

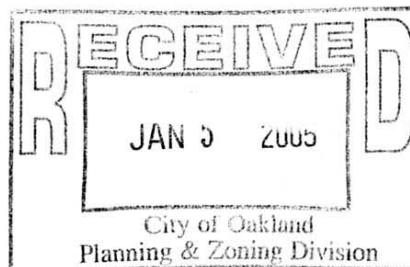
4 RESPONSES TO WRITTEN COMMENTS

This chapter includes a reproduction of, and responses to, each letter received during the public review period. Each letter is reproduced in its entirety, and is immediately followed by responses to the comments in it. Letters are arranged in chronological order by the date sent. Each comment and response is labeled with a reference number in the margin.

Where the same comment has been made more than once, a response may direct the reader to another numbered comment and response. Where a response requires revisions to the Draft EIR, these revisions are shown in Chapter 2 of the Final EIR.



December 30, 2004



Heather Klein, Planner II
City of Oakland, Planning Division
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612

Dear Ms. Klein:

Re: Draft Environmental Impact Report – Siena Hill, Oakland

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Siena Hill Project located in the City of Oakland (City). EBMUD has the following comments that were stated in our February 23, 2004 response to the Notice of Preparation regarding water service and water conservation. EBMUD also has corrections regarding Wastewater Service.

A-1

WATER SERVICE

EBMUD’s Piedmont Pressure Zone, with a service elevation range between 325 to 500 feet, will serve the proposed development. EBMUD owns and operates distribution pipelines in Keller Drive and Greenridge Drive which provides continuous service to customers in the area. A main extension, at the project sponsor’s expense, will be required to serve the proposed project. EBMUD completed a Water Service Estimate for this project in January 2003. The project sponsor should contact EBMUD’s New Business Office and request a new water service estimate to determine if any additional costs and conditions are required to provide water service to the proposed development. Engineering and installation of water mains and services requires substantial lead-time, which should be provided for in the project sponsor’s development schedule.

A-2

WATER CONSERVATION

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD would request that the City include in its conditions of approval a requirement that the project sponsor comply with the Landscape Water Conservation Section of the Municipal Code of the City, Article 10, Chapter 7. EBMUD staff would appreciate the opportunity to meet with the project sponsor to discuss water conservation programs and best management practices applicable to the project area. A key objective of this discussion will be to explore timely opportunities to expand conservation via early consideration of EBMUD's conservation programs and best management practices applicable to the project.

A-3

Heather Klein, Planner II
December 30, 2004
Page 2

WASTEWATER SERVICE

On page 208, first paragraph, the Draft EIR states, "Higher wet-weather flows are treated at the SD-1 plant as well as at four additional wet-weather treatment plants." Please change four to three as EBMUD only has three wet-weather treatment plants.

On page 208, second paragraph, the Draft EIR states, "The Wet Weather Program dramatically increased the wet-weather capacity of the SD-1 treatment plant from 290 MGD to 775 MGD." SD-1 is often used interchangeably with the treatment plant and the service area. The Draft EIR should clarify that the total wet weather capacity of EBMUD's Main Wastewater Treatment Plant is 415 MGD. The total wet weather capacity of the entire SD-1 service area, including the treatment plant, is 725 MGD. The additional 50 MGD is anticipated from potential future construction, which should not be assumed to be available capacity.

A-4

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,



for WILLIAM R. KIRKPATRICK
Manager of Water Distribution Planning

WRK:OAH:sb
sb04_400.doc

cc: Ed Patmont
Hillside Homes
184 Rudgear Drive
Walnut Creek, CA 94596

LETTER A: William Kirkpatrick, Manager of Water Distribution Planning, East Bay Municipal Utilities District (EBMUD), December 30, 2004.

A-1: Comment noted. This is not a comment on the adequacy of the Draft EIR, so no further response is required.

A-2: This comment notes that the project would be served by EBMUD's Piedmont Pressure Zone, and that the project sponsor should contact EBMUD directly regarding a new main extension and new water service estimate. This is not a comment on the adequacy of the Draft EIR. No response is required.

A-3: This is a comment about the merits and features of the proposed project, and specifically about possible opportunities to incorporate water conservation measures into the project. This is not a comment on the adequacy of the Draft EIR. No response is required.

