

Khatri, Paresh, Env. Health

From: Francis Rush [francis@rushproperty.com]
Sent: Thursday, October 08, 2009 1:09 PM
To: Khatri, Paresh, Env. Health
Cc: James Gribi (JGribi@gribiassociates.com); Drogos, Donna, Env. Health; Cherie MCcaulou; Adam Kaye; William Wasko
Subject: Re: RO0002562; Coast Sausage Site
Attachments: Rush Response LTR 9-21-2009 FINAL.pdf; ATT00001.htm

Mr. Khatri,

We have not received a response to our request for unrestricted (residential use) dated September 22, 2009. As a reminder, this has been our goal from the beginning, which is why we provided the plans for this project (approved by the City of Oakland), and referred to the location of the residential development in our reports.

That was the purpose of all the soil/gas testing that we performed at the site, which if I read the data correctly, are all either no detect, or well below the relevant ESL's.

We would be amenable to a deed restriction for the use of any of water underneath the property (no wells of any kind), and a restriction on any soil removal by the future tenants of this project. As is customary in modern construction, there will be an effective vapor barrier underneath the slab on grade construction at the project. I fail to understand your need for approved *building* plans to evaluate any potential risk; the construction will be slab on grade, you can specify the vapor barrier in your NFA letter if you wish. And it is unreasonable to ask for approved building plans when it is impossible to obtain these until the residential NFA is granted.

Please provide your scientific rationale, in the light of the test results we have previously submitted, as to why you have any hesitation in issuing the NFA letter without delay.

Regards,



September 22, 2009

Alameda County Department of
Environmental Health
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502

Attention: Paresh Khatri

Subject: Response to September 17, 2009 Letter from ACEH
Former Coast Sausage UST Site
1173 28th Street, Oakland, California
ACDEH Fuel Leak Case: RO0002562; Global ID: T0600194544

Ladies and Gentlemen:

On behalf of Rush Property Group and Mr. Francis Rush, we request that regulatory closure for this site be granted with **unrestricted** land use and a deed restriction, in keeping with the oft-stated Coast Loft live/work development plan for the site (see attached Building Plans and Planning Commission approval letter). We also wish to provide the following clarifications relative to the September 17, 2009 ACEH letter:

- From the outset of this project, a multi-tenant residential development plan, Coast Lofts, has been in place, and the goal of all closure-related activities has been to allow for this multi-tenant live/work residential development. Not only have all of our reports and workplans referred to this planned development, but we understand that a copy of the Coast Lofts building plans were transmitted to ACEH at the outset of this project. Also, the initial workplan, dated April 11, 2006, referred to the planned development in the introductory paragraph and included the following project approach: “In order to move this site towards regulatory closure as expeditiously as possible, we recommend a project approach that includes not only soil and groundwater sampling to address specific ACDEH requirements, but also soil gas sampling to assess potential environmental risk associated with the planned Coast Lofts live/work development. If soil gas sampling results indicate no significant risk relative to the planned live/work development, then it may be easier to obtain regulatory site closure, regardless of the soil and groundwater results” (page 5).
- The Coast Lofts development project was approved by the Planning Commission on May 4, 2005, and the subject property zoning was subsequently changed by Mr. Rush to allow for both commercial and residential land use. Thus, the closure request should be evaluated for both residential and commercial exposure scenarios.

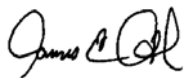
Note that, during the initial investigation in July 2006, soil gas sampling was conducted in areas where planned buildings were to be constructed (see attached figure from the 2006 SWI report), and two soil gas sampling probes, SG-1 and SG-2, were sited in “the former Compressor Room, adjacent to Treadwell & Rollo boring B-2, to assess possible impacts from HVOC groundwater impacts” (*Report of Soil and Water Investigation*, Gribi Associates, October 21, 2006). Results from these, as well as all other soil gas samples, showed no significant VOC detections.

In summary, it was always our understanding and, we thought, ACEH’s understanding, that regulatory closure was being pursued for the planned and approved Coast Lofts live/work development. All reports and workplans have referred to the live/work development plans, and Mr. Rush transmitted a copy of the development plans to ACEH in the past. Over the more than three years that we have been working on this project (up to and including the October 31, 2008 ACEH letter indicating that closure would be granted), neither we nor Mr. Rush were ever informed that the current course of action would not result in a closure which would allow for the planned Coast Lofts live/work development. A commercial use only closure is of little use to Mr. Rush. For this reason, and given the clearly-demonstrated lack of significant risks associated with residual contaminants on this site, we ask that ACEH reconsider its determination to grant commercial-only closure for this site.

Finally, we ask that ACEH be more direct in communicating with site owners and consultants, with the ultimate goal of trying to move these sites along quicker and more efficiently. I have found over the many years and hundreds of projects that phone and/or email communications prior to issuing directive letters can often save much time and effort on both sides, as well as help to foster understanding and “buy-in” from clients, regulators, and consultants.

We appreciate this opportunity to provide this letter for your review. Please contact us if there are questions or if additional information is required.

Very truly yours,



James E. Gribi
Professional Geologist
California No. 5843



c Francis Rush, Rush Property Group
Donna Drogos, ACEH
Mary Rose Cassa, SFBRWQCB



PROJECT LOCATION



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PROJECT DATA

SITE AREA		
inside property line	54,960 sf	
DENSITY		
live/work condos (UA.1, UA.2)	28	
live/work townhouses (UB.1, UB.2, UB.3)	34	
FLOOR AREAS		
total footprint	33,720 sf	
residential floor area	90,300 sf	
garage floor area	8,020 sf	
total floor area	98,645 sf	
size range	980 - 1,365 sf	
average size	1,215 sf	
FAR	1.79	
SETBACKS		
magnolia st	0	
28th st	0	
adeline st	0	
OPEN SPACE		
public	total: 2,625 sf	
	per unit: 44 sf	
private	total: 8,339	
	per unit: 0 sf - 484 sf	
PARKING	62 (21 compact)	

