



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

May 26, 2015

Daniel Rabin
475 Lesser Street, LLC
731 Sansome Street, 2nd Floor
San Francisco, CA 94111

Flavor Right Foods NW, Inc.
c/o William E. Grieshaber, Jr.
1 Robert Rich Way
Buffalo, NY 14213

Tip Top Foods, Inc.
c/o Tom Michaelides
Instantwhip Foods
2200 Cardigan Avenue
Columbus, OH 43215-1092

Subject: Case Closure for Fuel Leak Case No. RO0003135 and GeoTracker Global ID T10000005847,
Lesser Commercial Property, 475 Lesser Street, Oakland, CA 94601

Dear Responsible Parties:

This letter transmits the enclosed underground storage tank (UST) case closure letter in accordance with Chapter 6.75 (Article 4, Section 25296.10[g]). The State Water Resources Control Board adopted this letter on February 20, 1997. As of March 1, 1997, the Alameda County Environmental Health (ACEH) is required to use this case closure letter for all UST leak sites. We are also transmitting to you the enclosed case closure summary. These documents confirm the completion of the investigation and cleanup of the reported release at the subject site. The subject fuel leak case is closed. This case closure letter and the case closure summary can also be viewed on the State Water Resources Control Board's Geotracker website (<http://geotracker.swrcb.ca.gov>) and the Alameda County Environmental Health website (<http://www.acgov.org/aceh/index.htm>).

Due to residual contamination, the site was closed with Site Management Requirements that limit future land use to the current commercial land use. Site Management Requirements are further described in Additional Information section of the attached Case Closure Summary.

If you have any questions, please call Jerry Wickham at (510) 567-6791. Thank you.

Sincerely,

Dilan Roe, P.E.
LOP and SCP Program Manager

Enclosures: 1. Remedial Action Completion Certification
2. Case Closure Summary

Responsible Parties
RO0003135
May 26, 2015
Page 2

Cc w/enc.:

cc: Mark J. Arniola, City of Oakland Public Works Environmental Services, 250 Frank H. Ogawa Plaza, Suite 4314, Oakland, CA 94612 (Sent via E-mail to: marniola@oaklandnet.com)

Gopakumar Nair, City of Oakland Public Works Environmental Services, 250 Frank H. Ogawa Plaza, Suite 4314, Oakland, CA 94612 (Sent via E-mail to: gnair@oaklandnet.com)

Kendra Marshall, 475 Lesser Street LLC, 731 Sansome Street, 2nd Floor, San Francisco, CA 94111 (Sent via E-mail to kendra.marshall@rabin.com)

Paul King, P & D Environmental, 55 Santa Clara Avenue, Suite 240, Oakland, CA 94610 (Sent via E-mail to PDKing0000@aol.com)

Steve Carmack, P & D Environmental, 55 Santa Clara Avenue, Suite 240, Oakland, CA 94610 (Sent via E-mail to steven.carmack@pdenviro.com)

Jerry Wickham, ACEH (Sent via E-mail to: jerry.wickham@acgov.org)

GeoTracker, eFile

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

ALEX BRISCOE, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
OFFICE OF THE DIRECTOR
1131 HARBOR BAY PARKWAY
ALAMEDA, CA 94502
(510) 567-6777
FAX (510) 337-9135

REMEDIAL ACTION COMPLETION CERTIFICATION

May 26, 2015

Daniel Rabin
475 Lesser Street, LLC
731 Sansome Street, 2nd Floor
San Francisco, CA 94111

Flavor Right Foods NW, Inc.
c/o William E. Grieshober, Jr.
1 Robert Rich Way
Buffalo, NY 14213

Tip Top Foods, Inc.
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Instantwhip Foods
2200 Cardigan Avenue
Columbus, OH 43215-1092

Subject: Case Closure for Fuel Leak Case No. RO0003135 and GeoTracker Global ID T10000005847, Lesser Commercial Property, 475 Lesser Street, Oakland, CA 94601

Dear Responsible Parties:

This letter confirms the completion of a site investigation and remedial action for the underground storage tanks formerly located at the above-described location. Thank you for your cooperation throughout this investigation. Your willingness and promptness in responding to our inquiries concerning the former underground storage tank(s) are greatly appreciated.

Based on information in the above-referenced file and with the provision that the information provided to this agency was accurate and representative of site conditions, this agency finds that the site investigation and corrective action carried out at your underground storage tank(s) site is in compliance with the requirements of subdivisions (a) and (b) of Section 25296.10 of the Health and Safety Code and with corrective action regulations adopted pursuant to Section 25299.3 of the Health and Safety Code and that no further action related to the petroleum release(s) at the site is required.

Please be aware that claims for reimbursement of corrective action costs submitted to the Underground Storage Tank Cleanup Fund more than 365 days after the date of this letter or issuance or activation of the Fund's Letter of Commitment, whichever occurs later, will not be reimbursed unless one of the following exceptions applies:

- Claims are submitted pursuant to Section 25299.57, subdivision (k) (reopened UST case); or
- Submission within the timeframe was beyond the claimant's reasonable control, ongoing work is required for closure that will result in the submission of claims beyond that time period, or that under the circumstances of the case, it would be unreasonable or inequitable to impose the 365-day time period.

This notice is issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code. Please contact our office if you have any questions regarding this matter.

Sincerely,

Ronald Browder
Director

UST Case Closure Summary Form

Agency Information

Date: March 25, 2015

Agency Name: Alameda County Environmental Health	Address: 1131 Harbor Bay Parkway
City/State/Zip: Alameda, CA 94502-6577	Phone: (510) 567-6791
Staff Person: Jerry Wickham	Title: Senior Hazardous Materials Specialist

Case Information

Facility Name: Lesser Commercial Property		
Facility Address: 475 Lesser Street, Oakland, CA 94601		
RB LUSTIS Case No: ----	Local Case No.: ----	LOP Case No.: RO0003135
URF Filing Date:	GeoTracker Global ID: T10000005847	
APN: 34-2304-4-2	Current Land Use: Commercial	
Responsible Party(s):	Address:	Phone:
Daniel Rabin 475 Lesser Street LLC	731 Sansome Street, 2 nd Floor San Francisco, CA 94111	
Flavor Right Foods NW, Inc. c/o William E. Grieshaber, Jr.	1 Robert Rich Way Buffalo, NY 14213	
Tip Top Foods, Inc. c/o Tom Michaelides Instantwhip Foods	2200 Cardigan Avenue Columbus, OH 43215-1092	

Tank Information

Tank No.	Size (gal)	Contents	Closed in-Place/ Removed/Active	Date
1	8,000-gallon	Diesel Gasoline	Closed in place	04/09/1987

Conceptual Site Model (Attachment 1, 2 pages)

Closure Criteria Met (Attachment 2, 2 pages)

LTCP Groundwater Specific Criteria (Attachment 3, 1 page)

LTCP Vapor Specific Criteria (Attachment 4, 1 page)

LTCP Direct Contact and Outdoor Air Exposure Criteria (Attachment 5, 1 page)

Optional Site Map(s) (Attachment 6, 6 pages)

Analytical Data (Attachment 7, 10 pages)

Covenant and Environmental Restriction on Property (Attachment 8, 11 pages)

UST Case Closure Summary Form

Additional Information:

Site Management Requirements: This fuel leak case has been evaluated for closure consistent with the State Water Resource Control Board Low-Threat Underground Storage Tank Closure Policy (LTCP). Benzene was detected in indoor air within Building 2 at concentrations that exceed human health screening criteria for indoor air and exceed ambient air concentrations. The entrance to Building 2 is to remain sealed to prevent entry and signage is to be prominently posted at the entrance indicating that entry to Building 2 is not allowed due to potential vapor intrusion concerns.

Site management requirements are further described in the Covenant and Environmental Restriction on Property which has been recorded for the site. Case closure is granted for the current commercial land use and with the site management requirements described in the Covenant and Environmental Restriction on Property.

If a change in land use to any residential or other conservative land use or if any redevelopment occurs, Alameda County Environmental Health (ACEH) must be notified as required by Government Code Section 65850.2.2. Due to the potential for vapor intrusion to indoor air for future buildings, ACEH will re-evaluate the case upon receipt of approved development/construction plans.

Excavation or construction activities in areas of residual contamination require planning and implementation of appropriate health and safety procedures by the responsible party prior to and during excavation and construction activities.



This site is to be entered into the City of Oakland Permit Tracking System due to the residual contamination on site.

RWQCB Notification

Notification Date: 01/12/2015

RWQCB Staff Name: Cherie McCaulou	Title: Engineering Geologist
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Local Agency Representative

Prepared by: Jerry Wickham	Title: Senior Hazardous Materials Specialist
Signature: 	Date: 4/1/2015
Approved by: Dilan Roe	Title: LOP and SCP Program Manager
Signature: 	Date: 4/1/2015

This Case Closure Summary along with the Case Closure Transmittal letter and the Remedial Action Completion Certification provides documentation of the case closure. This closure approval is based upon the available information and with the provision that the information provided to this agency was accurate and representative of site conditions. The Conceptual Site Model may not contain all available data. Additional information on the case can be viewed in the online case file. The entire case file can be viewed over the Internet on the Alameda County Environmental Health (ACEH) website (<http://www.acgov.org/aceh/lop/ust.htm>) or the State of California Water Resources Control Board GeoTracker website (<http://geotracker.waterboards.ca.gov>). Not all historic documents for the fuel leak case may be available on GeoTracker. A more complete historic case file for this site is located on the ACEH website.

ATTACHMENT 1

CSM Report Go

[GEOTRACKER HOME](#) | [MANAGE PROJECTS](#) | [REPORTS](#) | [SEARCH](#) | [LOGOUT](#)

LESSER COMMERCIAL PROPERTY (T10000005847) - [MAP THIS SITE](#)

OPEN - ELIGIBLE FOR CLOSURE

475 LESSER STREET
OAKLAND, CA 94601
ALAMEDA COUNTY

[ACTIVITIES REPORT](#)
[PUBLIC WEBPAGE](#)

CLEANUP OVERSIGHT AGENCIES

ALAMEDA COUNTY LOP (LEAD) - CASE #: RO0003135
CASEWORKER: [Jerry Wickham](#) - SUPERVISOR: DILAN ROE
SAN FRANCISCO BAY RWQCB (REGION 2)
CASEWORKER: [Cherie McCaulou](#) - SUPERVISOR: Cheryl L. Prowell
CR Site ID #: NOT SPECIFIED

[VIEW PRINTABLE CASE SUMMARY FOR THIS SITE](#)

THIS PROJECT WAS LAST MODIFIED BY [JERRY WICKHAM](#) ON 4/1/2015 8:29:06 AM - [HISTORY](#)

THIS SITE HAS UNAPPROVED SUBMITTALS. CLICK [HERE](#) TO OPEN A NEW WINDOW WITH THE SUBMITTAL APPROVAL PAGE FOR THIS SITE.

CSM REPORT - [VIEW PUBLIC NOTICING VERSION OF THIS REPORT](#)

UST CLEANUP FUND CLAIM INFORMATION (DATA PULLED FROM SCUFIIS)

CLAIM NO	PRIORITY	CLAIMANT	SITE ADDRESS	AMT REIMB TO DATE	AGE OF LOC	IMPACTED WELLS?	REVIEW NUM	REVIEWER	FIVE YEAR REVIEW INFORMATION		
									FUND RECOMMENDATION	TO OVERSIGHT DATE	TO CLAIMANT DATE

PROJECT INFORMATION (DATA PULLED FROM GEOTRACKER) - [MAP THIS SITE](#)

SITE NAME / ADDRESS	STATUS	STATUS DATE	RELEASE REPORT DATE	AGE OF CASE	CLEANUP OVERSIGHT AGENCIES
LESSER COMMERCIAL PROPERTY (Global ID: T10000005847) 475 LESSER STREET OAKLAND, CA 94601	Open - Eligible for Closure	3/25/2015	4/3/2014	1	ALAMEDA COUNTY LOP (LEAD) - CASE #: RO0003135 CASEWORKER: Jerry Wickham - SUPERVISOR: DILAN ROE SAN FRANCISCO BAY RWQCB (REGION 2) CASEWORKER: Cherie McCaulou - SUPERVISOR: Cheryl L. Prowell

STAFF NOTES (INTERNAL)
<NO STAFF NOTES ENTERED>

SITE HISTORY
Diesel fuel was detected in grab groundwater samples collected from four soil borings advanced in the site in March 2014. An 8,000-gallon underground storage tank was reportedly closed in place at the site on April 9, 1987. Soil, soil vapor, groundwater, and indoor air sampling was completed at the site in 2014. Indoor air sampling indicated that the potential for vapor intrusion concerns was limited to a storage building (Building 2). The site is under consideration for case closure with site management requirements that restrict access to Building 2 and require further evaluation if the site is to be redeveloped in the future.

