



CITY OF EMERYVILLE

INCORPORATED 1896

1333 PARK AVENUE
EMERYVILLE, CALIFORNIA 94608-3517

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

RECEIVED

1:59 pm, Jul 12, 2007

Alameda County
Environmental Health

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

PROJECT TITLE: Oak Walk Mixed Use Project

LEAD AGENCY: City of Emeryville, Planning Division
1333 Park Avenue
Emeryville, CA 94608

PROJECT LOCATION: 4002-4098 San Pablo Avenue, 1077-1089 41st Street.
Western two-thirds of block bounded by San Pablo Avenue,
40th, 41st and Adeline Streets. (Assessors Parcel Numbers:
49-1025 -1, 2, 3, 5-1, 6, 7, 9, 14, 15-1, 21-5, 23, 24, 25)

PROJECT DESCRIPTION: Residential/commercial mixed use project with 5,500 square feet of retail space fronting on San Pablo Avenue, 58 dwelling units in buildings up to four stories high with a courtyard at a podium level, 103 at-grade parking spaces and 18 bicycle parking spaces on a 1.77 acre site. The site is not included on any of the lists of hazardous waste sites compiled by the state Department of Toxic Substances Control pursuant to Government Code Section 65962.5.

REVIEW PERIOD: **September 23 – October 24, 2005.** Comments on the Mitigated Negative Declaration will be received during this review period.

PUBLIC HEARING: Emeryville Planning Commission, October 27, 2005, 6:30P.M.
City Council Chamber, Old Town Hall, 1333 Park Avenue,
Emeryville, CA 94608

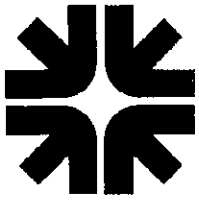
ADDRESS FOR COPIES AND COMMENTS: The Draft Negative Declaration and the supporting Initial Study and related documents are available for review at, and comments should be submitted to:
City of Emeryville Planning Division
1333 Park Avenue, Emeryville CA 94608
(510) 596-4360

CONTACT PERSON: Charles S. Bryant, AICP, Director of Planning and Building
(510) 596-4361, cbryant@ci.emeryville.ca.us

SIGNATURE:

Charles S. Bryant
Lead Agency Representative

9/23/05
Date



CITY OF EMERYVILLE

INCORPORATED 1896

1333 PARK AVENUE
EMERYVILLE, CALIFORNIA 94608-3517

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

September 28, 2005

Re: **Oak Walk Mixed Use Project**
SCH # 2005092115

To Whom It May Concern:

Please insert the attached Shadow Diagrams (Figures A-8a through A-8f) between pages EI-11 and EI-12 of the above-referenced Draft Initial Study/Mitigated Negative Declaration (IS/MND) that was recently sent to you. While these diagrams are contained in Volume 1 of the Technical Reports that are available from our office, as noted in the IS/MND, we thought that it would be convenient to also have them in the body of the document for easy reference.

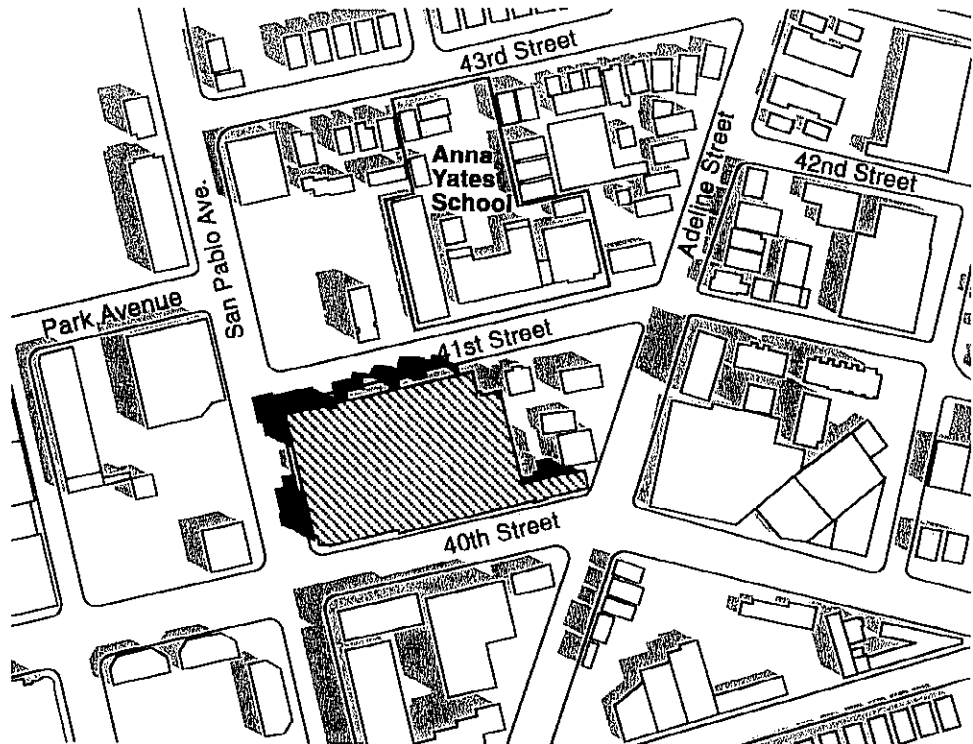
Because this is not a substantive change to the document, and there are no impacts or mitigation measures identified related to shadows, the review period for the IS/MND as a result of this insertion shall remain the same. Accordingly, the deadline for comments remains Monday, October 24, 2005. Comments should be addressed to Charles S. Bryant, City of Emeryville, 1333 Park Avenue, Emeryville, CA 94608.

Please feel free to contact me at 510-596-4361 or cbryant@ci.emeryville.ca.us with any questions. Thank you.

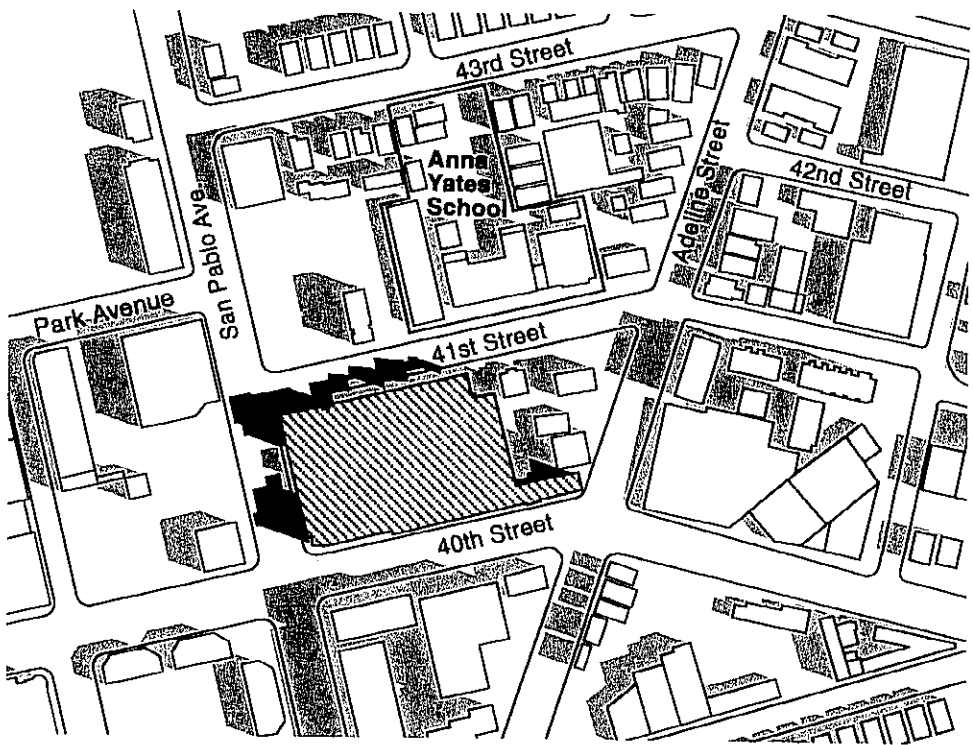
Sincerely,

Charles S. Bryant, AICP
Director of Planning and Building

Attachment: Shadow Diagrams (Figures A-8a through A-8f)