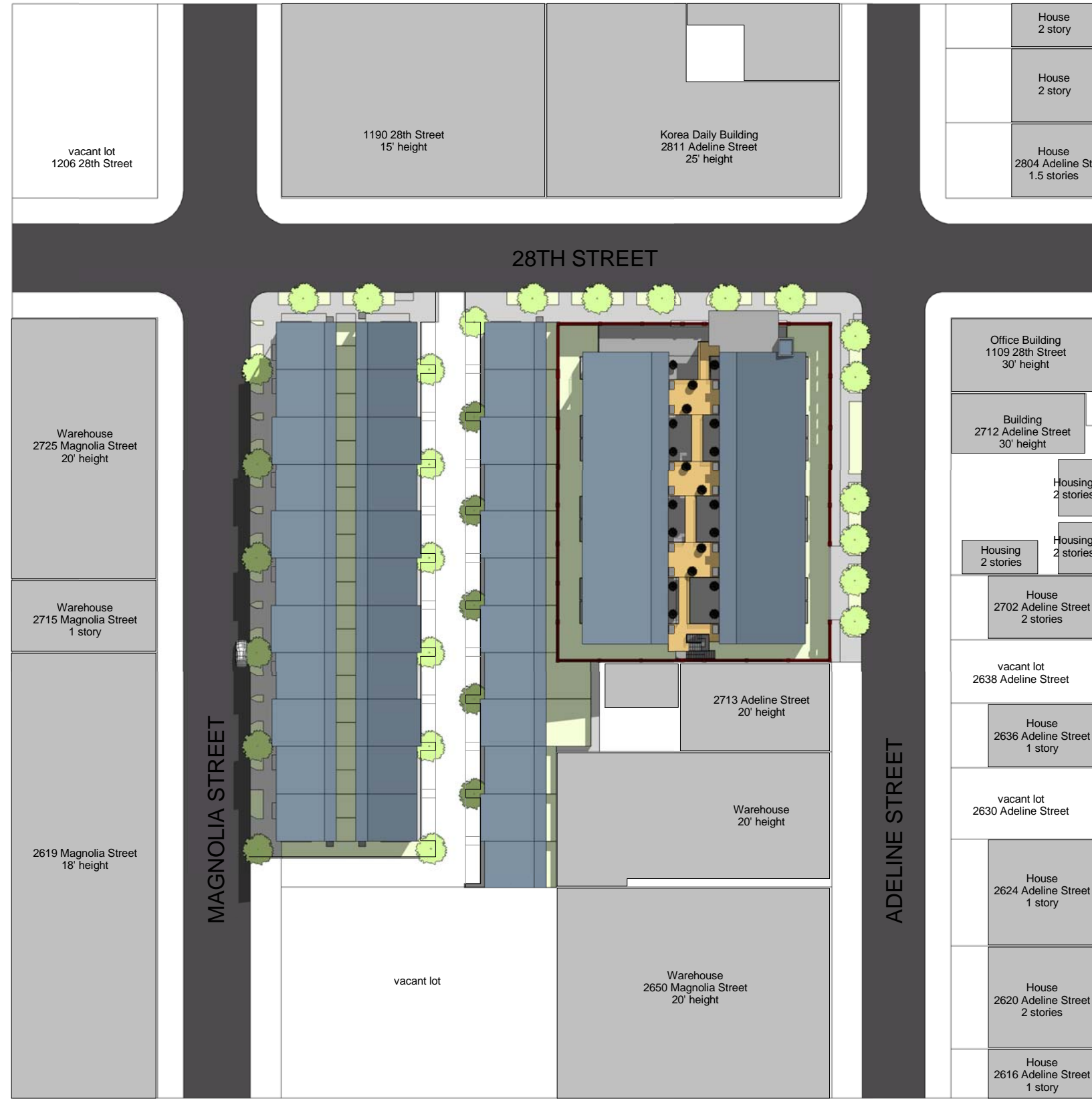
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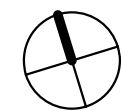
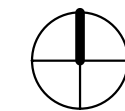
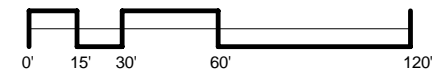
CONSULTANTS

ARCHITECT:
 David Baker & Partners Architects
 461 Second Street
 Loft c127
 San Francisco, CA 94107
 415.896.6700 TEL
 415.896.6103 FAX
 attn: David Baker

DEVELOPER:
 Francis Rush
 2200 Adeline Street
 Suite 350
 Oakland, CA 94607
 510.763.7165 TEL
 510.763.8844 FAX

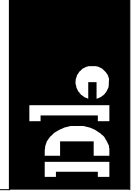


1 Site Context
1" = 60'-0"



Existing Site Conditions
Coast Lofts

david baker + partners
dbarchitect.com
461 second street loft 127
san francisco california 94107
v.415.896.6700 f.415.896.6103



project number 20310
scale 1" = 60'-0"
date 12.03.2004
drawn by mh

A1.0



Elevator Shaft
Painted Cement Plaster
grey
B.M. 2111-50

Steel Railing (typ.)

Perforated Metal Screen
3/16" galvanized, 73% open

Natural Anodized Aluminum
Frame Windows (typ.)

Hardiplank

Existing Brick
Structure

Painted Stucco
(various colors)

COAST LOFTS

Perforated Metal
Screen, 3/16" galvanized,
30-40% open

28TH STREET

Hardiplank

Architectural Concrete entryway
with sign recessed in concrete

Intercom

Main Lobby
Entryway

Roll-up
garage door

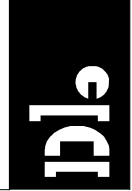
Perforated Metal
Screen, 3/16" galvanized,
30-40% open

A1.1

20310
project number
scale
12.03.2004
date
bh
drawn by

View from Corner (28th + Adeline Sts.)
Coast Lofts

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ADELINE STREET

COAST LOFTS

28TH STREET

MAGNOLIA STREET

View from 28th street
Coast Lofts

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dbarchitect.com
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san francisco california 94107
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project number 20310
scale
date 12.03.2004
drawn by bh

