

## **Detterman, Mark, Env. Health**

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**From:** Detterman, Mark, Env. Health  
**Sent:** Monday, October 01, 2018 1:23 PM  
**To:** 'Craig Labadie'  
**Cc:** Mark Hurley; Michael Groom  
**Subject:** RE: 540 Cleveland Avenue, Albany CA 94706  
**Attachments:** Deed Restriction\_Policy\_Guidance.pdf; Alameda County's Model Deed Restriction LUC (Final) Revised 2018-09-26.doc

Craig,

I've spoken internally, and because the Land Use Covenant (LUC) was never completed, it will need to be updated to be consistent with the current version. I've attached copies of the revised LUC (in Word format) for your modifications, and the guidance as background. There are many similar sections; however, certain sections were included or revised (especially section C for engineering or institutional controls). As previously, ACDEH requests the LUC be modified and returned in Word format for review and agreement, or modification where appropriate. It will be good to put the case to rest after this long delay. I look forward to your response. In order to keep this moving, I am requesting return of the draft revised LUC by October 29<sup>th</sup>. Should this be a problem, please let me know. Should you have questions, please also let me know.

*Mark Detterman  
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Senior Hazardous Materials Specialist  
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*PDF Copies of case files can be downloaded at:  
<http://www.acgov.org/aceh/lop/ust.htm>*

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**From:** Craig Labadie [mailto:clabadie@albanyca.org]  
**Sent:** Friday, September 28, 2018 2:54 PM  
**To:** Detterman, Mark, Env. Health <Mark.Detterman@acgov.org>  
**Cc:** Mark Hurley <MHurley@albanyca.org>; Michael Groom <groom@groomandcave.com>  
**Subject:** Re: 540 Cleveland Avenue, Albany CA 94706

Mark, thanks for your prompt response. According to my emails, I did review the draft LUC back in early April 2017 and had the impression that it was on track to be signed and recorded. After you have a chance to talk to your supervisor, if there is updated LUC language that the County would like to see, then please let me know so that we can work toward getting the LUC finalized. Craig

*Craig Labadie  
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**From:** Detterman, Mark, Env. Health <[Mark.Detterman@acgov.org](mailto:Mark.Detterman@acgov.org)>  
**Sent:** Friday, September 28, 2018 12:19:56 PM  
**To:** Craig Labadie  
**Cc:** Mark Hurley; Michael Groom  
**Subject:** RE: 540 Cleveland Avenue, Albany CA 94706

Craig,

Thanks very much for the message. My last knowledge of the site is that a Land use Covenant (LUC) had been forwarded by public works for legal review, in I presume your office around March 2017 (as the property owner who would need to observe the LUC). The LUC had been held up for some time due to the misidentification of the parcel number as cited on the purchase agreement of the parcel, but that had been resolved at long last at that time. I have not heard back from the City and the site has been in the back of my mind for a bit of time for follow up.

There have been substantial changes in the LUC language in the past year or so, consequently I should talk internally to obtain some guidance on how to proceed. I understand the site has been redeveloped, and this may affect how this agency should handle the LUC for the site. I will attempt to speak with my supervisor next week (she is out today); however, she will be out for a bit over 3 weeks start October 5<sup>th</sup>, so if I can't get some resolution, it may end up after she returns in late October.

If you would like to talk before hand, that would be fine. I'm largely open on next Tuesday and Wednesday and can talk.

*Mark Detterman*  
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**From:** Craig Labadie [<mailto:clabadie@albanyca.org>]  
**Sent:** Friday, September 28, 2018 10:37 AM  
**To:** Detterman, Mark, Env. Health <[Mark.Detterman@acgov.org](mailto:Mark.Detterman@acgov.org)>  
**Cc:** Mark Hurley <[MHurley@albanyca.org](mailto:MHurley@albanyca.org)>; Michael Groom <[groom@groomandcave.com](mailto:groom@groomandcave.com)>  
**Subject:** 540 Cleveland Avenue, Albany CA 94706

Dear Mr. Detterman,

I am writing to inquire about the status of Alameda County's regulatory review and closure process for the above site, which was purchased by the City of Albany in 2014 and is now occupied by our Public Works Center. The latest correspondence I have seen regarding this process is a letter dated May 3, 2017 from you to Michael Groom, attorney for the previous owner, requesting additional funds to cover County staff costs for

completing the closure process (attached). If convenient for your schedule, could we schedule a telephone call to discuss whether there is anything the City can do to facilitate completion of the closure process? My schedule is reasonably flexible over the next two weeks.

Thank you for any assistance you can provide.

Sincerely, Craig Labadie

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