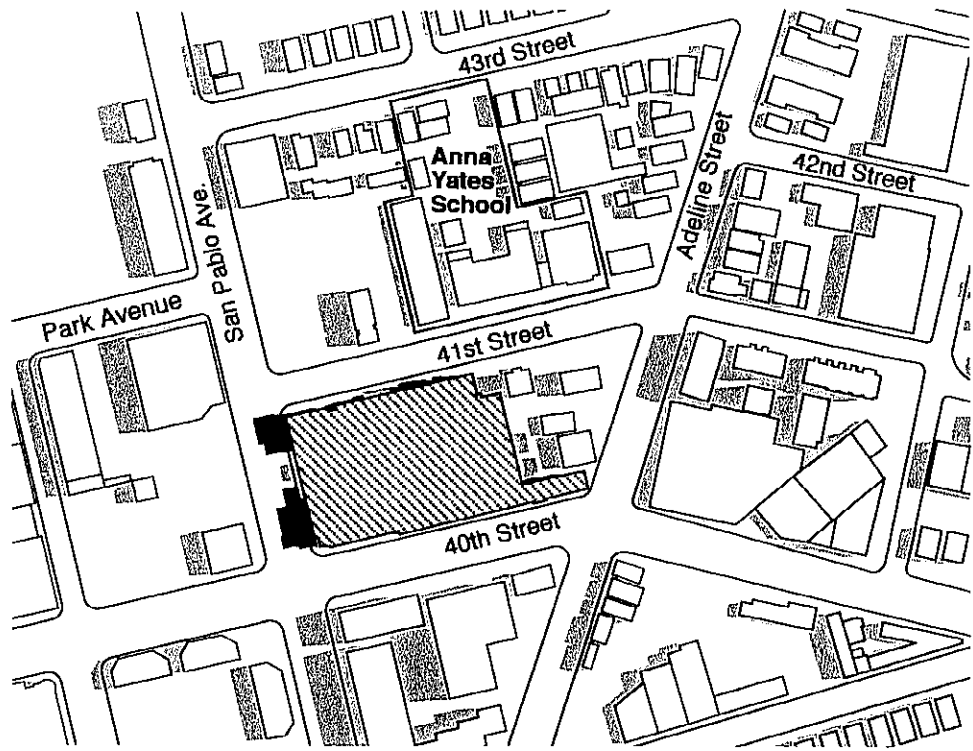


March 21, 9:00 am PST

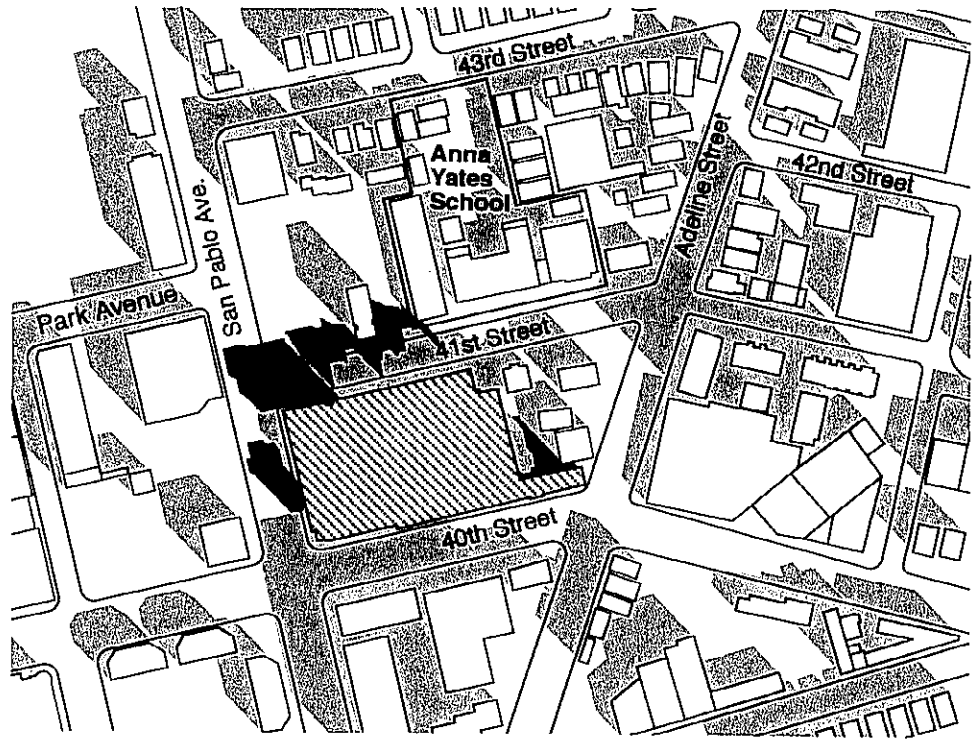


September 21, 9:00 am PDT





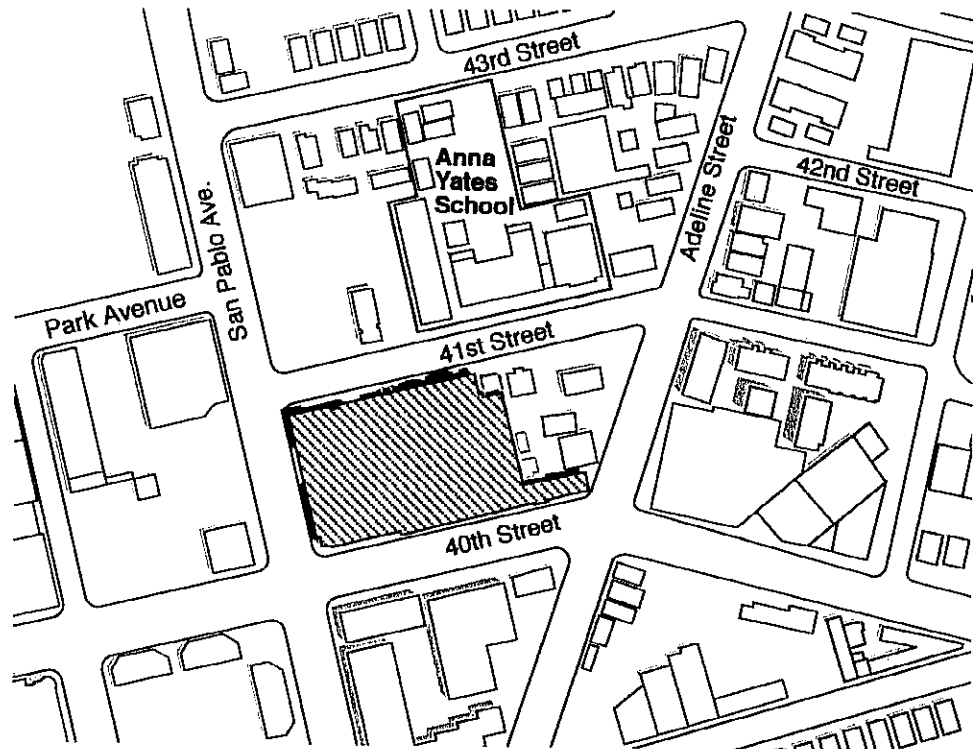
June 21, 9:00 am PDT



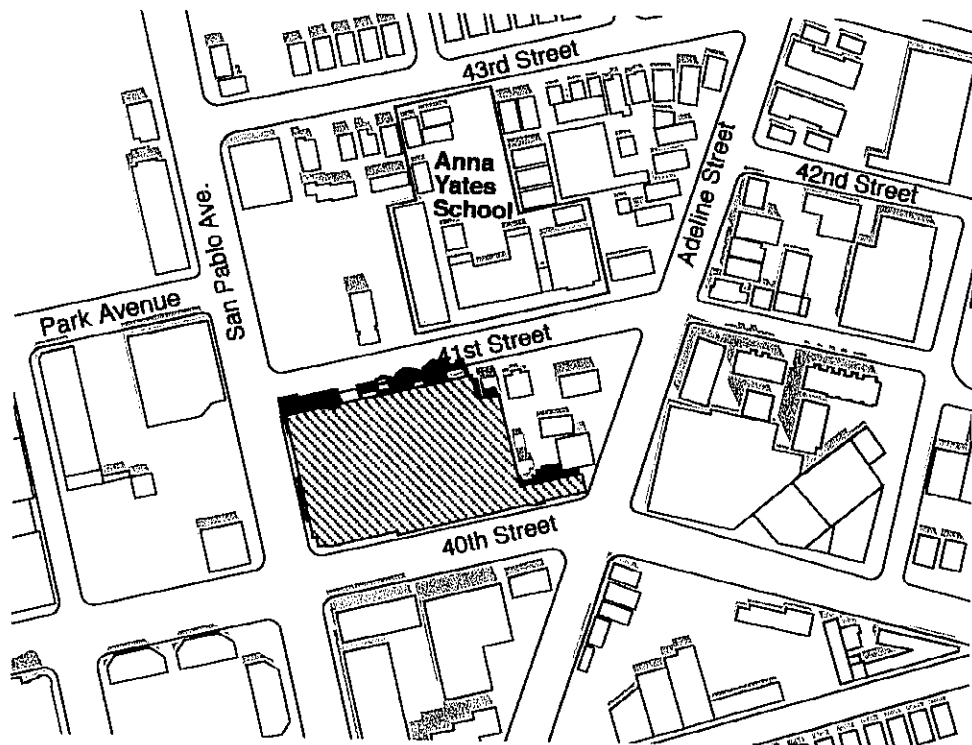
December 21, 9:00 am PST



Figure A-8a
Shadow Diagrams
Oak Walk
Emeryville, California

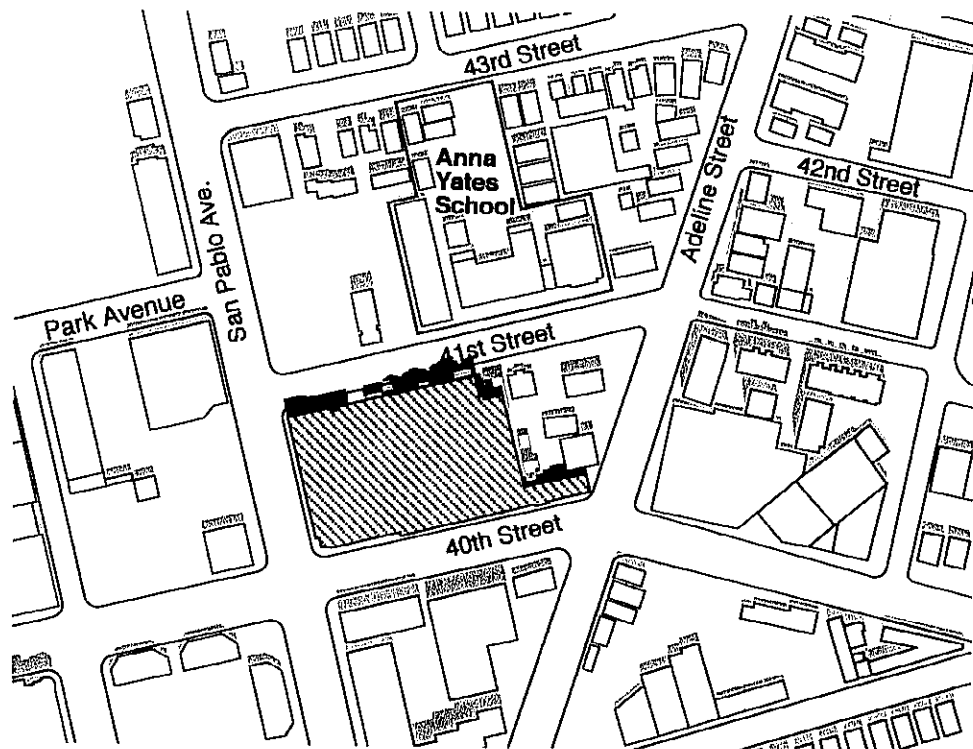


June 21, 12:00 noon PDT

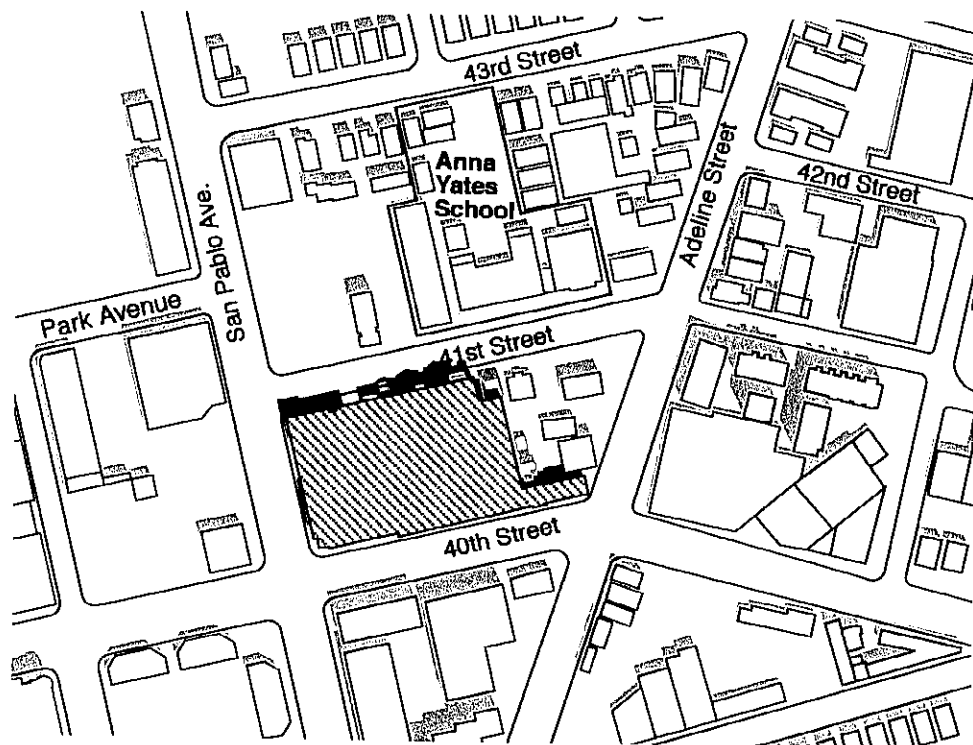


December 21, 12:00 noon PST

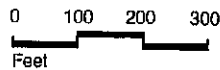




March 21, 12:00 noon PST



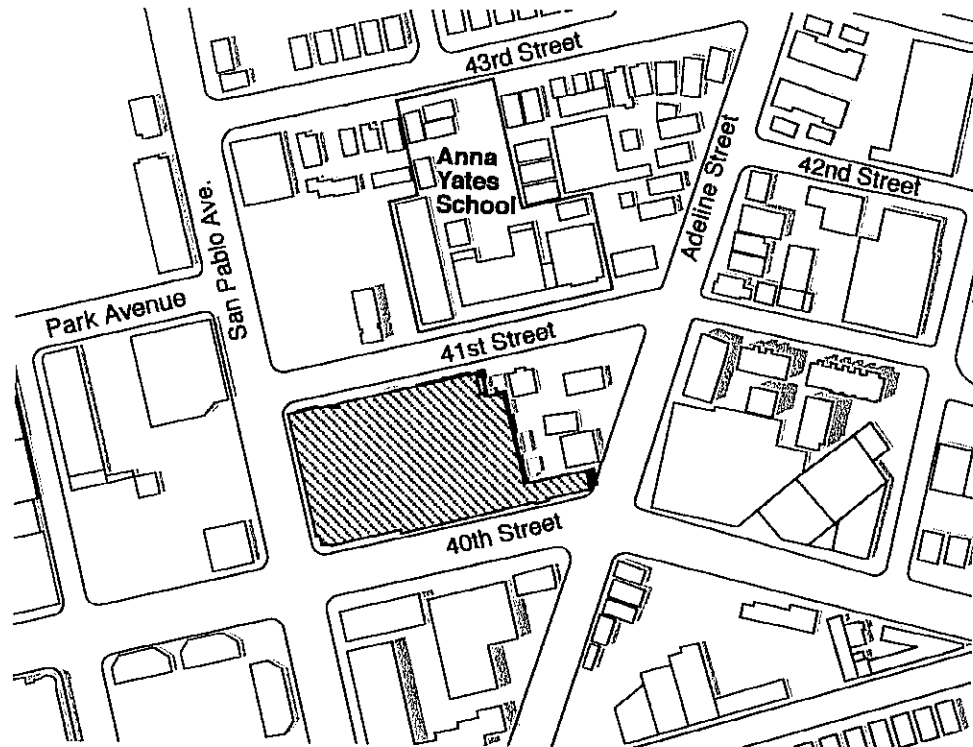
September 21, 12:00 noon PDT



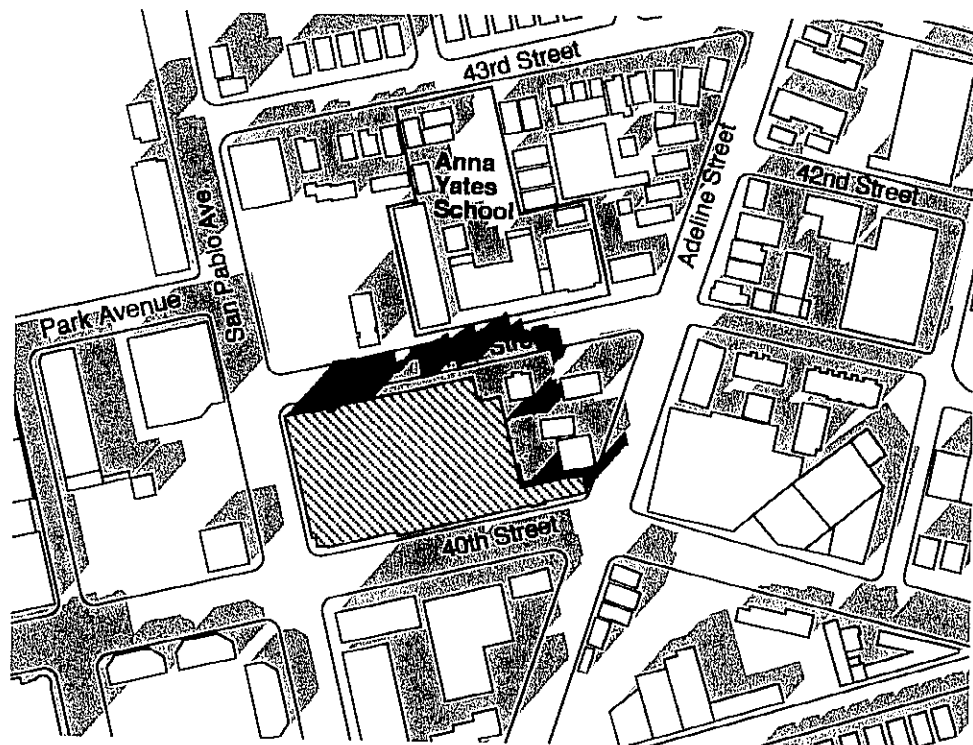
Project Site

Existing Shadow

New Project Shadow



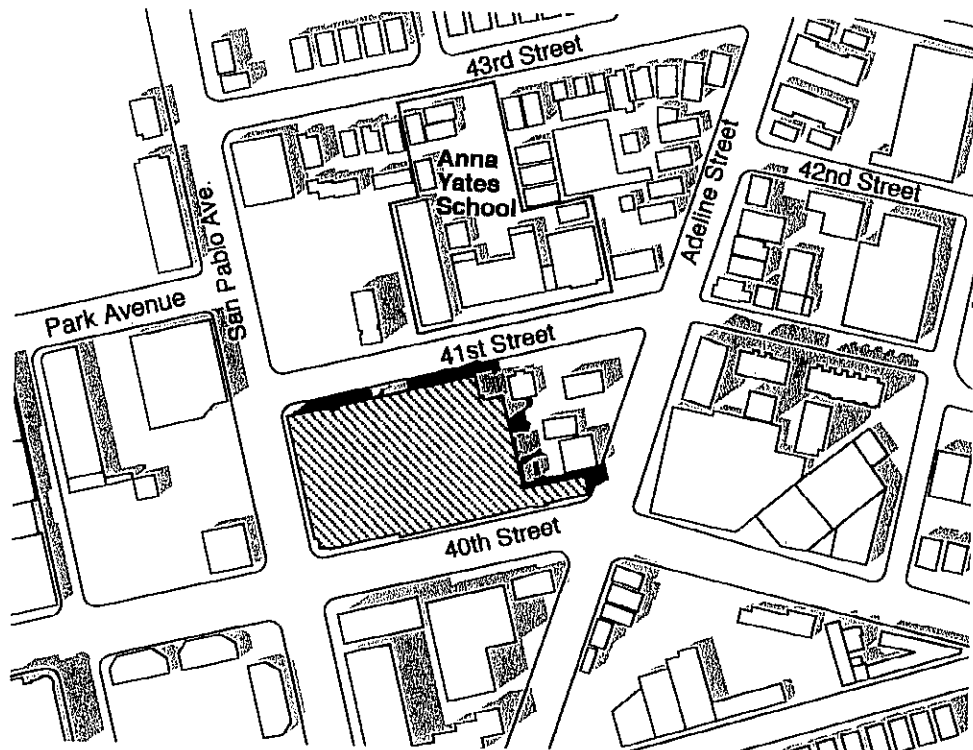
June 21, 3:00 pm PDT



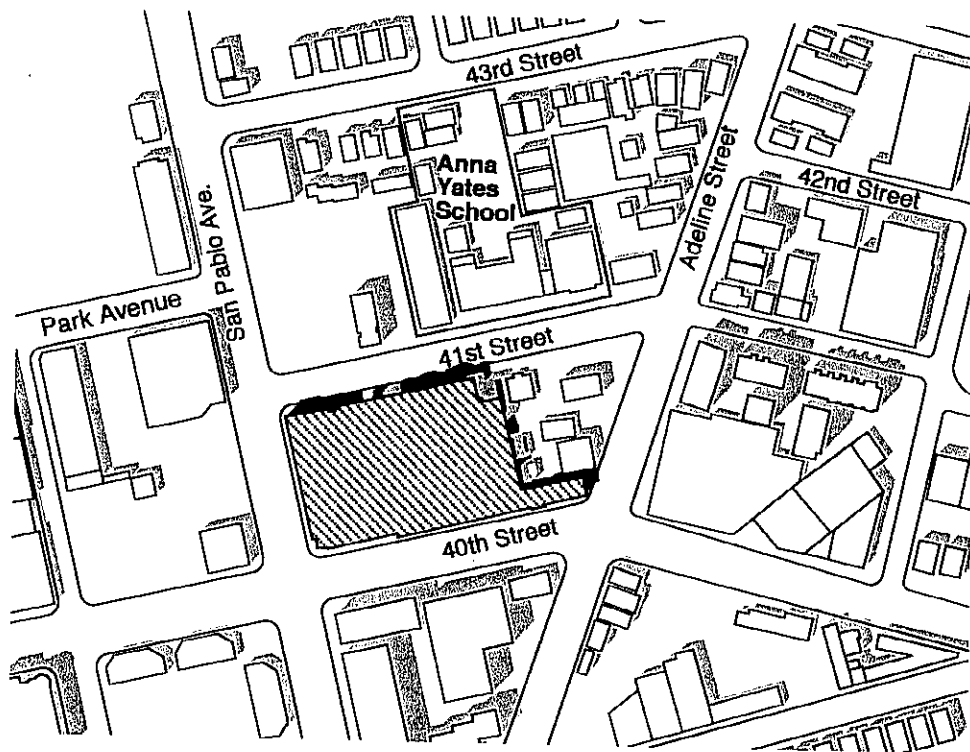
December 21, 3:00 pm PST



Figure A-8e
Shadow Diagrams
 Oak Walk
 Emeryville, California



March 21, 3:00 pm PST



September 21, 3:00 pm PDT



Figure A-8f
Shadow Diagrams
 Oak Walk
 Emeryville, California


CITY OF EMERYVILLE



MEMORANDUM

DATE: October 5, 2005

TO: Planning Commission

FROM: Charles S. Bryant, AICP 
Director of Planning and Building

SUBJECT: **Oak Walk Mixed Use Project Technical Reports and
Housing Rehabilitation Cost Estimate**

Enclosed for your information are the Technical Reports for the Initial Study/Mitigated Negative Declaration (IS/MND) for the Oak Walk Project that was sent to you on September 23. These reports are in two volumes and include the following documents:

Volume 1:

- *Noise Assessment* prepared by Illingworth & Rodkin, Inc., August 30, 2005
- *Traffic Impact Report* prepared by Fehr & Peers, September 2, 2005
- *Arborist Report* prepared by Steve Batchelder, Consulting Arborist, August 31, 2005, with attached *Arborist Assessment & Recommendations* prepared for applicant by John C. Traverso, Consulting Arborist, August 2, 2004
- *Historic Resource Evaluation Report* prepared by Patrick McGrew, McGrew/Architecture, August 2005
- *Comments on Environmental Site Characterization* prepared by Environ Corporation, Inc., May 4, 2005 (See Volume 2 below.)
- *Shadow Diagrams* prepared by Environmental Vision, Inc., August 2005

Volume 2:

- *Environmental Site Characterization* prepared by The San Joaquin Company, April 2005 (Note: This document consists of 6 volumes totaling almost 2,000 pages. Volume 1 includes the report text, tables, figures, and plates, plus Appendix I, Sanborn Fire Insurance Maps, and Appendix II, Trench, Boring, and Well Logs. Volumes 2 through 6 contain Appendix III, Laboratory Certificates of Analysis of various soil and groundwater samples. For the sake of brevity, only the text, tables, figures and plates from Volume 1 are included here. The appendices, comprising part of Volume 1 and all of Volumes 2 through 6, are available for review and copying at the Planning Division office at 1333 Park Avenue.)

Planning Commission Memorandum
Oak Walk Technical Reports
October 5, 2005
Page 2

In addition to these IS/MND technical reports, I am also enclosing the *Housing Rehabilitation Cost Estimate for 1077-1089 41st Street* prepared for the City by Robert G. Haun on March 25, 2005. While this document is not part of the environmental analysis of the project under the California Environmental Quality Act (CEQA), the Commission has previously requested this information as part of your review of the project.

Please feel free to contact me at 510-596-4361 or cbryant@ci.emeryville.ca.us if you have any questions, or if you want to see the appendices of the *Environmental Site Characterization* report.

Attachments: Oak Walk Mixed Use Project Draft Initial Study/Mitigated Negative Declaration
Technical Reports, Volumes 1 and 2
Housing Rehabilitation Cost Estimate – 1077-1089 41 Street by Robert G. Haun

cc: John A. Flores, City Manager
Michael Biddle, City Attorney
Carol Victor, Assistant City Attorney
Patrick D. O’Keeffe, Director of Economic Development and Housing
Henry Van Dyke, Director of Public Works
Peter Schellinger, BayRock Residential

Robert G. Haun, CSI, CCS, CCCA
Construction Consultation
1409 Fountain Springs Circle
Danville, CA 94526-5631

March 25, 2005

Ms. Nancy Templeton
Community Preservation Officer
Department of Economic Development & Housing
City of Emeryville
1333 Park Avenue
Emeryville, CA 94608-3517

Subject: Housing Rehabilitation Cost Estimate - 1077 - 1089 41st Street

Dear Nancy,

Thank you for retaining me to provide professional construction consultation services for the City of Emeryville. In accordance with your request, I inspected the subject units on March 11, 2005 and developed a conceptual cost estimate for the rehabilitation of the thirteen units within ten structures along the South side of 41st Street between San Pablo Avenue & Adeline Streets.

The Inspection(s):

On Friday March 11, 2005 at 10:00am, I inspected each structure/unit. The weather was clear and dry, the ambient temperature was approximately 70° F. Most of the ten structures face North towards 41st Street except 1089 ½ & 1089B which face West. 1077 ½ is setback from the street with a detached two-car garage. Vehicle access to the site is provided through three driveways off of 41st Street. There is an existing four car garage on the parcel which is utilized for storage otherwise there is limited off-street parking available. All of the structures are vacant, boarded-up and have suffered from deferred maintenance. The buildings do not appear to meet current UBC minimum set-back requirements. Access was provided to the interiors of all the units but the substructures and attic spaces were beyond our scope of work and not inspected. I strongly recommend that you obtain a structural pest report for each the structures. The site appears adequately fenced and secured from trespass although all of the units have suffered some degree of vandalism. The landscaping is significantly overgrown with vegetation encroaching into many of the structures. There are many large trees on the property that are impacting the structures and may require major trimming and/or removal. The site appears to drain sufficiently.

A brief narrative description of each structure follows:

1089 41st Street:

This tan and white, one and one-half story, 1100 square foot wood-framed craftsman cottage is located at the far Western edge of the parcel. Of all the units on the site, this one is in the best condition. The exterior is clad in wood shingles over wood siding with one over one, double-hung windows and composition shingle roof. The structure is not bolted to the deteriorating concrete foundation. The exterior paint is assumed to lead based. The interior plaster walls are generally sound although the floor plan is functionally antiquated. The floor furnace has fallen into decay and the existing electrical system is inadequate for modern demands. The kitchen and bathrooms are functionally obsolete. The original interior wood trim is intact.

1089 ½ 41st Street:

This white, one story, 676 square foot, wood framed, nondescript cottage is set back from the street at the rear of 1089 41st. The structure has severely suffered from years of deferred maintenance, non-code complying additions, and rampant deterioration. The exterior is clad in wood siding with two, single-hung, wood windows and a multi-layer composition shingle roof. The structure sits upon a brick foundation. The exterior paint is assumed to lead based. All of the major systems pose a danger to any occupants. The house is permeated with a noxious odor.

1089 "B" 41st Street:

This older Victorian style structure is set back from the street at the rear of the parcel. The wood framed building is one and one-half stories, 809 square foot, with a walk-up front porch. The exterior is clad in wood siding with fish scale wood shingle accents, one over one, double-hung windows and roll roofing. The structure sits upon a brick foundation. The exterior paint is assumed to lead based. The structure has suffered from years of deferred maintenance and water infiltration. All of the major systems are functionally obsolete. There is a deteriorated brick chimney and fireplace. In addition to the standard scope of work described below an adjustment was made to the cost estimate to account for extra demolition, seismic reinforcement, wood windows to match existing and increased interior finishing costs because of the high ceilings.

1087 41st Street:

This white, one story, wood framed, 1365 square foot structure sits facing 41st Street with an attached single-car garage. The exterior is clad in stucco, four over four, single-hung windows and deteriorated composition roof. The structure is not bolted to the concrete foundation. The building contains sunken living and family rooms. The floor furnace is non-functional. The existing electrical system is inadequate for modern demands. The structure has suffered from years of deferred maintenance and water infiltration. There is a persistent odor of mold.

1085 41st Street:

This white, single story, wood framed, 379 square foot cottage is set back from the street. There is a large redwood tree that is encroaching into the building footprint, tilting the building slightly. The building does not sit on a foundation. The exterior is clad in deteriorated wood siding, two windows and roll roofing and the structure is not weather-proof. The interior consists of a single room with knotty-pine walls containing a kitchen, sleeping area and separate bathroom. The structure has suffered from years of deferred maintenance and water infiltration. There is a persistent odor of mold. An additional allowance was included to move the structure away from the encroaching tree. Because of the small size, rehabilitation square foot costs are higher.

1083 41st Street:

This Victorian style structure cottage contains 965 square feet, is one and one-half stories and faces 41st Street. The exterior cladding is wood and the structure sits on a brick foundation. The windows are one over one, wood double-hung configured in a prominent front bay. The exterior paint is assumed to lead based. The structure has suffered from years of deferred maintenance and there are non-code complying additions. The floor plan is functionally antiquated, e.g., the front parlor. There is a deteriorated brick chimney and fireplace. The obsolete major systems need to be replaced.