A1.2



A1.3

project number 20310
scale
date 12.03.2004
drawn by bh

Aerial View at Corner (28th + Magnolia)
Coast Lofts

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②



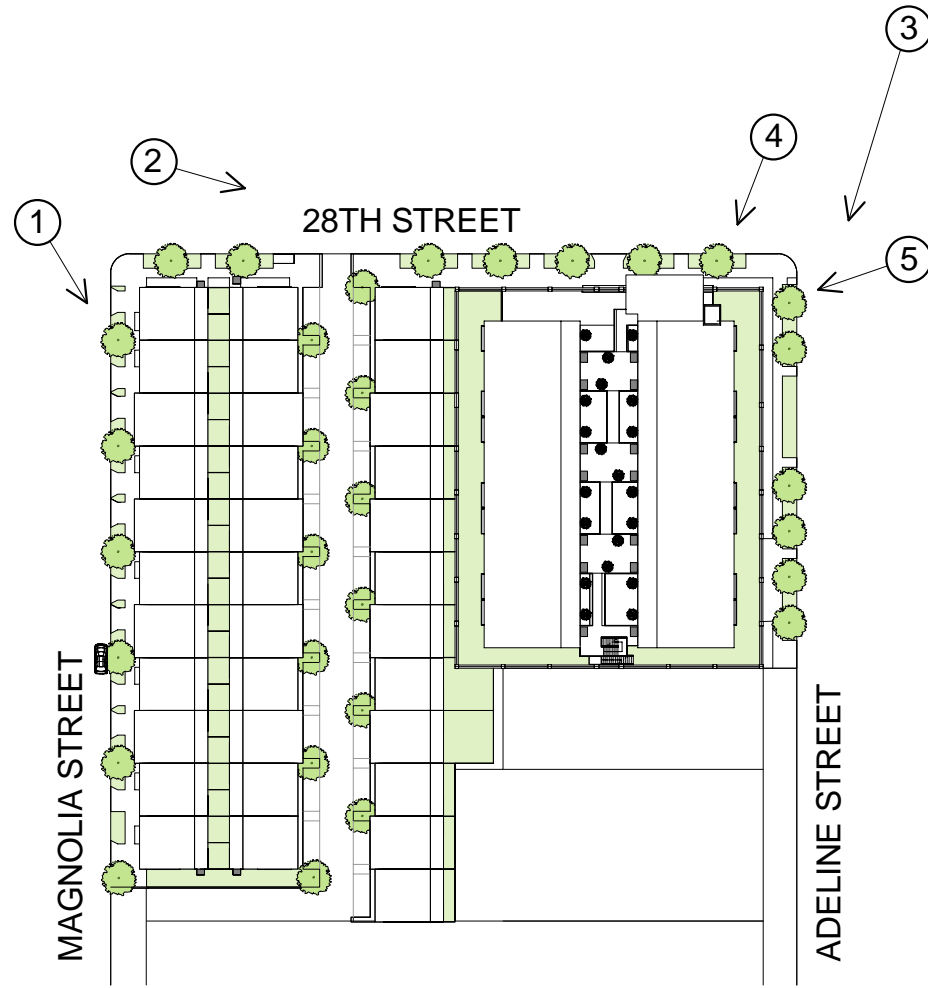
③



④

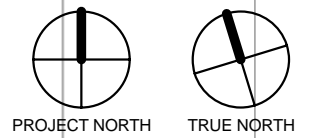
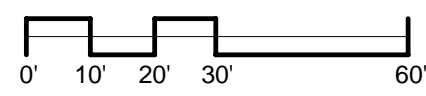


①



⑤





Level 1 Plan
Coast Lofts

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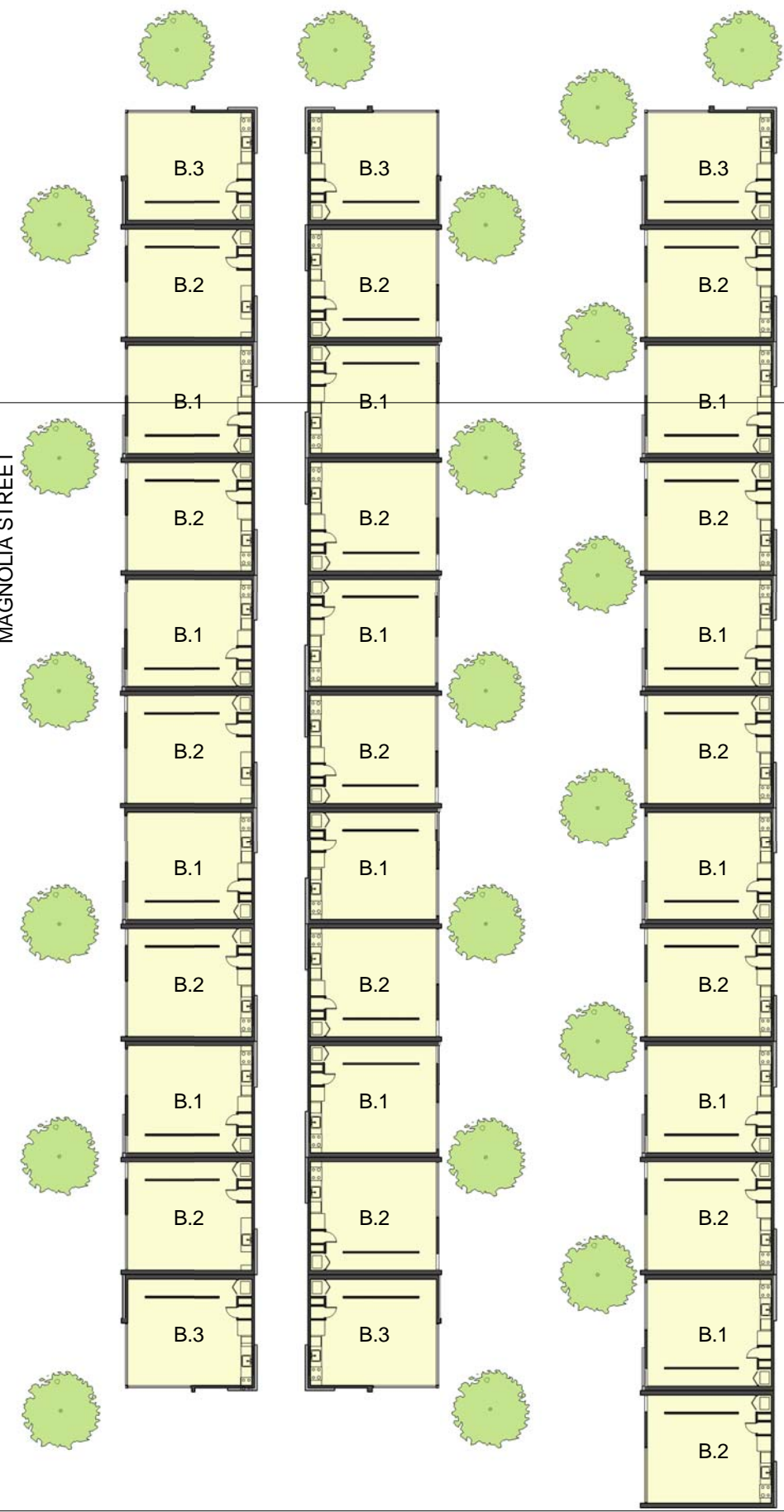


