Enclosure 1

CITY OF OAKLAND

Planning, Building and Neighborhood Preservation Department
250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, 94612

RECEIVED
APR 26 2012
WATER SERVICE PLANNING

April 25, 2012

Mr. David Rehnstrom
East Bay Municipal Utility District
Water Distribution Planning Division
375 11th Street, MS 701
Oakland, CA 94612

RE: Request for Confirmation of Water Supply Assessment for the proposed Central Estuary Implementation Guide, Oakland (SCH #; Oakland Planning Case no. ER11-0016)

Dear Mr. Rehnstrom:

Per amendments to Section 10912 of the Water Code implemented by Senate Bill 610, the City of Oakland is submitting this request to the East Bay Municipal Utility District (EBMUD) to prepare a Water Supply Assessment (WSA). The assessment is required in order to determine whether adequate water supply is available to meet the projected water demand of the proposed implementation of the Central Estuary Implementation Guide (Guide). A Notice of Preparation (NOP) for an Environment Impact Report (EIR) was sent to you on November 11, 2011.

The Guide will implement the City of Oakland Estuary Policy Plan for the Central Estuary Area and will include general plan and zoning amendments, along with detailed strategies and work programs to create and implement projects, site design and development standards, as well as funding and institutional strategies to carry out the Estuary Policy Plan. The "reasonably foreseeable" growth scenario assumes development of: 391 residential units; 31 live/work units; 374,857 square feet of industrial space; 712,022 square feet of commercial and/or office space; and 10.7 acres of parks, which collectively exceeds the thresholds for requiring a WSA.

Although EBMUD's December 19, 2011, letter (in response to the NOP) requested that future development projects in the area request separate WSAs, the City nevertheless requests EBMUD prepare a WSA at this time for the entire development program so as to avoid future individual projects from having to prepare separate WSAs, as long as the future project conforms to the Guide. This will help ensure future development projects in conformance with the Guide will have an expedited review process, one of the basic purposes of the Guide. Moreover, it also allows EBMUD, and the City, to better coordinate long-range planning efforts.

The City respectfully requests that EBMUD immediately prepare a WSA for the proposed project as described in the NOP mailed to you earlier and included here again for your convenience. The City acknowledges that this request for an assessment is a required part of the environmental documentation for the project. We appreciate your prompt response to this request.

Please contact me if you need additional information. I can be reached at (510) 238-3362 or by email at aparker@oaklandnet.com.

Sincerely,

Alicia Parker

Alicia Parker
Planner II
Strategic Planning Division

Attachment -- November 11, 2011 NOP

cc: John Cook and Mary Bean, CirclePoint

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APR 26 2012
WATER SERVICE PLANNING

CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA, OAKLAND, CALIFORNIA 94612 - 2032

Community and Economic Development Agency
Planning & Zoning Services Division

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

November 21, 2011

NOTICE OF PREPARATION OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE CENTRAL ESTUARY IMPLEMENTATION GUIDE

The Oakland Community and Economic Development Agency, Strategic Planning Division, is preparing a Draft Supplemental Environmental Impact Report (EIR) for the Central Estuary Implementation Guide as identified below, and is requesting comments on the scope and content of the Supplemental EIR. The Supplemental EIR will address the potential physical environmental effects for each of the environmental topics outlined in the California Environmental Quality Act (CEQA). The City has **not** prepared an Initial Study. Under CEQA, a Lead Agency may proceed directly with Supplemental EIR preparation, without an Initial Study, if it is clear that a Supplemental EIR will be required. The City has made such a determination for this project. A previous EIR for the Estuary Policy Plan was certified in 1998 (State Clearinghouse No. 98031116) and is available for review at the Planning Department Offices. This Supplemental EIR will rely on the previously certified Estuary Policy Plan EIR.