1081 41st Street:

This single story, wood framed, 780 square foot cottage sits facing 41st Street. The exterior siding is wood with double-hung wood windows in a front bay, mimicking it's neighbor at 1083. The structure sits on a brick foundation. The exterior paint is assumed to lead based. The structure has suffered from years of deferred maintenance and there are non-code complying additions. The interior has suffered from severe vandalism. The existing electrical system is inadequate for modern demands. The structure has suffered from years of deferred maintenance and water infiltration. There is no heating. The kitchen and bathrooms are functionally obsolete.

1079 41st Street:

This brown and white, one and on-half story, 1100 square foot wood-framed craftsman cottage is a twin of 1089 41st Street. The exterior is clad in severely deteriorated wood shingles over wood siding with one over one, double-hung windows and composition shingle roof. The structure is not bolted to the deteriorating concrete foundation. The exterior paint is assumed to lead based. The interior plaster walls are generally sound although the floor plan is functionally antiquated. The floor furnace has fallen into decay the existing electrical system is inadequate for modern demands. The kitchen and bathrooms are functionally obsolete. The original interior wood trim is intact.

1077 41st Street:

This white, three story, colonial revival structure contains four units on two of the three floors, the lower floor was not included as living space because it does not appear to meet UBC minimum headroom requirements. The structure sits upon an unbolted concrete foundation. The exterior wood siding is severely deteriorated and there is vegetation growth in the rain gutters. The exterior paint is assumed to lead based. The windows are primarily one over one, wood double hung. The interior stairways appear to be non-code complying. The structure has suffered from years of deferred maintenance. The existing electrical system is inadequate for modern demands. An additional allowance was included for the three-story foundation, seismic work, and for an retro-fit fire sprinkler system in lieu of providing a second means of egress from the top units.

1077 ½ 41st Street:

This structure is a brown and white, one and one-half story, 959 square foot wood-framed cottage. The exterior is clad in deteriorated wood shingles over wood siding, double-hung windows and composition shingle roof. The structure is not bolted to the concrete foundation. The exterior paint is assumed to lead based. The interior floor plan is functionally antiquated. There is a deteriorated stone fireplace. The floor furnace has fallen into decay and the existing electrical system is inadequate for modern demands. The bathrooms are functionally obsolete.

Conceptual Scope of Work:

To address the economics of the proposed rehabilitation, the agreed to scope of work for each unit was to create a "marketable residential rental unit". Therefore modern systems, finishes, conveniences, and energy conserving measures were included in the work. The specified level of finish is "standard but serviceable". Certain work and/or the investment being made triggers code required safety upgrades which are included. Additionally, to protect the significant investment being made and to prudently manage risk; new foundations, seismic retrofit and hazardous material abatement and/or control costs were also included.

The generally applied scope of housing rehabilitation and code upgrade work that was estimated included:

1. Removal and replacement of existing interior finishes. This is performed to expose the framing for replacement and code upgrade of electrical, plumbing and mechanical systems. Additionally, access to the exterior walls provides for installation of insulation.
2. Replacement of electrical, plumbing & mechanical systems. This is done to bring the units up to today's building and safety Codes and increased energy efficiency.
3. Installation of new kitchen and bathroom cabinets, counters and plumbing fixtures.
4. New dual pane windows for increased energy savings.
5. New roofing.
6. Foundation replacement and seismic upgrade.
7. Stabilization of the exterior envelope and repainting (including lead based paint remediation).

Limitations:

Construction conceptual scopes of work are designed to be used by knowledgeable professionals. They are provided with the understanding that the writer is not engaged in rendering legal, accounting or other professional services outside of this realm. If legal, architectural, engineering or other expert assistance is required, the services of a competent professional in those fields should be sought.

Construction costs are influenced by many uncontrollable factors, including but not limited to: time of the year the project is put out to bid; the level of construction activity in the Bay Area (currently high); availability of materials and skilled labor; weather; strikes; and existing hidden conditions. A nominal allowance has been included for existing hidden conditions, based upon the estimator's experience with similar projects. The final cost of working within the existing conditions and historic fabric of the structure, can not be accurately established prior to the start of demolition.

Exclusions:

- Landscaping and site work;
- Structural pest inspection and repair costs;
- House moving or relocation costs (other than 1085 41st Street);
- Historical evaluation or restoration costs;
- Prevailing or Davis-Bacon wage costs.

Cost Estimate:

The three page housing rehabilitation cost estimate breakdown is attached. The resulting square foot costs are within the Bay Area standard housing rehabilitation cost of \$205.00 per square foot. Please note that some items have footnotes which are found on the last page.

Construction Soft Costs:

In addition to the hard construction costs, I have provided you with an estimated soft costs for the project utilizing Bay Area bench mark percentages.

Remediation Costs:

These costs were obtained from the document labeled "Bay Rock Oak Walk Residence Remediation" by the San Joaquin Company. Total Site concrete slab coverage cost estimate is provided in response to a request by the City of Emeryville. Included in this figure is an allowance for conceptual site grading & drainage.

Again, Nancy, I wish to thank you for asking us to perform this work, should you have any questions please call me.

Sincerely:



Robert G. Haun, CSI, CCS, CCCA
Construction Consultant

Attachments

cc: Patrick O'Keefe, Community Development Director
Charles Bryant, Planning and Building Director
Peter Schellinger, Bay Rock Residential

RGH: kdb

HOUSING REHABILITATION COST ESTIMATE

1077 - 1089 41st Street - Emeryville, CA

CONSTRUCTION SOFT COSTS:

	1089	1089-1/2	1089-B	1087	1085	1083	1081	1079	1077	1077-1/2
Construction	234,295	150,697	198,851	280,938	107,713	213,681	190,214	255,739	762,351	214,595
A & E ¹¹ @ 12%	28,115	18,084	23,862	33,713	12,926	25,642	22,826	30,689	91,482	25,751
Permitting @ 3%	7,029	4,521	5,966	8,428	3,231	6,410	5,706	7,672	22,871	6,438
Const. Mgt. @ 5%	11,715	7,535	9,943	14,047	5,386	10,684	9,511	12,787	38,118	10,730
Sub Total	46,859	30,139	39,770	56,188	21,543	42,736	38,043	51,148	152,470	42,919
Total Hard & Soft costs	281,154	180,836	238,621	337,126	129,256	256,417	228,257	306,887	914,821	257,514

Project Total: 3,130,889

REMEDIATION COSTS:

(Per: The San Joaquin Co.)

	Residential	Site ¹⁴
Haz Mat Surveys	22,750	N/A
Abate Asbestos ¹²	13,000	N/A
Slabs & Membrane ¹³	130,329	1,582,225
Sub Total	166,079	1,582,225
<i>Cost per Sq. Ft.</i> ⁹		20.58
Total Remediation costs		1,748,304

PROJECT GRAND TOTAL: \$4,879,192

HOUSING REHABILITATION COST ESTIMATE

1077 - 1089 41st Street - Emeryville, CA

CONSTRUCTION HARD COSTS:

Address	1089	1089-1/2	1089-B	1087	1085	1083	1081	1079	1077	1077-1/2
Bed/Bath	2/1	1/1	2/1	2/1	1/1	2/1	1/1	2/1	4/4	2/1
Sq. Feet	1102	646	809	1366	379	965	780	1105	3086	959
Demolition ¹	5,510	3,230	8,090	6,830	6,395	4,825	3,900	5,525	23,110	9,590
LBP. ²	7,337	4,715	5,652	8,855	3,179	6,549	5,485	7,354	18,745	6,514
Foundation ³	39,000	28,000	30,250	45,750	21,500	37,500	40,000	39,250	85,500	37,000
Seismic ⁴	780	560	908	915	430	750	800	785	1,900	740
Doors & Windows ⁵	9,000	4,800	9,600	9,000	3,000	9,600	6,600	9,000	21,000	6,000
Insulation	2,202	1,327	1,628	2,711	814	1,951	1,645	2,209	6,552	1,937
Roof	6,061	3,553	4,450	7,513	2,085	5,308	4,290	6,078	16,202	5,275
MEP ⁶	67,304	43,592	52,068	81,032	29,708	60,180	50,560	67,460	227,472	59,868
GWB ⁷	21,327	13,134	18,498	26,117	8,330	19,088	16,620	21,403	69,510	18,936
Cabinets	6,000	4,000	5,000	7,500	3,000	5,000	5,000	10,000	22,000	6,000
Finish ⁸	14,218	8,756	13,213	17,412	5,553	12,725	11,080	21,403	60,821	12,624
Int & Ext. Paint	28,436	17,512	26,426	34,823	11,106	25,450	22,160	35,671	121,643	25,248
Flooring	9,367	5,491	6,877	11,611	3,222	8,203	6,630	9,393	30,860	8,152
Sub Total	207,174	133,178	175,782	248,457	95,099	188,925	168,140	226,137	674,454	189,732
<i>Cost per Sq. Ft.</i> ⁹	<i>188.00</i>	<i>206.16</i>	<i>217.28</i>	<i>181.89</i>	<i>250.92</i>	<i>195.78</i>	<i>215.56</i>	<i>204.65</i>	<i>218.55</i>	<i>197.84</i>
OH&P ¹⁰	26,933	17,313	22,852	32,299	12,363	24,560	21,858	29,398	87,679	24,665
Total	234,295	150,697	198,851	280,938	107,713	213,681	190,214	255,739	762,351	214,595
Project Total	2,609,074									

HOUSING REHABILITATION COST ESTIMATE

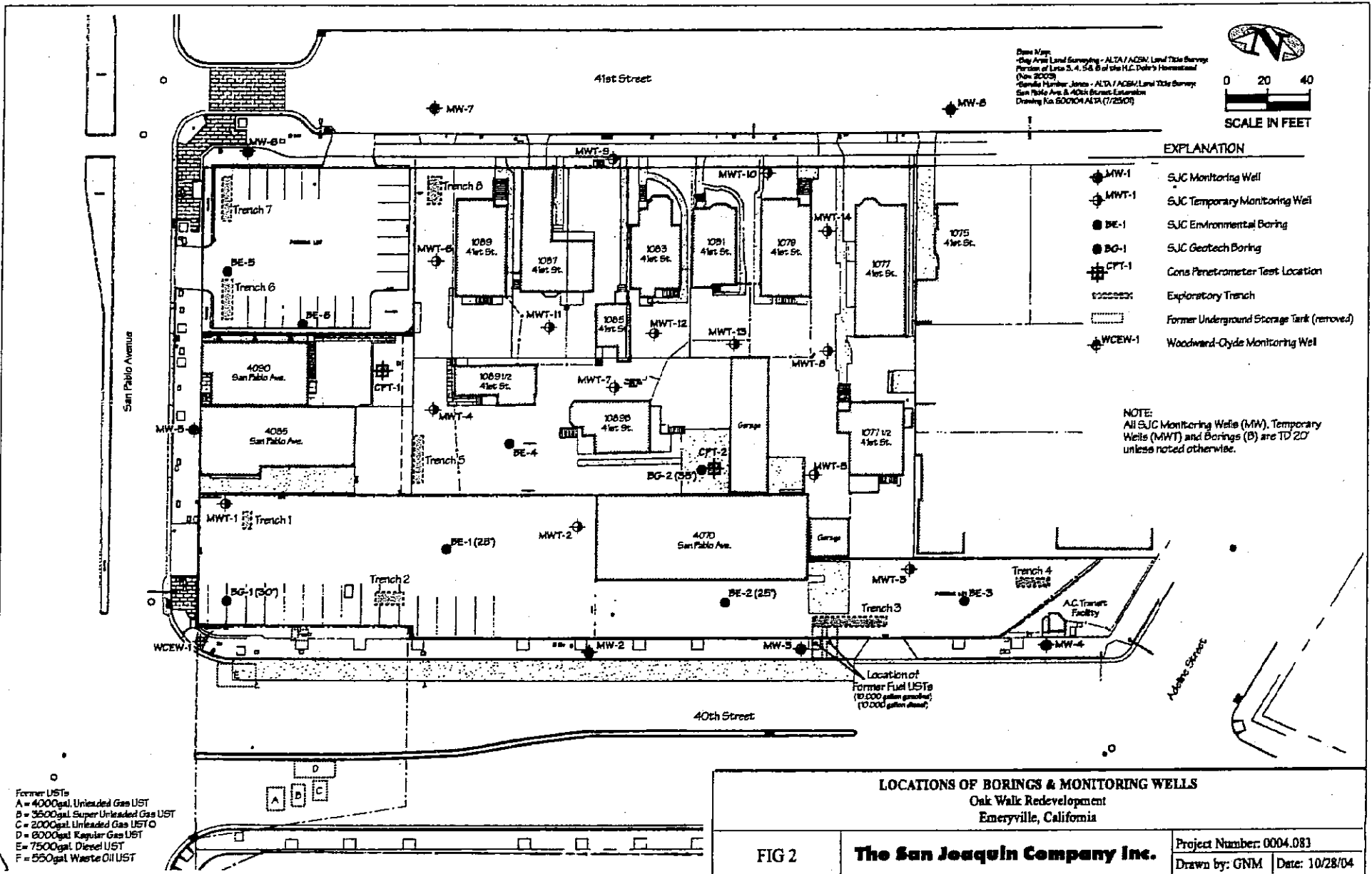
1077 - 1089 41st Street - Emeryville, CA

Comments:

- 1089: Standard protocol: Demolition; New: foundation, windows, doors, insulation, roof, MEP systems, wall finish, cabinets, paint & flooring.
- 1089 1/2: Standard protocol: Demolition; New: foundation, windows, doors, insulation, roof, MEP systems, wall finish, cabinets, paint & flooring.
- 1089-B: Victorian; cost increase in: demolition, seismic (high basement), windows (wood), wall board (high ceilings), finish and paint.
- 1087: Standard protocol: Demolition; New: foundation, windows, doors, insulation, roof, MEP systems, wall finish, cabinets, paint & flooring.
- 1085: Moving allowance of \$4,500 included in demolition to relocate structure away from encroaching redwood tree.
- 1083: Standard protocol: Demolition; New: foundation, windows, doors, insulation, roof, MEP systems, wall finish, cabinets, paint & flooring.
- 1081: Standard protocol: Demolition; New: foundation, windows, doors, insulation, roof, MEP systems, wall finish, cabinets, paint & flooring.
- 1079: Standard protocol: Demolition; New: foundation, windows, doors, insulation, roof, MEP systems, wall finish, cabinets, paint & flooring.
- 1077: Three story structure; cost increase in: foundation, seismic, insulation, M.E.P., firesprinklers and alarms, GWB, paint, cabinets, flooring.
- 1077 1/2: Standard protocol: Demolition; New: foundation, windows, doors, insulation, roof, MEP systems, wall finish, cabinets, paint & flooring.

Footnotes:

- 1 Standard protocol includes: debris removal, demolition of interior walls, cabinets, equipment, plumbing and electrical.
- 2 Lead Based Paint (LBP): allowance made for increased demolition, disposal and finish painting. No soil, survey or clearance costs.
- 3 Standard protocol includes: cribbing the structure, removal and replacement of perimeter foundation. No membrane or slab.
- 4 Conceptual protocol includes: allowance for shear walls. Requires engineering.
- 5 Standard protocol includes: replacement of existing windows & doors (dual pane vinyl clad windows, except at 1089B).
- 6 Mechanical, Electrical & Plumbing (MEP): Replacement of major systems in-kind. Heating is radiant wall systems.
- 7 Gypsum Wall Board (GWB) including hanging and finishing.
- 8 Exterior and interior trim, accessories & misc.
- 9 Square foot cost provided for informational and analytical purposes only.
- 10 Contractor's Overhead (8%) and Profit (5%) (OH&P).
- 11 Architectural and Engineering costs.
- 12 Conceptual allowance for asbestos abatement; (LBP) included above.
- 13 Conceptual remediation strategy: Impermeable membrane and 4" infill slab under footprint of structures.
- 14 Impermeable membrane and total site slab per City of Emeryville. Allowance included for conceptual site grading and drainage.



Base Map:
 City Area Land Surveying - ALTA / ACSM Land Title Survey
 Portion of Lots 3, 4, 5 & 6 of the H.C. Dale's Homestead
 (Map 2003)
 Control Number: Jones - ALTA / ACSM Land Title Survey
 San Pablo Ave. & 40th Street Extension
 Drawing No. 00004.A1A (7/25/04)



0 20 40
 SCALE IN FEET

EXPLANATION

- MW-1 SJC Monitoring Well
- MWT-1 SJC Temporary Monitoring Well
- BE-1 SJC Environmental Boring
- BG-1 SJC Geotech Boring
- ⊕ CPT-1 Cons Penetrometer Test Location
- ⋯ Exploratory Trench
- ▭ Former Underground Storage Tank (removed)
- ⊕ WCEW-1 Woodward-Oyde Monitoring Well

NOTE:
 All SJC Monitoring Wells (MW), Temporary
 Wells (MWT) and Borings (B) are 10' 20'
 unless noted otherwise.

Former USTs
 A = 4000gal. Unleaded Gas UST
 B = 3500gal. Super Unleaded Gas UST
 C = 2000gal. Unleaded Gas UST
 D = 6000gal. Regular Gas UST
 E = 7500gal. Diesel UST
 F = 550gal. Waste Oil UST

LOCATIONS OF BORINGS & MONITORING WELLS
 Oak Walk Redevelopment
 Emeryville, California

FIG 2

The San Joaquin Company Inc.

