

May 13, 2015

Miroo Desai, Senior Planner  
City of Emeryville  
1333 Park Avenue  
Emeryville, CA 94608-3517

Re: Satisfaction of Water Supply Assessment for the Sherwin-Williams Development Project, Emeryville

Dear Ms. Desai:

This letter is in response to your request dated March 6, 2015 for water agency consultation concerning the reconfirmation of the Water Supply Assessment (WSA) for the revised Sherwin-Williams Development Project located in the City of Emeryville (City). East Bay Municipal Utility District (EBMUD) appreciates the opportunity to provide this response.

On January 5, 2005, EBMUD received a request from the City for a WSA for the Sherwin-Williams Emeryville Site Redevelopment Project. Pursuant to Sections 10910-10915 of the California Water Code, EBMUD approved the WSA and provided the City a written response to the WSA on March 10, 2005 (see attached).

The estimated demand for the Sherwin-Williams Emeryville Site Redevelopment Project consisting of 577 dwelling units and 35,000 square feet of commercial space in the approved WSA was about 110,000 gallons per day (gpd). EBMUD's estimate of water demand for the revised project of 540 dwelling units, 94,600 square feet of commercial space, and 90,605 square feet of open space is about 106,000 gpd. Since the overall project demand decreased, EBMUD concludes that the WSA approved on March 10, 2005 is still valid, and a second WSA is not required for the Sherwin-Williams Development Project.

The 2010 Urban Water Management Plan (UWMP) concludes that EBMUD has, and will have, adequate water supplies to serve existing and projected demand within the Ultimate Service Boundary during normal and wet years but that deficits are projected for drought years. EBMUD's Drought Management Program Guidelines establish the level of water use restrictions that EBMUD may consider based on the projected total system storage at the end of the water year. Up to a Stage 3 Drought, EBMUD-wide water use reduction goals of up to 15 percent may be required. In a Stage 4 Drought, EBMUD-wide mandatory water use reduction goals can exceed 15 percent. The Sherwin-Williams Development Project will be subject to the same drought restrictions that apply to all EBMUD customers. Please note that EBMUD updated its UWMP since the previously approved WSA, and the most current version of the UWMP should be used and referenced in the

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City's revised environmental documentation. The most recent version of the UWMP can be found at <http://www.ebmud.com/sites/default/files/pdfs/UWMP-2010-2011-07-21-web-small.pdf>

On April 14, 2015, EBMUD declared a Stage 4 Drought and a mandatory EBMUD-wide water use reduction goal of 20 percent and adopted revised regulations regarding mandatory water use prohibitions and restrictions. This 20 percent conservation goal is consistent with the California State Governor's April 1, 2015 drought emergency order and with an April 7, 2015 California State Water Resources Control Board proposed rulemaking which specifically identifies a 20 percent water reduction goal for EBMUD.

As stated in the March 10, 2005 WSA response letter, this assessment addresses the issue of water supply only and is not a guarantee of service, and future water service is subject to rates and regulations in effect at the time.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning at (510) 287-1981.

Sincerely,



David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:TRM:dks  
sb15\_061

Attachment



March 10, 2005

Miroo Desai, Senior Planner  
City of Emeryville  
1333 Park Avenue  
Emeryville, CA 94608-3517

Dear Ms. Desai:

Re: Water Supply Assessment – Sherwin-Williams Site Redevelopment Project

This letter responds to your request of January 3, 2005 for water agency consultation concerning the Sherwin-Williams Site Redevelopment Project (Enclosure 1). The East Bay Municipal Utility District (EBMUD) appreciates the opportunity to provide this response.

Pursuant to Sections 10910-10915 (SB-610) of the California Water Code, the project meets the threshold requirement for an assessment of water supply availability based on the amount of water this project would require, which would be greater than the amount required by a 500 dwelling unit project or 250,000 square foot commercial development.

Please note that this assessment addresses the issue of water supply only and is not a guarantee of service, and future water service is subject to rates and regulations in effect at the time.