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

Responses to this NOP and any questions or comments should be directed in writing to Alicia Parker, Strategic Planning Division, City of Oakland Community and Economic Development Agency, 250 Frank Ogawa Plaza, Suite 3315, Oakland, CA 94612; (510) 238-3362 (phone); (510) 238-6538 (fax); or e-mailed to aparker@oaklandnet.com. Comments on the NOP must be received at the above mailing or e-mail address **by 5:00 p.m., Wednesday, December 21, 2011.** Please reference case number ER110016 in all correspondence. In addition, comments may be provided at the Supplemental EIR Scoping Meeting to be held before the City Planning Commission. Comments should focus on discussing possible impacts on the physical environment, ways in which potential adverse effects might be avoided or minimized, and alternatives to the project in light of the Supplemental EIR's purpose to provide useful and accurate information about such factors.

SUPPLEMENTAL EIR SCOPING MEETING
CITY PLANNING COMMISSION

Wednesday, December 14th
6:00 p.m.

Oakland City Hall – Hearing Room 1

PROJECT TITLE: Central Estuary Implementation Guide (CEIG)

PROJECT LOCATION: The Central Estuary area (project area) encompasses about 416 acres of land, including about 319 acres of individual parcels, and about 100 acres of public rights-of-way. The project area is bordered by Interstate 880 (I-880) to the northeast and the Oakland Estuary to the southwest. **Figure** 1 shows the project location and also identifies the sub-areas used in the development of the CEIG.

PROJECT SPONSOR: City of Oakland, Strategic Planning Division

EXISTING CONDITIONS: The Oakland Estuary waterfront is a significant citywide and regional resource that connects the City of Oakland to the San Francisco Bay. Once a predominantly industrial waterfront, the project area has evolved into a mix of unique districts. While certain portions are more distinctly industrial or commercial in character, a more finely grained mix of uses, including newer residential and live-work uses, can be found in the western and central portions of the project area. Other uses in the project area include two waterfront parks, portions of the San Francisco Bay Trail, and marine-serving uses. The physical conditions of properties and buildings are widely divergent. Existing physical environmental issues in the project area include but are not limited to air pollution and noise associated with freeway, railroad, and industrial uses; substandard infrastructure, including roads and utilities; and soil and groundwater contamination associated with previous uses in the project area, including about sixty (60) properties identified on the California Environmental Protection Agency's Cortese List.

A significant citywide challenge of the last decade has been the importance of preserving a healthy diversity of employment and industry in Oakland. Historically, many industries have depended on waterfront access for raw materials or distribution; some industrial uses in the Estuary Area have continued to rely on such access to this day. As a result, the area was predominantly zoned for industrial use, and a number of well-established industrial uses remain, including associated infrastructure such as railroad spur tracks.

In recent years, residential development interests have focused on industrial areas throughout the City because of the relative affordability of large parcels. The Estuary waterfront as a whole has been particularly appealing because of its attractive views and central location. At the same time, the desire to increase public access to and recreational use of the City's waterfront adds a potentially conflicting demand with nearby industrial uses.

PROJECT DESCRIPTION: The Draft CEIG is a 20-year planning document that would, if approved, modify or clarify land uses and associated densities within the Central Estuary area. As a companion document to the City's 1999 Estuary Policy Plan (EPP), the Draft CEIG identifies steps to be undertaken to implement the recommendations of the (EPP).

The majority of the area is currently zoned for heavy industrial uses, although given the evolution of residential, commercial, park, and office uses, simply perpetuating the heavy industrial designation is no longer appropriate or viable. The Draft CEIG proposes to maintain existing industrial uses while allowing for an increment of new commercial, residential, and office development in appropriate locations. Implementation of the CEIG requires changes to general plan maps and the zoning code; the development of design guidelines to reconcile conflicting land use priorities, and the implementation of transportation improvements to address infrastructure deficiencies.

Map changes: **Figures** 2 and 3 depict existing and conceptual proposed land use designations and zoning districts, subject to further review and refinement.