RESPONSIBLE PARTIES

NAME	ORGANIZATION	ADDRESS	CITY	EMAIL
INSTANT WHIP FOODS, INC.	Tip Top Foods, Inc. c/o Instantwhip Foods	2200 CARDIGAN AVENUE	COLUMBUS	
KENDRA MARSHALL	475 Lesser Street LLC	731 SANSOME STREET, 2ND FLOOR	SAN FRANCISCO	
WILLIAM E. GRIESHOBER, JR.	Flavor Right Foods NW Inc.	1 ROBERT RICH WAY	BUFFALO	

CLEANUP ACTION INFO
NO CLEANUP ACTIONS HAVE BEEN REPORTED

RISK INFORMATION		VIEW LTCP CHECKLIST	VIEW PATH TO CLOSURE PLAN	VIEW CASE REVIEWS			
CONTAMINANTS OF CONCERN	CURRENT LAND USE	BENEFICIAL USE	DISCHARGE SOURCE	DATE REPORTED	STOP METHOD	NEARBY / IMPACTED WELLS	
Diesel, Gasoline	Commercial	GW - Municipal and Domestic Supply	Other	4/3/2014	Close and Fill Tank in Place	0	
FREE PRODUCT	OTHER CONSTITUENTS	NAME OF WATER SYSTEM	LAST REGULATORY ACTIVITY	LAST ESI UPLOAD	LAST EDF UPLOAD	EXPECTED CLOSURE DATE	MOST RECENT CLOSURE REQUEST
NO	NO	EBMUD	1/12/2015	3/10/2015	1/5/2015		

CDPH WELLS WITHIN 1500 FEET OF THIS SITE
NONE

CALCULATED FIELDS (BASED ON LATITUDE / LONGITUDE)

APN	GW BASIN NAME	WATERSHED NAME
-----	---------------	----------------

034 230400402

Santa Clara Valley - East Bay Plain (2-9.04)

South Bay - East Bay Cities (204.20)

COUNTY
Alameda

PUBLIC WATER SYSTEM(S)
• EAST BAY MUD - 375 ELEVENTH STREET, OAKLAND, CA 94607

MOST RECENT CONCENTRATIONS OF PETROLEUM CONSTITUENTS IN GROUNDWATER - [HIDE](#) [VIEW ESI SUBMITTALS](#)

FIELD PT NAME	DATE	TPHg	BENZENE	TOLUENE	ETHYL-BENZENE	XYLENES	MTBE	TBA
B1	3/26/2014		ND	ND	ND	ND		
B2	3/26/2014		ND	ND	ND	ND		
B3	3/26/2014		2.6 UG/L	4.3 UG/L	0.64 UG/L	20 UG/L		
B4	3/26/2014		ND	ND	ND	0.5 UG/L		
B5	5/15/2014	OTHER	ND	ND	ND	ND	ND	ND
B6	5/15/2014	OTHER	ND	ND	ND	ND	ND	ND
B7	5/15/2014	OTHER	ND	ND	ND	ND	ND	ND
B8	5/15/2014	OTHER	ND	ND	ND	ND	ND	ND

MOST RECENT CONCENTRATIONS OF PETROLEUM CONSTITUENTS IN SOIL - [HIDE](#) [VIEW ESI SUBMITTALS](#)

FIELD PT NAME	DATE	TPHg	BENZENE	TOLUENE	ETHYL-BENZENE	XYLENES	MTBE	TBA
B1	3/26/2014		ND	ND	ND	ND		
B1A	5/15/2014		ND	ND	ND	ND	ND	
B2	3/26/2014		ND	ND	ND	ND		
B3	3/26/2014		ND	ND	ND	ND		
B4	3/26/2014		ND	ND	ND	ND		

MOST RECENT GEO_WELL DATA - [HIDE](#) [VIEW ESI SUBMITTALS](#)

NO GEO_WELL DATA HAS BEEN SUBMITTED TO GEOTRACKER ESI FOR THIS SITE

ATTACHMENT 2

LTCP Checklist

[GEOTRACKER HOME](#) | [MANAGE PROJECTS](#) | [REPORTS](#) | [SEARCH](#) | [LOGOUT](#)

LESSER COMMERCIAL PROPERTY (T10000005847) - [MAP THIS SITE](#)

OPEN - ELIGIBLE FOR CLOSURE

475 LESSER STREET
OAKLAND , CA 94601
ALAMEDA COUNTY

[ACTIVITIES REPORT](#)
[PUBLIC WEBPAGE](#)

CLEANUP OVERSIGHT AGENCIES

ALAMEDA COUNTY LOP (LEAD) - CASE #: R00003135
CASEWORKER: [Jerry Wickham](#) - SUPERVISOR: DILAN ROE
SAN FRANCISCO BAY RWQCB (REGION 2)
CASEWORKER: [Cherie McCaulou](#) - SUPERVISOR: Cheryl L. Prowell
CR Site ID #: NOT SPECIFIED

[VIEW PRINTABLE CASE SUMMARY FOR THIS SITE](#)

THIS PROJECT WAS LAST MODIFIED BY [JERRY WICKHAM](#) ON 3/25/2015 3:01:20 PM - [HISTORY](#)

THIS SITE HAS UNAPPROVED SUBMITTALS. CLICK [HERE](#) TO OPEN A NEW WINDOW WITH THE SUBMITTAL APPROVAL PAGE FOR THIS SITE.

CLOSURE POLICY

THIS VERSION IS FINAL AS OF 3/25/2015

CHECKLIST INITIATED ON 4/17/2014

[CLOSURE POLICY HISTORY](#)

General Criteria - The site satisfies the policy general criteria - [CLEAR SECTION ANSWERS](#)

a. Is the unauthorized release located within the service area of a public water system?

Name of Water System :

EBMUD

YES NO

b. The unauthorized release consists only of petroleum ([info](#)).

YES NO

c. The unauthorized ("primary") release from the UST system has been stopped.

YES NO

d. Free product has been removed to the maximum extent practicable ([info](#)).

FP Not Encountered YES NO

e. A conceptual site model that assesses the nature, extent, and mobility of the release has been developed ([info](#)).

YES NO

f. Secondary source has been removed to the extent practicable ([info](#)).

YES NO

g. Soil or groundwater has been tested for MTBE and results reported in accordance with Health and Safety Code Section 25296.15.

Not Required YES NO

h. Does a nuisance exist, as defined by [Water Code section 13050](#).

YES NO

1. Media-Specific Criteria: Groundwater - The contaminant plume that exceeds water quality objectives is stable or decreasing in areal extent, and meets all of the additional characteristics of one of the five classes of sites listed below. - [CLEAR SECTION ANSWERS](#)

EXEMPTION - Soil Only Case (Release has not Affected Groundwater - [Info](#))

YES NO

Does the site meet any of the Groundwater specific criteria scenarios?

YES NO

1.1 - The contaminant plume that exceeds water quality objectives is <100 feet in length. There is no free product. The nearest existing water supply well or surface water body is >250 feet from the defined plume boundary.

YES NO

2. Media Specific Criteria: Petroleum Vapor Intrusion to Indoor Air - The site is considered low-threat for the vapor-intrusion-to-air pathway if site-specific conditions satisfy items 2a, 2b, or 2c - [CLEAR SECTION ANSWERS](#)

EXEMPTION - Active Commercial Petroleum Fueling Facility

YES NO

Does the site meet any of the Petroleum Vapor Intrusion to Indoor Air specific criteria scenarios?

YES NO

2c - Petroleum Vapor Intrusion to Indoor Air - The regulatory agency has determined petroleum vapors migrating from soil or groundwater will have no significant risk of adversely affecting human health as a result of controlling exposure through the use of mitigation measures or through the use of institutional or engineering controls.

YES NO

3. Media Specific Criteria: Direct Contact and Outdoor Air Exposure - The site is considered low-threat for direct contact and outdoor air exposure if it meets 1, 2, or 3 below. -

[CLEAR SECTION ANSWERS](#)

EXEMPTION - The upper 10 feet of soil is free of petroleum contamination

YES NO

Does the site meet any of the Direct Contact and Outdoor Air Exposure criteria scenarios?

YES NO

3.1 - Maximum concentrations of petroleum constituents in soil are less than or equal to those listed in the following table [\(LINK\)](#) for the specified depth below ground surface.

YES NO

Additional Information

This case should be kept OPEN in spite of meeting policy criteria.

YES NO

Has this LTCP Checklist been updated for FY 14/15?

YES NO

[SPELL CHECK](#)

Save Form as Partially Completed

Save Form as Complete

LOGGED IN AS JMWCKHAM

[CONTACT GEOTRACKER HELP](#)

ATTACHMENT 3

**ATTACHMENT 3
LTCP GROUNDWATER SPECIFIC CRITERIA**

LTCP Groundwater Specific Scenario under which case was closed: Scenario 1

Site Data		LTCP Scenario 1 Criteria	LTCP Scenario 2 Criteria	LTCP Scenario 3 Criteria	LTCP Scenario 4 Criteria
Plume Length	150 feet	<100 feet	<250 feet	<250 feet	<1,000 feet
Free Product	No free product	No free product	No free product	Removed to maximum extent practicable	No free product
Plume Stable or Decreasing	Likely Stable	Stable or decreasing	Stable or decreasing	Stable or decreasing for minimum of 5 Years	Stable or decreasing
Distance to Nearest Water Supply Well	> 250 feet	>250 feet	>1,000 feet	>1,000 feet	>1,000 feet
Distance to Nearest Surface Water and Direction	1,400 feet downgradient, of site	>250 feet	>1,000 feet	>1,000 feet	>1,000 feet
Property Owner Willing to Accept a Land Use Restriction?	Yes	Not applicable	Not applicable	Yes	Not applicable

GROUNDWATER CONCENTRATIONS

Constituent	Historic Site Maximum (µg/L)	Current Site Maximum (µg/L)	LTCP Scenario 1 Criteria (µg/L)	LTCP Scenario 2 Criteria (µg/L)	LTCP Scenario 3 Criteria (µg/L)	LTCP Scenario 4 Criteria (µg/L)
Benzene	2.6	2.6	No criteria	<3,000	No criteria	<1,000
MTBE	<0.5	<0.5	No criteria	<1,000	No criteria	<1,000

Scenario 5: If the site does not meet scenarios 1 through 4, has a determination been made that under current and reasonably expected future scenarios, the contaminant plume poses a low threat to human health and safety and to the environment and water quality objectives will be achieved within a reasonable time frame?

Water Supply Wells in Vicinity: No water supply wells were identified within 250 feet of the site.