### **Project Demand**

The water demands for the Sherwin-Williams Site Redevelopment Project area are accounted for in EBMUD's water demand projections as published in EBMUD's 2000 Urban Water Management Plan (UWMP/Enclosure 2). EBMUD's water demand projections account for anticipated future water demands within EBMUD's service boundaries and for variations in demand-attributed changes in development patterns. The current water demand for the existing land uses in the Sherwin-Williams Site Redevelopment Project area is about 50,000 gallons per day (gpd). The estimated water demand based on the projected water consumption supplied by the applicant for the proposed development is 110,000 gpd for the highest water use, the residential intensive development scenario, and is consistent with EBMUD's demand projections that indicate densification of these types of land uses.

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### **Project Area**

The Sherwin-Williams Site Redevelopment Project area is located in the southern portion of Emeryville. The project area consists of approximately 8.6 acres. Two development

scenarios are under consideration by the City; one includes 577 dwelling units with 35,000 square feet of commercial floor area and the other, 150 dwelling units with 291,000 square feet of commercial floor area.

### **EBMUD Water Demand Projections**

The water consumption of EBMUD customers has remained relatively level in recent years in spite of population and account growth. Between 1987 and the present, consumption has ranged from a high of approximately 220 million gallons per day (mgd) in 1987 to a low of 170 mgd in 1989. Based on extensive forecasting in EBMUD's Water Supply Management Program (WSMP) and recent land use based demand forecasting, the WSMP forecast for 2020 water demand of 277 mgd can be reduced to 229 mgd with successful water recycling and conservation programs that are in place. The Sherwin-Williams Site Redevelopment Project will not change the EBMUD 2020 demand projection.

### **EBMUD Water Supply and Water Rights**

EBMUD has water rights and facilities to divert up to a maximum of 325 mgd from the Mokelumne River, subject to the availability of Mokelumne River runoff and the prior water rights of other users. EBMUD's position in the hierarchy of Mokelumne River water users is determined by a variety of agreements between Mokelumne River water right holders, the appropriative water rights permits and licenses that have been issued by the State, pre-1914 rights and riparian rights. Conditions that restrict EBMUD's ability to use its 325 mgd entitlement include:

- Upstream water use by prior right holders.
- Downstream water use by riparian and senior appropriators and other downstream obligations, including protection of public trust resources.
- Drought, or less than normal rainfall for more than a year.
- Emergency outage.

During periods of drought, runoff from the Mokelumne River is insufficient to supply the 325 mgd entitlement. EBMUD studies indicate that, with its current water supply and the water demands expected in 2020, deficiencies in supply of up to 67 percent could occur during a multi-year drought period.

### **EBMUD UWMP**

The UWMP, adopted by the Board of Directors in Resolution No. 33242-01, includes planning level analyses at the County- and EBMUD-wide levels for existing and projected water demand. A summary of EBMUD's demand and supply projections in five-year increments is provided in a table (Enclosure 3) from the UWMP. The data reflects the latest actual and forecast values.

Miroo Desai, Senior Planner

March 10, 2005

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EBMUD's evaluation of water supply availability accounts for the diversions of both upstream and downstream water right holders and fishery releases on the Mokelumne River. Fishery releases are based on the requirements of a 1998 Joint Settlement Agreement (JSA) between EBMUD and State and Federal wildlife agencies. The JSA requires EBMUD to make minimum flow releases from its reservoirs to the lower Mokelumne River to benefit the fishery. As this water is released downriver, it is, therefore, not available for use by EBMUD's customers.

The available supply shown in the table (Enclosure 3) in years 1, 2 and 3 of a multiple-year drought was determined by EBMUD's hydrologic model with the following assumptions:

- EBMUD Drought Planning Sequence is used for 1976, 1977 and 1978.
- Total system storage is depleted by the end of the third year of the drought.
- The diversions by Amador and Calaveras Counties upstream of Pardee Reservoir increase over time.
- Releases are made to meet the requirements of senior downstream water right holders and fishery releases are made according to the JSA.

As discussed under the Drought Management Program section in Chapter 3 of the UWMP, EBMUD's system storage generally allows it to continue serving its customers during dry-year events. EBMUD imposes rationing based on the projected storage at the end of September. By imposing rationing in the first dry year of potential drought, EBMUD attempts to minimize rationing in subsequent years if a drought persists while continuing to meet its current and subsequent-year fishery flow release requirements and obligations to downstream agencies. Table 3-1 in the UWMP summarizes the guidelines for consumer water reduction goals based on system storage.

