Some neighbors have raised views, which will also be impacted. Other foliage will likely be damaged/removed during the tree removal, and this will have further impact on the view. For example, it is likely that additional trees/ bushes will be removed or damaged to accommodate the planned sections of the low wooden fence, as they are shown intersecting with foliage not marked for removal in the DSEIR aerial sketch (p.23).

NS -1-2

NS -1-3

Most of these reasons given in the DSEIR for tree removal (p.24) are very subjective. In some cases, the DSEIR cites tree health issues or overcrowding, yet there has been no attempt to address these issues with (much cheaper) pruning/ maintenance rather than removal. Some trees may not be thriving as well as others, but that is always true in a wooded area. Tree and bush removal will eliminate habitat for the birds and other wildlife that live there, and their removal would also create open spaces where people can gather, make noise, and dump litter and other trash.

NS -1-4

NS -1-5

The DSEIR describes plans to construct an interpretative signage area on the reservoir site. In order to reach the interpretative signage, EBMUD intends to create an ADA-compliant path through the wooded region, which will require the removal of trees and bushes. The path has a turnaround (dead end) at the interpretative signage, so its primary purpose is to reach the signage. Originally, the signage was planned for a publicly accessible part of the path, and an unsightly concrete base/retaining wall was constructed for it. This base had already attracted late-night activity, noise, trash, and graffiti. In the DSEIR, EBMUD has decided to move the signage to the other side of the chain-link perimeter fence: For example, p.2-6 (p. 22 in the pdf) states: "Therefore, the retaining wall will be removed and the signage will be placed near the existing clearing overlooking the reservoir at the end of the improved ADA path; however, it will be placed on the secured side of the fencing..." The aerial sketch on p.2-7 (p.23 in the pdf) also indicates that it will be located in essentially the same place as the current concrete base, but on the other side of the fence.

Interpretive signage should not be constructed on the site in any form. It is inappropriate for this location. The dead-end path and signage will attract loiterers, trash, and create late-night hangouts. This is not a tourist destination, and people who live near the reservoir are unlikely to visit the signage on a regular basis. EBMUD has not described any plans to maintain the path to the signage, and it will undoubtedly become heavily littered. The dead-end path will be dangerous, especially during nights/evenings, as there

Comment Letter NS

NS -1-5

will be no security presence, no lighting and only one accessible way out; one could be easily trapped by an assailant. The DSEIR has not considered the impact that the signage and path will have on the neighborhood, and if EBMUD believes the interpretive signage and path will not be an attraction, then they have no function and should not be constructed. A much more appropriate location for interpretive signage would be in the lobby of EBMUD's 11th St. Oakland headquarters, where it would get proper exposure and maintenance and be adequately monitored by security. Other suitable locations include the Oakland City Hall or the offices of Royston Hanamoto Alley and Abey. The latter entity stands to reap the benefits of the interpretive signage, as it is an homage to Royston and his work. The ADA-compliant path to the signage area and sections of low wooden fence are unnecessary if the signage is not erected within the site. The natural pathways around the northeast perimeter of the reservoir have always been adequate for those neighbors and visitors who use it, whether frequently or occasionally, and an additional dead-end path adds no advantage or convenience. There would thus be no need to eliminate trees and bushes for the ADA pathway.

I also note that the DSEIR does not mention any plans for the clearing that will be left behind when the existing concrete base/retaining wall is removed. This base was constructed as part of the original signage plans, and an area was cleared by EBMUD to accommodate it. Trees and/or bushes should be planted here to ensure that it does not become a littered gathering area.

NS -1-6

I would also like to emphasize that late-night hangouts, trash buildup, and neighborhood safety are serious concerns that will be compromised by the plans outlined in the DSEIR. EBMUD's public records show that late-night gatherings consisting of noisy and often violent disturbances became a regular occurrence when lookout areas (clearings) were created in the late 1960s and remained until the early 1980s. EBMUD records from that time contain numerous written complaints from the neighbors. Some eye witnesses from that time still live in the neighborhood and can attest to these problems. Records show that EBMUD and the police were unable to prevent these gatherings. Ultimately (after nearly 15 years of neighborhood letters, complaints, and calls to police), they had to do away with the lookout areas to make this problem go away. Today, police presence in Oakland is lower than ever. The police cannot and will not provide security for the site. The plans described in the DSEIR will create public gathering places, yet the DSEIR has not described any plans to ensure site security, neighborhood safety, and regular trash cleanup. Already, the clearing area that EBMUD created for the original signage plans has attracted late-night hangouts with beer cans and other trash left behind. Additionally, other clearing areas in the Montclair area have become heavily littered, demonstrating that this problem is likely to occur at the Estates Reservoir if clearings are created. I am also aware of Oakland's nuisance abatement program and a graffiti ordinance. Under these programs, EBMUD will be required to ensure that trash and graffiti are promptly removed from the site. EBMUD does not seem prepared to handle this responsibility, as very little regular maintenance is performed on the grounds. If and when noisy hangouts occur and trash and graffiti appear, neighbors will actively request that the City of Oakland enforce the ordinances.