ATTACHMENT 4

**ATTACHMENT 4
LTCP VAPOR SPECIFIC CRITERIA**

LTCP Vapor Specific Scenario under which case was closed: Controlling exposure through use of mitigation measures or institutional controls

Active Fueling Station	No						
Site Data	LTCP Scenario 1 Criteria	LTCP Scenario 2 Criteria	LTCP Scenario 3A Criteria	LTCP Scenario 3B Criteria	LTCP Scenario 3C Criteria	LTCP Scenario 4 Criteria	
Unweathered LNAPL	No LNAPL	LNAPL in groundwater	LNAPL in soil	No LNAPL	No LNAPL	No LNAPL	No criteria
Thickness of Bioattenuation Zone Beneath Foundation	4 feet	≥30 feet	≥30 feet	≥5 feet	≥10 feet	≥5 feet	≥5 feet
Total TPH in Soil in Bioattenuation Zone	< 1 mg/kg	<100 mg/kg	<100 mg/kg	<100 mg/kg	<100 mg/kg	<100 mg/kg	<100 mg/kg
Maximum Current Benzene Concentration in Groundwater	2.6 µg/L	No criteria	No criteria	<100 µg/L	≥100 and <1,000 µg/L	<1,000 µg/L	No criteria
Oxygen Data within Bioattenuation Zone	No oxygen data	No criteria	No criteria	No oxygen data or <4%	No oxygen data or <4%	≥4% at lower end of zone	≥4% at lower end of zone
Depth of soil vapor measurement beneath foundation	3.0 feet	No criteria	No criteria	No criteria	No criteria	No criteria	≥5 feet

SCENARIO 4 DIRECT MEASUREMENT OF SOIL VAPOR CONCENTRATIONS

Site Soil Vapor Data			No Bioattenuation Zone		Bioattenuation Zone	
Constituent	Historic Maximum (µg/m ³)	Current Maximum (µg/m ³)	Residential	Commercial	Residential	Commercial
Benzene	3,400	1,000	<85	<280	<85,000	<280,000
Ethylbenzene	30	30	<1,100	<3,600	<1,100,000	<3,600,000
Naphthalene	8.1	8.1	<93	<310	<93,000	<310,000

If the site does not meet scenarios 1 through 4, does a site-specific risk assessment for the vapor intrusion pathway demonstrate that human health is protected?	No
---	----

If the site does not meet scenarios 1 through 4, has a determination been made that petroleum vapors from soil or groundwater will have no significant risk of adversely affecting human health?	Yes. As a result of controlling exposure through site management requirements.
--	--

Comments: Benzene was detected in indoor air within Building 2 at concentrations that exceed human health screening criteria for indoor air and exceed ambient air concentrations. The entrance to Building 2 is to remain sealed to prevent entry and signage is to be prominently posted at the entrance indicating that entry to Building 2 is not allowed due to potential vapor intrusion concerns. Site management requirements are further described in the Covenant and Environmental Restriction on Property which has been recorded for the site. Case closure is granted for the current commercial land use and with the site management requirements described in the Covenant and Environmental Restriction on Property.

ATTACHMENT 5

**ATTACHMENT 5
LTCP DIRECT CONTACT AND OUTDOOR AIR EXPOSURE CRITERIA**

LTCP Direct Contact and Outdoor Air Exposure Specific Scenario under which case was closed: Maximum concentrations of petroleum hydrocarbons are less than or equal to those in Table 1 below

Are maximum concentrations less than those in Table 1 below? Yes

Constituent		Residential		Commercial/Industrial		Utility Worker
		0 to 5 feet bgs (mg/kg)	Volatilization to outdoor air (5 to 10 feet bgs) mg/kg	0 to 5 feet bgs (mg/kg)	Volatilization to outdoor air (5 to 10 feet bgs) mg/kg	0 to 10 feet bgs (mg/kg)
Site Maximum	Benzene	<0.005	<0.005	<0.005	<0.005	<0.005
LTCP Criteria	Benzene	≤1.9	≤2.8	≤8.2	≤12	≤14
Site Maximum	Ethylbenzene	<0.005	<0.005	<0.005	<0.005	<0.005
LTCP Criteria	Ethylbenzene	≤21	≤32	≤89	≤134	≤314
Site Maximum	Naphthalene	<0.005	<0.005	<0.005	<0.005	<0.005
LTCP Criteria	Naphthalene	≤9.7	≤9.7	≤45	≤45	≤219
Site Maximum	PAHs	----	----	----	----	----
LTCP Criteria	PAHs	≤0.063	NA	≤0.68	NA	≤4.5
If maximum concentrations are greater than those in Table 1, are they less than levels from a site-specific risk assessment?				----		
If maximum concentrations are greater than those in Table 1, has a determination been made that the concentrations of petroleum in soil will have no significant risk of adversely affecting human health as a result of controlling exposure through the use of mitigation measures or through the use of institutional controls?				----		
Comments:						

ATTACHMENT 6

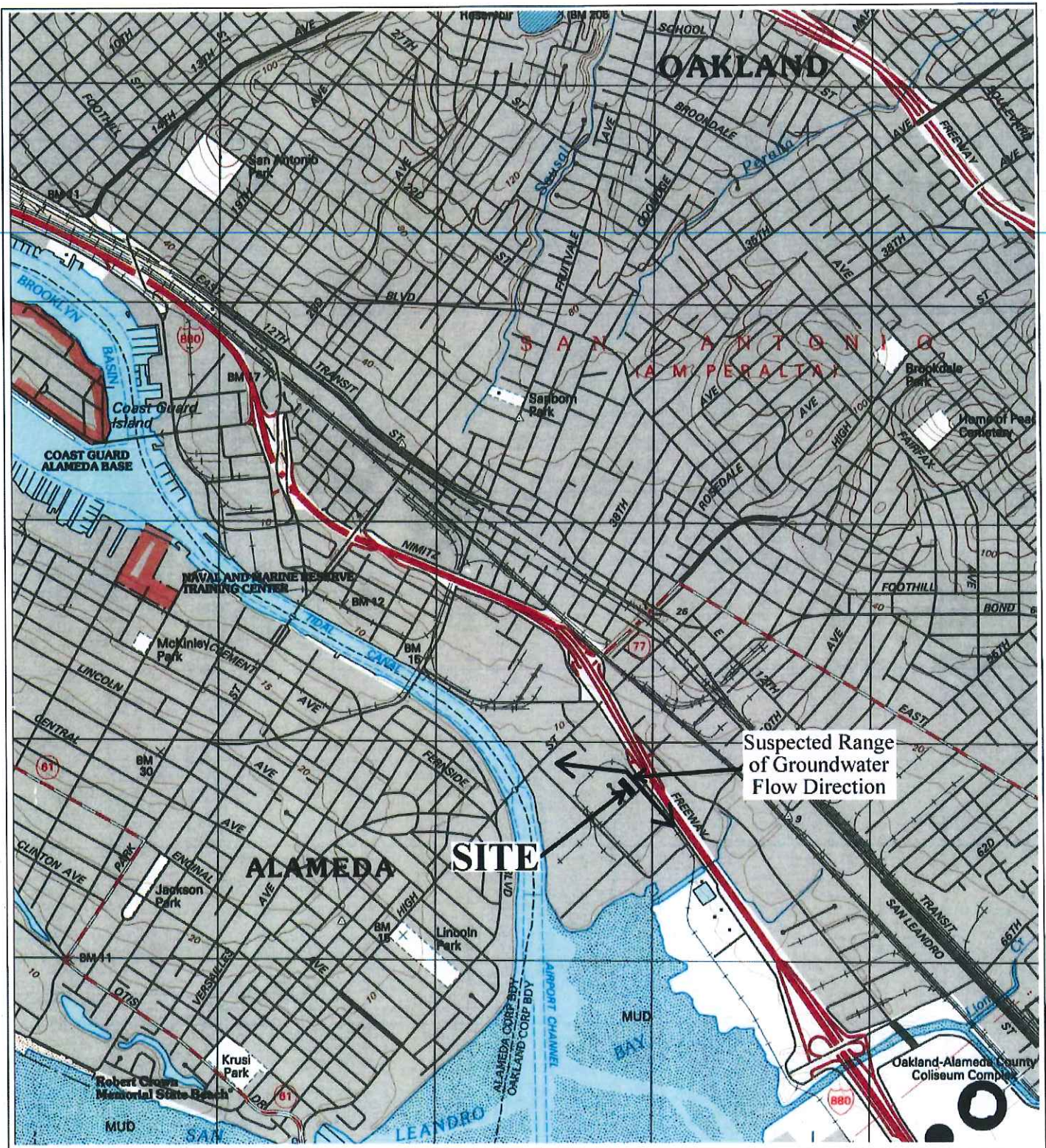


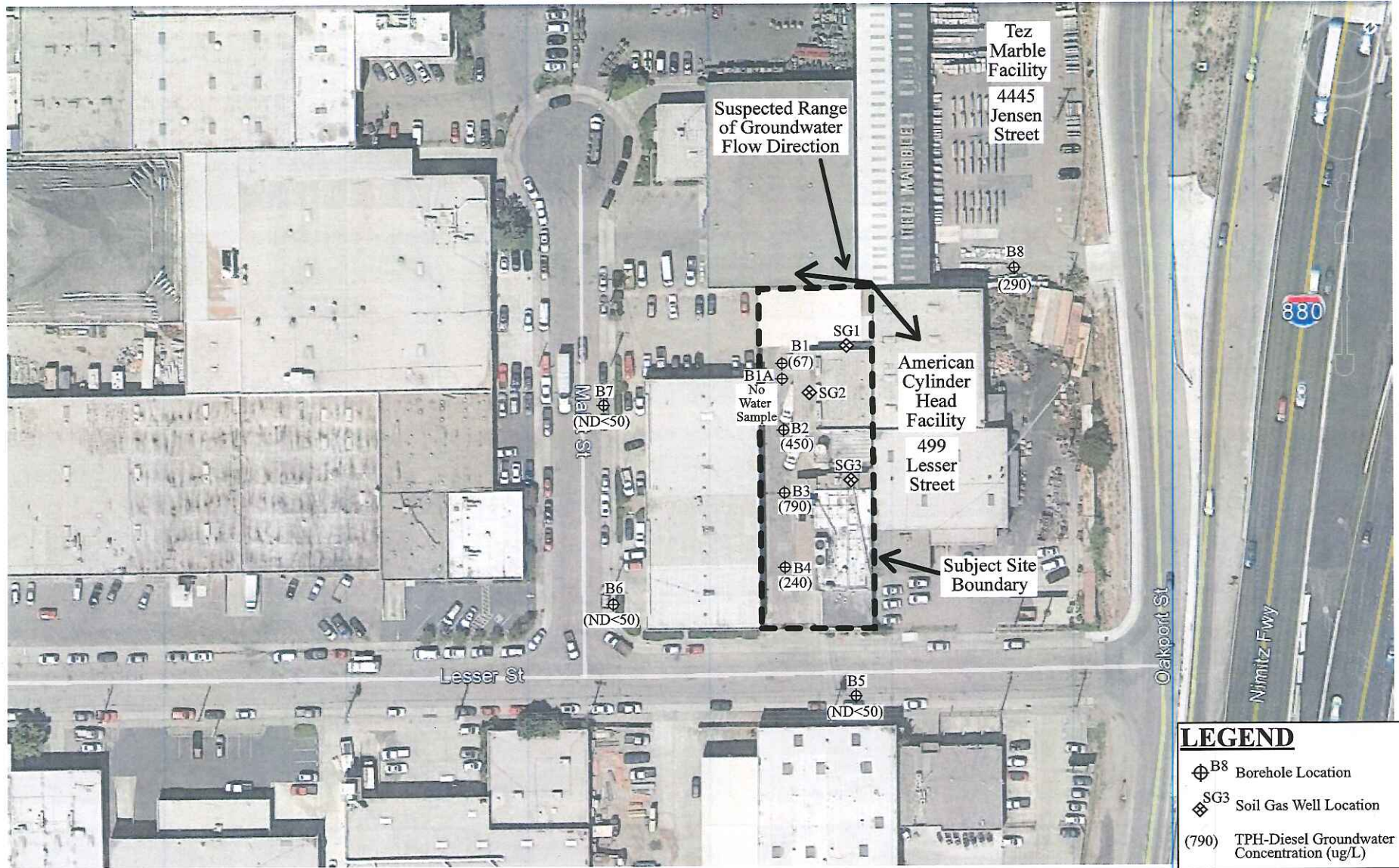
Figure 1
 Site Location Map
 475 Lesser Street
 Oakland, California

Basemap from:
 U.S. Geological Survey
 Oakland East, California
 7.5-Minute Quadrangle, Map edited 1996

P&D Environmental, Inc.
 55 Santa Clara Ave., Suite 240
 Oakland, CA 94610

0 1,000 2,000
 Approximate Scale in Feet





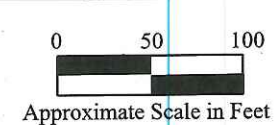
LEGEND

- ⊕ B8 Borehole Location
- ⊕ SG3 Soil Gas Well Location
- (790) TPH-Diesel Groundwater Concentration (ug/L)

Figure 2
 Site Vicinity Aerial Photograph Showing
 Sample Collection Locations
 475 Lesser Street
 Oakland, California

Base Map From:
 Basics Environmental, Inc., dated April 3, 2014, and
 Google Earth, 8/28/2012