project number 20310
scale 1" = 30'-0"
date 12.03.2004
drawn by bh

A3.1 1

1 A4.1

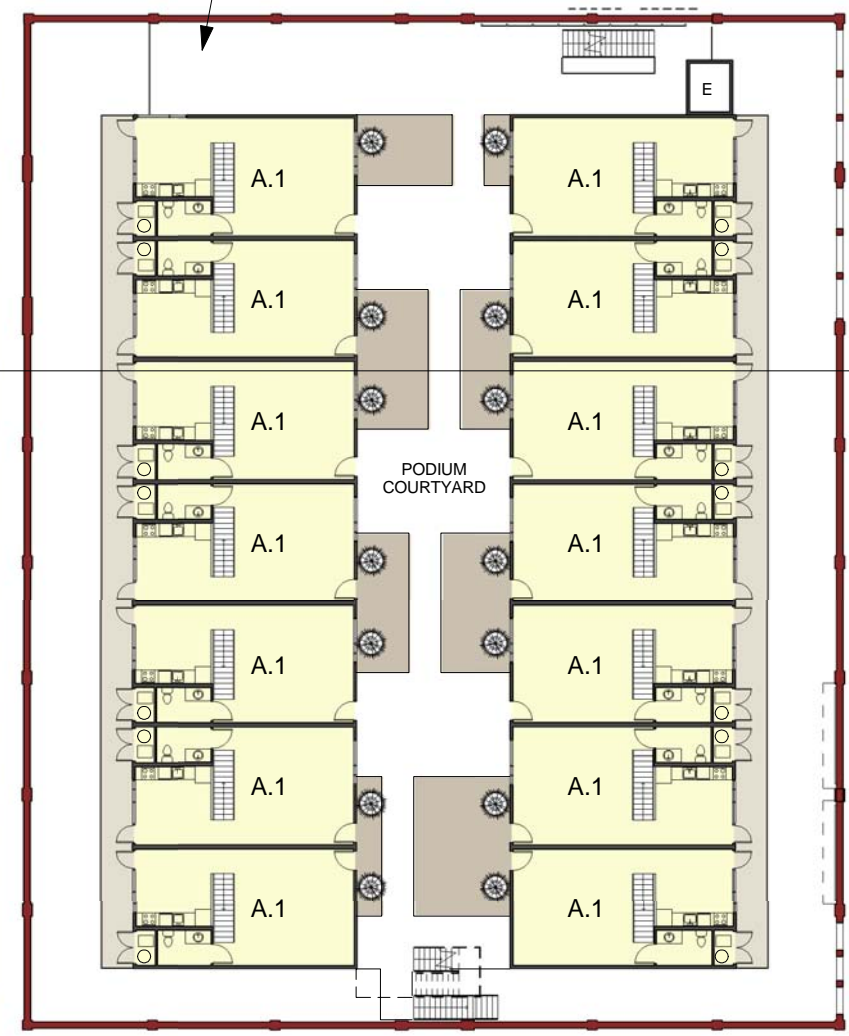
MAGNOLIA STREET



A3.1 2

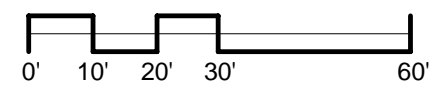
PUBLIC OPEN SPACE

28TH STREET



ADELINE STREET

3 A3.1



Level 2 Plan
Coast Lofts

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san francisco california 94107
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project number 20310
scale 1" = 30'-0"
date 12.03.2004
drawn by bh



1
A4.1

A3.1 1

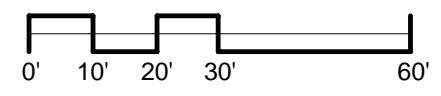
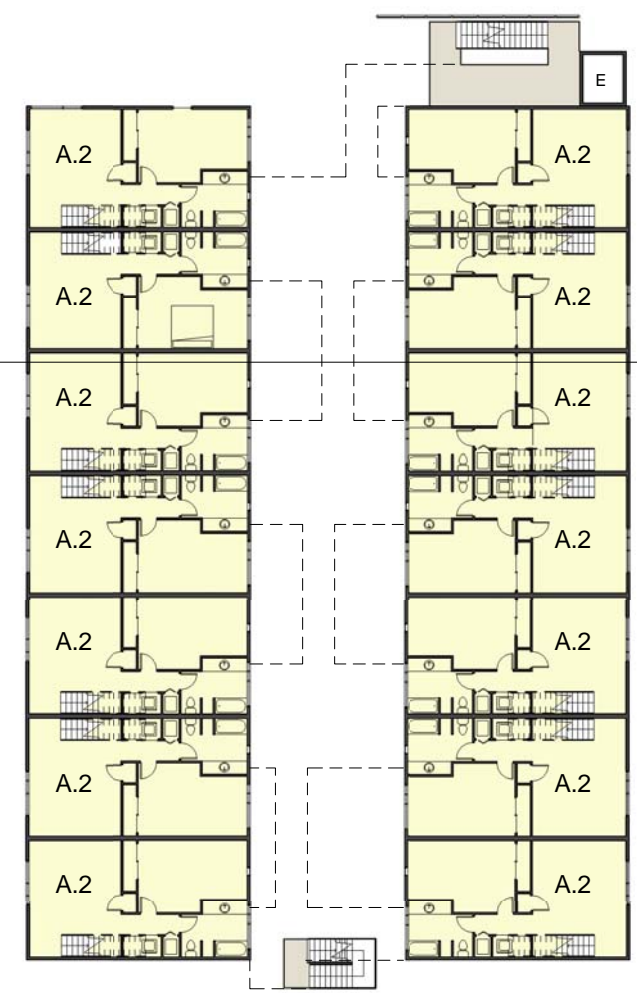
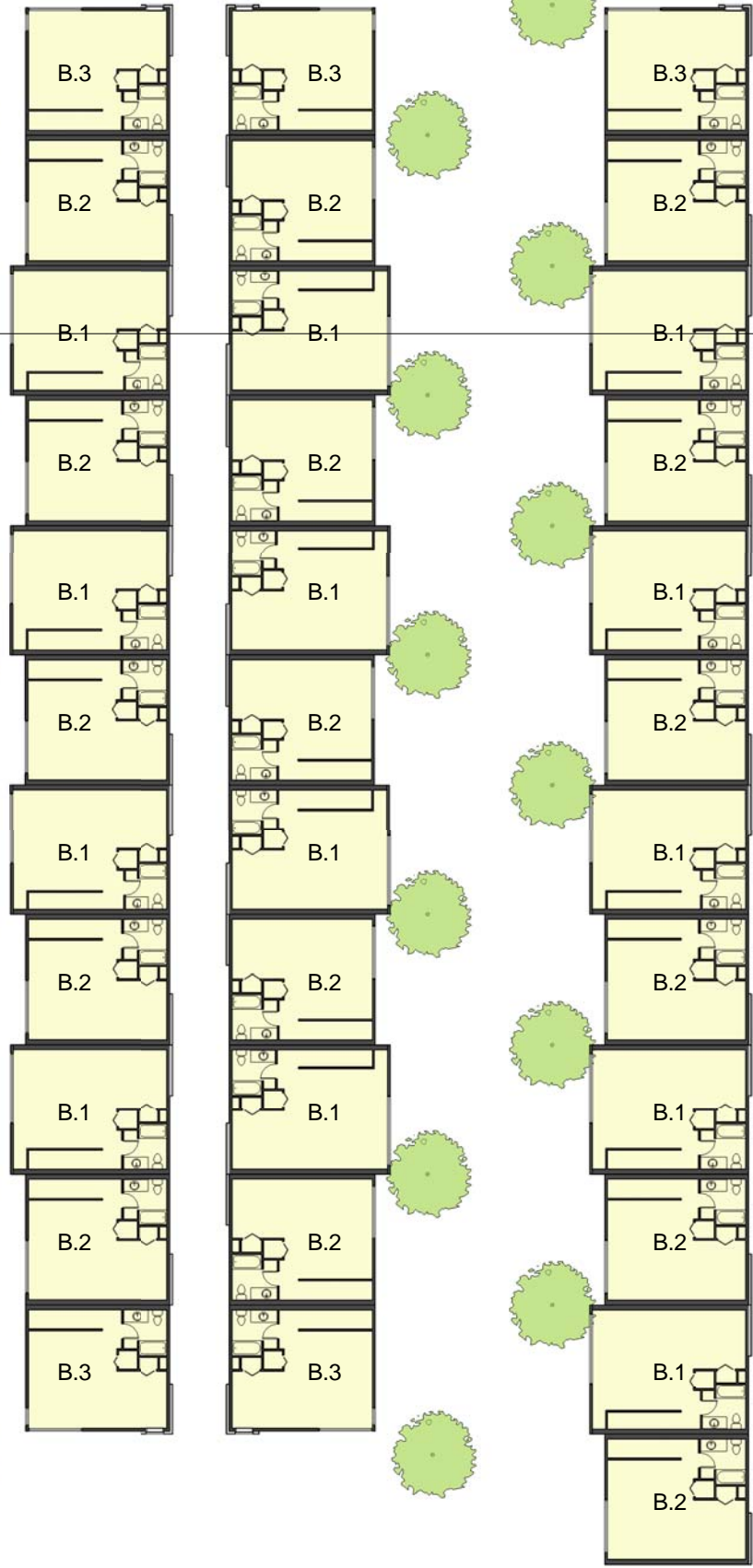
A3.1
2