Project Number: 0004.083
 Drawn by: GNM | Date: 10/28/04

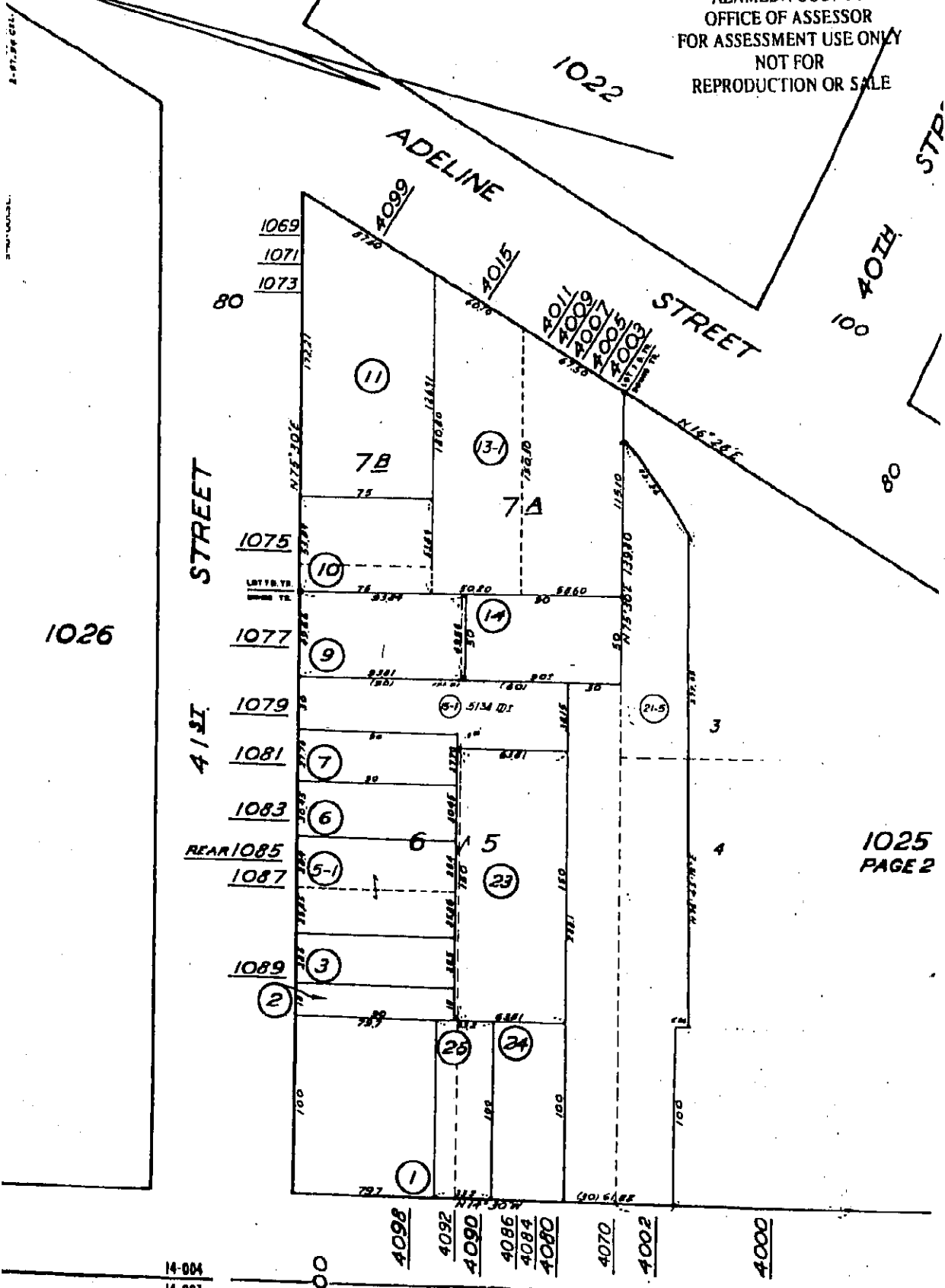
1025

PAGE 1

MAP OF H. G. DOHR'S HOMESTEAD (Bk.17 Pg.93)

Scale: 1" = 50'

ALAMEDA COUNTY
OFFICE OF ASSESSOR
FOR ASSESSMENT USE ONLY
NOT FOR
REPRODUCTION OR SALE

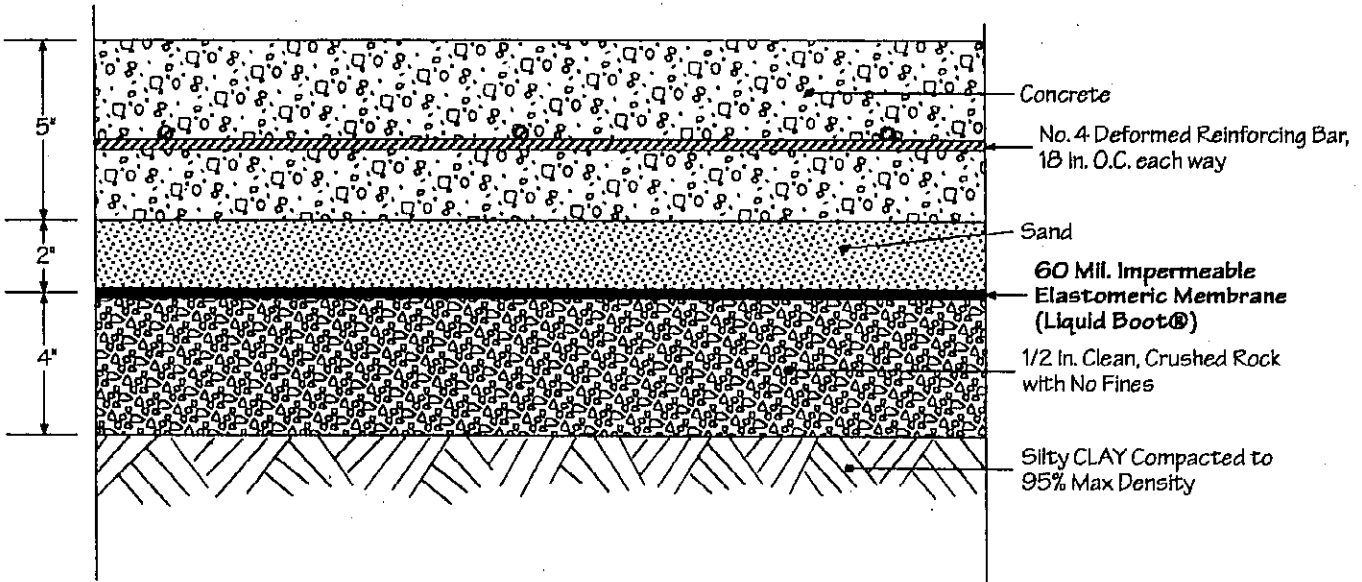


1026

1025
PAGE 2

14-004
14-003

SAN PABLO AVENUE



FLOOR SLAB WITH LIQUID BOOT® MEMBRANE

Andante Project - 3992 San Pablo Avenue
Emeryville, California

FIG I-20

The San Joaquin Company Inc.

Project Number: 9401.205

Drawn by: GNM Date: 6/23/04



1077 41ST STREET



1077 41ST STREET



1077 1/2 41ST STREET



1079 41ST STREET



1081 41ST STREET



1081 41ST STREET - BACK OF BUILDING



1083 41ST STREET



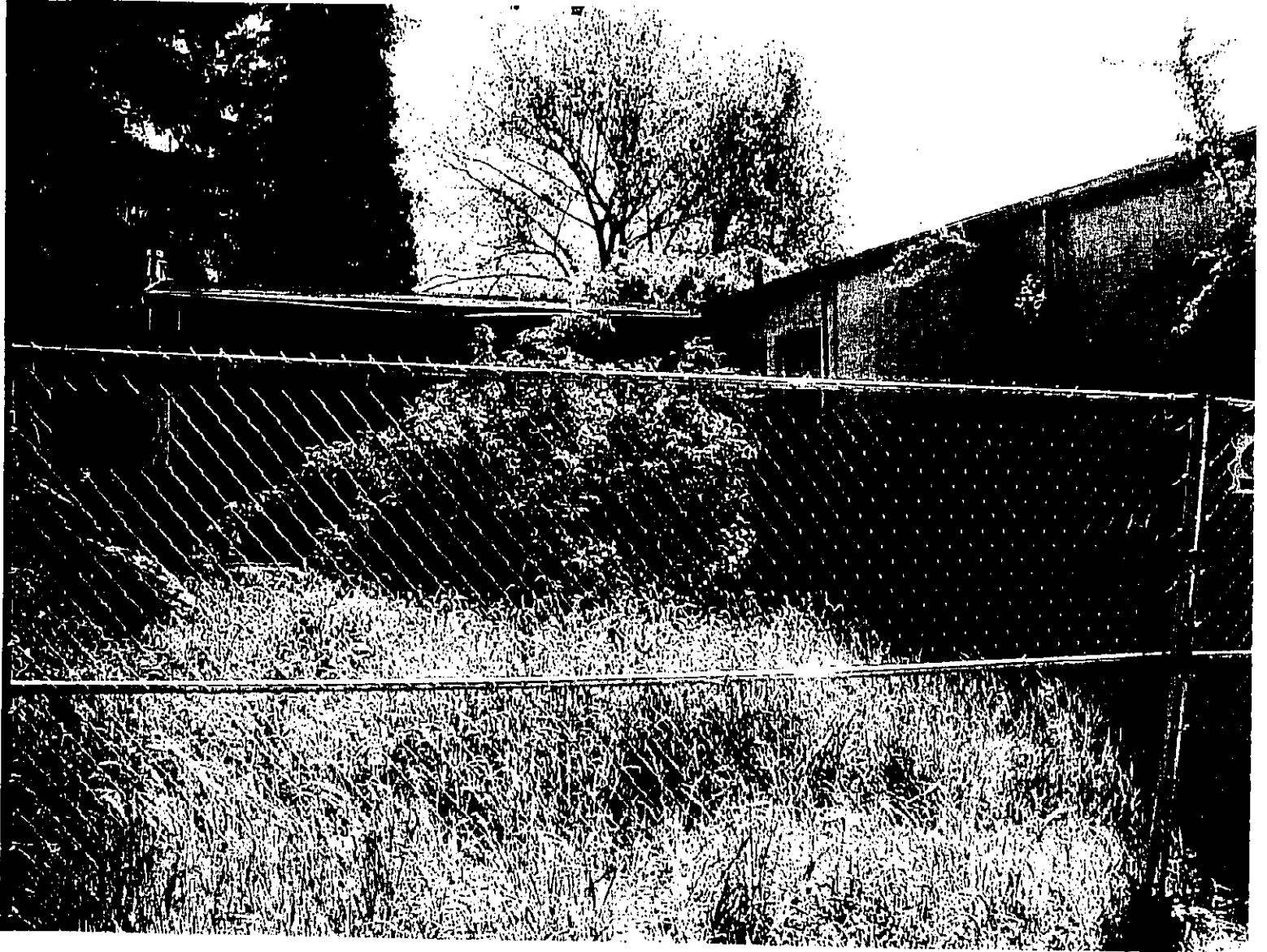
1085 41ST STREET



1085 41ST STREET - BACK OF BUILDING



1087 41ST STREET



1087 41ST STREET



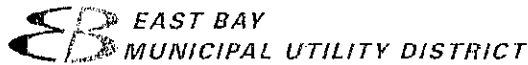
1089 41ST STREET



1089 1/2 41ST STREET



1089B 41ST STREET



October 7, 2005

Charles S. Bryant, AICP
Director of Planning and Building
City of Emeryville
1333 Park Avenue
Emeryville, CA 94612

RECEIVED
OCT 13 2005
PLANNING DEPARTMENT

Re: Draft Initial Study and Mitigated Negative Declaration, Oak Walk Mixed Use Project, Emeryville

Dear Mr. Bryant:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Mitigated Negative Declaration for the Oak Walk Mixed Use Project in Emeryville. EBMUD has the following comments.

WATER SERVICE

EBMUD's Central Pressure Zone, with a service elevation between 0 and 100 feet, will serve the proposed development. A main extension, at the project sponsor's expense, may be required to serve the proposed development depending on EBMUD's metering requirements and fire flow requirements set by the local fire agency. Please note that no EBMUD water mains exist in 40th Street from San Pablo Avenue to Adeline Street and that any water service requested on 40th Street would require a water main extension at the project sponsor's expense. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains and services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

The Initial Study indicates the potential for contaminated soils or groundwater to be present within the project site boundaries. The project sponsor should be aware that EBMUD will not install pipeline in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste, or that may be hazardous to the health and safety of construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping in areas where groundwater contaminant concentrations exceed specified limits for discharge to sanitary sewer systems or sewage treatment plants.

Project sponsors for EBMUD services requiring excavation in contaminated areas must submit copies of all known, existing information regarding soil and groundwater quality

within or adjacent to the project boundary and a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater. EBMUD will not design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists or the information supplied by the applicant is insufficient, EBMUD may require the applicant to perform sampling and analysis to characterize the soil being excavated and groundwater that may be encountered during excavation or perform such sampling and analysis itself at the project sponsor's expense. If evidence of contamination is discovered during EBMUD's work on the project site, work may be suspended until such contamination is adequately characterized and remediated as deemed necessary by EBMUD.

WASTEWATER

EBMUD's Main Wastewater Treatment Plant, located at 2020 Wake Avenue in Oakland, is anticipated to have adequate dry weather capacity to treat the proposed wastewater flow from this project, provided this wastewater meets the standards of EBMUD's Environmental Services Division. However, the City of Emeryville's Infiltration/Inflow (I/I) Correction Program set a maximum allowable peak wastewater flow from each subbasin within the City and EBMUD agreed to design and construct wet weather conveyance and treatment facilities to accommodate these flows. EBMUD prohibits discharge of wastewater flows above the allocated peak flow for a subbasin because conveyance and treatment capacity for wet weather flows may be adversely impacted by flows above this agreed limit.

EBMUD concurs with the paragraph on page EI-57 that begins with, "As a Condition of Approval the capacity of the existing system at the site and in the immediate area shall be analyzed and tested to demonstrate that the proposed system has adequate capacity to accommodate the project." The project sponsor needs to confirm with the City of Emeryville Public Works Department that there is available capacity within the subbasin flow allocation and that it has not been allocated to other developments. The projected peak wet weather wastewater flows from this project need to be determined to assess the available capacity within the subbasin and confirmation included in the environmental documentation. Suggested language to include in the environmental documentation is as follows: "The City of Emeryville Public Works Department has confirmed that there is available wastewater capacity within Subbasin (*insert subbasin number here*) that is reserved for this project."

WATER CONSERVATION

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD would request that the City of Emeryville include in its conditions of approval, a

Charles S. Bryant, AICr
October 7, 2005
Page 3

requirement that the project sponsor comply with current Emeryville Efficient Landscape Requirements.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning, at (510) 287-1365.

Sincerely,

A handwritten signature in black ink, appearing to read "William R. Kirkpatrick". The signature is fluid and cursive, with a long horizontal stroke at the end.

William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:CRB:sb
sb05_285.doc

cc: Bayrock Residential, LLC
5801 Christie Avenue
Emeryville, CA 94608



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500



October 3, 2005

RECEIVED
OCT 06 2005
PLANNING DEPARTMENT

Mr. Charles Bryant
City of Emeryville
Planning and Building Department
1333 Park Avenue
Emeryville, CA 94608

Dear Mr. Bryant:

Oak Walk Mixed Use Project
Emeryville, Alameda County
SCH 2005092115

DFG has reviewed the document for the subject project. Please be advised this project may result in changes to fish and wildlife resources as described in the California Code of Regulations, Title 14, Section 753.5(d)(1)(A)-(G)¹. Therefore, an environmental filing fee for a Negative Declaration as required under Fish and Game Code Section 711.4(d) should be paid to the Alameda County Clerk on or before filing of the Notice of Determination for this project. Please note that the above comment is only in regard to the need to pay the environmental filing fee and is not a comment by DFG on the significance of project impacts or any proposed mitigation measures.

The project involves redevelopment of Oaks Card Club properties to construct two retail buildings on San Pablo Avenue, three detached two-story duplex townhouse buildings along 41st Street, and a four-story residential building along 40th Street on a 1.77-acre site. Construction activities may result in tree removal and/or root damage by construction related activities to several large trees.

In order to avoid the potential for impacts, tree removal should be timed to avoid the bird nesting season (February through August). Department of Fish and Game (DFG) recommends that for each native tree that is removed or destroyed, trees shall be replaced with native trees on-site at a minimum 3:1 ratio (replacement: loss). For each non-native tree that is removed or destroyed, trees shall be replaced with native trees on-site at a minimum 1:1 ratio (replacement: loss).

¹ <http://ccr.oal.ca.gov/>. Find California Code of Regulations, Title 14 Natural Resources, Division 1, Section 753



Mr. Charles Bryant
October 3, 2005
Page 2

If you have questions regarding this letter, please contact Ms. Marcia Grefsrud, Environmental Scientist, at (707) 944-5559; or Mr. Scott Wilson, Habitat Conservation Supervisor, at (707) 944-5584.

Sincerely,

for Scott Wilson
Robert W. Floerke
Regional Manager
Central Coast Region

cc: State Clearinghouse

Oak Walk Mixed Use Project
(UP 04-06)

**Response to Comments on
Initial Study/Mitigated Negative Declaration**
October 27, 2005

In response to the publication of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Oak Walk Mixed Use Project the City received three letters from regulatory agencies, one letter from an adjacent property owner, and one letter from another interested party:

Department of Fish and Game, October 6, 2005
East Bay Municipal Utility District, October 13, 2005
Department of Toxic Substances Control, October 24, 2005
David and Carla Ennis, October 24, 2005
Terrence Boyd, October 24, 2005

RESPONSE TO COMMENTS

Department of Fish and Game, October 6, 2005

While the IS/MND does not identify any impacts on biological resources, the DFG maintains that the environmental filing fee must be paid when the Notice of Determination is filed on the project. Their letter indicates that this "is not a comment by DFG on the significance of project impacts or any proposed mitigation measures." The letter further recommends that any tree removal should be timed to avoid the bird nesting season (February through August), that native trees should be replaced at a 3:1 ratio, and that non-native trees should be replaced at a 1:1 ratio. These are simply suggestions, as the trees and birds on the site are not within DFG's jurisdiction, and have not been identified as significant issues under CEQA. Conditions of approval require that the trees be replaced with trees of equal or cumulative diameter and/or that the difference in value be contributed to the City's tree fund.

East Bay Municipal Utility District, October 13, 2005

This letter indicates that a new water main may be required, and that EBMUD will not install water pipelines in contaminated soil or groundwater. This is addressed through conditions of approval requiring the applicant to confer with EBMUD on water service, and requiring that the contaminated soil and groundwater be remediated. Concerning wastewater, the letter concurs with a mitigation measure in the IS/MND that requires the applicant to confirm that there is adequate capacity to accommodate the project. Concerning water conservation, EBMUD requests that the conditions of approval require the applicant to comply with the City's Efficient Landscape Requirements. This is incorporated into the standard condition of approval on landscaping.

Department of Toxic Substances Control, October 24, 2005

This letter suggests additional details on mitigation measures related to the Corrective Action Plan, Construction Management Plan, Long-term Risk Management Plan, and Lead-based Paint and Asbestos Survey. These suggestions will be considered as the remediation process proceeds. DTSC indicates that they “can assist your agency in overseeing investigation/characterization and remediation activities through our Voluntary Cleanup Program”. However, it should be noted that this case is under the jurisdiction of the Alameda County Environmental Health Care Services Agency (ACEHCS), not DTSC. All remediation work and documentation will be reviewed and approved by the County. Mitigation measures and conditions of approval do require that the evaluation of human health risks at the site be conducted following DTSC's “Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air” dated December 15, 2004.

[Note that this letter was received directly by the City, and was also the only comment letter conveyed to the City through the State Clearinghouse.]

David and Carla Ennis, October 24, 2005

These are the owners of the adjacent property to the east fronting on Adeline Street. They request that the Magnolia tree at 40th and Adeline be preserved when the fourplex is relocated to the site from 1077 41st Street, and that a number of details concerning this relocation be addressed. These issues are covered by the conditions of approval for the fourplex relocation. They further request that a noise barrier 20 feet in height be constructed on the project's eastern property line, that there be a noise disturbance coordinator monitored by the City, and that no work be allowed on weekends or holidays. The mitigation measures and conditions of approval require a plywood noise barrier 10 to 12 feet high, is considered adequate by the City's noise consultant, that there be a noise disturbance coordinator, and that work be limited to 7 a.m. to 6 p.m. Monday through Friday. Weekend work is not allowed, however, holidays are not addressed. It should be noted that enforcement of these conditions is on a complaint basis; the City does not have the manpower or resources to personally monitor every construction site. However, work can be stopped if violations of these conditions are found to exist, as noted in the conditions of approval.

The Ennises also attached a previous letter dated September 5, 2005 in which similar issues were raised. In this letter, they also requested that back-up beepers be reduced in volume, and that noisy equipment not be used until 8:00 a.m. The beepers are required by OSHA, and the Emeryville Municipal Code and standard conditions of approval stipulate that construction hours are limited to 7:00 a.m. to 6:00 p.m. Pile driving is limited to 8:00 a.m. to 5:00 p.m., but this project does not involve pile driving. It should be noted that this letter, having been sent before the IS/MND was published, is not an IS/MND comment letter.

Terrence Boyd, October 24, 2005

Mr. Boyd, doing business as "Terrence O'Neil Boyd Enterprise Company" or "TOBEC", is not commenting on the IS/MND, but rather indicates that he is interested in relocating most of the existing buildings from the site to other sites. However, it does not appear that he has any specific sites available nor the resources to relocate the buildings, since his cover letter to the City seeks assistance in locating available sites and funding sources. The applicants have indicated that they have received other such expressions of interest which have not panned out. They offered to meet with Mr. Boyd to discuss his proposal.