NS -1-7

Finally, I would like to note the following points. The EIR and DSEIR for the project have been prepared by EBMUD, and there has been no mention of independent peer review. Additionally, the plans outlined in the DSEIR will cost a great deal of money needlessly at a time when EBMUD customers are being hit with significant rate hikes. Please halt these plans as described above.

Name: *Nicholas Sulli, Nicholas Sulli*
Address: *6228 Estates Drive*
Oakland, CA 94611

2.22 Nick Solli

- NS-1. Refer to 2.1.7 Master Response to Concerns over Opened-Up Views Resulting from Tree Removal.

- NS-2. Refer to 2.1.8 Master Response to Concerns over Damaging Adjacent Trees and Bushes.

- NS-3. Refer to 2.1.5 Master Response on Tree Removal versus Pruning.

- NS-4. Refer to 2.1.4 Master Response to Concerns that Tree Removal will Eliminate Habitat for Wildlife.

- NS-5. Refer to 2.1.3 Master Response to Concerns that a Public Nuisance will Occur from the Installation of an Interpretive Sign.

- NS-6. EBMUD acknowledges the facts set forth in this comment. Refer to 2.1.1 Master Response to Concerns that a Public Nuisance will Occur from Tree Removal.

- NS-7. Refer to 2.1.9 Master Comment Regarding Peer Review.

Comment Letter RH

Mr. Tim Fuelle, EBMUD
375 11th Street
Oakland, CA 94607
Comments on Supplemental Environmental Impact Report, Estates Reservoir Replacement

Dear Mr. Fuelle,

I am writing to submit my comments on the Draft Supplemental Environmental Impact Report (DSEIR) on EBMUD's Estates Reservoir Project. I strongly oppose EBMUD's plans to remove 22 trees and install interpretative signage, a path, and sections of low wooden fence. I live adjacent to the site and will be negatively impacted by the plans described in the D SEIR. My objections to the plans are described in detail below.

RH-1

There are just over 100 trees on the site and 20% are marked for removal. This is a significant fraction contrary to the assertions of the DSEIR. There is also no further need to remove trees and bushes from the reservoir site. The presence of trees and bushes are also very important for the aesthetics of the neighborhood and property values. Views will be impacted in ways that are not anticipated by the DSEIR, and its analysis is limited to specific angles/positions. Notably, two of the largest and most beautiful trees on the site are marked for removal (pp.33,36), and with these trees gone, a very large clearing will be created, which is not properly shown in the DSEIR's photoshopped images or aerial sketch. Views of the chain link fence and reservoir complex will be significantly increased (even shown in DSEIR analysis, e.g., p.36). Additionally, some trees are marked for removal in areas where foliage is already thin. Some neighbors have raised views, which will also be impacted. Other foliage will likely be damaged/removed during the tree removal, and this will have further impact on the view. For example, it is likely that additional trees/ bushes will be removed or damaged to accommodate the planned sections of the low wooden fence, as they are shown intersecting with foliage not marked for removal in the DSEIR aerial sketch (p.23).

RH-2

RH-3

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RH-4

RH-5

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Comment Letter RH

Comments on Supplemental Environmental Impact Report, Estates Reservoir Replacement

RH-5

an assailant. The DSEIR has not considered the impact that the signage and path will have on the neighborhood, and if EBMUD believes the interpretive signage and path will not be an attraction, then they have no function and should not be constructed. A much more appropriate location for interpretive signage would be in the lobby of EBMUD's 11th St. Oakland headquarters, where it would get proper exposure and maintenance and be adequately monitored by security. Other suitable locations include the Oakland City Hall or the offices of Royston Hanamoto Alley and Abey. The latter entity stands to reap the benefits of the interpretive signage, as it is an homage to Royston and his work. The ADA-compliant path to the signage area and sections of low wooden fence are unnecessary if the signage is not erected within the site. The natural pathways around the northeast perimeter of the reservoir have always been adequate for those neighbors and visitors who use it, whether frequently or occasionally, and an additional dead-end path adds no advantage or convenience. There would thus be no need to eliminate trees and bushes for the ADA pathway.