P&D Environmental, Inc.
 55 Santa Clara Ave., Suite 240
 Oakland, CA 94610



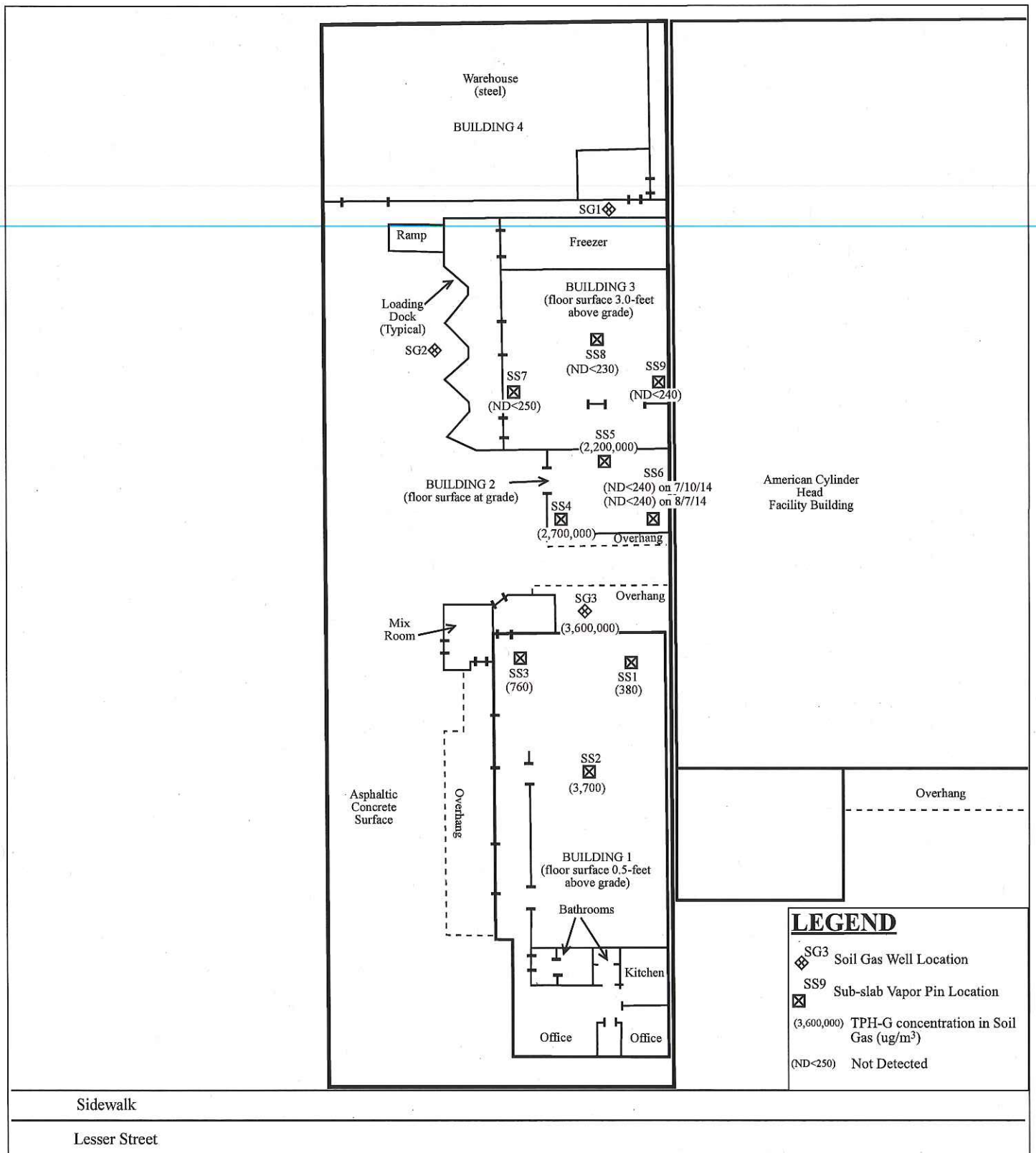
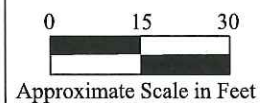


Figure 2
Site Plan Showing Vapor Pin Sub-Slab Soil Gas TPH-G Concentrations
475 Lesser Street
Oakland, California

Base Map From:
 Basics Environmental, Inc., dated April 3, 2014, and
 Google Earth, 8/28/2012

P&D Environmental, Inc.
 55 Santa Clara Ave., Suite 240
 Oakland, CA 94610



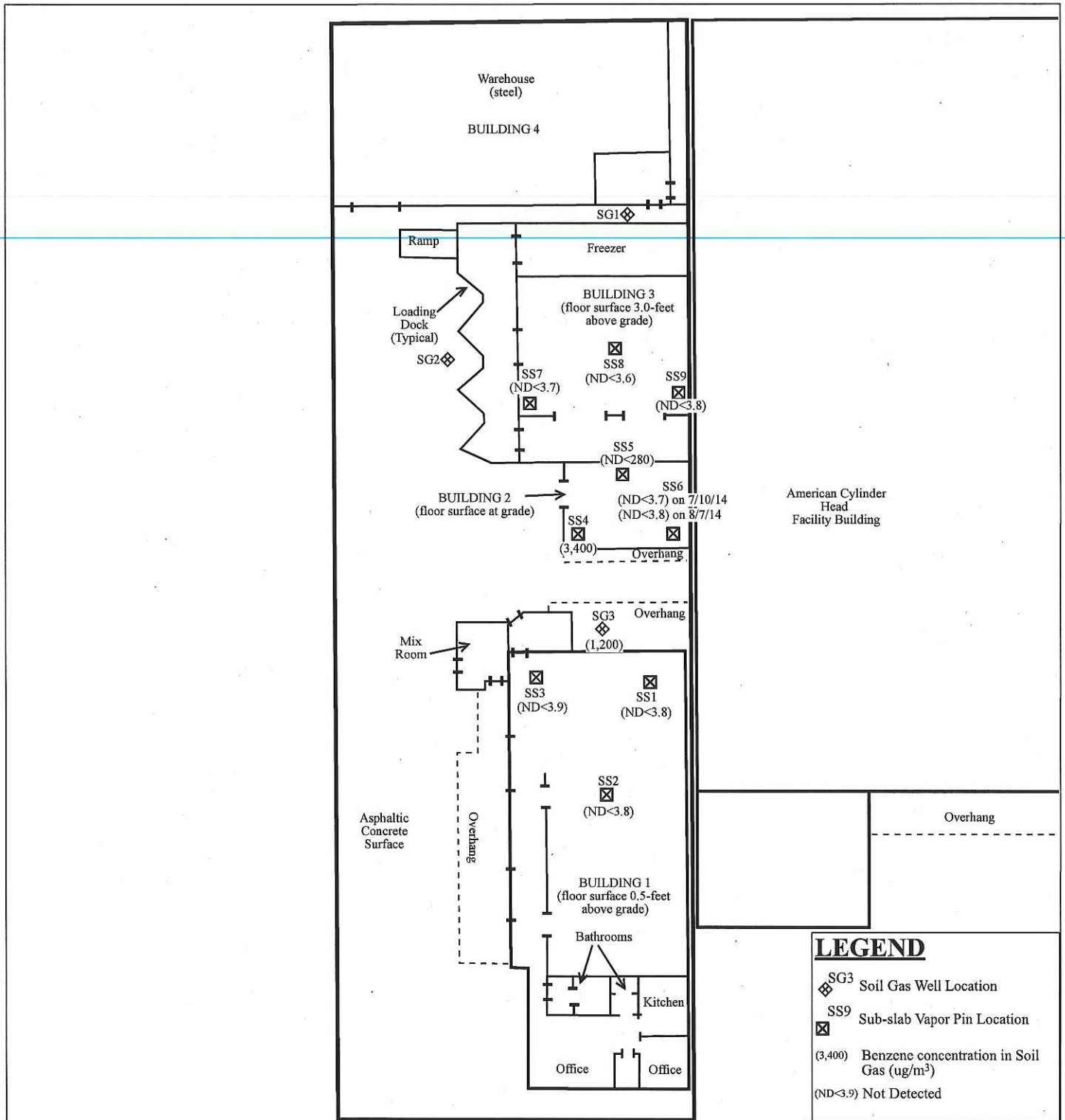
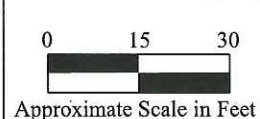
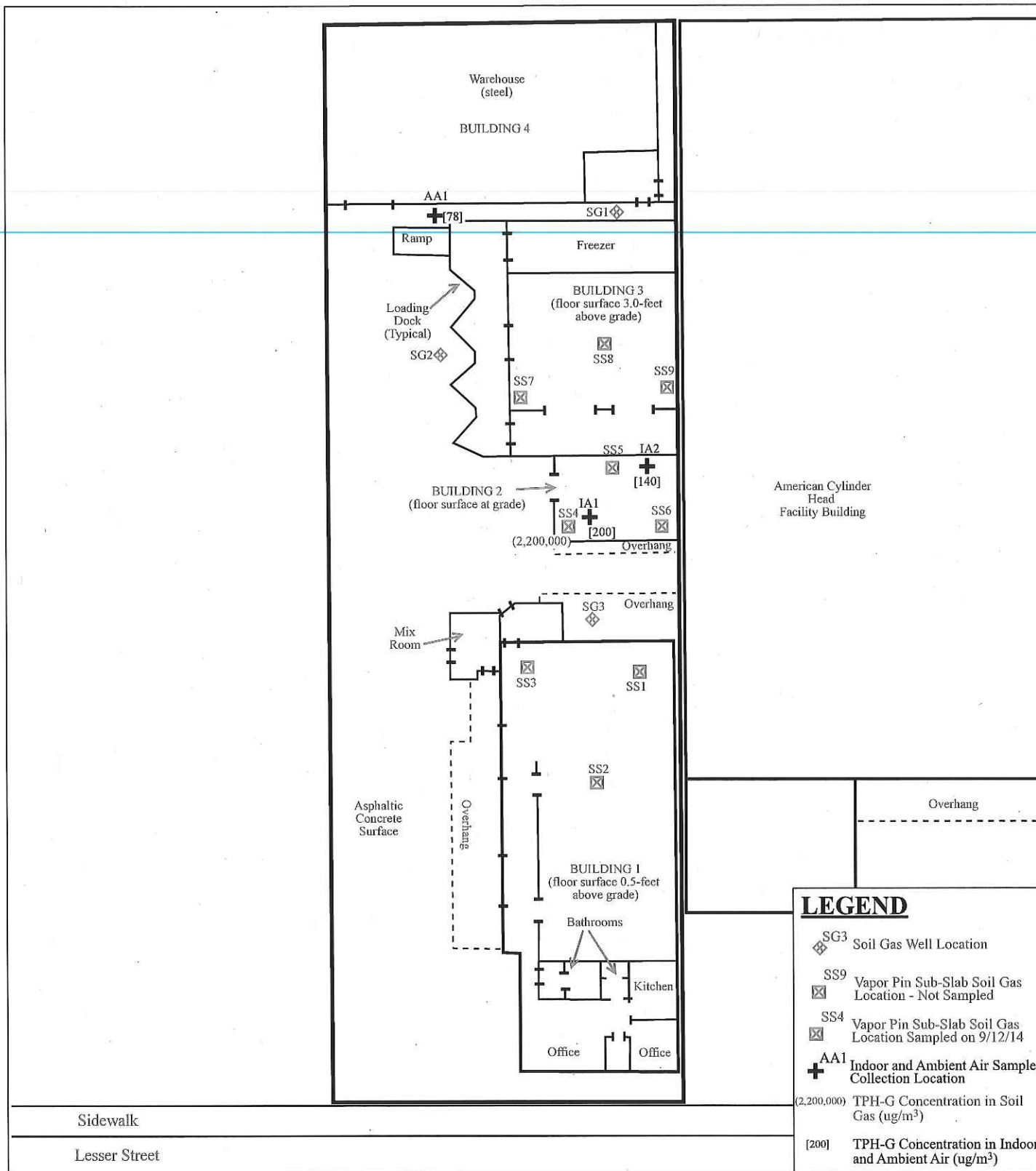