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500



October 3, 2005

RECEIVED
OCT 06 2005
PLANNING DEPARTMENT

Mr. Charles Bryant
City of Emeryville
Planning and Building Department
1333 Park Avenue
Emeryville, CA 94608

Dear Mr. Bryant:

Oak Walk Mixed Use Project
Emeryville, Alameda County
SCH 2005092115

DFG has reviewed the document for the subject project. Please be advised this project may result in changes to fish and wildlife resources as described in the California Code of Regulations, Title 14, Section 753.5(d)(1)(A)-(G)¹. Therefore, an environmental filing fee for a Negative Declaration as required under Fish and Game Code Section 711.4(d) should be paid to the Alameda County Clerk on or before filing of the Notice of Determination for this project. Please note that the above comment is only in regard to the need to pay the environmental filing fee and is not a comment by DFG on the significance of project impacts or any proposed mitigation measures.

The project involves redevelopment of Oaks Card Club properties to construct two retail buildings on San Pablo Avenue, three detached two-story duplex townhouse buildings along 41st Street, and a four-story residential building along 40th Street on a 1.77-acre site. Construction activities may result in tree removal and/or root damage by construction related activities to several large trees.

In order to avoid the potential for impacts, tree removal should be timed to avoid the bird nesting season (February through August). Department of Fish and Game (DFG) recommends that for each native tree that is removed or destroyed, trees shall be replaced with native trees on-site at a minimum 3:1 ratio (replacement: loss). For each non-native tree that is removed or destroyed, trees shall be replaced with native trees on-site at a minimum 1:1 ratio (replacement: loss).

¹ <http://ccr.oal.ca.gov/>. Find California Code of Regulations, Title 14 Natural Resources, Division 1, Section 753

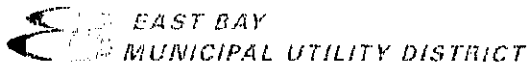
Mr. Charles Bryant
October 3, 2005
Page 2

If you have questions regarding this letter, please contact Ms. Marcia Grefsrud, Environmental Scientist, at (707) 944-5559; or Mr. Scott Wilson, Habitat Conservation Supervisor, at (707) 944-5584.

Sincerely,

for Scott Wilson
Robert W. Floerke
Regional Manager
Central Coast Region

cc: State Clearinghouse



October 7, 2005

Charles S. Bryant, AICP
Director of Planning and Building
City of Emeryville
1333 Park Avenue
Emeryville, CA 94612

RECEIVED
OCT 13 2005
PLANNING DEPARTMENT

Re: Draft Initial Study and Mitigated Negative Declaration, Oak Walk Mixed Use Project, Emeryville

Dear Mr. Bryant:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Mitigated Negative Declaration for the Oak Walk Mixed Use Project in Emeryville. EBMUD has the following comments.

WATER SERVICE

EBMUD's Central Pressure Zone, with a service elevation between 0 and 100 feet, will serve the proposed development. A main extension, at the project sponsor's expense, may be required to serve the proposed development depending on EBMUD's metering requirements and fire flow requirements set by the local fire agency. Please note that no EBMUD water mains exist in 40th Street from San Pablo Avenue to Adeline Street and that any water service requested on 40th Street would require a water main extension at the project sponsor's expense. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains and services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

The Initial Study indicates the potential for contaminated soils or groundwater to be present within the project site boundaries. The project sponsor should be aware that EBMUD will not install pipeline in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste, or that may be hazardous to the health and safety of construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping in areas where groundwater contaminant concentrations exceed specified limits for discharge to sanitary sewer systems or sewage treatment plants.

Project sponsors for EBMUD services requiring excavation in contaminated areas must submit copies of all known, existing information regarding soil and groundwater quality

within or adjacent to the project boundary and a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater. EBMUD will not design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists or the information supplied by the applicant is insufficient, EBMUD may require the applicant to perform sampling and analysis to characterize the soil being excavated and groundwater that may be encountered during excavation or perform such sampling and analysis itself at the project sponsor's expense. If evidence of contamination is discovered during EBMUD's work on the project site, work may be suspended until such contamination is adequately characterized and remediated as deemed necessary by EBMUD.

WASTEWATER

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EBMUD concurs with the paragraph on page EI-57 that begins with, "As a Condition of Approval the capacity of the existing system at the site and in the immediate area shall be analyzed and tested to demonstrate that the proposed system has adequate capacity to accommodate the project." The project sponsor needs to confirm with the City of Emeryville Public Works Department that there is available capacity within the subbasin flow allocation and that it has not been allocated to other developments. The projected peak wet weather wastewater flows from this project need to be determined to assess the available capacity within the subbasin and confirmation included in the environmental documentation. Suggested language to include in the environmental documentation is as follows: "The City of Emeryville Public Works Department has confirmed that there is available wastewater capacity within Subbasin (*insert subbasin number here*) that is reserved for this project."

WATER CONSERVATION

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD would request that the City of Emeryville include in its conditions of approval, a

Charles S. Bryant, AICr
October 7, 2005
Page 3

requirement that the project sponsor comply with current Emeryville Efficient Landscape Requirements.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning, at (510) 287-1365.

Sincerely,



William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:CRB:sb
sb05_285.doc

cc: Bayrock Residential, LLC
5801 Christie Avenue
Emeryville, CA 94608



Department of Toxic Substances Control



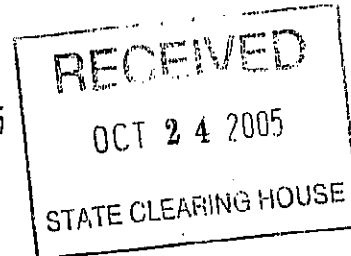
Alan C. Lloyd, Ph.D.
Agency Secretary
Cal/EPA

700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

Arnold Schwarzenegger
Governor

October 21, 2005

clear
10-24-05
e



Mr. Charles S. Bryant
City of Emeryville
Planning and Building Department
1333 Park Avenue
Emeryville, California 94608

OAK WALK MIXED USE PROJECT, EMERYVILLE, CALIFORNIA -
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION, SCH #2005092115

Dear Mr. Bryant:

Thank you for the opportunity to comment on the Draft Initial Study and Mitigated Negative Declaration (IS/MND) for the Oak Walk Mixed Use Project in Emeryville, Alameda County, California. The Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a potential Responsible Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project pursuant to the California Environmental Quality Act (CEQA) adequately addresses any required remediation activities to address hazardous substances release(s).

The proposed project includes construction of two retail buildings, three detached two-story buildings, and a four-story residential building with commercial/retail space on the first level. The project site was historically used as service stations and for plumbing, upholstery and bakery businesses. Underground fuel tanks were used during these operations. The site characterization found contamination in soil and groundwater including petroleum hydrocarbons and volatile organic compounds such as benzene, toluene, ethylbenzene and naphthalene. Mitigation Measures were identified in the IS/MND for contaminants in soil and groundwater.

Based on the information provided in the IS/MND, DTSC provides the following comments on the Mitigation Measures:

1. Mitigation Measure VII-b1 (Corrective Action Plan).

This Mitigation Measure includes submitting a final corrective action plan to the

Building and Planning Department prior to obtaining a grading or building permit. The Applicant shall confirm in writing that the proposed use of the project site has been reviewed and approved by the Alameda County Department of Environmental Health (ACDEH) and that ACDEH has received, reviewed and considered a vapor intrusion evaluation prior to approving the final corrective action plan.

If the vapor intrusion evaluation shows there is an unacceptable human health risk, the remedial methods that will be used to reduce the risk due to indoor vapor intrusion of contaminants from soil and groundwater should be identified or the final corrective action plan should be included as an appendix to the IS/MND.

2. Mitigation Measure VII-b2 (Construction Management Plan).

This Mitigation Measure includes submitting a Construction Management Plan (CMP) to the Planning and Building Department for review and approval prior to the issuance of a grading or building permit. The CMP shall identify methods and procedures for remedial activities including site preparation, soil profiling, soil excavation, loading and off-site disposal, confirmation sampling, groundwater and dewatering disposal and site restoration.

The proposed remedial methods for contaminants in soil and groundwater should be clearly presented. The procedures for remedial activities indicate that the cleanup method for contaminated soil is excavation and offsite disposal; however, the soil cleanup levels that will be used for the confirmation sampling were not identified. The soil and groundwater cleanup levels that will be used at the project site and their derivation should be discussed. Impacts associated with the soil cleanup method that should also be addressed as part of the CEQA evaluation include: identification of any applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; and risk of upset should there be an accident at the Site.

3. Mitigation Measure VII-b3 (Long-term Risk Management Plan).

This Mitigation Measure includes submitting a long-term Risk Management Plan (RMP) for the Site prior to the Applicant obtaining a final certificate of occupancy of the Site. The RMP is to be reviewed by ACDEH and the City of Emeryville and approved by ACDEH. The RMP shall include provisions to protect construction workers, nearby workers and residents and future site occupants from potential health risks from residual contaminated soils and groundwater at the site.

If residual soil contamination will remain onsite at concentrations that pose a significant human health risks, deed restrictions should be placed for the Site that ensure adherence to the RMP and that will ensure;

- the use of the site remains compatible with the implemented remedial method;
- any remaining contaminants are not disturbed without approval of ACDEH or another regulatory agency;
- the restrictions run with the land as long as the contaminants remain onsite at concentrations above levels that allow for unrestricted use;
- any barriers that prevent contact with residual contamination remain protective and are periodically inspected, maintained and repaired;
- groundwater use is restricted as long as contaminant concentrations are above levels that allow for unrestricted use; and
- a Health and Safety Plan and a Soil Management Plan are prepared for regulatory review and approval prior to disturbance of onsite contaminants for worker protection and proper handling of disturbed contaminated soil and groundwater.

DTSC has a policy that recommends cleanup that allows for unrestricted land use at sites where sensitive land uses (e.g., residential) are proposed. However, if it is infeasible to remediate contaminated soil and groundwater at the project site to cleanup levels that allow for unrestricted use, we recommend that there not be residential units on the first floor of buildings in the areas of the project site where there will be residual contamination.

4. Mitigation Measure VII-b4 (Lead-based Paint and Asbestos Survey).

This Mitigation Measure states that lead-based paint and asbestos surveys shall be completed prior to the issuance of demolition and building permits. The State construction lead standard (Title 8, California Code of Regulations (CCR), Section 1532.1) is identified as an applicable requirement. Additionally, Title 17 CCR Sections 36000 and 36100 would be applicable to the evaluation and abatement of lead-based paint. The applicable federal, state and local regulations for asbestos abatement should also be identified. Debris with lead-based paint generated during demolition may require management as a hazardous waste.

DTSC can assist your agency in overseeing investigation/characterization and remediation activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. We are aware that projects such as this one are typically on a

Mr. Charles S. Bryant
October 21, 2005
Page 4 of 4

compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

If you have any questions or would like to schedule a meeting, please contact Remedios Sunga at (510) 540-3843 or by e-mail at rsunga@dtsc.ca.gov. Thank you in advance for your cooperation in this matter.

Sincerely,

Mark E. Piros

Mark E. Piros, P.E., Unit Chief
Northern California
Coastal Cleanup Operations Branch

Enclosure

cc: without enclosure

Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street
Sacramento, California 95814

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

RECEIVED

OCT 24 2005

PLANNING DEPARTMENT

October 24, 2005

To: Planning Director and Planning Commission

From: David and Carla Ennis

Re: Conditions for permitting the Oak Walk Project

Dear Charlie and Members of the Planning Commission:

Thank you for the opportunity to provide these comments on the Oak Walk proposal. These comments are in addition to comments sent on September 5, 2005 and reflect discussions we have had with City staff and Bay Rock in recent weeks.

As there just a few remaining details we feel need to be addressed, it is our hope to have agreement/discussion on the following before the meeting on the 27th.

Please consider the following:

We need assurance that we will receive enough land on the corner to protect the Magnolia tree and to provide adequate parking for the fourplex.

BayRock is to prepare the corner for the installation of the fourplex.

BayRock is to do the hazmat work required on the fourplex.

BayRock will allow adequate time (not to exceed 30 days) for removal of any unwanted building components and materials in the fourplex and that these materials will be left on the BayRock property for their disposal.

BayRock will, at their expense, move the fourplex from its present site to the new site and will be responsible for the building being moved in such a way that its structural integrity is preserved in condition at termination of demolition.

Noise:

We request a plywood noise barrier 20 feet in height running from 40th to 41st streets, sturdy enough to safely withstand windy conditions along with the further agreement that it will be promptly repaired if it is damaged.

We understand that there is to be a noise disturbance coordinator. We would like to agree on the following details: City staff will monitor coordinator and coordinator is answerable to City staff; a plan will be drawn detailing how noise problems will be addressed, and, if needed, how penalties will be assessed. If there are problems that are not addressed, can a work stop be ordered and by whom.

No work to be done on holidays or weekends. When building is enclosed, this may be renegotiated.

Thank you for your consideration of these comments.

David and Carla Ennis P O Box 10985 S. Lake Tahoe, CA 96158

September 5, 2005

To: Charlie Bryant, Members of the Planning Commission and To Whom It May Concern

From: David and Carla Ennis

Re: Proposed conditions for permitting the Oak Walk Project

Dear Charlie and concerned parties:

We have sent a letter to Pat O'Keefe detailing the potential financial damage we face when construction is started on the Oak Walk project adjacent to our family business. We will have vacancies and will also have high costs renovating the vacant apartments coupled with longer vacancies and surely lower rents. It will be difficult to fill vacancies with a huge construction project going on just a few feet from people's apartments.

We would like to propose a couple of measures which we believe will help mitigate the problems we will face. They are:

Sound/dust barrier: We are requesting that Bay Rock construct a barrier along approximately 100 feet of the back property line. With excavation taking place anyway it may not be too difficult to sink poles into the ground every 25 feet or so and attach plywood or some other material to the posts to block some of the sound and dust from our closest units.

Noise from heavy equipment: One of the worst noises from construction sites is the beeping of heavy equipment backing up. We would request that, if possible, the decibel range on these be reduced so that workers can hear them but they are not audible for hundreds of yards which is typically the case. We also have been advised that there is a less intrusive safety mechanism that can be used. We would also request that no noisy equipment be used before 8:00 AM.

Work days: Most of our tenants either work or go to school during the week but are home and frequently trying to sleep in on weekends. We request that work is limited to Monday through Friday at least until the interior, less noisy phase of construction begins.

These mitigations may allow us to survive financially during the many months it will take to complete this project. We request that you make the above conditions for approval of this project.

Respectfully submitted,

David and Carla Ennis



TOBEC



RECEIVED

OCT 24 2005

PLANNING DEPARTMENT

October 19, 2005

**Charles Bryant, AICP
Director of Planning & Building
City of Emeryville Planning Division
1333 Park Avenue
Emeryville, California 94608-3611**

Dear Charles Bryant:

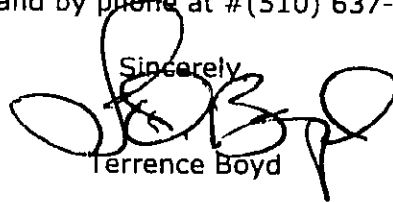
I am very interested in removing the vacant buildings at the mixed use project site bordered by San Pablo Ave, 40th & 41st Streets. I have written the Oaks Card Room Directors (see attached letter) to obtain their consent.

If your department, or another official in the City of Emeryville's redevelopment agency can facilitate my proposed project it would be appreciated.

The type of assistance/introductions requested:

- ✘ Locating vacant single family lot(s) in the Emeryville area...
- ✘ Contacts in Emeryville's Economic/Redevelopment Agency...
- ✘ Emeryville's Redevelopment Agency Programs and funding sources...

Thank you in advance for your courtesy and considerations. You may contact me in writing at the address below and by phone at #(510) 637-8543.

Sincerely,

 Terrence Boyd

**Terrence O'Neil Boyd Enterprise Company
Post Office Box 8594
Emeryville, California 94662**

Phone: (510) 637-8543
E-mail: terrence@acpwa.org



TOBEC

October 05, 2005

Oaks Club Room
Board of Directors
4099 San Pablo Avenue
Emeryville, California 94608-3611

Dear Directors:

I would like to obtain permission to remove vacant building(s) you possess at 41st Street between San Pablo Avenue & Adeline Street, in Emeryville. I have experience with this type of project and many years experience in engineering and construction.

Removing the buildings should reduce demolition and other costs associated with the vacant structures.

The buildings or interest are:

- | <u>Address:</u> | |
|------------------------------------|-------------------------------|
| #1077 41 st Street..... | At Parcel #49-1025-09 |
| #1077 41 st Street..... | At Parcel #49-1025-14 (rear) |
| #1079 41 st Street..... | At Parcel #49-1025-15-01 |
| #1081 41 st Street..... | At Parcel #49-1025-07 |
| #1083 41 st Street..... | At Parcel #49-1025-06 |
| #1085 41 st Street..... | At Parcel #49-1085-5-1 (rear) |
| #1087 41 st Street..... | At Parcel #49-1025-5-1 |
| #1089 41 st Street..... | At Parcel #49-1025-03 |
| #1089 41 st Street..... | At Parcel #49-1025-03 (rear) |
| #4090 San Pablo Ave. | At Parcel #49-1025-25 |

Please share your intentions and inform me if an arrangement may be discussed.

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Sincerely,

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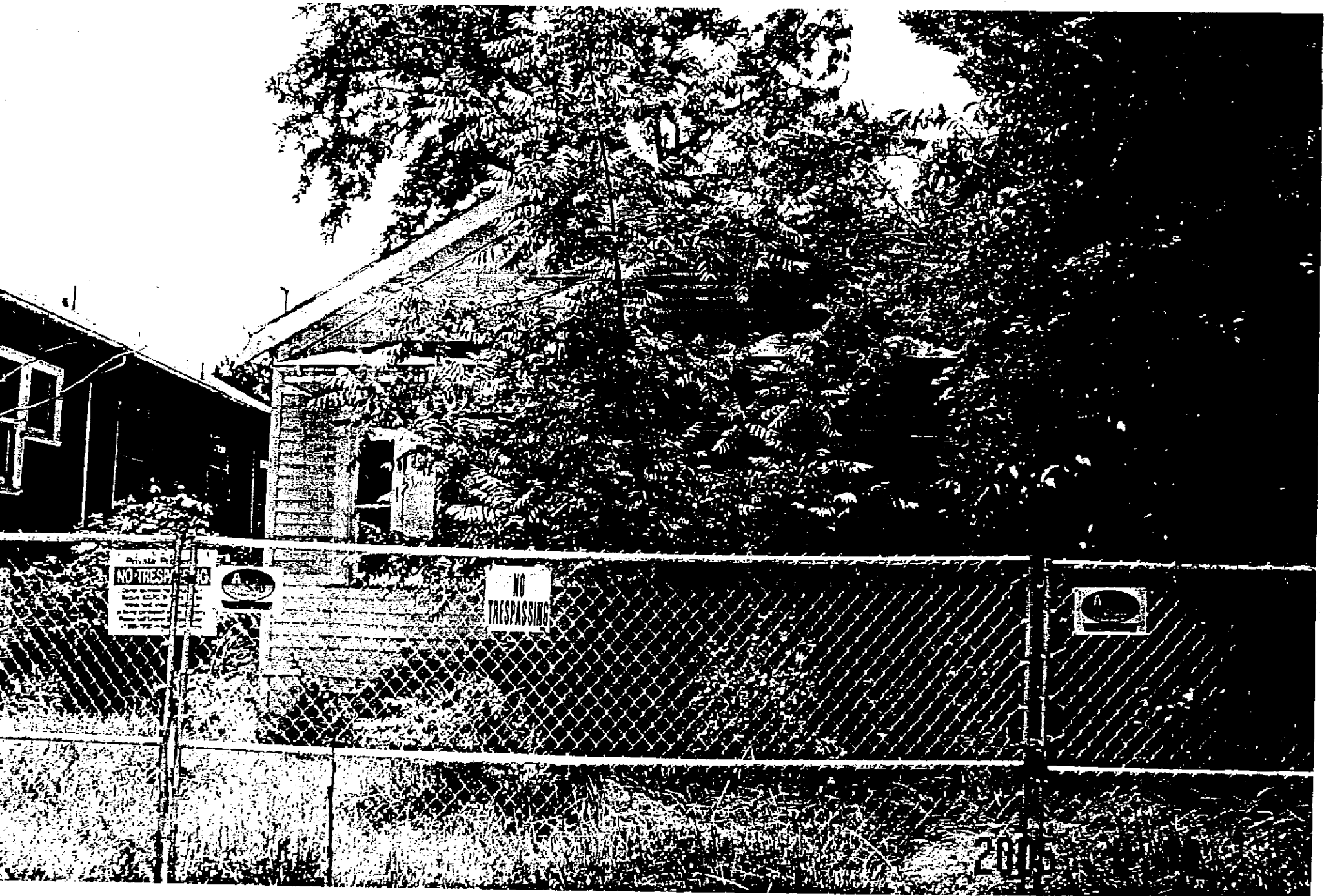