I also note that the DSEIR does not mention any plans for the clearing that will be left behind when the existing concrete base/retaining wall is removed. This base was constructed as part of the original signage plans, and an area was cleared by EBMUD to accommodate it. Trees and/or bushes should be planted here to ensure that it does not become a littered gathering area.

RH-6

I would also like to emphasize that late-night hangouts, trash buildup, and neighborhood safety are serious concerns that will be compromised by the plans outlined in the DSEIR. EBMUD's public records show that late-night gatherings consisting of noisy and often violent disturbances became a regular occurrence when lookout areas (clearings) were created in the late 1960s and remained until the early 1980s. EBMUD records from that time contain numerous written complaints from the neighbors. Some eye witnesses from that time still live in the neighborhood and can attest to these problems. Records show that EBMUD and the police were unable to prevent these gatherings. Ultimately (after nearly 15 years of neighborhood letters, complaints, and calls to police), they had to do away with the lookout areas to make this problem go away. Today, police presence in Oakland is lower than ever. The police cannot and will not provide security for the site. The plans described in the DSEIR will create public gathering places, yet the DSEIR has not described any plans to ensure site security, neighborhood safety, and regular trash cleanup. Already, the clearing area that EBMUD created for the original signage plans has attracted late-night hangouts with beer cans and other trash left behind. Additionally, other clearing areas in the Montclair area have become heavily littered, demonstrating that this problem is likely to occur at the Estates Reservoir if clearings are created. I am also aware of Oakland's nuisance abatement program and a graffiti ordinance. Under these programs, EBMUD will be required to ensure that trash and graffiti are promptly removed from the site. EBMUD does not seem prepared to handle this responsibility, as very little regular maintenance is performed on the grounds. If and when noisy hangouts occur and trash and graffiti appear, neighbors will actively request that the City of Oakland enforce the ordinances.

RH-7

Finally, I would like to note the following points. The EIR and DSEIR for the project have been prepared by EBMUD, and there has been no mention of independent peer review. Additionally, the plans outlined in the DSEIR will cost a great deal of money needlessly at a time when EBMUD customers are being hit with significant rate hikes. Please halt these plans as described above.

Name: *Riva Kahn Hallock*
Address: *6772 Estates Drive*

2.23 Riva Kahn Hallock

- RH-1. AP-1 Refer to 2.1.7 Master Response to Concerns over Opened-Up Views Resulting from Tree Removal.
- RH -2. Refer to 2.1.8 Master Response to Concerns over Damaging Adjacent Trees and Bushes.
- RH-3. Refer to 2.1.5 Master Response on Tree Removal versus Pruning.
- RH-4. Refer to 2.1.4 Master Response to Concerns that Tree Removal will Eliminate Habitat for Wildlife.
- RH-5. Refer to 2.1.3 Master Response to Concerns that a Public Nuisance will Occur from the Installation of an Interpretive Sign.
- RH-6. EBMUD acknowledges the facts set forth in this comment. Refer to 2.1.1 Master Response to Concerns that a Public Nuisance will Occur from Tree Removal.
- RH-7. Refer to 2.1.9 Master Comment Regarding Peer Review.

Comment Letter YK

Fuette, Timothy

From: Yasmin Kudrolli <ykudrolli@gmail.com>
Sent: Friday, October 18, 2013 7:00 PM
To: Estates Supplemental EIR
Subject: Estates Reservoir Replacement Project
Attachments: ebmud.pdf

Mr. Tim Fuette, Associate Civil Engineer
MS #701
375 Eleventh Street
Oakland, CA 94607-4240

Re: Estates Reservoir Replacement Project

Dear Mr. Fuette,

Like most of my neighbors, I am opposed to your proposal for the Estates Reservoir. We are already experiencing the negative effects of the changes made even before all your plans have been put into place. Late night loitering and accumulation of trash have become a nuisance.

Even if EBMUD provides 24-hour security, which would be wishful thinking, I am opposed to the plan.