Code changes: **Tables A** and **B** respectively summarize the proposed Estuary Policy Plan and Zoning Code text changes. The text amendments would change allowable uses in specific districts/zones.

The Draft CEIG's proposed changes, if enacted, would not directly result in any new development. However, taken as a whole, the Draft CEIG's proposed program of land use changes would allow for an increment of new residential, live/work, industrial, and commercial/office development above what current regulations allow. **Table C** summarizes existing levels of development in each subarea along with reasonably foreseeable estimated increases in growth that would be allowable under the Draft CEIG. Prior to the public release of the Draft CEIG, the City may make minor revisions and refinements to the Draft, possibly resulting in minor changes to the data in Tables A-C.

Design Guidelines: The Draft CEIG includes a set of area-specific Design Guidelines to help ensure that the new development is sensitive to the existing eclectic mix of industrial, commercial, and residential uses. The Draft Guidelines would provide detailed direction on a variety of site planning and design consideration intended to enhance the project area's livability and quality of place for both existing and future users.

Transportation and Infrastructure Improvements: The allowable increment of new development under the Draft CEIG is expected to increase demands on existing project area and nearby transportation and public services infrastructure. At present, certain project area and nearby roadways are known to operate at unacceptable conditions and several infrastructure deficiencies have been identified. The City may incorporate into the Draft CEIG certain strategies that would address either existing and/or projected deficiencies.

PROBABLE ENVIRONMENTAL EFFECTS: It is anticipated that the proposed project may have the following environmental effects: air quality, greenhouse gases, noise, and traffic. It is further anticipated that the project would result in less-than-significant environmental effects to the following: aesthetics, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use, population and housing, public services, recreation, utilities and service systems, and cumulative growth. All of these environmental factors will be analyzed in the Supplemental EIR.