A-4: This comment contains a number of corrections and clarifications regarding the description of wastewater service to the project on pages 207 and 208 of the Draft EIR. In response to this comment, these corrections and clarifications have been made to the relevant text, as reflected in Chapter 2 of this Final EIR. These revisions do not affect the EIR's overall finding that increased wastewater generated by the project would be adequately served by existing infrastructure, and that impacts to wastewater service would be less than significant.



State of California – The Resources Agency

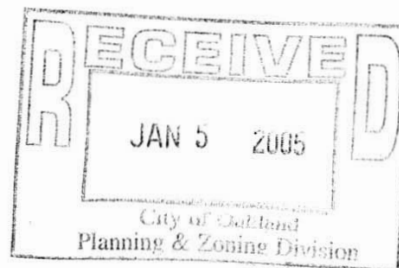
ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500

December 31, 2004

Ms. Heather Klein
City of Oakland
Community and Economic
Development Agency
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612



Dear Ms. Klein:

Siena Hill Planned Unit Development
Oakland, Alameda County, Case # ER02-0012
SCH 2004012102

The Department of Fish and Game (DFG) has reviewed the document for the subject project. We do not have specific comments regarding the proposed project and its effects on biological resources. Please be advised this project may result in changes to fish and wildlife resources as described in the California Code of Regulations, Title 14, Section 753.5(d)(1)(A)-(G)¹. Therefore, a de minimis determination is not appropriate, and an environmental filing fee as required under Fish and Game Code Section 711.4(d) should be paid to the Alameda County Clerk on or before filing of the Notice of Determination for this project.

B-1

If you have any questions, please contact Mr. Carl Wilcox, Habitat Conservation Manager, at (707) 944-5525.

Sincerely,

for *Scott Wilson*

Robert W. Floerke
Regional Manager
Central Coast Region

cc: State Clearinghouse

¹ <http://ccr.oal.ca.gov/>. Find California Code of Regulations, Title 14 Natural Resources, Division 1, Section 753

LETTER B: Robert Floerke, Regional Manager, California Department of Fish and Game, December 31, 2004.

B-1: This letter states that the California Department of Fish and Game has reviewed the Draft EIR and does not have any comments on the proposed project or its impacts on biological resources. The letter requests payment of an environmental filing fee. It is not a comment on the adequacy of the Draft EIR, so no further response is required.

To: Oakland City Planning Commissioners

From: Mary Curry, Sanford Street Resident

Re: Siena Hill Project (ER 02-0012)

January 5, 2005

I write to you as an Oakland resident who will be gravely affected by this project. I apologize in advance that my letter is not as detailed and comprehensive as I would like, however I wish to voice my concerns regarding this and other projects in my neighborhood.

In looking at the document for this project, I was horrified to see the amount of growth which is slated to occur in my area: Leona Project: 477 units, Oak Knoll: 577 units plus 25,000 sq. ft. of retail space, Eastmont: 60 units, MacArthur Boulevard: 70 units, Golf Links: 90 units, Siena: 32 units.

C-1

This is over 1,300 units projected to be built on all sides of where I now live.

I have several major areas of concern, including traffic, hydrology, and overall diminishment in the aesthetics and quality of where I now reside.

C-2

Traffic is already a problem in this area. On the street level, the Keller and Mountain area has become very busy, and is scheduled to become much more so as the years pass, according to the traffic projections in the Siena Plan.

The freeway traffic in the area is already unacceptable, with rush hour traffic slow or at a complete stop at the Keller/Mountain 580 Westbound entrance. The connection of Highway 13 to 580 eastbound is even worse, with traffic that can be backed up to the Redwood Road exit. I would pose two questions: how many Planning Commission members actually live in this area and have to cope with this traffic daily? How much worse will it become when more than 1,300 living units plus 25,000 sq. ft. of retail space are inserted into this area?

C-3

Regarding the Siena Hill Project in particular, the stated objective is to "develop an underutilized site into a residential community that will enhance existing adjacent residential neighborhoods". This sounds like a worthy objective, but the effect will be just the opposite.