28TH STREET

3
A3.1

MAGNOLIA STREET

ADELINE STREET



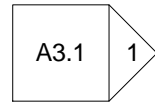
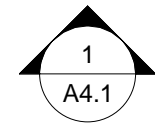
Level 3 Plan
Coast Lofts

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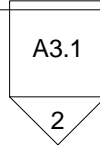
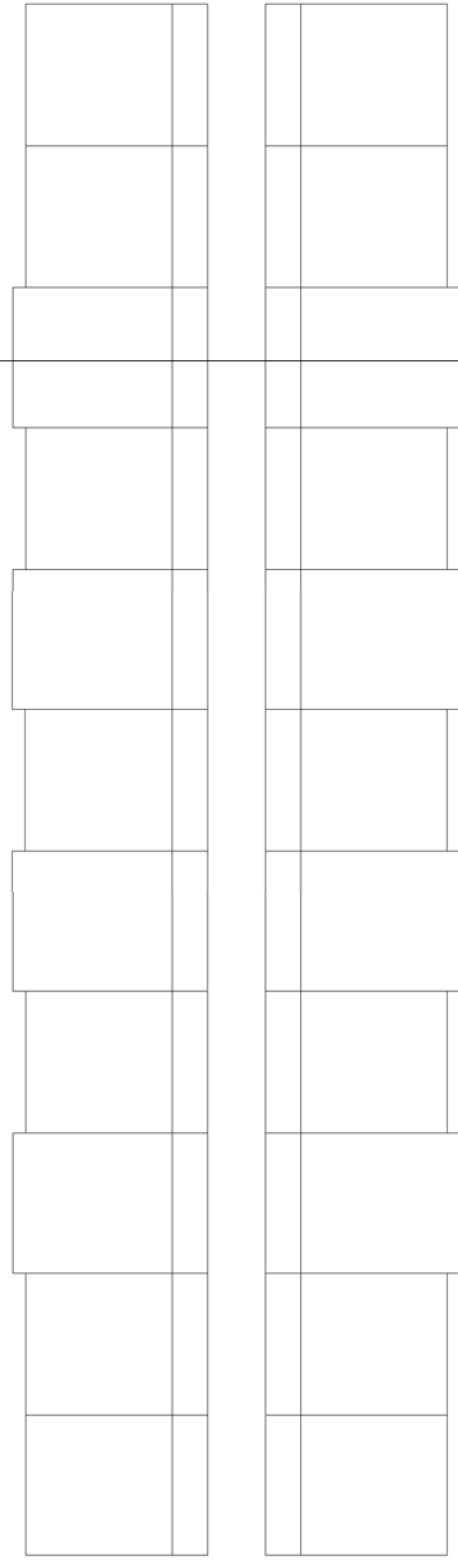
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scale 1" = 30'-0"
date 12.03.2004
drawn by bh

A2.3

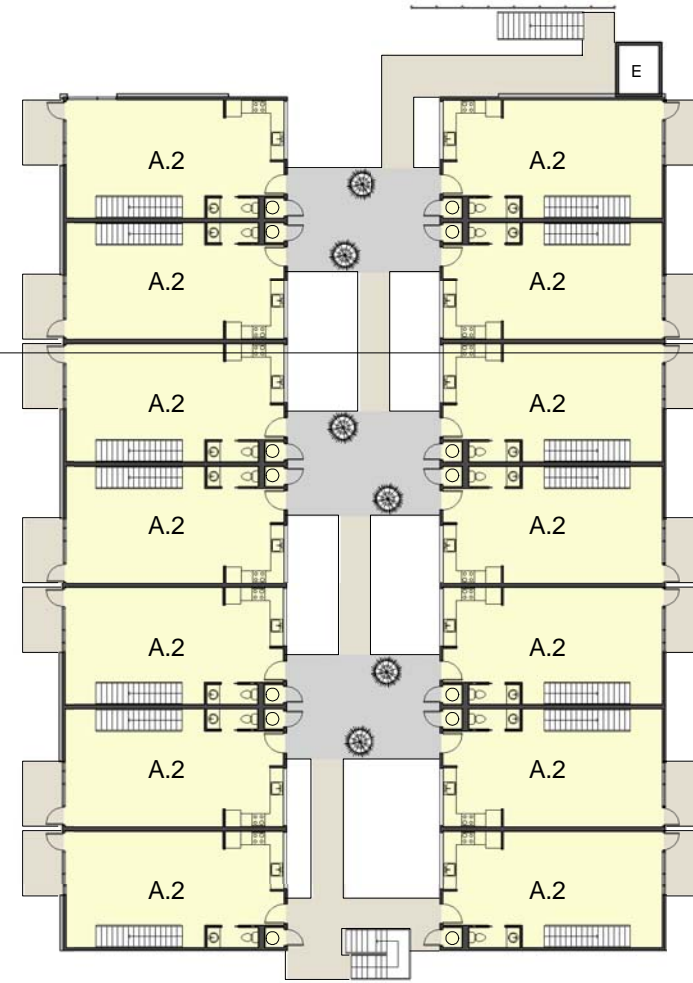




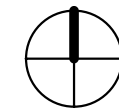
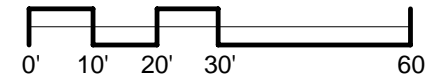
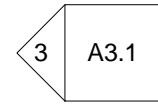
MAGNOLIA STREET