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

Eric Angstadt, Deputy Director
Planning and Zoning

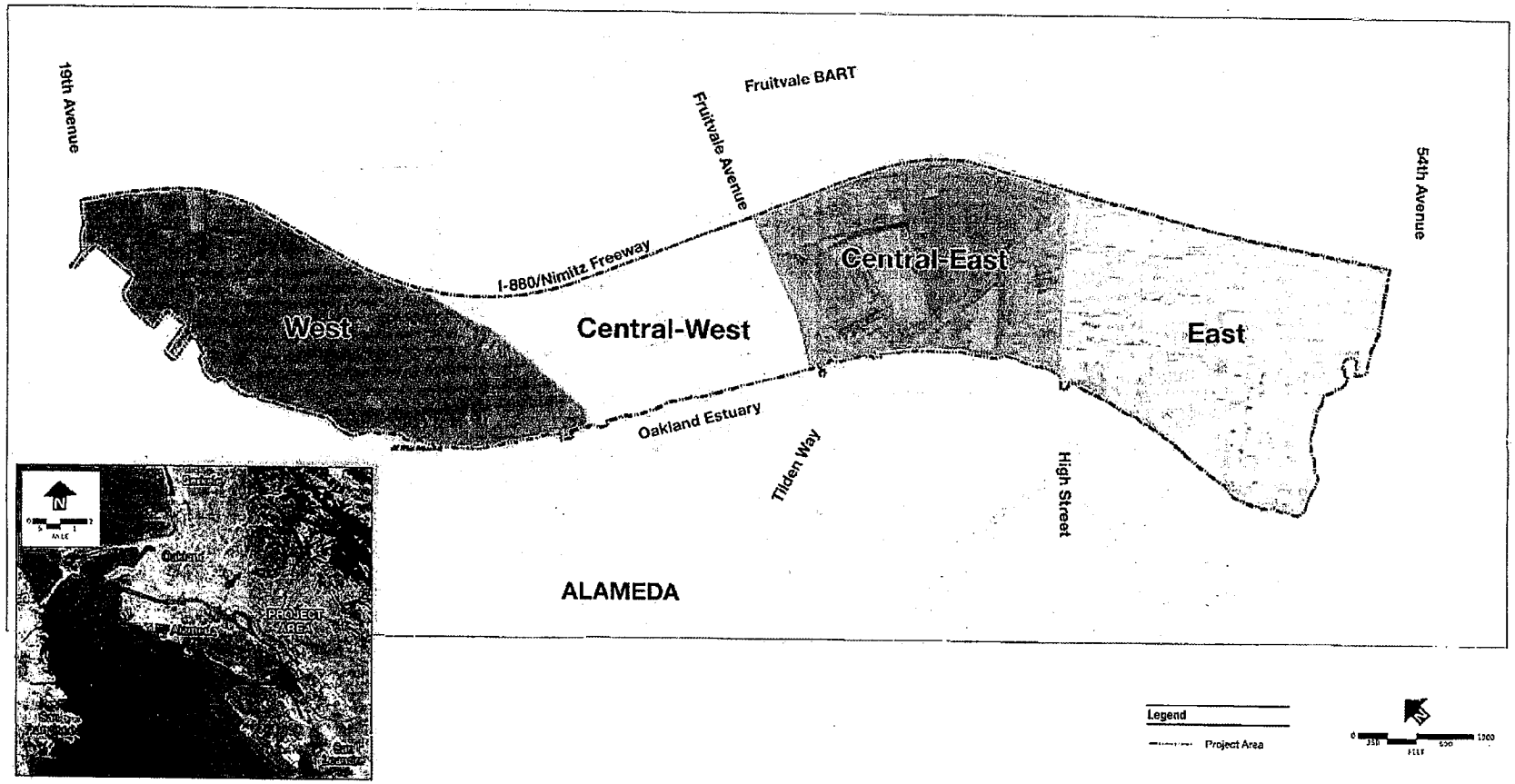
DATE: November 21, 2011

FILE

Attachments:

Figures 1-3

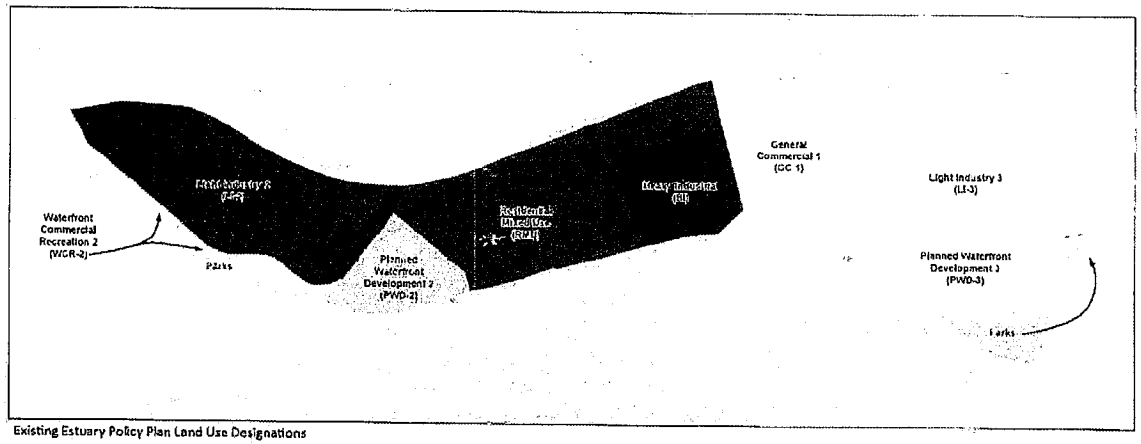
Tables A-C



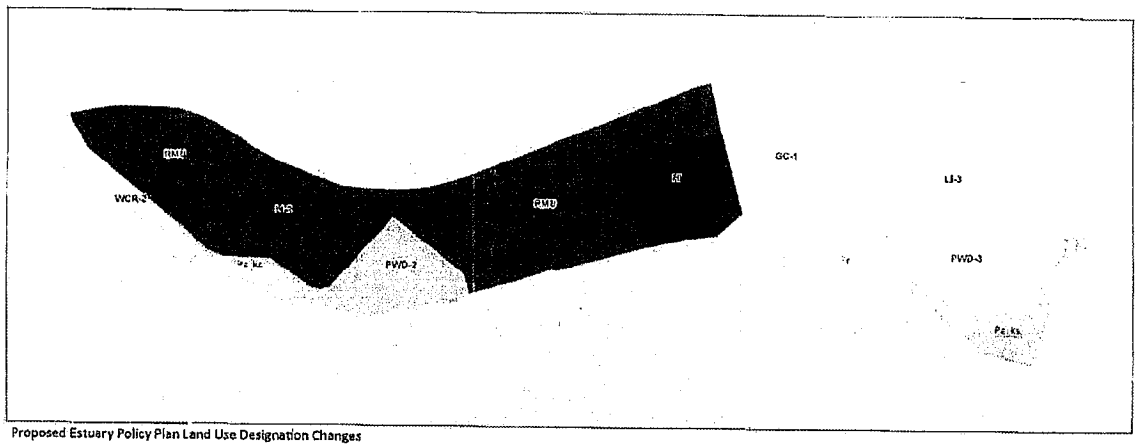
Central Estuary Implementation Guide Project Area

Figure 1

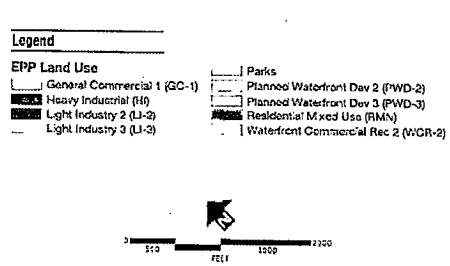
Source: Community Design + Architecture, November 2011.



Existing Estuary Policy Plan Land Use Designations



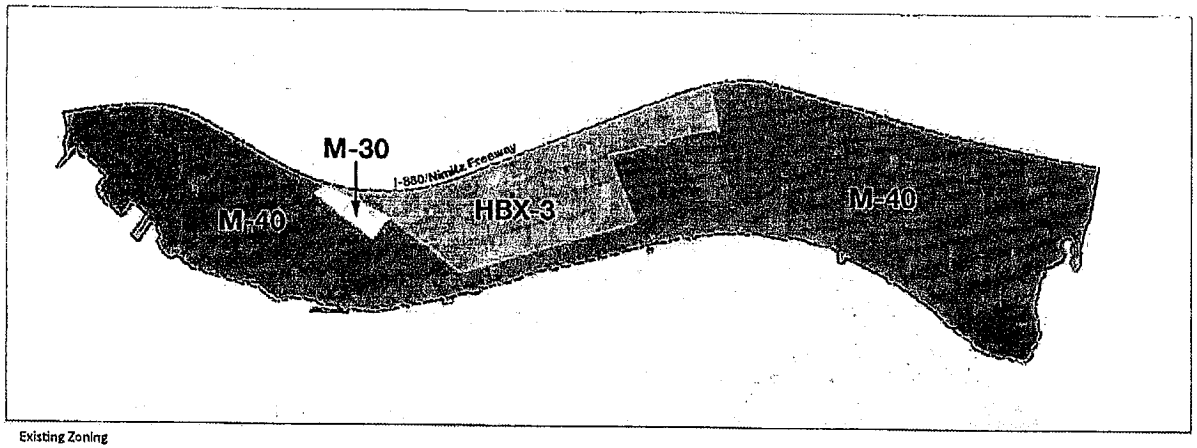
Proposed Estuary Policy Plan Land Use Designation Changes