C-4

I feel that this project would have a very negative impact on three areas in particular: traffic (previously mentioned), hydrology, and aesthetics.

C-4

It seems that the drainage for the project is slated to be adequate for 10 year storm events, but not 100 year events. I am currently spending over a thousand dollars to try and remedy drainage problems that I have on my property. I sit below the project and am very concerned what more building will do to my already difficult drainage situation.

C-5

The aesthetics of the project are also a great concern. In the Environmental Impact Report it states that the project will "preserve views from residencies upslope of the proposed project site". What will happen to those of us who are downslope? This project will place 32 living units on a hill that will loom directly over my street. I see absolutely no "enhancement of existing adjacent residential neighborhoods" in this proposal.

C-6

If this project does go forward, I would hope that not only will landscaping on the site be maximized to screen it from those of us who are downslope, but that any trees removed from the median strip on Keller Avenue be restored, and that additional trees be planted.

C-7

In general, it is of note that the chart which compares the outcomes of the project to the "No Project Alternative" showed that there would be positive results in almost all areas, should the project not go forward. I ask you to seriously consider this one residential voice and deny this project. I also ask that the overflowing growth slated for this area be reconsidered and checked, so that those of us who live here do not suffer any further consequences than those that are impending from the Leona Quarry Project.

C-8

Thank you for consideration of my viewpoint and suggestions.

LETTER C: Mary Curry, Sanford Street Resident, January 5, 2005.

- C-1: This comment describes the author's background and overall concern regarding the total amount of potential development in the area around the proposed Siena Hill project site. It is not a comment on the Siena Hill project specifically, nor on the adequacy of the Draft EIR. No further response is required. However, for information, it should be noted that the 32 units included in the proposed project would constitute approximately 0.02 percent of the possible 1,300 units the commentor mentions.
- C-2: This comment summarizes this issues about which the commentor has specific concerns. Each issue is more specifically addressed in responses C-3, C-4, C-5 and C-6.
- C-3: This comment cites existing traffic problems at the intersections of Keller Avenue/580 Westbound ramp and predicts that the traffic will worsen with the possible future addition of 1,300 units and 25,000 square feet of retail space. The comment regarding where City of Oakland Planning Commissioners live is not a comment on the adequacy of the EIR, and no response is required.

A detailed discussion of cumulative traffic impacts, and the proposed project's contribution to these impacts, can be found on pages 190 through 201 of the Draft EIR. With regard to "how much worse" traffic would be under cumulative conditions, the Traffic Impact Analysis and Draft EIR concluded that all intersections in the project site vicinity would operate at satisfactory levels, with the exception of the Mountain Boulevard/Keller Avenue intersection. The Mountain Boulevard/Keller Avenue intersection would operate at Level of Service (LOS) E, which is worse than the City's minimum standard of LOS D. Therefore, the Draft EIR includes Mitigation Measure TRAF-1, which requires the project applicant to pay a proportional share towards improvements at the Mountain Boulevard/Keller

Avenue intersection. After these improvements are installed, the intersection would operate at an acceptable LOS B. This comment does not question the accuracy or adequacy of the cumulative traffic analysis conducted for the Draft EIR. Therefore, no further response is required.

C-4: This comment states broad concerns that the commentor has about specific potential impacts. Each issue is more specifically addressed in responses C-3, C-4, C-5 and C-6.

C-5: Discussions of storm water runoff and infrastructure can be found on pages 133 through 135, 143 through 145, 208 through 209, and 212 through 213 of the Draft EIR. The commentor correctly states that hydraulic calculations completed for the proposed project concluded that the pipe capacity in subbasin 1 would be inadequate to convey flows from the 100-year storm event under both existing and proposed conditions. These calculations are based on preliminary drainage plans, since final grading and drainage plans for the site have not yet been completed.

However, as discussed on pages 144 and 213 of the Draft EIR, both the City of Oakland and the Alameda County Flood Control District (ACFCD) require that that drainage infrastructure for all proposed projects must be capable of handling flows from 10-year storm events, and that all facilities be capable of withstanding a 100-year storm event without failure. Therefore, the final drainage plans and calculations for the project will be required to demonstrate clearly that the project will not cause a failure of the storm water infrastructure during a 100-year storm event. The City of Oakland Public Works Agency will review all final grading and drainage plans and calculations to ensure that these requirements are met, as stated in Mitigation Measure HYDRO-3. The Public Works Agency will not approve the drainage plan for the project if these requirements are not met.