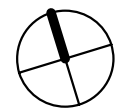
28TH STREET



ADELINE STREET



PROJECT NORTH



TRUE NORTH

Level 4 Plan Coast Lofts

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scale 1" = 30'-0"
date 12.03.2004
drawn by bh

A2.4

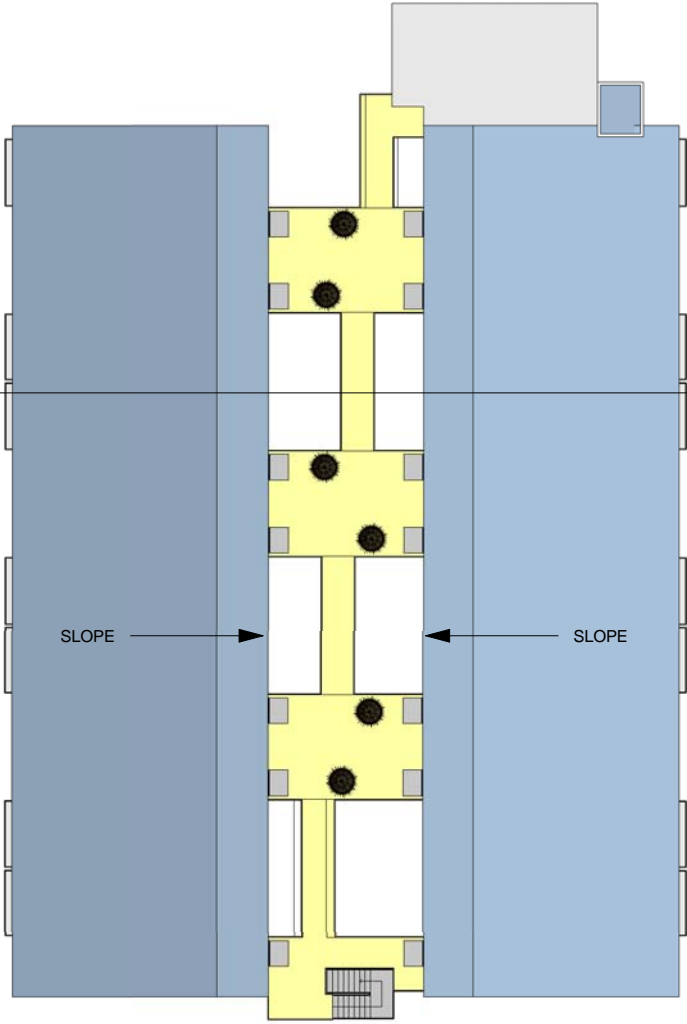
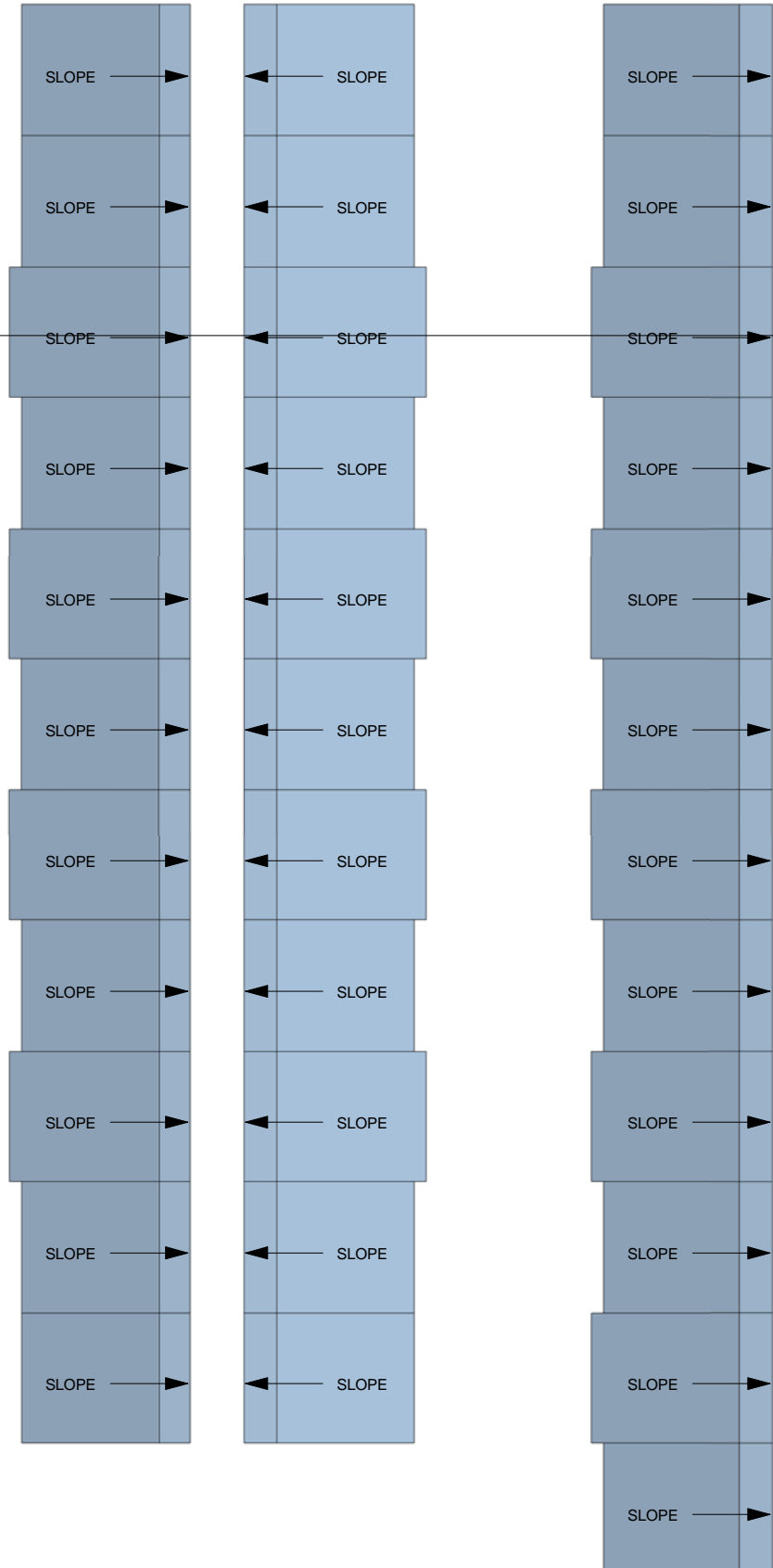
28TH STREET