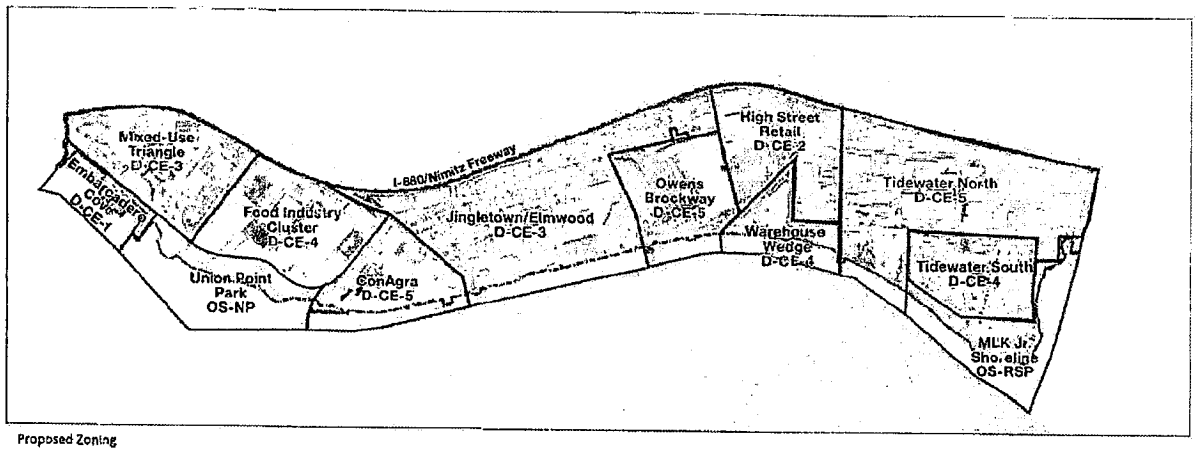
Existing and Proposed Estuary Policy Plan Land Use Designations Maps

Figure 2

Source: Community Design + Architecture, November 2011



Existing Zoning



Proposed Zoning

Legend

- Project Area
- Housing and Business Mix 3 (HBX-3)
- General Industrial (M-30)
- Heavy Industrial (M-40)

0 375 750 1500
Feet

Source: Community Design + Architecture, November 2011.

Existing and Proposed Zoning Districts Figure 3

Table A: Summary of Estuary Policy Plan Text Amendments - DRAFT

Estuary Policy Plan Designation	Proposed Zoning	Residential Density		Non-Residential Density	
		Existing	Proposed	Existing	Proposed
Waterfront Commercial Recreation 2: This designation covers the waterfront portion of the west subarea. This change will allow larger buildings than originally contemplated in the EPP, consistent with the type of development envisioned such as hotels.	D-CE-1 (Embarcadero Cove)	*No changes proposed as part of the Project (no residential permitted)*		1.0 FAR	2.0 FAR
Residential Mixed Use (RMU): General Plan Amendment from Light Industry 2 – This designation covers a broad swath of the Planning Area, including the majority of the Jingletown neighborhood in the Central-West Planning Area. With this proposed change, new residential development in this area would be allowed at higher densities and potentially taller heights than buildings currently existing in the area designated for RMU development.	D-CE-3 (Mixed Use Triangle & Jingletown)	60* dwelling units/acre *The Estuary Policy Plan provides a density of 40 units/ac however, the General Plan Conformity Guidelines reference the HBX zoning regulations which contains a density of 60 units/ac for HBX-3.	60 dwelling units/acre	1.0 FAR	3.0 FAR
Light Industry 2 – This designation encompasses the food industry cluster. The change will allow larger infill development appropriate for the intended uses such as food processing and wholesale distribution.	D-CE-4 (Food Industry Cluster)	*No changes proposed as part of the Project (no residential permitted)*		2.0 FAR	3.0 FAR