Regarding impacts to downhill residences, according to the City's maps of sewer and storm drain pipelines shown on Sewer Sheet 116, the storm drain infrastructure serving the proposed project site is located under Keller Avenue. These pipes are separate from the pipelines serving homes at the foot of the hill, along Sanford Street, Shone Avenue, Dickson Court, Kentwood Court, Seacor Court, and Fontaine Court. Storm water from these residences drains from 18- and 12-inch mains in the cul-de-sacs to a 48-inch main under Mountain Boulevard. Therefore, the storm water infrastructure serving the proposed project is separate from the storm water infrastructure serving the commentor's property. Moreover, as discussed above, the applicant will be required to demonstrate to the satisfaction of the Public Works Agency that the storm water infrastructure serving the site is adequate to accommodate all storm water runoff. Therefore, the proposed project would not exacerbate existing drainage problems on the commentor's property.

- C-6: Views of the proposed project from the west, in the area of the commentor's residence, are discussed on page 73 of the Draft EIR. It should be noted that impacts to views from private residences are not considered significant under CEQA.

However, for information, the homes downslope of the project site, along Sanford Street, are separated from the nearest edge of the project site by a grassy and vegetated slope a minimum of 80 feet wide and approximately 30 feet tall, as well as by Keller Avenue, which is also 80 feet wide and includes a median lined with mature redwood trees. In addition, the proposed project would include a landscaped strip along the east side of Keller Avenue approximately 15 feet wide.

In summary, downslope homes would be separated from the closest structure on the proposed project site by a 175-foot-width of open space and mature vegetation. Moreover, the project has been care-

fully designed “step up” the hill, reflecting City of Oakland Design Review Criteria that require hillside buildings to relate to the topography and grade of the hill. These two factors would ensure that the project does not “loom directly over” existing downslope homes. Therefore, as the Draft EIR concludes on page 70, although the construction of the housing units would dramatically change the appearance of the site, the quality of their design would reduce the visual impact of the buildings to a less-than-significant level.

- C-7: The proposed landscaping on the site is described on pages 38 and 41 of the Project Description in the Draft EIR. As discussed in the Aesthetics section on page 64 of the Draft EIR, both the architecture and landscaping of the project would be designed specifically to minimize its visual impact and screen the homes from view.

The removal of one of the 15 mature redwood trees in the median of Keller Avenue is discussed on pages 106 and 107 of the Biological Resources chapter of the Draft EIR. As stated, this tree is covered by the City’s Tree Removal/Protection Ordinance. Therefore, the details of its removal and possible replacement would be approved and overseen by the Tree Services division of the City’s Office of Parks and Recreation.

- C-8: As discussed in Chapter 5 of the Draft EIR, the No Project Alternative, since it would include no development, would have the least environmental impact. However, as stated on page 221, this alternative would not meet the objectives of the City of Oakland nor of the project applicant. In addition, it should be noted that all potential impacts of the proposed project would be mitigated to a less-than-significant level by the mitigation measures proposed in the Draft EIR.



Arnold
Schwarzenegger
Governor

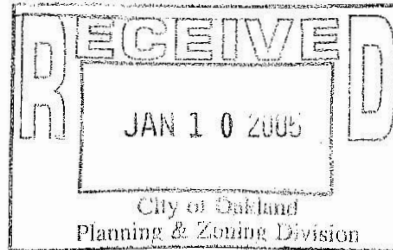
STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Jan Boel
Acting Director

January 6, 2005

JAN 1 2 2005



Heather Klein
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Subject: Siena Hill
SCH#: 2004012102

Dear Heather Klein:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 5, 2005, 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,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

D-1

LETTER D: Terry Roberts, Director, California State Clearinghouse,
January 6, 2005.

D-1: This comment acknowledges that the State Clearinghouse has received the Draft EIR and has circulated copies of the document to selected State agencies for review. The letter further states that the City of Oakland has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA. No further response is necessary.