Figure 3
 Site Plan Showing Vapor Pin Sub-Slab Soil Gas Benzene Concentrations
 475 Lesser Street
 Oakland, California

Base Map From:
 Basics Environmental, Inc., dated April 3, 2014, and
 Google Earth, 8/28/2012

P&D Environmental, Inc.
 55 Santa Clara Ave., Suite 240
 Oakland, CA 94610



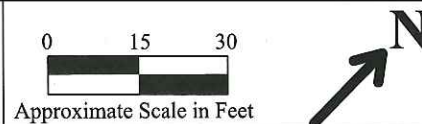


LEGEND	
	SG3 Soil Gas Well Location
	SS9 Vapor Pin Sub-Slab Soil Gas Location - Not Sampled
	SS4 Vapor Pin Sub-Slab Soil Gas Location Sampled on 9/12/14
	AA1 Indoor and Ambient Air Sample Collection Location
(2,200,000)	TPH-G Concentration in Soil Gas (ug/m ³)
[200]	TPH-G Concentration in Indoor and Ambient Air (ug/m ³)

Figure 2
Site Plan Showing TPH-G Concentrations in Indoor and Ambient Air and Sub-Slab Soil Gas
475 Lesser Street
Oakland, California

Base Map From:
 Basics Environmental, Inc., dated April 3, 2014, and
 Google Earth, 8/28/2012

P&D Environmental, Inc.
 55 Santa Clara Ave., Suite 240
 Oakland, CA 94610



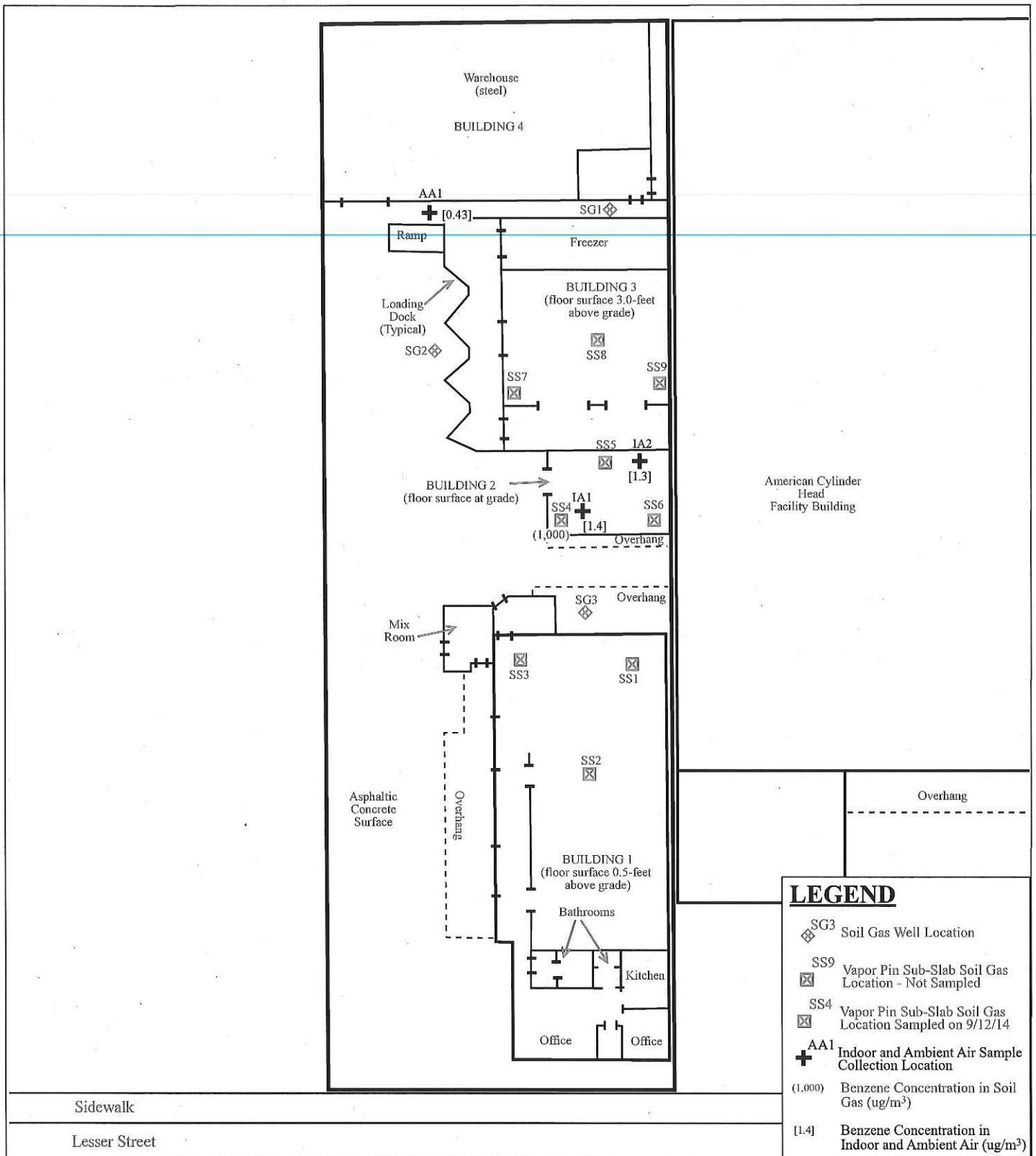
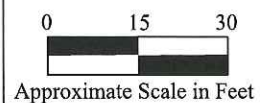


Figure 3
Site Plan Showing Benzene Concentrations in Indoor and Ambient Air and Sub-Slab Soil Gas
475 Lesser Street
Oakland, California

Base Map From:
 Basics Environmental, Inc., dated April 3, 2014, and
 Google Earth, 8/28/2012

P&D Environmental, Inc.
 55 Santa Clara Ave., Suite 240
 Oakland, CA 94610



ATTACHMENT 7

Table 1
Summary of Borehole Soil Sample Analytical Results

Sample ID	Sample Date	Sample Depth (Ft bgs)	TPH-G	TPH-D	TPH-MO	MTBE	Benzene	Toluene	Ethyl-benzene	Total Xylenes	SVOCs using EPA Method 8270C
B1A-3.0	5/15/2014	3.0	ND<1.0	1.2, a,b	17, a,b	ND<0.0050	ND<0.0050	ND<0.0050	ND<0.0050	ND<0.0050	All ND
B1A-5.5	5/15/2014	5.5	ND<1.0	7.5, a,b	78, a,b	ND<0.0050	ND<0.0050	ND<0.0050	ND<0.0050	ND<0.0050	All ND
B1-5.0	3/26/2014	5.0	NA	6.0, a,b	NA	NA	ND<0.0050	ND<0.0050	ND<0.0050	ND<0.0050	NA
B2-5.0	3/26/2014	5.0	NA	ND<1.0	NA	NA	ND<0.0050	ND<0.0050	ND<0.0050	ND<0.0050	NA
B3-5.0	3/26/2014	5.0	NA	ND<1.0	NA	NA	ND<0.0050	ND<0.0050	ND<0.0050	ND<0.0050	NA
B4-5.0	3/26/2014	5.0	NA	2.4, a,b	NA	NA	ND<0.0050	ND<0.0050	ND<0.0050	ND<0.0050	NA
LTCP	Residential						0-5' = 1.9		0-5' = 21		
	Residential						5-10' = 2.8		5-10' = 32		
ESL ¹			100	100	100	0.023	0.044	2.9	3.3	2.3	Various
ESL ²			500	110	500	0.023	0.044	2.9	3.3	2.3	Various
NOTES											
Ft bgs = Feet Below Ground Surface.											
TPH-G = Total Petroleum Hydrocarbons as Gasoline.											
TPH-D = Total Petroleum Hydrocarbons as Diesel.											
TPH-MO = Total Petroleum Hydrocarbons as Motor Oil.											
MTBE = Methyl-tert-Butyl Ether											
SVOCs = Semi-Volatile Organic Compounds.											
ND = Not Detected.											
NA = Not Analyzed.											
a = Laboratory note: oil range compounds are significant.											
b = Laboratory note: diesel range compounds are significant; no recognizable pattern.											
LTCP = Low Threat Closure Policy, by State Water Resources Control Board, effective August 17, 2012, from Table 1 - Concentrations of Petroleum Constituents in Soil That Will Have No Significant Risk of Adversely Affecting Human Health. Residential and Utility Worker.											
ESL ¹ = Environmental Screening Level, by San Francisco Bay – Regional Water Quality Control Board, updated December 2013, from Table A-1 – Shallow Soil Screening Levels, Groundwater is a current or potential drinking water resource. Residential Land Use.											
ESL ² = Environmental Screening Level, by San Francisco Bay – Regional Water Quality Control Board, updated December 2013, from Table A-2 – Shallow Soil Screening Levels, Groundwater is a current or potential drinking water resource. Commercial/Industrial Land Use.											
Results and ESLs reported in milligrams per kilogram (mg/kg) unless otherwise indicated.											

Table 2
Summary of Borehole Groundwater Grab Sample Analytical Results

Sample ID	Sample Date	TPH-G	TPH-D	TPH-MO	MTBE	Benzene	Toluene	Ethylbenzene	Total Xylenes	VOGs using EPA Method 8260B
B1-W	3/26/2014	NA	67, a,b	NA	NA	ND<0.50	ND<0.50	ND<0.50	ND<0.50	NA
B2-W	3/26/2014	NA	450, a,b	NA	NA	ND<0.50	ND<0.50	ND<0.50	ND<0.50	NA
B3-W	3/26/2014	NA	790, a,b,c	NA	NA	2.6	0.64	4.3	20	NA
B4-W	3/26/2014	NA	240, a,b	NA	NA	ND<0.50	ND<0.50	ND<0.50	0.50	NA
B5-W	5/15/2014	ND<50	ND<50	ND<250	ND<0.50	ND<0.50	ND<0.50	ND<0.50	ND<0.50	All ND, except Chloroform = 7.9
B6-W	5/15/2014	ND<50	ND<50	ND<250	ND<0.50	ND<0.50	ND<0.50	ND<0.50	ND<0.50	All ND, except Carbon disulfide = 2.0
B7-W	5/15/2014	ND<50	ND<50	ND<250	ND<0.50	ND<0.50	ND<0.50	ND<0.50	ND<0.50	All ND
B8-W	5/15/2014	ND<50	290, a,b	4,600, a,b	ND<0.50	ND<0.50	ND<0.50	ND<0.50	ND<0.50	All ND
LTCP Groundwater Specific Criteria	Scenario 2 Scenario 4		None None	None None	1,000 1,000	3,000 1,000	None None	None None	None None	None None
ESL ¹		100	100	100	5.0	1.0	40	30	20	Chloroform = 80, Carbon disulfide = No Value
ESL ²		No Value	No Value	No Value	9,900	27	95,000	310	37,000	Chloroform = 170, Carbon disulfide = No Value
NOTES:										
TPH-G = Total Petroleum Hydrocarbons as Gasoline.										
TPH-D = Total Petroleum Hydrocarbons as Diesel.										
TPH-MO = Total Petroleum Hydrocarbons as Motor Oil.										
MTBE = Methyl-tert-Butyl Ether										
VOGs = Volatile Organic Compounds.										
ND = Not Detected.										
NA = Not Analyzed.										
a = Laboratory note: oil range compounds are significant.										
b = Laboratory note: diesel range compounds are significant; no recognizable pattern										
c = Laboratory note: gasoline range compounds are significant.										
LTCP = Low Threat Closure Policy, developed by State Water Resources Control Board, effective August 17, 2012, from Groundwater Specific Criteria Scenarios 2 and 4										
ESL ¹ = Environmental Screening Level, by San Francisco Bay – Regional Water Quality Control Board, updated December 2013, from Table F-1a – Groundwater Screening Levels, groundwater is a current or potential drinking water resource.										
ESL ² = Environmental Screening Level, by San Francisco Bay – Regional Water Quality Control Board, updated December 2013, from Table E-1 – Groundwater Screening Levels for Evaluation of Potential Vapor Intrusion (Fine-Coarse Mix). Residential Land Use.										
Results in bold indicate a concentration equal or exceeding the respective ESL¹ value.										
Results and ESLs reported in micrograms per liter (µg/L) unless otherwise indicated.										