In the table (Enclosure 3), "Single Dry" year (or Year 1 of "Multiple Dry Years") is determined to be a year that EBMUD would implement Drought Management Program elements at the "moderate" stage with the goal of achieving between 0 to 15 percent reduction in customer demand. Year 2 of Multiple Dry Years is determined to be a year that EBMUD would implement Drought Management Program elements at the "severe" stage with the goal of achieving between 15 to 25 percent reduction in customer demand. In Year 3 of the multiple-year drought, deficiencies from about 48 percent in year 2005 to about 67 percent in year 2020 are forecast to occur. Therefore, a supplemental supply is needed, which is defined by EBMUD as the additional amount of water necessary to limit customer deficiency to 25 percent in a multiple-year drought while continuing to meet the requirements of senior downstream water right holders and the provisions of the 1998 JSA.

### **Supplemental Water Supply and Demand Management**

The goals of meeting projected water needs and increased water reliability rely on three components: supplemental supply, water conservation and recycled water.

Chapter 2 of the UWMP describes EBMUD's supplemental water supply project alternatives to meet its long-term water demand. To address the need for a supplemental water supply during droughts, EBMUD signed a contract in 1970 with the Federal government for a supplemental supply from the Central Valley Project (CVP). In 2001, EBMUD certified the environmental documentation amending its CVP contract 14-06-200-5183A, reducing EBMUD's contract from 150,000 acre-feet (AF)/year to an entitlement not to exceed 133,000 AF in any one year or 165,000 AF over any 3 consecutive years. In 2001, EBMUD signed a Memorandum of Agreement with the City of Sacramento, the County of Sacramento and the U.S. Bureau of Reclamation to study a joint regional water project on the Sacramento River near Freeport. The Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) of the Freeport Regional Water Project identifies several regulatory permits and approvals required for the implementation of the project alternatives. These are listed in Table 2-6 of the Freeport Regional Water Project Draft EIR/EIS, July 2003 and incorporated in the Final EIR/EIS for the project which was certified in April 2004.

Chapter 2 of the UWMP also describes other supplemental water projects, including the development of groundwater storage within EBMUD's service area. EBMUD is studying the environmental impacts of these proposed projects. Specific capital outlay and financing information for these projects are included in EBMUD's FY04-05 Capital Improvement Program and Five-Year Plan. The Freeport project would also allow for a future groundwater conjunctive use component and, along with the proposed local groundwater projects, emergency interties and planned water recycling and conservation efforts, would ensure a reliable water supply to meet projected demands for current and future EBMUD customers within the current service area. Without a supplemental water supply source, continued conservation efforts and further use of recycled water, deficiencies in supply are projected as noted above.

The Sherwin-Williams Site Redevelopment Project presents an opportunity to incorporate many water conservation measures. Conditions of approval for the implementation of the Sherwin-Williams Site Redevelopment Project should require that the project comply with the Landscape Water Conservation Section of the Municipal Code of the City Article 9-4.54 of Chapter 4 of Title 9. EBMUD staff would appreciate the opportunity to meet with the project sponsor to discuss water conservation programs and best management practices applicable to the proposed project. A key objective of this discussion will be to explore timely opportunities to expand water conservation via early consideration of EBMUD's conservation programs and best management practices applicable to the project.

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The Sherwin-Williams Site Redevelopment Project area is located within the service area boundary of EBMUD's East Bayshore Recycled Water Project. EBMUD anticipates recycled water delivery to the project area within the next ten years and will coordinate closely with the project sponsor regarding installation of dual plumbing for use of recycled water where feasible.

The project sponsor should contact David J. Rehnstrom, Senior Civil Engineer, at (510) 287-1365 for further information.

Sincerely,

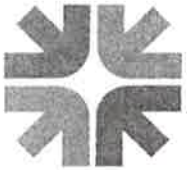


WILLIAM R. KIRKPATRICK  
Manager of Water Distribution Planning Division

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sb05\_015a.doc

- Enclosures:
1. Letter of Request for Water Supply Assessment dated January 3, 2005
  2. EBMUD's 2000 Urban Water Management Plan Area
  3. EBMUD's Projected Demand and Available Supply Table

cc: Board of Directors w/o Enclosure 2



## CITY OF EMERYVILLE

INCORPORATED 1896

1333 PARK AVENUE  
EMERYVILLE, CALIFORNIA 94608-3517

TEL: (510) 596-4300 FAX: (510) 658-8095

RECEIVED  
JAN 04 2005  
WATER SERVICE PLANNING

January 3, 2005

Mr. Dave Rehnstrom, Senior Civil Engineer  
East Bay Municipal Utility District  
Distribution Planning Department Mail Stop 701  
375 11th Street  
Oakland, CA 94607