NO
TRESPASSING

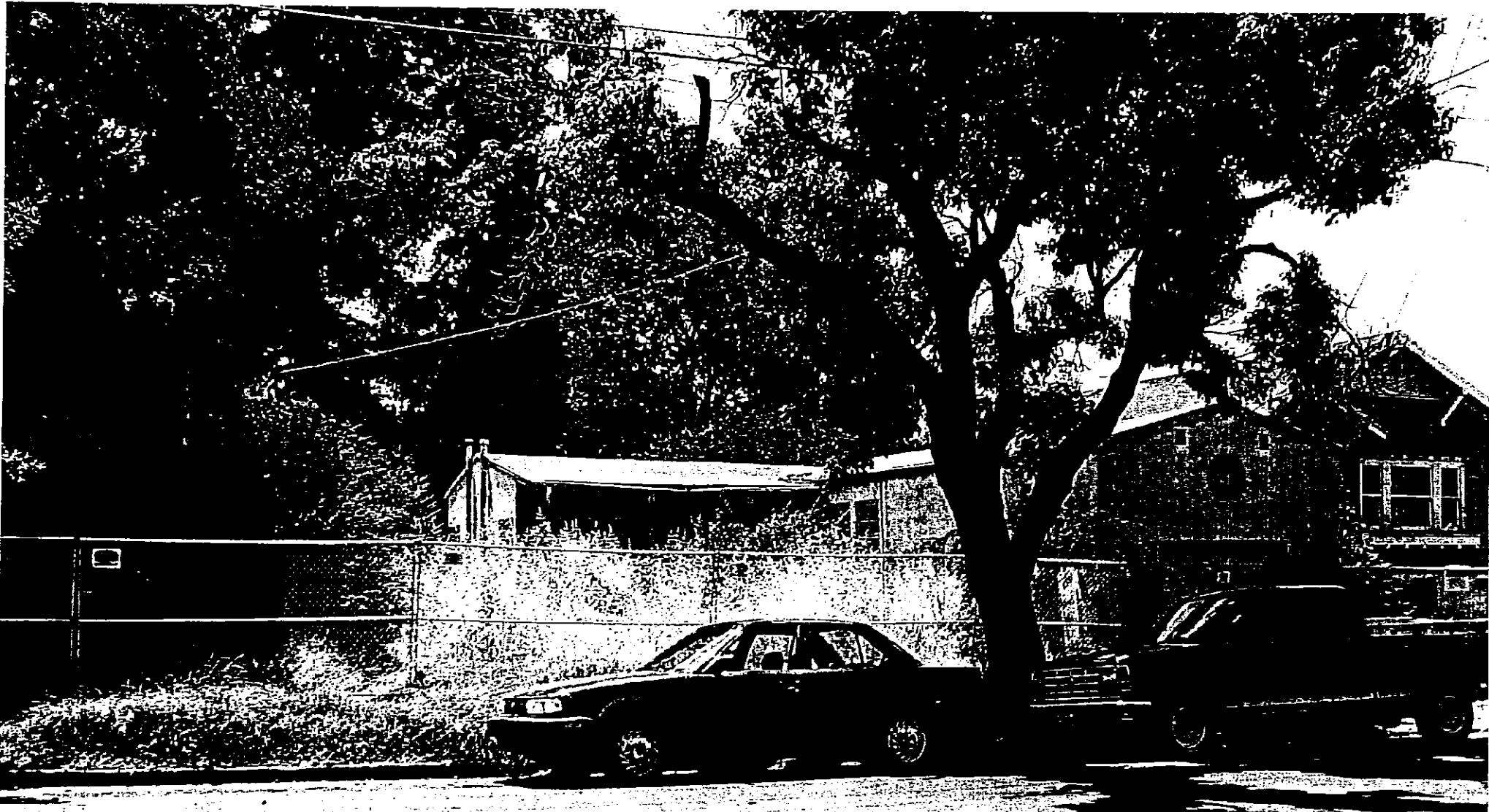
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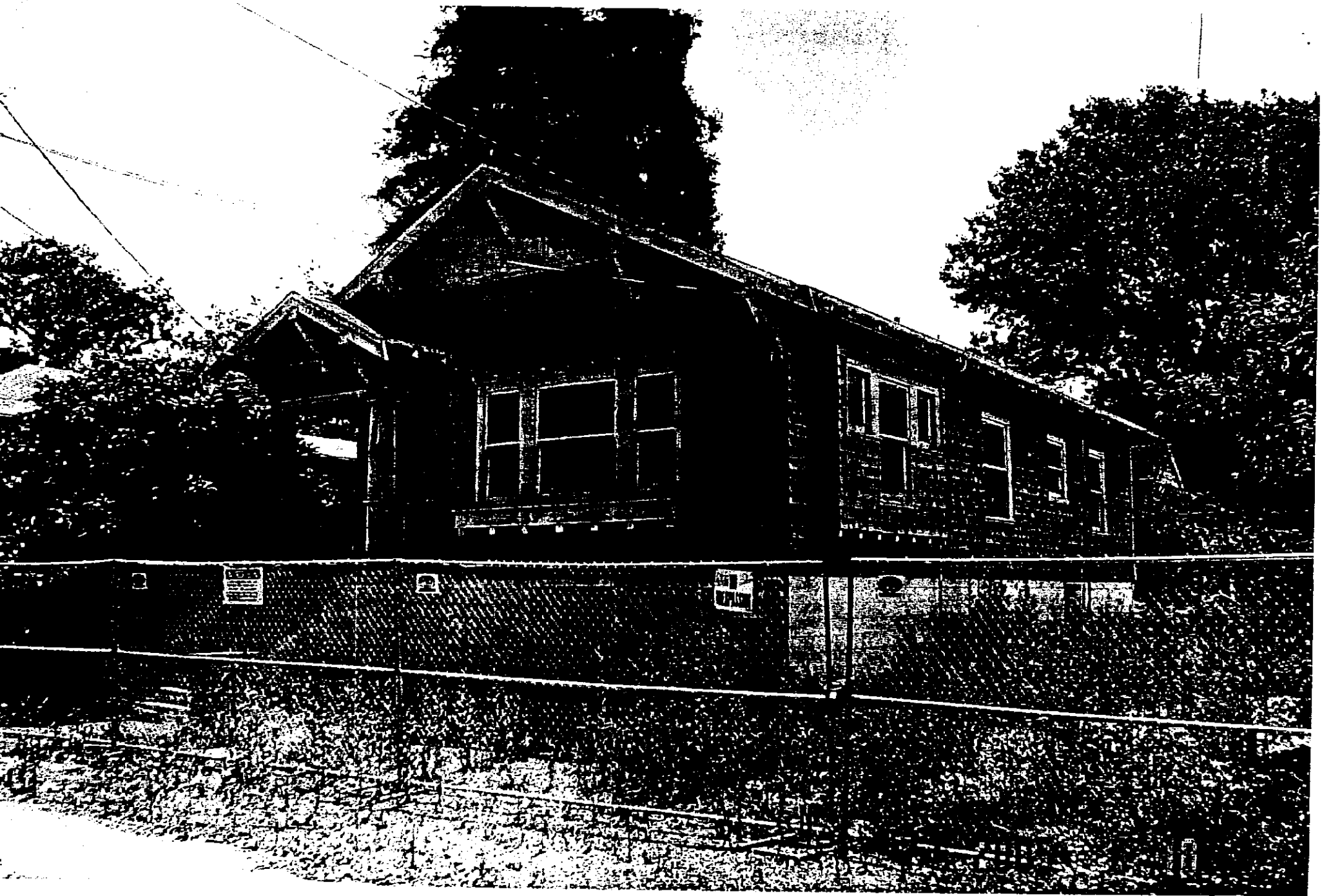
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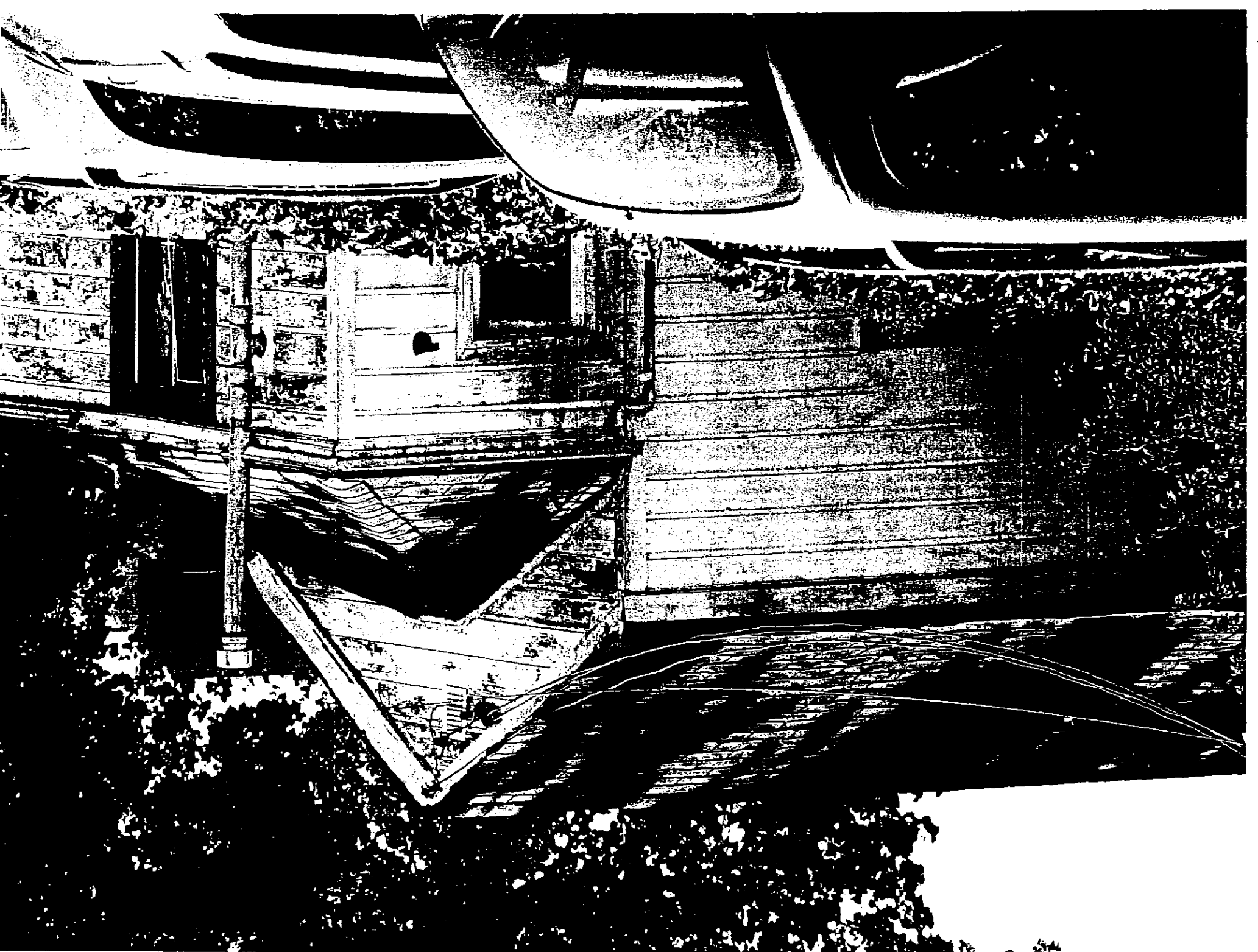


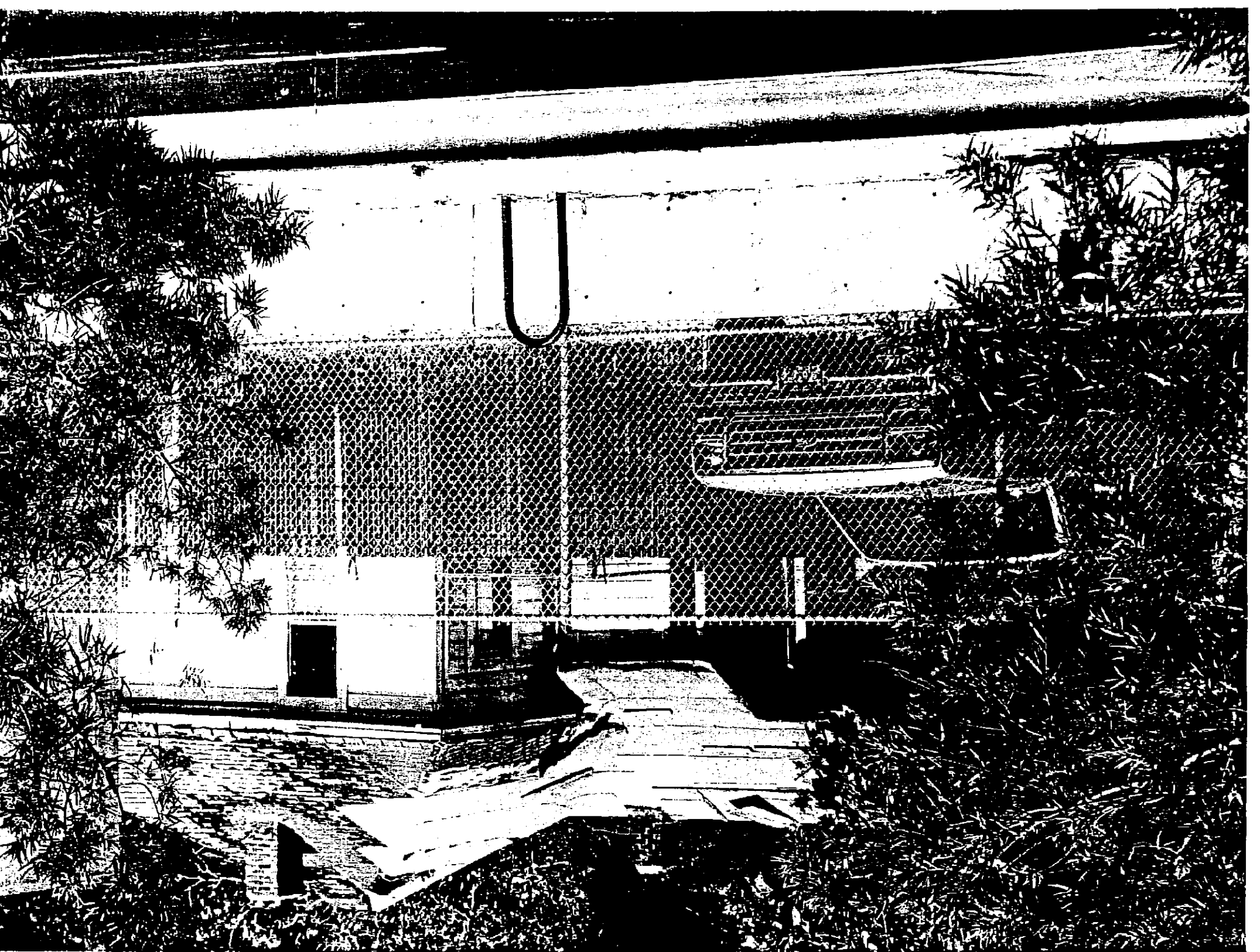


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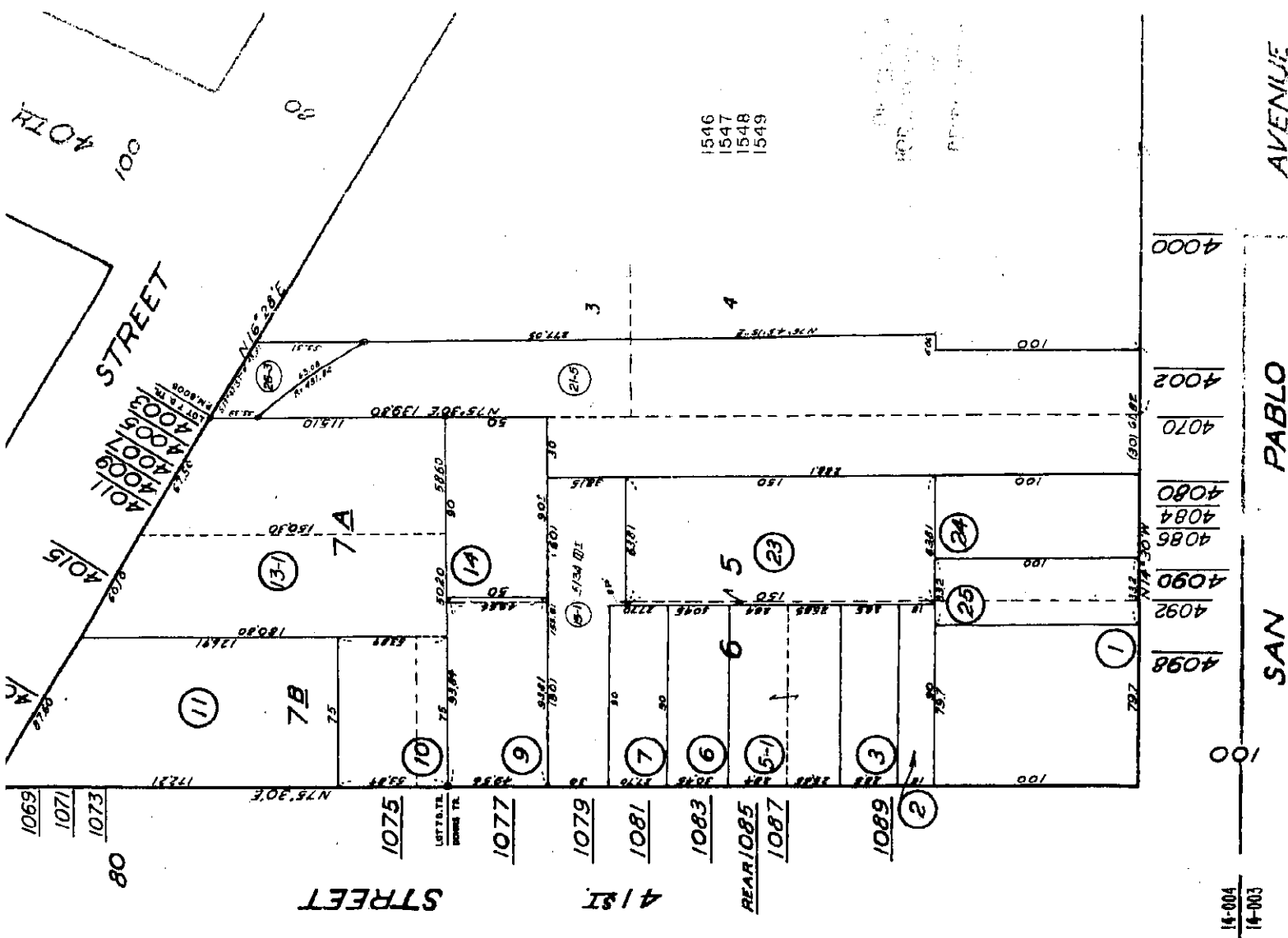












SAN PABLO AVENUE

14-004
14-003

1546
1547
1548
1549

1026



TOBEC

October 06, 2005

Daniel Vanderprieem
Director of Redevelopment, Economic Development & Housing
Community & Economic Development Agency City of Oakland
505 14th Street, Suite #609
Oakland, California 94612-1406

Dear Mr. Vanderpreim:

I am in the process of obtaining authorization to relocate a number of single family dwellings in the Emeryville area and would like to work through your agency to relocate one of them to a lot the City of Oakland owns on 46th Street in North Oakland.