Table 1
Summary of Soil Gas Sample Analytical Results

Sample ID	Sample Date	TPH-G	MTBE	Benzene	Toluene	Ethyl-benzene	m,p-Xylenes	o-Xylenes	Naphthalene	1,1-DFA	Percent Shroud	2-Propanol	Percent Shroud
SS1	7/10/2014	380	ND<4.3	ND<3.8	12	ND<5.2	12	6.0	ND<2.5	20,000, a	0.1	ND<240	0
SS1-DUP	7/10/2014	300	ND<4.3	ND<3.8	5.2	ND<5.2	13	5.9	NA	45,000, a	0.3	NA	NA
SS1-REP	7/10/2014	NA	NA	NA	NA	NA	NA	NA	ND<2.5	NA	NA	ND<240	0
SS2	7/10/2014	3,700	ND<4.3	ND<3.8	84	8.7	28	6.0	ND<2.5	2,700, a	0	ND<240	0
SS3	7/10/2014	760	ND<4.4	ND<3.9	6.3	30	120	58	ND<2.5	16	0	ND<240	0
SS4	7/10/2014	2,700,000	240	3,400	480	ND<250	ND<250	ND<250	ND<2.5	5,200	0	ND<240	0
SS5	7/10/2014	2,200,000	ND<320	ND<280	440	ND<390	ND<390	ND<390	ND<2.5	ND<960	0	ND<240	0
SS6	7/10/2014	ND<240	ND<4.2	ND<3.7	ND<4.4	ND<5.1	5.6	ND<5.1	ND<2.5	5,900, a	0	ND<240	0
SS6	8/7/2014	ND<240	ND<4.2	ND<3.8	5.6	ND<5.1	6.2	ND<5.1	ND<2.5	ND<13	0	ND<240	0
SS7	8/7/2014	ND<250	ND<4.4	ND<3.9	ND<4.6	ND<5.3	ND<5.3	ND<5.3	ND<2.5	6,900, a	0	ND<240	0
SS7-DUP	8/7/2014	ND<250	ND<4.4	ND<3.9	ND<4.6	ND<5.3	ND<5.3	ND<5.3	NA	2,300, a	0	NA	NA
SS7-REP	8/7/2014	NA	NA	NA	NA	NA	NA	NA	8.1	NA	NA	ND<240	0
SS8	8/7/2014	ND<230	ND<4.1	ND<3.6	ND<4.3	ND<4.9	ND<5.0	ND<5.0	ND<2.5	7,500, a	0	ND<240	0
SS9	8/7/2014	ND<240	ND<4.3	ND<3.8	6.5	ND<5.2	8.2	ND<5.2	ND<2.5	150	0	ND<240	0
LTCP				280		3,600			310				
ESL		2,500,000	47,000	420	1,300,000	4,900	Combined = 440,000		360	No Value	No Value	No Value	No Value
Notes:													
TPH-G = Total Petroleum Hydrocarbons as Gasoline.													
MTBE = Methyl-tert-Butyl Ether.													
1,1-DFA = 1,1-Difluoroethane.													
ND = Not Detected.													
NA = Not Analyzed.													
a = Laboratory Note: exceeds instrument calibration range.													
LTCP = Low Threat Closure Policy, developed by State Water Resources Control Board, effective August 17, 2012, from Appendix 4 Direct Measurement of Soil Gas Concentrations. Soil Gas Criteria with no bioattenuation zone.													
ESL = Environmental Screening Level, by San Francisco Bay – Regional Water Quality Control Board, updated December 2013 from Table E – Soil Gas Screening Levels for Evaluation of Potential Vapor Intrusion for Commercial/Industrial Land Use.													
<i>Italicized values exceed their respective LTCP values.</i>													
Values in bold exceed their respective ESL values.													
Results and LTCP and ESL values in micrograms per cubic meter (µg/m3).													

Table 3A
Summary of Soil Gas Sample Analytical Results - TPH-G and VOCs

Sample ID	Sample Date	TPH-G	MTBE	Benzene	Toluene	Ethyl-benzene	m,p-Xylenes	o-Xylenes	Naphthalene	1,1-DFA	Percent Shroud	2-Propanol	Percent Shroud
SG3	5/19/2014	3,600,000	ND<430	<u>1,200</u>	2,800	ND<520	790	ND<520	ND<25	1,500	0.04	ND<2,400	0
SG3-DUP	5/19/2014	3,500,000	ND<430	<u>1,200</u>	2,800	ND<520	640	ND<520	NA	1,400	0.04	NA	NA
SG3-REP	5/19/2014	NA	NA	NA	NA	NA	NA	NA	ND<25	NA	NA	ND<2,400	0
LTCP													
with No Bioattenuation Zone (residential)				85		1,100			93				
(commercial)				280		3,600			310				
ESL ¹		300,000	4,700	42	160,000	490	Combined = 52,000		36	No Value	No Value	No Value	No Value
ESL ²		2,500,000	47,000	420	1,300,000	4,900	Combined = 440,000		360	No Value	No Value	No Value	No Value
Notes:													
TPH-G = Total Petroleum Hydrocarbons as Gasoline.													
MTBE = Methyl-tert-Butyl Ether.													
1,1-DFA = 1,1-Difluoroethane.													
ND = Not Detected.													
NA = Not Analyzed.													
LTCP = Low Threat Closure Policy, developed by State Water Resources Control Board, effective August 17, 2012, from Appendix 4 Direct Measurement of Soil Gas Concentrations. Soil Gas Criteria with no bioattenuation zone.													
ESL ¹ = Environmental Screening Level, by San Francisco Bay – Regional Water Quality Control Board, updated December 2013 from Table E2 – Soil Gas Screening Levels for Evaluation of Potential Vapor Intrusion for Residential Land Use.													
ESL ² = Environmental Screening Level, by San Francisco Bay – Regional Water Quality Control Board, updated December 2013 from Table E2 – Soil Gas Screening Levels for Evaluation of Potential Vapor Intrusion for Commercial/Industrial Land Use.													
<i>Italicized values exceed their respective LTCP values.</i>													
Values in bold exceed their respective ESL¹ values.													
<u>Underlined values exceed their respective ESL² values.</u>													
Results in micrograms per cubic meter (µg/m ³), unless otherwise indicated.													

Table 2
Summary of Sub-Slab Soil Gas Sample Analytical Results

Sample ID	Sample Date	TPH-G	MTBE	Benzene	Toluene	Ethyl-benzene	m,p-Xylenes	o-Xylenes	Naphthalene	1,1-DFA	Percent Shroud	2-Propanol	Percent Shroud
SS4	9/12/2014	2,200,000	ND<420	1,000	2,600	ND<500	ND<500	ND<500	4.0	24,000	0	ND<240	0
SS4	7/10/2014	2,700,000	240	<i>3,400</i>	480	ND<250	ND<250	ND<250	ND<2.5	5,200	0	ND<240	0
SS4-DUP	9/12/2014	2,200,000	ND<430	970	2,400	ND<520	ND<520	ND<520	NA	16,000	0	NA	NA
SS4-REP	9/12/2014	NA	NA	NA	NA	NA	NA	NA	ND<2.5	NA	NA	ND<240	0
LTCP				280		3,600			310				
ESL		2,500,000	47,000	420	1,300,000	4,900	Combined = 440,000		360	No Value	No Value	No Value	No Value
Notes:													
TPH-G = Total Petroleum Hydrocarbons as Gasoline.													
MTBE = Methyl-tert-Butyl Ether.													
1,1-DFA = 1,1-Difluoroethane.													
ND = Not Detected.													
NA = Not Analyzed.													
a = Laboratory Note: exceeds instrument calibration range.													
LTCP = Low Threat Closure Policy, developed by State Water Resources Control Board, effective August 17, 2012, from Appendix 4 Direct Measurement of Soil Gas Concentrations. Soil Gas Criteria with no bioattenuation zone.													
ESL = Environmental Screening Level, by San Francisco Bay – Regional Water Quality Control Board, updated December 2013 from Table E – Soil Gas Screening Levels for Evaluation of Potential Vapor Intrusion for Commercial/Industrial Land Use.													
<i>Italicized values exceed their respective LTCP values.</i>													
Values in bold exceed their respective ESL values.													
Results and LTCP and ESL values in micrograms per cubic meter (µg/m ³).													

Table 4A
Indoor and Ambient Air Risk Calculation Results

Equation		Concentration in Air	X	Exposure Time	X	Exposure Frequency	X	Exposure Duration	X	Inhalation Unit Risk Factor	all divided by	Averaging Time for Carcinogens	X	365	X	24	Calculated Individual Compound Incremental Carcinogenic Risk	Cumulative Carcinogenic Risk	Comments
Units		(ug/m3)		(hrs/day)		(days/yr)		(yrs)		(ug/m3)		(yrs)		(days/yr)		(hr/day)			
Location	Compound																		
IA1	Benzene	1.4		10		250		25		2.90E-05		70		365		24	4.14E-06		Commercial Exposure
IA1	Ethylbenzene	0.77		10		250		25		2.50E-06		70		365		24	1.96E-07	4.3E-06	
IA1-DUP	Benzene	1.4		10		250		25		2.90E-05		70		365		24	4.14E-06		Commercial Exposure
IA1-DUP	Ethylbenzene	0.63		10		250		25		2.50E-06		70		365		24	1.61E-07	4.3E-06	
IA2	Benzene	1.3		10		250		25		2.90E-05		70		365		24	3.84E-06		Commercial Exposure
IA2	Ethylbenzene	0.62		10		250		25		2.50E-06		70		365		24	1.58E-07	4.0E-06	
AA1	Benzene	0.43		10		250		25		2.90E-05		70		365		24	1.27E-06		Commercial Exposure
AA1	Ethylbenzene	0.80		10		250		25		2.50E-06		70		365		24	2.04E-07	1.5E-06	
Notes:																			
ND = Not Detected																			
NA = Not Applicable																			
Unit Risk Factor value obtained from HERD Soil Gas Screening Model VLOOK sheet (last updated March 2014)																			
Risk Calculation equation obtained from DTSC Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air (Vapor Intrusion Guidance) October 2011, Appendix C.																			

Table 1
Summary of Indoor and Ambient Air Sample Laboratory Analytical Results

Sample ID	Sample Date	TPH-G	MTBE	Benzene	Toluene	Ethyl-benzene	m,p-Xylenes	o-Xylenes	Naphthalene
IA1	9/12/2014	200	ND<0.77	1.4	2.4	0.77	2.6	0.98	ND<5.6
IA1-DUP	9/12/2014	200	ND<0.57	1.4	1.6	0.63	2.4	0.89	ND<4.1
IA2	9/12/2014	140	ND<0.70	1.3	1.8	0.62	2.3	0.85	ND<5.1
AA1	9/12/2014	78	ND<0.63	0.43	1.4	0.80	3.3	1.1	ND<4.6
ESL		2,500	47	0.42	1,300	4.9	440 Combined		0.36
Notes:									
TPH-G = Total Petroleum Hydrocarbons as Gasoline.									
MTBE = Methyl-tert-Butyl Ether.									
ND = Not Detected.									
NA = Not Analyzed.									
ESL = Environmental Screening Level, by San Francisco Bay – Regional Water Quality Control Board , updated December 2013 from Table E –									
Indoor Air Screening Levels. Commercial/Industrial Land Use.									
Values in bold exceed their respective ESL values.									
Results and ESL values in micrograms per cubic meter (µg/m ³).									