Estuary Policy Plan Designation	Proposed Zoning	Residential Density		Non-Residential Density	
		Existing	Proposed	Existing	Proposed
Heavy Industrial – This designation encompasses the Owens-Brockway site. The change will allow larger buildings than currently exist.	D-CE-5 (Owens Brockway)	*No changes proposed as part of the Project (no residential permitted)*		0.75 FAR	2.0 FAR
General Commercial 1 – This designation applies to the site of the existing Home Depot shopping center and extends to the waterfront. The change will facilitate larger buildings relative to existing buildings.	D-CE-2 (High Street Retail) D-CE-4 (Warehouse Wedge)	*No changes proposed as part of the Project (no residential permitted)*		1.0 FAR	3.0 FAR
Light Industry 3 – This designation applies to the land north of Tidewater Avenue in the East Planning Area. Future uses envisioned include industrial, manufacturing, commercial and a variety of others uses. The change in FAR could eventually result in larger buildings.	D-CE-5 (Tidewater North)	*No changes proposed as part of the Project (no residential permitted)*		0.5 FAR	2.0 FAR
Planned Waterfront Development 3 – This designation (PWD-3) was developed in the EPP specifically for the lands south of Tidewater Avenue in the East Planning Area. Only industrial, commercial, and similar land uses are allowed in this area. On the ground, this change could eventually result in taller buildings relative to those existing.	D-CE-4 (Tidewater South) D-CE-5 (Tidewater North)	*No changes proposed as part of the Project (no residential permitted)*		0.5 FAR	3.0 FAR

Source: Community Design + Architecture, November 2011.

Table B: DRAFT Descriptions of Proposed Zoning

Planning Area	District	Existing Zoning	Proposed Zoning
West	Embarcadero Cove	M-40	D-CE-1
	Mixed-Use Triangle	M-40	D-CE-3
	Food Industry Cluster	M-30, M-40	D-CE-4
	Union Point Park	M-40	OS-NP
	ConAgra	M-40	D-CE-5
Central-West	Jingletown/ Elmwood	HBX-3, M-30	D-CE-3
	Owens Brockway	M-40	D-CE-5
Central East	High Street Retail	M-40	D-CE-2
	Warehouse Wedge	M-40	D-CE-4
East	Tidewater North	M-40	D-CE-5
	Tidewater South	M-40	D-CE-4
	MLK Jr Regional Shoreline	M-40	OS-RSP

Table B

Source: Community Design + Architecture, November 2011.

TABLE C: Estimated Foreseeable Growth

Central Estuary Planning Area	Residential (dwelling units)		Live/Work (dwelling units)		Industrial (square feet)		Commercial and Office (square feet)		Parks (acres)	
	Existing	*Reasonably Foreseeable*	*Existing*	*Reasonably Foreseeable*	*Existing*	*Reasonably Foreseeable*	*Existing*	*Reasonably Foreseeable*	*Existing*	*Reasonably Foreseeable*
West	29	0	39	11	2,322,764	0	174,207	83,713	8.9	2.1
Central-West	355	391	95	20	593,894	-177,240	25,336	0	0.4	0.4
Central-East	59	0	0	0	1,219,699	-139,461	200,100	268,071	0	0
East	0	0	0	0	680,544	691,558	5,366	360,238	7.3	8.2
Total, Existing	***443***	--	***134***	--	***4,816,899***	--	***405,009***	--	***17.2***	--
Total, Reasonably Foreseeable	--	***391***	--	***31***	--	***374,857***	--	***712,022***	--	***10.7***

Notes: The number of "Reasonably Foreseeable" units does not include the "Existing" units. The sum of the "Existing" and "Reasonably Foreseeable" units is the total amount of units that would be allowable per land - use category under the Implementation Guide.

Table C

Source: Community Design + Architecture, November 2011.