The Assessors Parcel is #13-1170-14. This was formerly #938 - 46th Street. (See map and photos attached)

Please inform me if this can be arranged and what services your agency provides in this type of project. Thank you in advance for your considerations.

You may contact me in writing at the address below and by phone at #(510) 637-8543.

Sincerely,



Terrence Boyd

Terrence Boyd Enterprise Company
Post Office Box 3594
Emeryville, California 94632

Phone: (510) 637-8543
E-mail: terrence@ecopy.com

ASSESSOR'S MAP 13

Code Area No.17-003

Map of the Alden Tract of Temascal. (Bk. 17 Pg. 48)

Santa Fe Tract No. 2. (Bk. 19 Pg. 35)

1169

Alpine Tract. (Bk. 15 Pg. 28)

1167

Scale 1" = 50 ft.

1170

REV 7-28-63 A.Y.
3-28-63
3-31-63

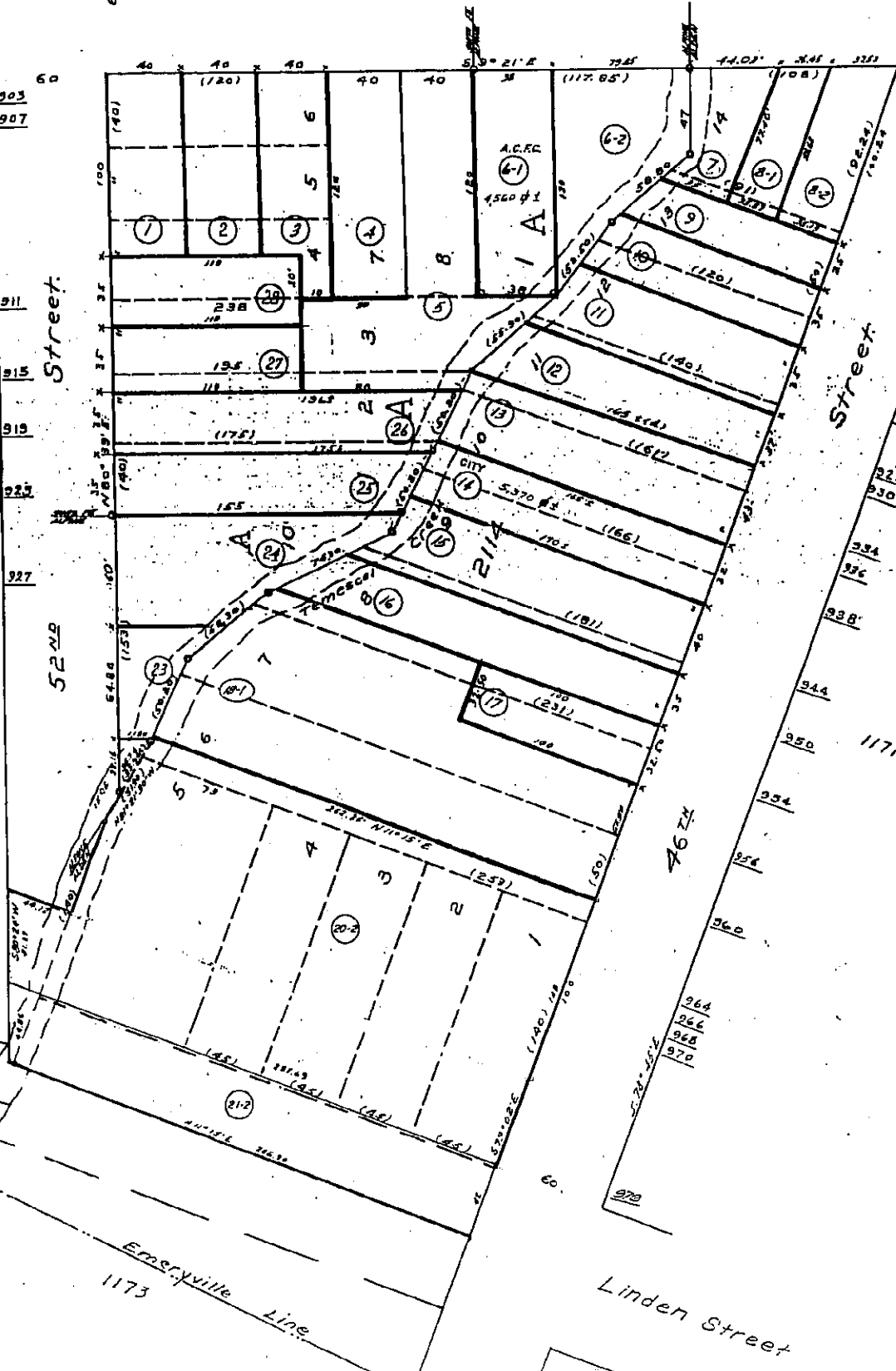
REV. 2-06-83CEL.
10-2-83 B.S.A.
3-31-83

BOOK 14

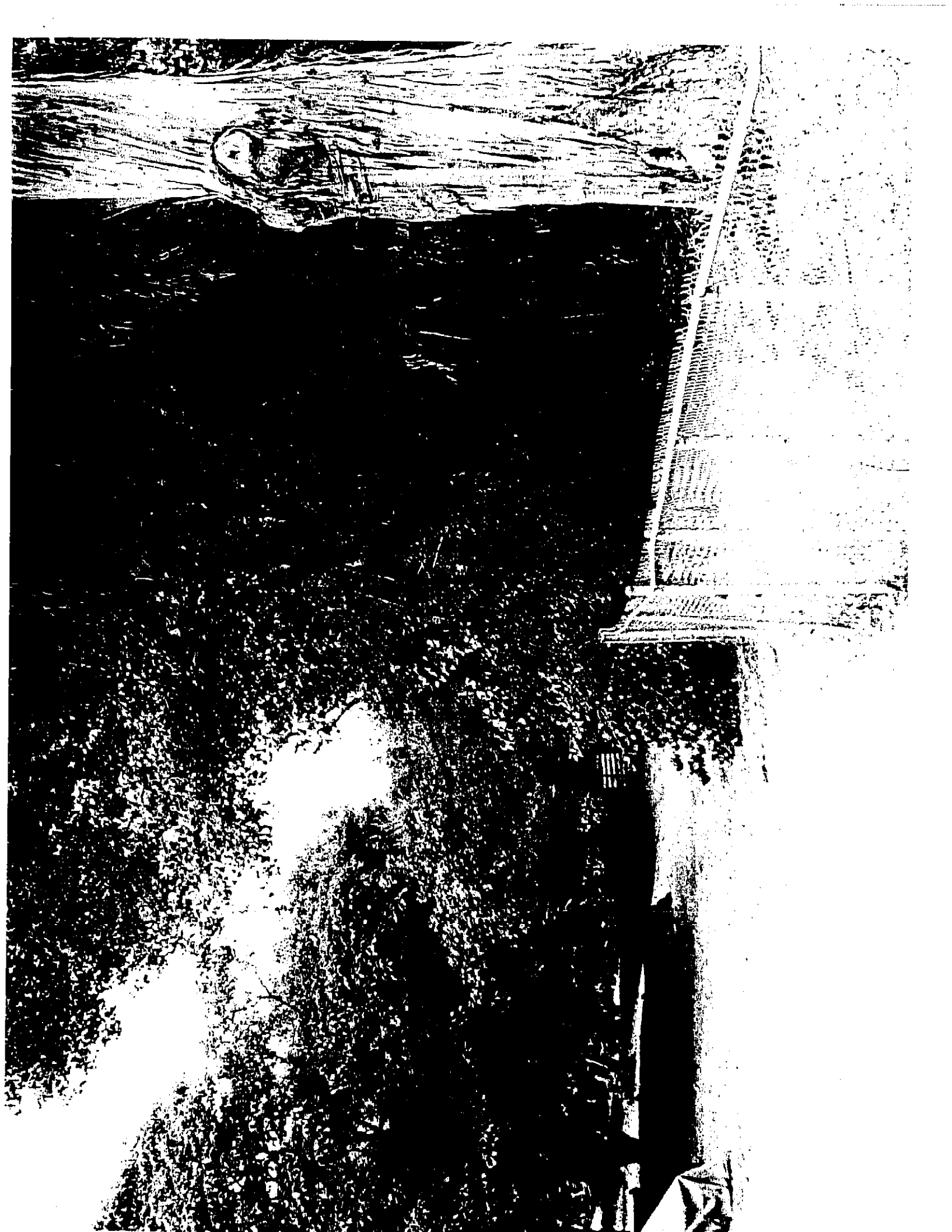
4715 4711 4705 4701 4691 4625 4603 4603 4601

Market Street

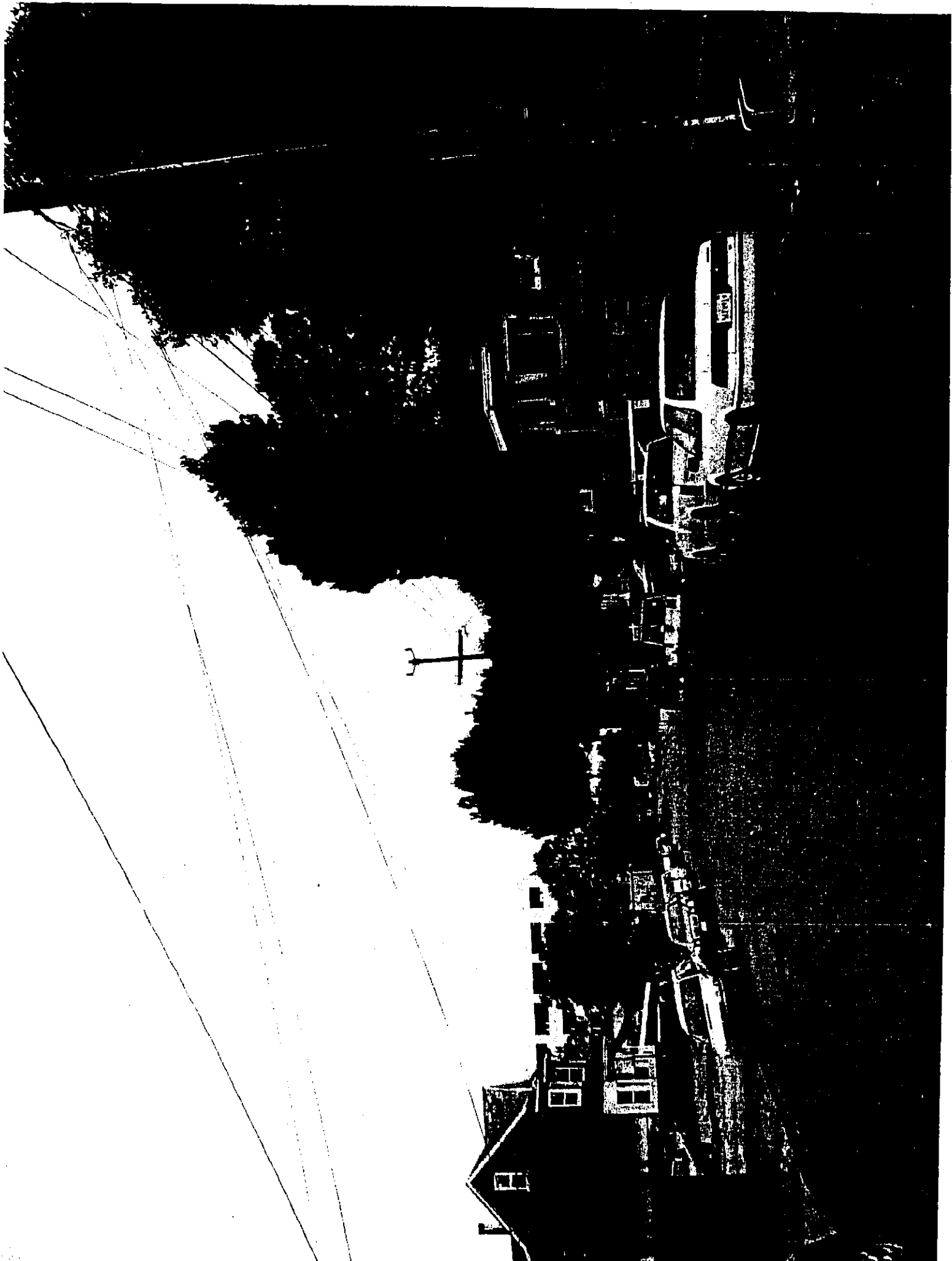
Street











OAK WALK MIXED USE PROJECT MITIGATION MEASURES

III. Air Quality

Mitigation Measure III-b:

Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines provide thresholds of significance for air quality impacts. The BAAQMD significance thresholds for construction dust impacts are based on the appropriateness of construction dust controls. The BAAQMD guidelines provide feasible control measures for construction emission of PM10. If the appropriate construction controls are to be implemented, then air pollutant emissions for construction activities would be considered *less than significant*. The following measures shall be included in the project Conditions of Approval and are recommended for inclusion in construction contracts to control fugitive dust emissions.

During Demolition of Existing Structure

- Watering should be used to control dust generation during demolition of structures and break-up of pavement.
- Cover all trucks hauling demolition debris from the site.
- Use dust-proof chutes to load debris into trucks whenever feasible.

During Construction

- Water all active construction areas at least twice daily.
- Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction sites.
- Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.

Implementation of the above measures during the construction phase would result in a *less than significant* impact.

Mitigation Measure III-e:

Implement Hazardous Materials Mitigation Measure VII-b2, which notes that an Air Monitoring and Dust/Odor Control Plan shall be prepared as part of a remediation plan for the project.

VI. Geology and Soils

Mitigation Measure VI-c:

A project specific geotechnical investigation for all proposed buildings and structures on the site shall be prepared and submitted to the City for review and approval. In addition, a detailed structural report, incorporating the findings of the geotechnical investigation, shall include engineering and structural specifications for development for all structures and buildings to be constructed at the site. Design of the new structures would incorporate recommendations contained in the required geotechnical/structural investigation to minimize the impacts of total and differential settlement at the project site. Preparation of a project specific geotechnical investigation and detailed structural report shall be required prior to issuance of a Building Permit for renovation or construction activities. Incorporation of these recommendations would reduce the potential impact of the project on geology and soils to a *less than significant* level.

VII. Hazards and Hazardous Materials

Mitigation Measure VII-b1:

Prior to the Applicant obtaining a grading or building permit for the site, the Applicant shall submit to the Director of Planning and Building the final corrective action plan approved by the Alameda County Environmental Health Care Services (ACEHCS). Additionally, the Applicant shall confirm in writing that the proposed use of the site has been reviewed and approved by the ACEHCS and that the ACEHCS has received, reviewed and considered the following information prior to approving the final corrective action plan:

- Given the presence of VOCs in ground water at the site, and the potential for vapor intrusion at the site, an evaluation of human health risks at the site shall be conducted following the requirements of the California Environmental Protection Agency (Cal-EPA), Department of Toxic Substances Control's (DTSC's) Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air dated December 15, 2004 (the "DTSC Guidance").
- The DTSC Guidance states that soil gas data should be used to evaluate human health risks from vapor intrusion to indoor air. Accordingly, a soil gas survey shall be performed at the site to evaluate the human health risks from the vapor intrusion pathway in accordance with the DTSC Guidance.
- The soil gas survey (and subsequent evaluation of human health risks) should be performed in accordance with the DTSC Guidance and Cal-EPA's Soil Gas Advisory dated January 28, 2003.

With respect to estimating the human health risks from petroleum hydrocarbon mixtures from paint thinners and fuels, the soil gas data and subsequent human health risk evaluation should consider the following additional guidance:

- Total Petroleum Hydrocarbon Criteria Working Group Series, 1997. Selection of Representative TPH Fractions Based on Fate and Transport Considerations.

Mitigation Measure VII-b2:

The Applicant shall submit to the Director of Planning and Building, a Construction Management Plan (CMP) for review and approval by the City of Emeryville, prior to the issuance of a grading or building permit for the site. The CMP shall identify and describe methods and procedures for remedial activities, including site preparation, soil profiling, soil excavation, loading and off-site disposal, confirmation sampling, groundwater and dewatering disposal and site restoration. A conceptual time schedule for the remedial activities shall be included in the CMP. The CMP shall include a Health and Safety Plan (HASP), site grading plan, construction Storm Water Pollution Prevention Plan (SWPPP), a soil sampling plan, an air monitoring plan and a transportation plan that includes the following:

Construction Traffic Routes

The project area could experience additional traffic related to construction trucks and employee vehicles during the building of the project. As a Standard Condition of Approval the project developer shall submit a construction traffic and parking management plan to the Public Works Director for review and approval prior to the start of construction activities. The plan would note the scheduling of construction traffic to avoid peak congestion period, proposed truck routes and parking.

The excavation and transportation of hazardous soil from the site shall conform to the provisions of the CMP for the site. The Applicant has not identified a specified route for the transportation of hazardous soils from the site. Any such route must be reviewed and approved by the City and shall, to the extent feasible, minimize ingress and egress to and from 41st Street.

Air Monitoring and Dust/Odor Control Plan shall be prepared for the project. This plan would require, among other things, procedures for covering stockpiles of soil with sheeting and minimizing the "open areas" of excavation to limit the escape of fugitive dust. In addition, the plan would also specify monitoring procedures and action levels to ensure that construction workers or offsite receptors are not exposed to elevated concentrations of contaminants.

The Applicant shall implement comprehensive traffic control measures as set forth in an approved Traffic and Parking Management Plan, including scheduling of major truck trips and soil removal to avoid peak hours. Applicant shall implement and maintain an on-site decontamination zone to clean all trucks of all mud, dirt or other debris before leaving the site and entering the public right-of-way. All mud, dirt and construction debris carried off the construction site onto adjacent streets shall be removed and cleaned daily. Failure to adequately sweep the streets may result in the City undertaking the effort at Applicant's cost. Dust control measures to minimize air quality impacts shall be implemented including:

- a. Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- b. Cover all trucks hauling soil, sand, and other loose materials.
- c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site.
- d. Limit on-site traffic speeds to 5 mph.

- e. Install, maintain and replace sandbags or other erosion control measures to prevent silt runoff to public roadways.
- f. Minimize removal and replant vegetation in disturbed areas as quickly as possible.
- g. No grading between October 1st and April 15th unless the Public Works Director has approved an erosion and sedimentation control plan.
- h. The Applicant shall prepare a Clean Fill report for any imported soil or materials brought to the site.

Mitigation Measure VII-b3

Prior to the Applicant obtaining a final certificate of occupancy for the site, the Applicant shall submit to the Director of Planning and Building a long-term Risk Management Plan for the site, which has been reviewed by the ACEHCS and the City of Emeryville and approved by ACEHCS. The RMP shall, at a minimum, include provisions to protect construction workers, nearby workers and residents, and future site occupants from potential health risks from residual contaminated soils and groundwater at the project site. In addition, prior to the issuance of a final certificate of occupancy for the project, a regulatory closure report shall be obtained, as required, from the ACEHCS and submitted to the Director of Planning and Building.

Mitigation Measure VII-b4:

Prior to the issuance of a demolition or building permit for any demolition or renovation activities a survey of lead-based paint (LBP) and asbestos-containing materials (ACMs) shall be completed and all identified ACMs and any loose or peeling LBP must be abated. If intact LBP were present at the site and not abated, demolition and renovation activities must comply with the State construction lead standard (Title 8, California Code of Regulations, Section 1532.1).

Implementation of the above measures would reduce the potential impact of the release of hazardous materials from the project site to a *less than significant* level.

VIII. Hydrology and Water Quality

Mitigation Measure VIII-e:

The project applicant shall file a notice with the Regional Water Quality Control Board (RWQCB) noting that they will prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to the issuance of a building permit to address storm water and sediment control activities during soil remediation operations. A separate Notice of Intent (NOI) and SWPPP shall be developed for construction activities related to specific site development activities, such as foundations and building construction. The SWPPP shall incorporate current Best Management Practices (BMPs) for construction and site operation.