The proposed unnecessary cutting of healthy trees is a disgrace to the environmentally invested state of California, the fence is a danger to pedestrian and the planned planting of grass is a fire hazard.

Is EBMUD willing to take responsibility and liability for the possible loss of lives or homes? The area around the reservoir has created problems in the past as you are already aware. So what is your motivation to carry out this plan? I am truly perplexed!!!

Sincerely,

Yasmin Kudrolli
6224 Estates Dr
Oakland CA 94611

YK-1

Comment Letter YK

Mr. Tim Fuelle, EBMUD
375 11th Street
Oakland, CA 94607
Comments on Supplemental Environmental Impact Report, Estates Reservoir Replacement

Dear Mr. Fuelle,

I am writing to submit my comments on the Draft Supplemental Environmental Impact Report (DSEIR) on EBMUD's Estates Reservoir Project. I strongly oppose EBMUD's plans to remove 22 trees and install interpretative signage, a path, and sections of low wooden fence. I live adjacent to the site and will be negatively impacted by the plans described in the D SEIR. My objections to the plans are described in detail below.

- YK-1 | There are just over 100 trees on the site and 20% are marked for removal. This is a significant fraction contrary to the assertions of the DSEIR. There is also no further need to remove trees and bushes from the reservoir site. The presence of trees and bushes are also very important for the aesthetics of the neighborhood and property values. Views will be impacted in ways that are not anticipated by the DSEIR, and its analysis is limited to specific angles/positions. Notably, two of the largest and most beautiful trees on the site are marked for removal (pp.33,36), and with these trees gone, a very large clearing will be created, which is not properly shown in the DSEIR's photoshopped images or aerial sketch. Views of the chain link fence and reservoir complex will be significantly increased (even shown in DSEIR analysis, e.g., p.36). Additionally, some trees are marked for removal in areas where foliage is already thin. Some neighbors have raised views, which will also be impacted. Other foliage will likely be damaged/removed during the tree removal, and this will have further impact on the view. For example, it is likely that additional trees/ bushes will be removed or damaged to accommodate the planned sections of the low wooden fence, as they are shown intersecting with foliage not marked for removal in the DSEIR aerial sketch (p.23).
- YK-2 |
- YK-3 | Most of these reasons given in the DSEIR for tree removal (p.24) are very subjective. In some cases, the DSEIR cites tree health issues or overcrowding, yet there has been no attempt to address these issues with (much cheaper) pruning/ maintenance rather than removal. Some trees may not be thriving as well as others, but that is always true in a wooded area. Tree and bush removal will eliminate habitat for the birds and other wildlife that live there, and their removal would also create open spaces where people can gather, make noise, and dump litter and other trash.
- YK-4 |
- YK-5 | The DSEIR describes plans to construct an interpretative signage area on the reservoir site. In order to reach the interpretative signage, EBMUD intends to create an ADA-compliant path through the wooded region, which will require the removal of trees and bushes. The path has a turnaround (dead end) at the interpretative signage, so its primary purpose is to reach the signage. Originally, the signage was planned for a publicly accessible part of the path, and an unsightly concrete base/retaining wall was constructed for it. This base had already attracted late-night activity, noise, trash, and graffiti. In the DSEIR, EBMUD has decided to move the signage to the other side of the chain-link perimeter fence: For example, p.2-6 (p.22 in the pdf) states: "Therefore, the retaining wall will be removed and the signage will be placed near the existing clearing overlooking the reservoir at the end of the improved ADA path; however, it will be placed on the secured side of the fencing..." The aerial sketch on p.2-7 (p.23 in the pdf) also indicates that it will be located in essentially the same place as the current concrete base, but on the other side of the fence.

Interpretive signage should not be constructed on the site in any form. It is inappropriate for this location. The dead-end path and signage will attract loiterers, trash, and create late-night hangouts. This is not a tourist destination, and people who live near the reservoir are unlikely to visit the signage on a regular basis. EBMUD has not described any plans to maintain the path to the signage, and it will undoubtedly become heavily littered. The dead-end path will be dangerous, especially during nights/evenings, as there will be no security presence, no lighting and only one accessible way out; one could be easily trapped by

Comment Letter YK

Comments on Supplemental Environmental Impact Report, Estates Reservoir Replacement