EAST BAY MUNICIPAL UTILITY DISTRICT DEMAND AND SUPPLY PROJECTIONS
(Ref: Table 4-3, UWMP 2010 – EBMUD)

TABLE 4-3 — EBMUD DEMAND AND SUPPLY PROJECTIONS

	2010	2015	2020	2025	2030	2035[1]	2040
PROJECTED DEMAND (MGD)							
CUSTOMER DEMAND [2]	251	266	280	291	304	308	312
ADJUSTED FOR CUMULATIVE CONSERVATION [3]	(26)	(32)	(43)	(49)	(56)	(59)	(62)
ADJUSTED FOR RECYCLED WATER [4]	(9)	(11)	(16)	(18)	(19)	(20)	(20)
PLANNING LEVEL OF DEMAND	216	223	221	224	229	229	230
PROJECTED AVAILABLE SUPPLY AND NEED FOR SUPPLEMENTAL SUPPLY (MGD)[5]							
NORMAL YEAR	>216	>223	>221	>224	>229	>229	>230
SUPPLEMENTAL SUPPLY NEED	0	0	0	0	0	0	0
SINGLE DRY YEAR (MULTIPLE DRY YEARS – YEAR 1)							
AVAILABLE SUPPLY	211	217	215	218	223	222	222
CUSTOMER RATIONING [6]	2%	3%	3%	3%	3%	3%	4%
SUPPLEMENTAL SUPPLY NEED [7]	5	6	6	7	7	8	8
MULTIPLE DRY YEARS – YEAR 2							
AVAILABLE SUPPLY	183	189	188	190	194	194	195
CUSTOMER RATIONING [6]	15%	15%	15%	15%	15%	15%	15%
SUPPLEMENTAL SUPPLY NEED [7]	21	21	21	21	22	22	22
MULTIPLE DRY YEARS – YEAR 3							
AVAILABLE SUPPLY	183	189	188	190	183	164	144
CUSTOMER RATIONING [6]	15%	15%	15%	15%	15%	15%	15%
SUPPLEMENTAL SUPPLY NEED [7]	21	21	21	21	33	53	73
THREE-YEAR DROUGHT							
TOTAL SUPPLEMENTAL SUPPLY NEED (TAF)[7]	53	54	54	55	69	93	115

[1] Projected demand for 2035 is interpolated.

[2] Customer demand values are based on the demand projections from the "2040 Demand Study," Feb 2009. These projected water demands are based on land use in EBMUD's ultimate service area and is unadjusted for conservation and non-potable water. The values are also unadjusted for the current suppressed demand due to the 2007-2010 rationing period and the economic downturn.

[3] Existing conservation saving from the "1994 Water Conservation Master Plan" and planned conservation program savings based on the "2011 Water Conservation Master Plan".

[4] Existing recycled water achieved per the "1993 Water Supply Management Program" and planned recycled water program savings as outlined in Chapter 5 of the UWMP 2010.

[5] Projected available supply data includes dry year supply deliveries from the Freeport Regional Water Project (FRWP) and Bayside Groundwater Project, Phase 1. Delivery rules for the FRWP follow the rules as developed in the Freeport EIR, 2003.

[6] Rationing reduction goals are determined according to projected system storage levels in the Long-Term Drought Management Program guidelines per Table 3-2 in Chapter 3 of the UWMP 2010.

[7] The supplemental supply need is based on EBMUDSIM modeling studies. It is the amount of water needed based on EBMUD's updated demand projections, the provisions of the 1998 Joint Settlement Agreement and the rationing policy stated in Table 3-2, Chapter 3 of the UWMP 2010. The actual need will be dependent on antecedent conditions and the severity of actual drought conditions. Supplemental supply stored during the initial year of the drought could be later released, diminishing supplemental supply needs. During the drought that continued into 2010, the combined effects of water rationing and an economic downturn suppressed demand below the planning level of demand to maintain a sufficient water supply and deferred the need for supplemental water. However, if the drought had continued into its second year, most likely supplemental supplies would have been obtained from the Freeport Regional Water Facility as anticipated in the Interim Drought Management Program Guidelines discussed in Appendix G-2.