A3.1
2

1
A4.1

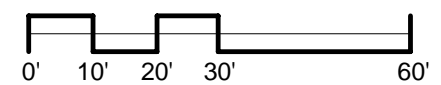
MAGNOLIA STREET

A3.1
1



ADELINE STREET

3
A3.1

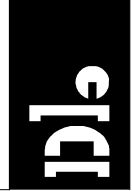


A2.5

20310
project number
1" = 30'-0"
scale
12.03.2004
date
mh
drawn by

Roof Plan
Coast Lofts

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dbarchitect.com
461 second street loft 127
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v.415.896.6700 f.415.896.6103



- Painted Stucco (various colors)
- Natural Anodized Aluminum Frame Windows (typ.)
- Hardiplank
- Silver Metal Awning (typ.)
- Garage Door - Painted Wood + Inset Glazing



① Magnolia Street
1" = 30'-0"

- Elevator Shaft - Painted Cement Plaster, grey
- Steel Railing (typ.)
- Perforated Metal Screen, 3/16" galvanized, 73% open
- Architectural Concrete entry with sign recessed in concrete
- Perforated Metal Screen, 3/16" galvanized, 30-40% open

Existing Brick Structure

ADELINE ST.

Roll-up Garage Door, aluminum

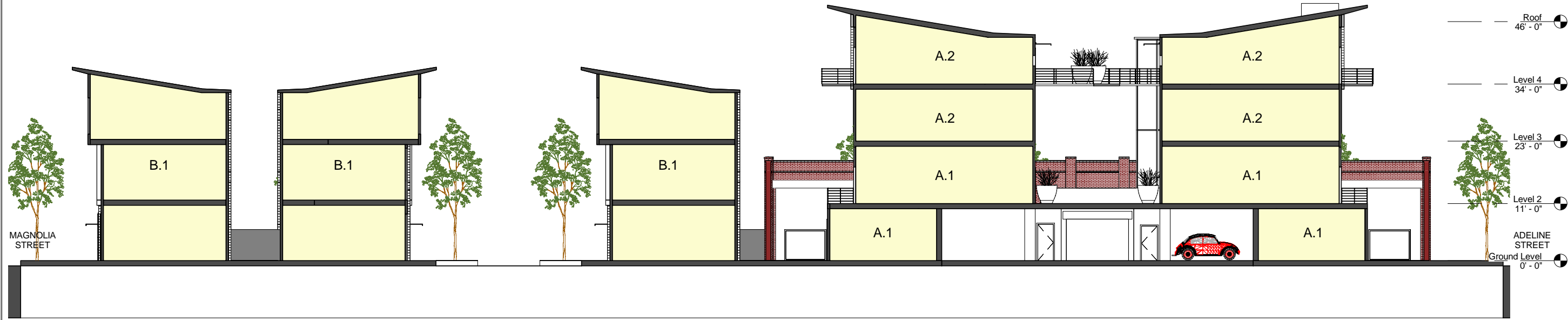


② 28th Street
1" = 30'-0"

- Elevator Shaft - Painted Cement Plaster, grey
- Hardiplank
- Steel Railings (typ.)
- Natural Anodized Aluminum Frame Windows (typ.)
- Painted Stucco
- Existing Brick Structure
- Perforated Metal Screen, 3/16" galvanized, 30-40% open



③ Adeline Street
1" = 30'-0"



MAGNOLIA STREET

- Roof 46' - 0"
- Level 4 34' - 0"
- Level 3 23' - 0"
- Level 2 11' - 0"
- ADELINE STREET
- Ground Level 0' - 0"