Table 4B
Indoor and Ambient Air Hazard Calculation Results

Equation	Concentration in Air	X	Exposure Time	X	Exposure Frequency	X	Exposure Duration	all divided by	Averaging Time for Non-cancer Toxic Effects	X	365	X	24	X	Reference Concentration (Rfc)	Calculated Individual Compound Hazard Quotient	Hazard Index	Comments
Units	(ug/m3)		(hrs/day)		(days/yr)		(yrs)		(yrs)		(days/yr)		(hr/day)		(ug/m3)			
Location	Compound																	
IA1	TPH-G	200	10		250		25		30		365		24		5.70E+02	8.34E-02		Commercial Exposure
IA1	Benzene	1.4	10		250		25		30		365		24		3.00E+00	1.11E-01		
IA1	Toluene	2.4	10		250		25		30		365		24		3.00E+02	1.90E-03		
IA1	Ethylbenzene	0.77	10		250		25		30		365		24		1.00E+03	1.83E-04		
IA1	m,p-Xylene	2.6	10		250		25		30		365		24		1.00E+02	6.18E-03		used p-xylene RfC
IA1	o-Xylene	0.98	10		250		25		30		365		24		1.00E+02	2.33E-03		
																	2.1E-01	
IA1-DUP	TPH-G	200	10		250		25		30		365		24		5.70E+02	8.34E-02		Commercial Exposure
IA1-DUP	Benzene	1.4	10		250		25		30		365		24		3.00E+00	1.11E-01		
IA1-DUP	Toluene	1.6	10		250		25		30		365		24		3.00E+02	1.27E-03		
IA1-DUP	Ethylbenzene	0.63	10		250		25		30		365		24		1.00E+03	1.50E-04		
IA1-DUP	m,p-Xylene	2.4	10		250		25		30		365		24		1.00E+02	5.71E-03		used p-xylene RfC
IA1-DUP	o-Xylene	0.89	10		250		25		30		365		24		1.00E+02	2.12E-03		
																	2.0E-01	
IA2	TPH-G	140	10		250		25		30		365		24		5.70E+02	5.84E-02		Commercial Exposure
IA2	Benzene	1.3	10		250		25		30		365		24		3.00E+00	1.03E-01		
IA2	Toluene	1.8	10		250		25		30		365		24		3.00E+02	1.43E-03		
IA2	Ethylbenzene	0.62	10		250		25		30		365		24		1.00E+03	1.47E-04		
IA2	m,p-Xylene	2.3	10		250		25		30		365		24		1.00E+02	5.47E-03		used p-xylene RfC
IA2	o-Xylene	0.85	10		250		25		30		365		24		1.00E+02	2.02E-03		
																	1.7E-01	
AA1	TPH-G	78	10		250		25		30		365		24		5.70E+02	3.25E-02		
AA1	Benzene	0.43	10		250		25		30		365		24		3.00E+00	3.41E-02		
AA1	Toluene	1.4	10		250		25		30		365		24		3.00E+02	1.11E-03		
AA1	Ethylbenzene	0.80	10		250		25		30		365		24		1.00E+03	1.90E-04		
AA1	m,p-Xylene	3.3	10		250		25		30		365		24		1.00E+02	7.85E-03		used p-xylene RfC
AA1	o-Xylene	1.1	10		250		25		30		365		24		1.00E+02	2.62E-03		
																	7.8E-02	
Notes:																		
TPH-G = Total Petroleum Hydrocarbons as Gasoline																		
ND = Not Detected																		
NA = Not Applicable																		
p-Xylene Reference Concentration used for m,p-Xylene hazard calculation.																		
Reference Concentration value obtained from HERD Soil Gas Screening Model VLOOK sheet (last updated March 2014 except for TPH-G).																		
Reference Concentration value for TPH-G obtained from SFRWQCB December 2013 ESL Table J-2.																		
Hazard Calculation equation obtained from DTSC Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air (Vapor Intrusion Guidance) October 2011, Appendix C.																		

Table 4C
Indoor and Ambient Air Risk and Hazard Calculation Results Summary

		Calculated	Calculated	Calculated	Calculated	
Air Sample Designation	Sample Collection Date	Cumulative Incremental Carcinogenic Risk	Cumulative Incremental Carcinogenic Risk Alternate Description	Cumulative Incremental Carcinogenic Risk Alternate Description	Hazard Index	Recommendations Based on DTSC-Recommended Guidance for Action or Response
Location						
IA1	9/12/2014	4.3E-06	0.0000043	4.3 in a million	0.21	Evaluate need for action- risk greater than 1.
IA1-DUP	9/12/2014	4.3E-06	0.0000043	4.3 in a million	0.20	Evaluate need for action- risk greater than 1.
IA2	9/12/2014	4.0E-06	0.0000040	4.0 in a million	0.17	Evaluate need for action- risk greater than 1.
AA1	9/12/2014	1.5E-06	0.0000015	1.5 in a million	0.078	Not Applicable - Ambient Air.
Notes:						
RISK MANAGEMENT MATRIX FOR VAPOR INTRUSION						
Risk	Hazard	Response	Activities			
Less than 1 in a million	$x \leq 1.0$	No Further Action	None			
1 to 100 in a million	$x \geq 1.0$	Evaluate Need for Action	Possible Actions o Additional Data Collection o Monitoring o Additional Risk Characterization o Mitigation o Source Remediation			
More than 100 in a million		Response Action Needed	o Vapor Intrusion Mitigation o Source Remediation			

Table 5
Summary of Incremental Carcinogenic Risk Calculations Using Different Exposure Scenarios

Equation		Concentration in Air	X	Exposure Time	X	Exposure Frequency	X	Exposure Duration	X	Inhalation Unit Risk Factor	all divided by	Averaging Time for Carcinogens	X	365	X	24	Calculated Individual Compound Incremental Carcinogenic Risk	Cumulative Carcinogenic Risk	Comments
Units		(ug/m3)		(hrs/day)		(days/yr)		(yrs)		(ug/m3)		(yrs)		(days/yr)		(hr/day)			
Location	Compound																		
IA1	Benzene	1.4		10		250		25		2.90E-05		70		365		24	4.14E-06		Commercial Exposure
IA1	Ethylbenzene	0.77		10		250		25		2.50E-06		70		365		24	1.96E-07	4.3E-06	
IA1	Benzene	1.4		5		250		25		2.90E-05		70		365		24	2.07E-06		Commercial Exposure
IA1	Ethylbenzene	0.77		5		250		25		2.50E-06		70		365		24	9.81E-08	2.2E-06	
IA1	Benzene	1.4		4		250		25		2.90E-05		70		365		24	1.66E-06		Commercial Exposure
IA1	Ethylbenzene	0.77		4		250		25		2.50E-06		70		365		24	7.85E-08	1.7E-06	
IA1	Benzene	1.4		2		250		25		2.90E-05		70		365		24	8.28E-07		Commercial Exposure
IA1	Ethylbenzene	0.77		2		250		25		2.50E-06		70		365		24	3.92E-08	8.7E-07	
IA1	Benzene	1.4		1		250		25		2.90E-05		70		365		24	4.14E-07		Commercial Exposure
IA1	Ethylbenzene	0.77		1		250		25		2.50E-06		70		365		24	1.96E-08	4.3E-07	
IA1	Benzene	1.4		10		250		25		2.90E-05		70		365		24	4.14E-06		Commercial Exposure
IA1	Ethylbenzene	0.77		10		250		25		2.50E-06		70		365		24	1.96E-07	4.3E-06	
IA1	Benzene	1.4		10		250		20		2.90E-05		70		365		24	3.31E-06		Commercial Exposure
IA1	Ethylbenzene	0.77		10		250		20		2.50E-06		70		365		24	1.57E-07	3.5E-06	
IA1	Benzene	1.4		10		250		15		2.90E-05		70		365		24	2.48E-06		Commercial Exposure
IA1	Ethylbenzene	0.77		10		250		15		2.50E-06		70		365		24	1.18E-07	2.6E-06	
IA1	Benzene	1.4		10		250		10		2.90E-05		70		365		24	1.66E-06		Commercial Exposure
IA1	Ethylbenzene	0.77		10		250		10		2.50E-06		70		365		24	7.85E-08	1.7E-06	
IA1	Benzene	1.4		10		250		5		2.90E-05		70		365		24	8.28E-07		Commercial Exposure
IA1	Ethylbenzene	0.77		10		250		5		2.50E-06		70		365		24	3.92E-08	8.7E-07	

Notes:
 ND = Not Detected
 NA = Not Applicable
 Unit Risk Factor value obtained from HERD Soil Gas Screening Model VLOOK sheet (last updated March 2014)
 Risk Calculation equation obtained from DTSC Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air (Vapor Intrusion Guidance) October 2011. Appendix

ATTACHMENT 8

Recording Requested By:

475 Lesser Street, LLC
200 Pine Street, 8th Floor
San Francisco, California 94104



2015142318

05/29/2015 10:49 AM

OFFICIAL RECORDS OF ALAMEDA COUNTY
STEVE MANNING
RECORDING FEE: 80.00

COPY of document to be recorded
Has not been compared with Original

COPY of document to be recorded
compared with Original



11 PGS

When Recorded, Mail To:

Jerry Wickham
Alameda County Environmental Health Services
1131 Harbor Bay Parkway
Alameda, California 94502

COVENANT AND ENVIRONMENTAL RESTRICTION
ON PROPERTY

[NAME OF SITE and ADDRESS OF PROPERTY]

This Covenant and Environmental Restriction on Property (this "Covenant") is made as of the 20th day of May, 2015 by 475 Lesser Street LLC ("Covenantor") who is the Owner of record of that certain property situated at 475 Lesser Street, in the City of Oakland, County of Alameda, State of California, which is more particularly described in Exhibit A attached hereto and incorporated herein by this reference (such portion hereinafter referred to as the "Burdened Property"), for the benefit of the Alameda County Environmental Health Services (the "County"), with reference to the following facts:

A. The Burdened Property and groundwater underlying the property contains hazardous materials.

B. Contamination of the Burdened Property. Soil at the Burdened Property was contaminated by unknown operations conducted by unknown persons. These operations resulted in contamination of soil and groundwater underneath Building 2 with organic chemicals including Total Petroleum Hydrocarbons as Diesel, Total Petroleum Hydrocarbons as Gasoline, MTBE, benzene, toluene, ethylbenzene, xylenes and naphthalene, which constitute hazardous materials as that term is defined in Health & Safety Code Section 25260. At the request of Alameda County Environmental Health, the entrance to Building 2 has been sealed, and a notice identifying vapor intrusion concerns has been posted on the door.

C. Exposure Pathways. The contaminants addressed in this Covenant are present in soil gas and groundwater on the Burdened Property. Without the mitigation measures which have been performed on the Burdened Property, exposure to these contaminants could take place via inhalation. The risk of public exposure to the contaminants has been substantially lessened by the remediation and controls described herein.

D. Adjacent Land Uses and Population Potentially Affected. The Burdened Property is used

inhalation. The risk of public exposure to the contaminants has been substantially lessened by the remediation and controls described herein.

D. Adjacent Land Uses and Population Potentially Affected. The Burdened Property is used for commercial use and is adjacent to commercial and industrial land uses.

E. Full and voluntary disclosure to the County of the presence of hazardous materials on the Burdened Property has been made and extensive sampling of the Burdened Property has been conducted.

F. Covenantor desires and intends that in order to benefit the County, and to protect the present and future public health and safety, the Burdened Property shall be used in such a manner as to avoid potential harm to persons or property that may result from hazardous materials that may have been deposited on portions of the Burdened Property.

ARTICLE I GENERAL PROVISIONS

1.1 Provisions to Run with the Land. This Covenant sets forth protective provisions, covenants, conditions and restrictions (collectively referred to as "Restrictions") upon and subject to which the Burdened Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed. The restrictions set forth in Article III are reasonably necessary to protect present and future human health and safety or the environment as a result of the presence on the land of hazardous materials. Each and all of the Restrictions shall run with the land, and pass with each and every portion of the Burdened Property, and shall apply to, inure to the benefit of, and bind the respective successors in interest thereof, for the benefit of the County and all Owners and Occupants. Each and all of the Restrictions are imposed upon the entire Burdened Property unless expressly stated as applicable to a specific portion of the Burdened Property. Each and all of the Restrictions run with the land pursuant to section 1471 of the Civil Code. Each and all of the Restrictions are enforceable by the County.

1.2 Concurrence of Owners and Lessees Presumed. All purchasers, lessees, or possessors of any portion of the Burdened Property shall be deemed by their purchase, leasing, or possession of such Burdened Property, to be in accord with the foregoing and to agree for and among themselves, their heirs, successors, and assignees, and the agents, employees, and lessees of such owners, heirs, successors, and assignees, that the Restrictions as herein established must be adhered to for the benefit of the County and the Owners and Occupants of the Burdened Property and that the interest of the Owners and Occupants of the Burdened Property shall be subject to the Restrictions contained herein.

1.3 Incorporation into Deeds and Leases. Covenantor desires and covenants that the Restrictions set out herein shall be incorporated in and attached to each and all deeds and leases of any portion of the Burdened Property. Recordation of this Covenant shall be deemed binding

on all successors, assigns, and lessees, regardless of whether a copy of this Covenant and Agreement has been attached to or incorporated into any given deed or lease.