YK-5

an assailant. The DSEIR has not considered the impact that the signage and path will have on the neighborhood, and if EBMUD believes the interpretive signage and path will not be an attraction, then they have no function and should not be constructed. A much more appropriate location for interpretive signage would be in the lobby of EBMUD's 11th St. Oakland headquarters, where it would get proper exposure and maintenance and be adequately monitored by security. Other suitable locations include the Oakland City Hall or the offices of Royston Hanamoto Alley and Abey. The latter entity stands to reap the benefits of the interpretive signage, as it is an homage to Royston and his work. The ADA-compliant path to the signage area and sections of low wooden fence are unnecessary if the signage is not erected within the site. The natural pathways around the northeast perimeter of the reservoir have always been adequate for those neighbors and visitors who use it, whether frequently or occasionally, and an additional dead-end path adds no advantage or convenience. There would thus be no need to eliminate trees and bushes for the ADA pathway.

I also note that the DSEIR does not mention any plans for the clearing that will be left behind when the existing concrete base/retaining wall is removed. This base was constructed as part of the original signage plans, and an area was cleared by EBMUD to accommodate it. Trees and/or bushes should be planted here to ensure that it does not become a littered gathering area.

YK-6

I would also like to emphasize that late-night hangouts, trash buildup, and neighborhood safety are serious concerns that will be compromised by the plans outlined in the DSEIR. EBMUD's public records show that late-night gatherings consisting of noisy and often violent disturbances became a regular occurrence when lookout areas (clearings) were created in the late 1960s and remained until the early 1980s. EBMUD records from that time contain numerous written complaints from the neighbors. Some eye witnesses from that time still live in the neighborhood and can attest to these problems. Records show that EBMUD and the police were unable to prevent these gatherings. Ultimately (after nearly 15 years of neighborhood letters, complaints, and calls to police), they had to do away with the lookout areas to make this problem go away. Today, police presence in Oakland is lower than ever. The police cannot and will not provide security for the site. The plans described in the DSEIR will create public gathering places, yet the DSEIR has not described any plans to ensure site security, neighborhood safety, and regular trash cleanup. Already, the clearing area that EBMUD created for the original signage plans has attracted late-night hangouts with beer cans and other trash left behind. Additionally, other clearing areas in the Montclair area have become heavily littered, demonstrating that this problem is likely to occur at the Estates Reservoir if clearings are created. I am also aware of Oakland's nuisance abatement program and a graffiti ordinance. Under these programs, EBMUD will be required to ensure that trash and graffiti are promptly removed from the site. EBMUD does not seem prepared to handle this responsibility, as very little regular maintenance is performed on the grounds. If and when noisy hangouts occur and trash and graffiti appear, neighbors will actively request that the City of Oakland enforce the ordinances.

YK-7

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Name:

Address:

2.24 Yasmin Kudrolli

- YK-1. Refer to 2.1.7 Master Response to Concerns over Opened-Up Views Resulting from Tree Removal.
- YK-2. Refer to 2.1.8 Master Response to Concerns over Damaging Adjacent Trees and Bushes.
- YK-3. Refer to 2.1.5 Master Response on Tree Removal versus Pruning.
- YK-4. Refer to 2.1.4 Master Response to Concerns that Tree Removal will Eliminate Habitat for Wildlife.
- YK-5. Refer to 2.1.3 Master Response to Concerns that a Public Nuisance will Occur from the Installation of an Interpretive Sign.
- YK-6. EBMUD acknowledges the facts set forth in this comment. Refer to 2.1.1 Master Response to Concerns that a Public Nuisance will Occur from Tree Removal.
- YK-7. Refer to 2.1.9 Master Comment Regarding Peer Review.

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 - Staff Initiated to the Draft Supplemental EIR

3.2.4 Project Impacts and Mitigation Measure

View E (Figure 3.2-5) is a view of tree No. 24, which is identified in Table 2-1 as a 45-foot tall, 22-inch diameter deodar cedar tree. Removing the tree has a visual change as can be seen by comparing the before and after visual conditions. From this vantage point a narrow corridor view will look upon an open-space landscape setting upon tree removal No. 24. This setting remains consistent with that shown View 3 of Figure 2-3 and stated on Page 3-2.9 paragraph 3 of the 2010 EIR; therefore, the change in view is less than significant. Private views directly across the street could possibly have a more open view into the site; however, residences are set-back from Estates Road by over 60 feet and elevated above the road by approximately 15 feet. Private views to the south and north will continue to have a view of a mature tree canopy