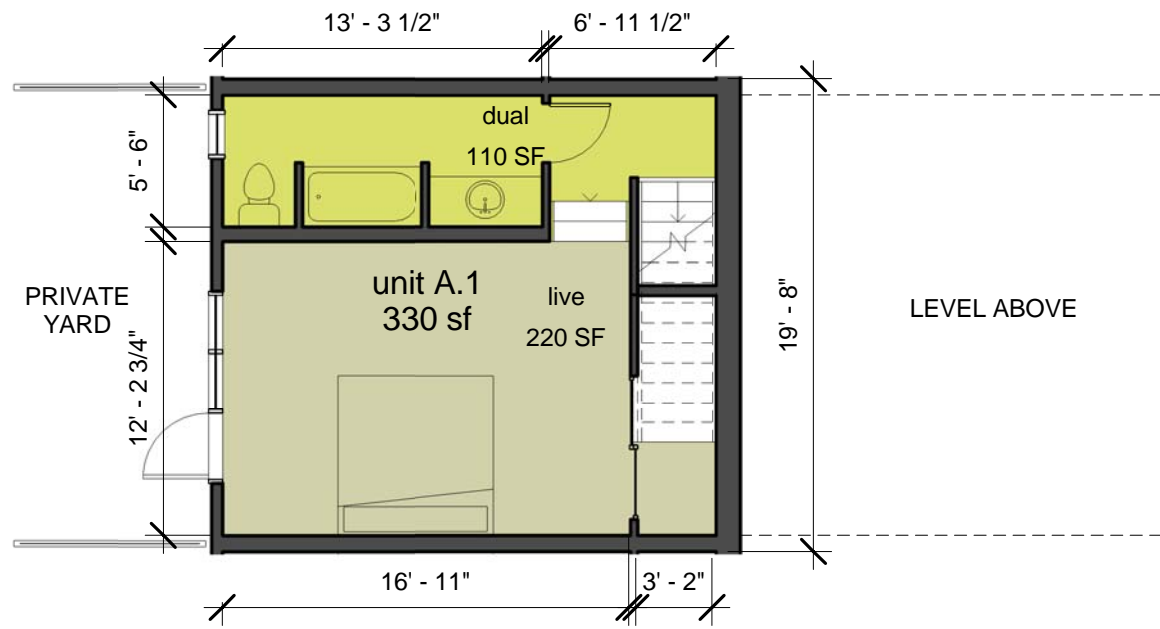
A4.1

project number 20310
 scale 1" = 20'-0"
 date 12.03.2004
 drawn by bh

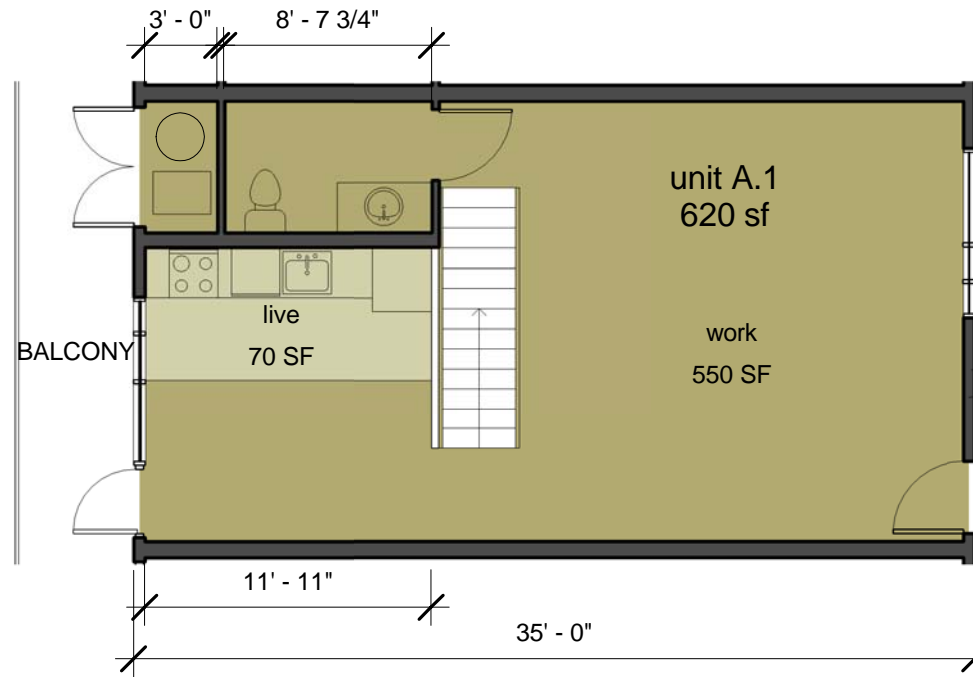
Section 1
 Coast Lofts

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 dbarchitect.com
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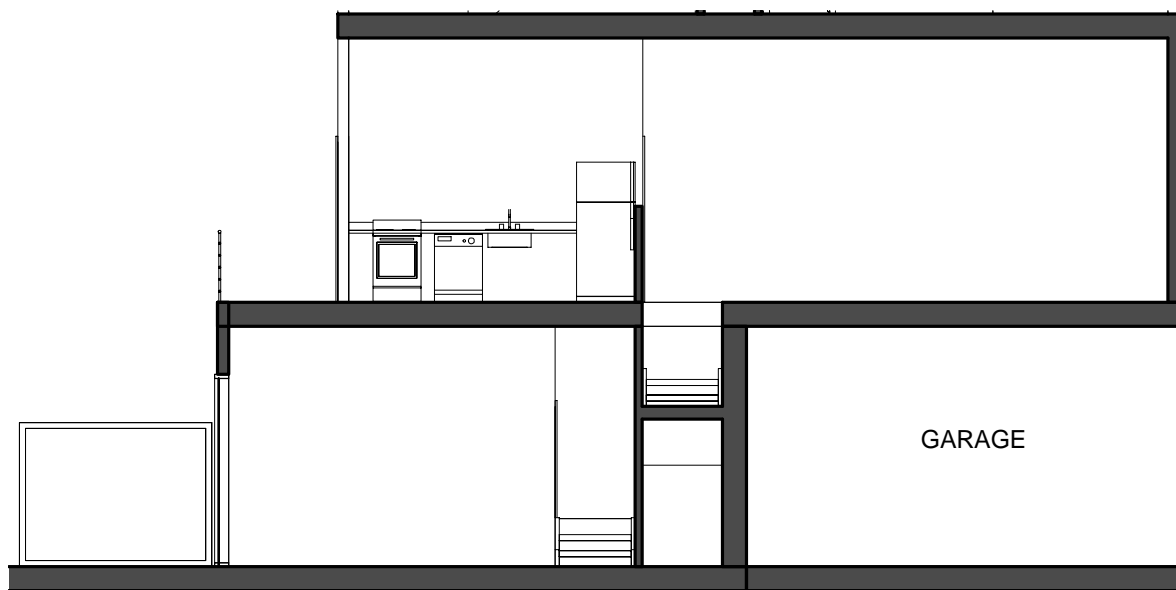
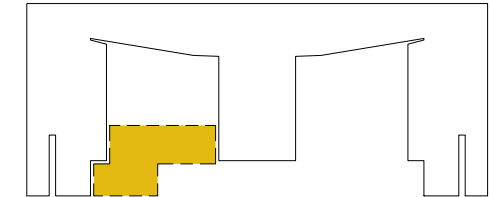
1 Unit A.1 - lower level
1/8" = 1'-0"



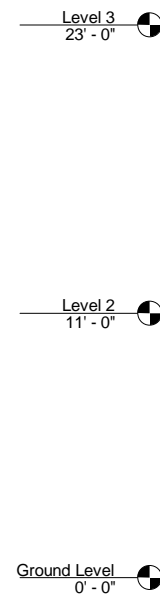
2 Unit A.1 - upper level
1/8" = 1'-0"

- live space
- work space
- dual use space

live - 290 sq ft (30%)
work - 550 sq ft (58%)
dual - 110 sq ft (12%)
total - 950 sq ft



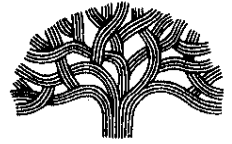
3 Section Through UA.1
1/8" = 1'-0"



4 UA.1 Materials

Painted Stucco white B.M. 2140-70
Note: For materials description, brick wall hidden to show elevation beyond.

CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, SUITE 2114 • OAKLAND, CALIFORNIA 94612-2031

Community and Economic Development Agency
Planning & Zoning Services Division
May 5, 2005

(510) 238-3911
FAX (510) 238-4730
TDD (510) 839-6451

RECEIVED**MAY 10 2005**

Francis Rush
2200 Adeline Street, #350
Oakland, CA 94607

RE: **CASE FILE NO. CMDV04-557, 2700 Magnolia Street (005-0446-001-01, 005-0446-001-02, & 005-0446-008-01)**

Dear Mr. Rush,

Your application as noted above was **approved** at the City Planning Commission meeting on: **May 4, 2005.**

Commission action is indicated below.

(X) Granted with required conditions. - (Vote: +7, -0)

An Appeal to the City Council of this decision may be submitted within ten (10) calendar days after the date of this letter, and by 4:00 p.m. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **Peterson Z. Vollmann, Planner III**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Planning Commission or wherein their decision is not supported by substantial evidence and must include payment of \$621.95 in accordance with the City of Oakland Master Fee Schedule. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you from raising such issues during your appeal and/or in court. If you challenge a Commission decision in court, you may be limited to issues raised at the hearing or in correspondence delivered to the Zoning Division, Community and Economic Development Agency, at, or prior to, the Appeal hearing. Any party seeking to challenge in court those decisions that are final and not administratively appealable to the City Council must do so within ninety (90) days of the date of the announcement of the Commission's final decision.

If you have any questions please contact the case planner **Peterson Z. Vollmann** at (510) 238-6167 or by email at **pvollman@oaklandnet.com**.

Very truly yours,

GARY PATTON,
Deputy Director of City Planning/Zoning