1.4 Purpose. It is the purpose of this instrument to convey to the County real property rights, which will run with the land, to facilitate the remediation of past environmental contamination and to protect human health and the environment by reducing the risk of exposure to residual hazardous materials.

ARTICLE II DEFINITIONS

2.1 County. "County" shall mean the Alameda County Environmental Health Services and shall include its successor agencies, if any.

2.2 Improvements. "Improvements" shall mean all buildings, roads, driveways, regradings, and paved parking areas, constructed or placed upon any portion of the Burdened Property.

2.3 Occupants. "Occupants" shall mean Owners and those persons entitled by ownership, leasehold, or other legal relationship to the exclusive right to use and/or occupy all or any portion of the Burdened Property.

2.4 Owner or Owners. "Owner" or "Owners" shall mean the Covenantor and/or its successors in interest, who hold title to all or any portion of the Burdened Property.

ARTICLE III DEVELOPMENT, USE AND CONVEYANCE OF THE BURDENED PROPERTY

3.1 Restrictions on Development and Use. Covenantor promises to restrict the use of the Burdened Property as follows:

- a. Sealing entrances to Building 2 (see Figure 1 in Exhibit B) to prevent entry;
- b. Posting signs at entrances indicating that entry is prohibited;
- c. Annual inspections to ensure that access is still sealed and the signs still posted;
- d. Submittal of an annual report to the County by the property owner to certify that the restrictions in items a through c remain in place;
- e. Record a deed notification.
- f. Development of the Burdened Property shall be restricted to industrial, commercial or office space;

- g. No residence for human habitation shall be permitted on the Burdened Property;
- h. No hospitals shall be permitted on the Burdened Property;
- i. No schools for persons under 21 years of age shall be permitted on the Burdened Property;
- j. No day care centers for children or day care centers for Senior Citizens shall be permitted on the Burdened Property;
- k. No Owners or Occupants of the Property or any portion thereof shall conduct any excavation work on the Property, unless expressly permitted in writing by the County. Any contaminated soils brought to the surface by grading, excavation, trenching, or backfilling shall be managed by Covenantor or his agent in accordance with all applicable provisions of local, state and federal law;
- l. All uses and development of the Burdened Property shall be consistent with any applicable County Cleanup Order or Risk Management Plan, each of which is hereby incorporated by reference including future amendments thereto. All uses and development shall preserve the integrity of any cap, any remedial measures taken or remedial equipment installed, and any groundwater monitoring system installed on the Burdened Property pursuant to the requirements of the County, unless otherwise expressly permitted in writing by the County.
- m. No Owners or Occupants of the Property or any portion thereof shall drill, bore, otherwise construct, or use a well for the purpose of extracting water for any use, including but not limited to, domestic, potable, or industrial uses, unless expressly permitted in writing by the County.
- n. The Owner shall notify the County of each of the following: (1) The type, cause, location and date of any disturbance to any cap, any remedial measures taken or remedial equipment installed, and of the groundwater monitoring system installed on the Burdened Property pursuant to the requirements of the County, which could affect the ability of such cap or remedial measures, remedial equipment, or monitoring system to perform their respective functions and (2) the type and date of repair of such disturbance. Notification to the County shall be made by registered mail within ten (10) working days of both the discovery of such disturbance and the completion of repairs;
- o. The Covenantor agrees that the County, and/or any persons acting pursuant to County cleanup orders, shall have reasonable access to the Burdened Property for the purposes of inspection, surveillance, maintenance, or monitoring, as provided for in Division 7 of the Water Code.
- p. No Owner or Occupant of the Burdened Property shall act in any manner that will aggravate or contribute to the existing environmental conditions of the Burdened Property. All use and development of the Burdened Property shall preserve the integrity of any capped areas.

q. No Owner or User of the Burdened Property shall grow fruits or vegetables for consumption using site soils. Gardening on the Burdened Property shall only be permitted using imported soil within raised beds that do not allow direct contact between plant roots and the underlying site soil.

3.2 Enforcement. Failure of an Owner or Occupant to comply with any of the restrictions, as set forth in paragraph 3.1, shall be grounds for the County, by reason of this Covenant, to have the authority to require that the Owner modify or remove any Improvements constructed in violation of that paragraph. Violation of the Covenant shall be grounds for the County to file civil actions against the Owner as provided by law.

3.3 Notice in Agreements. After the date of recordation hereof, all Owners and Occupants shall execute a written instrument which shall accompany all purchase agreements or leases relating to the property. Any such instrument shall contain the following statement:

The land described herein contains hazardous materials in soils and in the ground water under the property, and is subject to a deed restriction dated as of _____, 20__, and recorded on _____, 20__, in the Official Records of Alameda County, California, as Document No. _____, which Covenant and Restriction imposes certain covenants, conditions, and restrictions on usage of the property described herein. This statement is not a declaration that a hazard exists.

ARTICLE IV VARIANCE AND TERMINATION

4.1 Variance. Any Owner or, with the Owner's consent, any Occupant of the Burdened Property or any portion thereof may apply to the County for a written variance from the provisions of this Covenant.

4.2 Termination. Any Owner or, with the Owner's consent, any Occupant of the Burdened Property or a portion thereof may apply to the County for a termination of the Restrictions as they apply to all or any portion of the Burdened Property.

4.3 Term. Unless terminated in accordance with paragraph 4.2 above, by law or otherwise, this Covenant shall continue in effect in perpetuity.

ARTICLE V
MISCELLANEOUS

5.1 No Dedication Intended. Nothing set forth herein shall be construed to be a gift or dedication, or offer of a gift or dedication, of the Burdened Property or any portion thereof to the general public.

5.2 Notices. Whenever any person gives or serves any notice, demand, or other communication with respect to this Covenant, each such notice, demand, or other communication shall be in writing and shall be deemed effective (1) when delivered, if personally delivered to the person being served or official of a government agency being served, or (2) three (3) business days after deposit in the mail if mailed by United States mail, postage paid certified, return receipt requested:

If To: "Covenantor"
475 Lesser Street, LLC
200 Pine Street, 8th Floor
San Francisco, California 94104

If To: "County"
Alameda County Environmental Health Services
Attention: Director
1131 Harbor Bay Parkway
Alameda, California 94502

5.3 Partial Invalidity. If any portion of the Restrictions or terms set forth herein is determined to be invalid for any reason, the remaining portion shall remain in full force and effect as if such portion had not been included herein.


5.4 Article Headings. Headings at the beginning of each numbered article of this Covenant are solely for the convenience of the parties and are not a part of the Covenant.

5.5 Recordation. This instrument shall be executed by the Covenantor and by the Director of Environmental Health Services. This instrument shall be recorded by the Covenantor in the County of Alameda within ten (10) days of the date of execution.


5.6 References. All references to Code sections include successor provisions.

5.7 Construction. Any general rule of construction to the contrary notwithstanding, this instrument shall be liberally construed in favor of the Covenant to effect the purpose of this instrument and the policy and purpose of the Water Code. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purpose of this instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.

IN WITNESS WHEREOF, the parties execute this Covenant as of the date set forth above.
Covenantor: 475 Lesser Street, LLC

By: 
Title: Manager
Date: 5/20/15

Agency: Alameda County
Environmental Health Services

By: 
Title: Director
Date: 05-20-2015

STATE OF CALIFORNIA, COUNTY OF Alameda

On 5/20/2015, before me Irina Okun, Notary Public,
personally appeared Daniel M. Rabin

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is /are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Notary Public in and for said
County and State



STATE OF CALIFORNIA, COUNTY OF Alameda

On 5/20/2015, before me Irina Okun, Notary Public,
personally appeared Ronald Browder

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is /are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Notary Public in and for said
County and State



EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

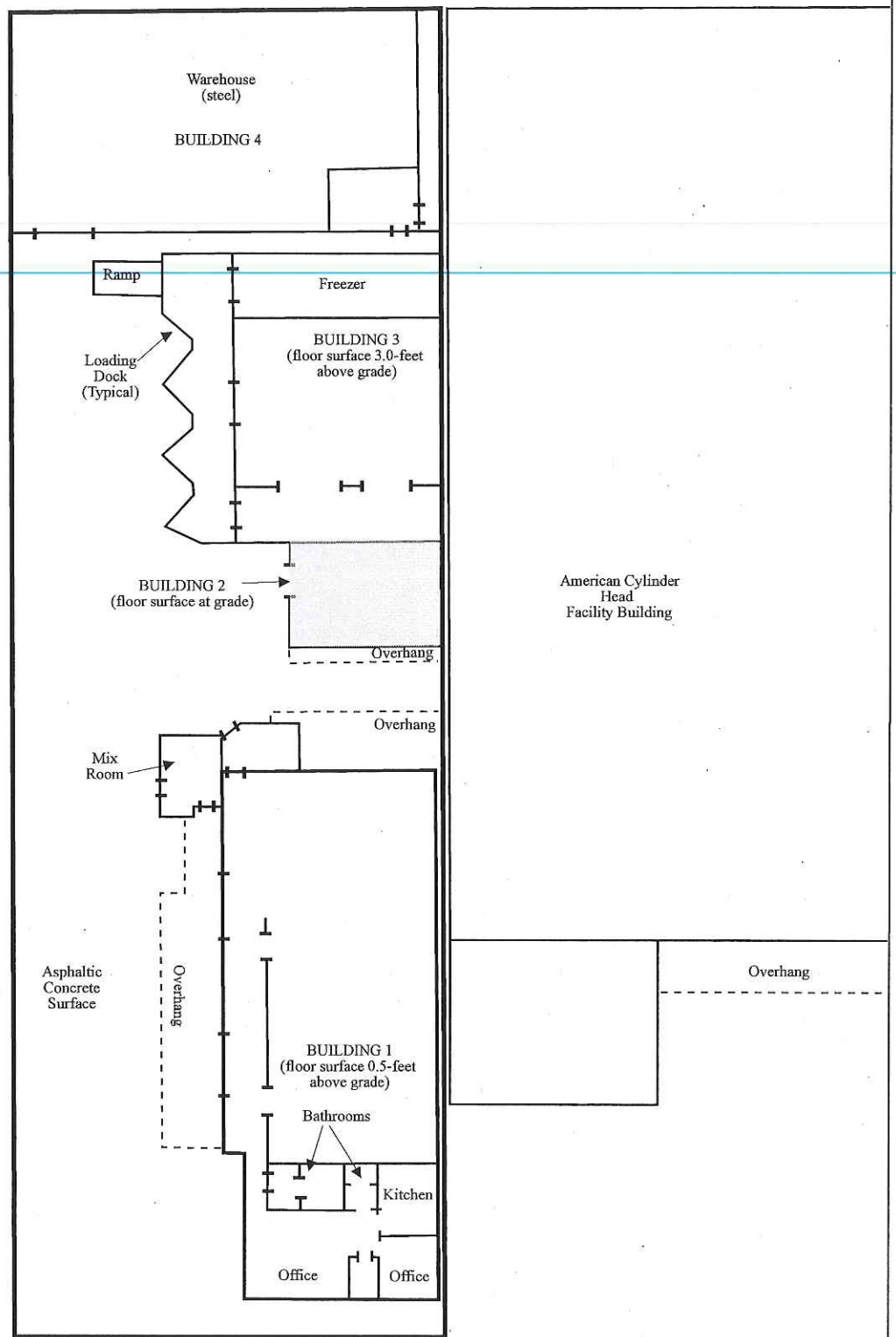
~~THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF OAKLAND,
COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:~~

The Northeastern 80 feet, right angle measurement of Lot 6, as said Lot is shown on the Map of Tract No. 2660, Oakland, Alameda County, California, filed June 25, 1965, in Book 50 of Maps, Pages 28 and 29, in the Office of the County Recorder of Alameda County.

APN: 034-2304-004-02

EXHIBIT B

LOCATION OF BUILDING 2



Sidewalk

Lesser Street

Figure 1
Site Plan
475 Lesser Street
Oakland, California

Base Map From:
Basics Environmental, Inc., dated April 3, 2014, and
Google Earth, 8/28/2012

P&D Environmental, Inc.
55 Santa Clara Ave., Suite 240
Oakland, CA 94610