**Subject: Water Supply Assessment request for Sherwin-Williams Emeryville Site Redevelopment**

Dear Mr. Rehnstrom:

The City of Emeryville is currently preparing an Environmental Impact Report (EIR) for the proposed Sherwin-Williams Emeryville Site Redevelopment. The project site is located at 1450 Sherwin Avenue in Emeryville and is the current location of an 8.59 acre paint factory facility. The site is currently undergoing remediation for soil and groundwater contamination due to prior industrial uses. The proposed project includes the demolition of the paint factory and the construction of a maximum of 577 housing units and 35,000 square feet of commercial space under one scenario, or 150 housing units and 291,000 square feet of commercial space under another scenario. The final development program will likely be some combination of these scenarios, but within these parameters.

With this letter we are submitting a Water Supply Assessment (WSA) request for the Sherwin Williams redevelopment project in accordance with Section 15083.5 of the 2004 *California Environmental Quality Act Guidelines*, which requires consultation with the appropriate water agency for projects that include commercial building construction that would compromise either 500 residential dwelling units or a mixed use project that would demand an equal, or greater amount of water needed to serve a 500-dwelling unit project, and would require a General Plan Amendment. A copy of the Notice of Preparation of the Draft EIR, which was sent to EBMUD on December 17, is attached for your reference.



The City of Emeryville requests that the EBMUD provide the necessary WSA to verify that EBMUD water supplies are sufficient for the project and to determine if the proposed increase in water consumption would require new or expanded water supply facilities.

If you have any questions, please do not hesitate to contact me at 510/596-3785 or email me at [mdesai@ci.emeryville.ca.us](mailto:mdesai@ci.emeryville.ca.us). Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Miroo Desai", with a stylized flourish at the end.

Miroo Desai  
Senior Planner  
City of Emeryville

cc: Jason Burke, LSA Associates, Inc.

Attachment: Notice of Preparation

**PROJECTED DEMAND AND AVAILABLE SUPPLY  
EAST BAY MUNICIPAL UTILITY DISTRICT**

*(million gallons per day - mgd)*

	2000	2005	2010	2015	2020
Customer Demand <sup>1</sup>	230	242	257	267	277
Adjusted for Conservation <sup>2</sup>	(8)	(14)	(20)	(27)	(34)
Adjusted for Recycled Water <sup>3</sup>	(6)	(9)	(11)	(12)	(14)
<b>Planning Level of Demand</b>	216	219	226	228	229
<b>Available Supply &amp; Need for Supplemental Supply</b>					
Normal Year	>216	>219	>226	>228	>229
<i>Supplemental Supply Need</i>	0	0	0	0	0
Single Dry Year (Multiple Dry Years - Year 1) Moderate Stage (approximately 7% deficiency) <sup>4</sup>	200	203	210	212	213
<i>Supplemental Supply Need</i>	0	0	0	0	0
Multiple Dry Years - Year 2 Severe Stage (approximately 25% deficiency) <sup>4</sup>	162	164	169	171	172
<i>Supplemental Supply Need</i>	0	0	0	0	0
Multiple Dry Years - Year 3					
Available Supply	125	114	95	84	77
Deficiency	42%	48%	58%	64%	67%
<i>Supplemental Supply Need<sup>5</sup> (to limit deficiency to 25%)</i>	87	102	128	142	154

1. Demand taken from the 2000 Demand Study.
2. Conservation water savings goals from the WCMP 1999 Annual Report, 2 mgd in 1999 and 34 mgd for year 2020, linearly interpolated into five-year increments.
3. Chapter 5 of UWMP.  
Note: Conservation and Reclamation savings reported are those attributed to programs which are a part of the 1993 WSMP. Reference Chapter 6 of UWMP.
4. Drought conditions per Table 3-1, UWMP.
5. The supplemental supply need is calculated from modeling studies and is the amount of water needed to limit customer deficiency to 25 percent and to implement all provisions of the 1998 Joint Settlement Agreement.