BMPs during construction include scheduling excavation, grading, and paving activities for dry weather periods; taking measures to prevent soil erosion; keeping construction materials protected from rain; and general good housekeeping practices (Alameda County Urban Runoff Clean Water Program (ACURCWP), 1998). BMPs during site operation, after completion of construction, would include regular sweeping of the parking areas, posting signs to control litter,

using absorbent material to clean up automotive fluids, and ensuring that any waste water from parking area cleaning activities is not discharged to the storm sewer (ACURCWP, 1999).

Implementation of the above measure would reduce the potential impact of the project on hydrology and water quality to a *less than significant* level.

XI. Noise

Mitigation Measure XI-a:

With the implementation of the following mitigation measures, the interior noise impact would be considered *less than significant*.

- Sound insulation features must be included in the design of the residential units. A detailed analysis of noise exposure that identifies these features for all units shall be conducted before building plans are submitted. The State of California Building Code (enforced by the City for all housing) requires that interior noise levels not exceed 45 dBA Ldn in all habitable rooms. In accordance with State Building Code requirements, the acoustical analysis should indicate the specific noise control treatments included in the design necessary to maintain indoor noise levels at or below 45 dBA Ldn. Appropriate building design would be necessary to maintain interior noise levels to meet City and State requirements.
- Sound insulation features would include Sound Transmission Class (STC) rated windows (e.g. double pane windows), with STC ratings that are higher than "standard" units, in walls facing or perpendicular to either San Pablo Avenue or 40th Street.
- Impacted residences must be provided with forced air mechanical ventilation, satisfactory to the City Building Official, so windows may be kept closed at the discretion of the occupants to control noise intrusion.

Mitigation Measure XI-d:

During construction, the following measures to reduce construction noise should be implemented:

- Noise-generating activities at the construction site or in areas adjacent to the construction site associated with the project in any way should be restricted to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, per the City's Municipal Code. Pile driving shall be limited to 8:00 am to 5:00 pm. No construction activities should occur on Saturday, Sunday, or holidays.
- Construct temporary plywood noise barriers along the eastern property line to shield adjacent noise-sensitive land uses from construction noise prior to the demolition phase of the project. The temporary noise barriers should be at least 10 feet to 12 feet high to shield noise generated by heavy equipment exhaust stacks.

- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines should be strictly prohibited.
- Avoid staging of construction equipment within 200 feet of residences and locate all stationary noise-generating construction equipment, such as air compressors and portable power generators, as far from existing noise sensitive receptors as is practical. Construct temporary barriers to screen stationary noise generating equipment when located in areas adjoining noise sensitive land uses. A suitable location for the staging of noisy construction equipment may be adjacent to San Pablo Avenue.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Route all construction traffic to and from the project site via designated truck routes. Prohibit construction related heavy truck traffic in residential areas where feasible. Prohibit construction truck traffic in the project vicinity prior to 7:00 a.m. or after 6:00 p.m., Monday through Friday.
- Control noise from construction workers' radios to the point where they are not audible at existing residences bordering the project site.
- Notify adjacent residents to the project site of the construction schedule in writing.
- Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and would require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. (The contractor should be responsible for designating a noise disturbance coordinator and the individual project sponsor should be responsible for posting the phone number and providing construction schedule notices).

The above measures would reduce the potential noise impacts of the project to a *less than significant* level.

XV. Transportation and Traffic

Mitigation Measure XV-a:

The project applicant will be required to submit a Construction Traffic Management Plan (CTMP) to the Public Works Director for approval prior to the start of construction activities. The plan would note the scheduling of construction traffic to avoid peak congestion period, proposed truck routes and parking. The CTMP shall include the following:

- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure procedures; signs, cones, and other warning devices for drivers; and designation of construction access routes.
- Provision for on-site construction staging.
- Notification to property owners and local jurisdictions when major deliveries, detours, or lane closures are required.
- Provision of on-site parking for all construction employees, site visitors, and inspectors.
- Provisions for street sweeping to remove construction-related debris.
- Designated general use site access and general employee and visitor parking and circulation areas on site, and any necessary off-site shuttle connectors to serve designated off-site parking supplies during construction.
- Provision for signing and safety fencing to re-route pedestrians and bicyclists
- Restoration of all road surfaces to pre-project conditions after completion of any project-related activities in the public right-of-way.

Mitigation Measure XV-d1:

Locate the parking garage gate at least one car length from the back of the 40th Street sidewalk to ensure safety and reduce potential conflicts between vehicles, pedestrians, and buses. This would result in the elimination of the two parking spaces directly adjacent to the gate.

Mitigation Measure XV-d2:

Consolidate AC Transit transfer facilities from four to three transit bays. Changes to AC Transit route operations require coordination with AC Transit Operations and Planning staff.

Mitigation Measure XV-d3:

Coordinate with AC Transit Operations and Planning staff to relocate the bus stop for transit routes on San Pablo Avenue to the southern portion of this block.

Mitigation Measure XV-d4:

Re-stripe and add signage to the affected segment of the 40th Street block such that it no longer serves as a bus-only lane but rather a mixed-flow lane. Consult with AC Transit to ensure that the positions of the transit bays allow buses to embark and disembark passengers without blocking the proposed project driveways. Changes to AC Transit facilities require coordination with AC Transit Operations and Planning staff. New striping should clearly identify those portions of 40th Street where autos are permitted.

Mitigation Measure XV-d5:

Provide a 24-foot driveway pan at the San Pablo Avenue driveway. The 22-foot throat can be maintained as shown on project plans.

Mitigation Measure XV-g:

The project shall incorporate the following into the development of the site:

- Install stop signs and appropriate striping for vehicle traffic exiting the site. Maintain a sight distance triangle at the stop sign controlled approaches. Provide street lighting to enhance pedestrian visibility at each access location.
- Design the accesses to 40th Street and San Pablo Avenue as driveways, maintaining a 6-foot sidewalk (minimum) adjacent to each driveway pan that is in line with the primary walking corridor along the street.
- Install audio and visual warning devices at the garage to warn pedestrians of on-coming traffic leaving the garage. Locate each access control system at least 25 feet from the back of sidewalk for vehicles entering and exiting the garage.
- Maintain a 6-foot minimum linear pedestrian travel way within the sidewalks on 40th Street and San Pablo Avenue. The pathway should be clear of obstructions such as landscaping, street furniture, and utility poles and cabinets.
- Adhere to the applicable Title 24 regulations which govern the design of the curb ramps (including the angle of the ramp), the size and placement of the pedestrian push buttons to activate the flashers, the width of the sidewalk adjacent to the curb extensions, and other items as appropriate.

Implementation of these measures would reduce the potential transportation and traffic impacts of the project to a *less than significant* level.

INCLUSION OF MITIGATION MEASURES AS PART OF PROJECT:

I, as applicant/authorized agent, have reviewed the above mitigation measures and agree to include said measures as part of this project:

Stuart Gruendl
BayRock Residential

Date



RECEIVED

OCT 24 2005

PLANNING DEPARTMENT

October 19, 2005

Charles Bryant, AICP
Director of Planning & Building
City of Emeryville Planning Division
1333 Park Avenue
Emeryville, California 94608-3611

Dear Charles Bryant:

I am very interested in removing the vacant buildings at the mixed use project site bordered by San Pablo Ave, 40th & 41st Streets. I have written the Oaks Card Room Directors (see attached letter) to obtain their consent.

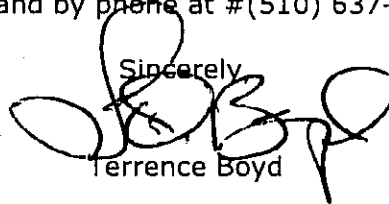
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- ✘ Emeryville's Redevelopment Agency Programs and funding sources...

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Sincerely,



Terrence Boyd

Terrence O'Neil Boyd Enterprise Company
Post Office Box 8594
Emeryville, California 94662

Phone: (510) 637-8543
E-mail: terrence@acpwa.org

TOBEC

October 05, 2005

Oaks Club Room
Board of Directors
4099 San Pablo Avenue
Emeryville, California 94608-3611

Dear Directors:

I would like to obtain permission to remove vacant building(s) you possess at 41st Street between San Pablo Avenue & Adeline Street, in Emeryville. I have experience with this type of project and many years experience in engineering and construction.

Removing the buildings should reduce demolition and other costs associated with the vacant structures.

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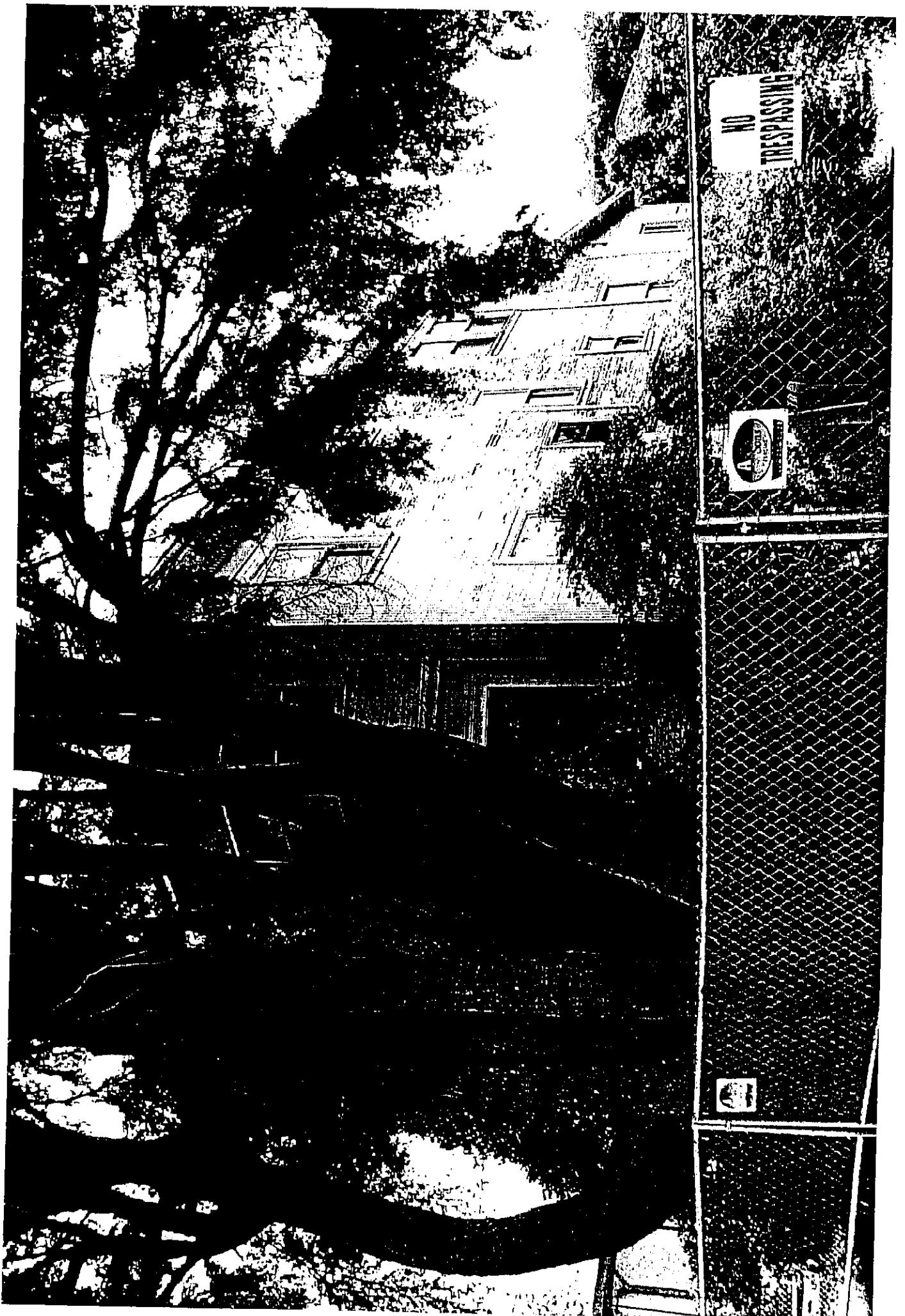
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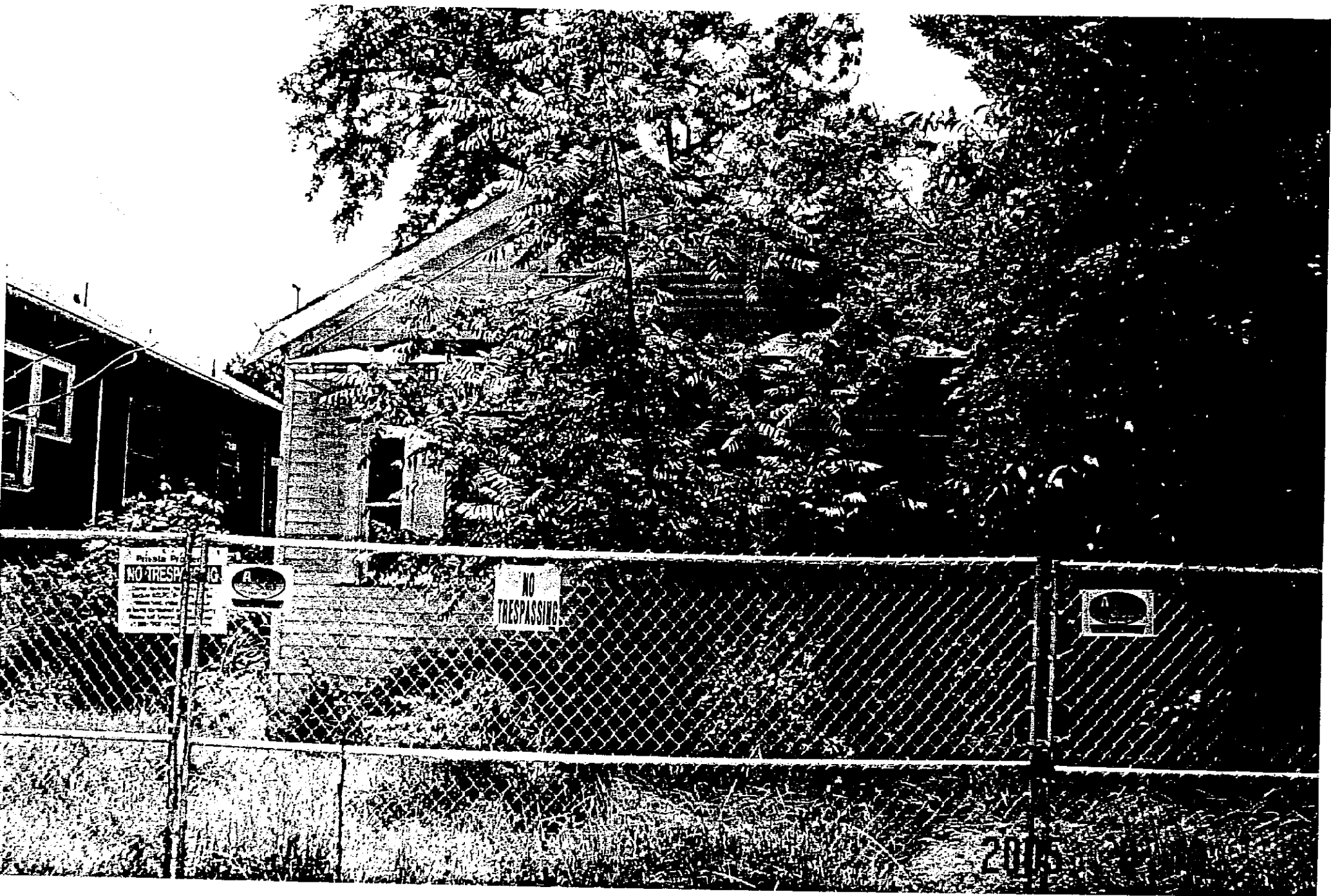
Terrence Boyd

Terrence O'Neil Boyd Enterprise Company
Post Office Box 5594
Emeryville, California 94632
Phone: (510) 637-8543
E-mail: terrence@acpwa.org

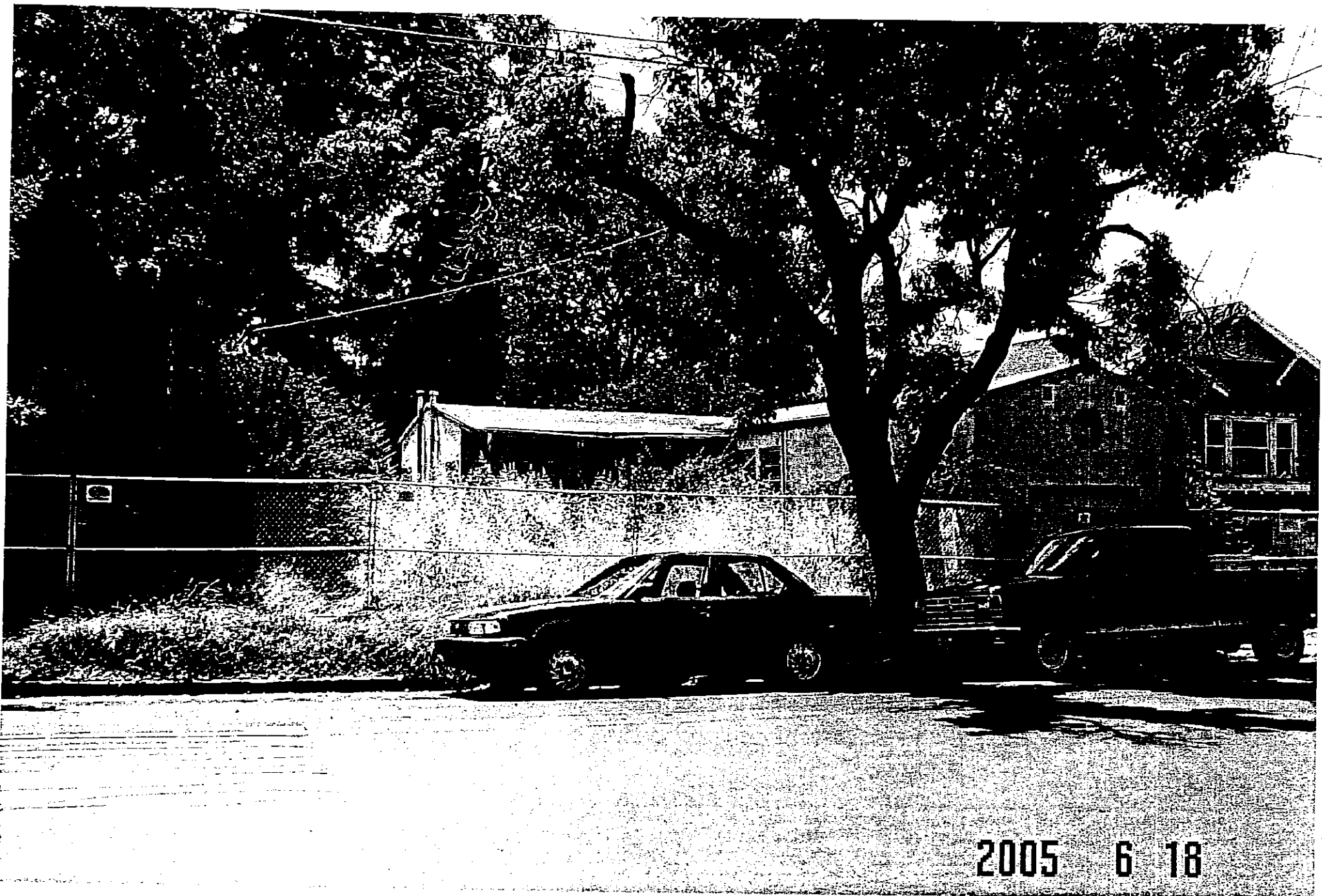
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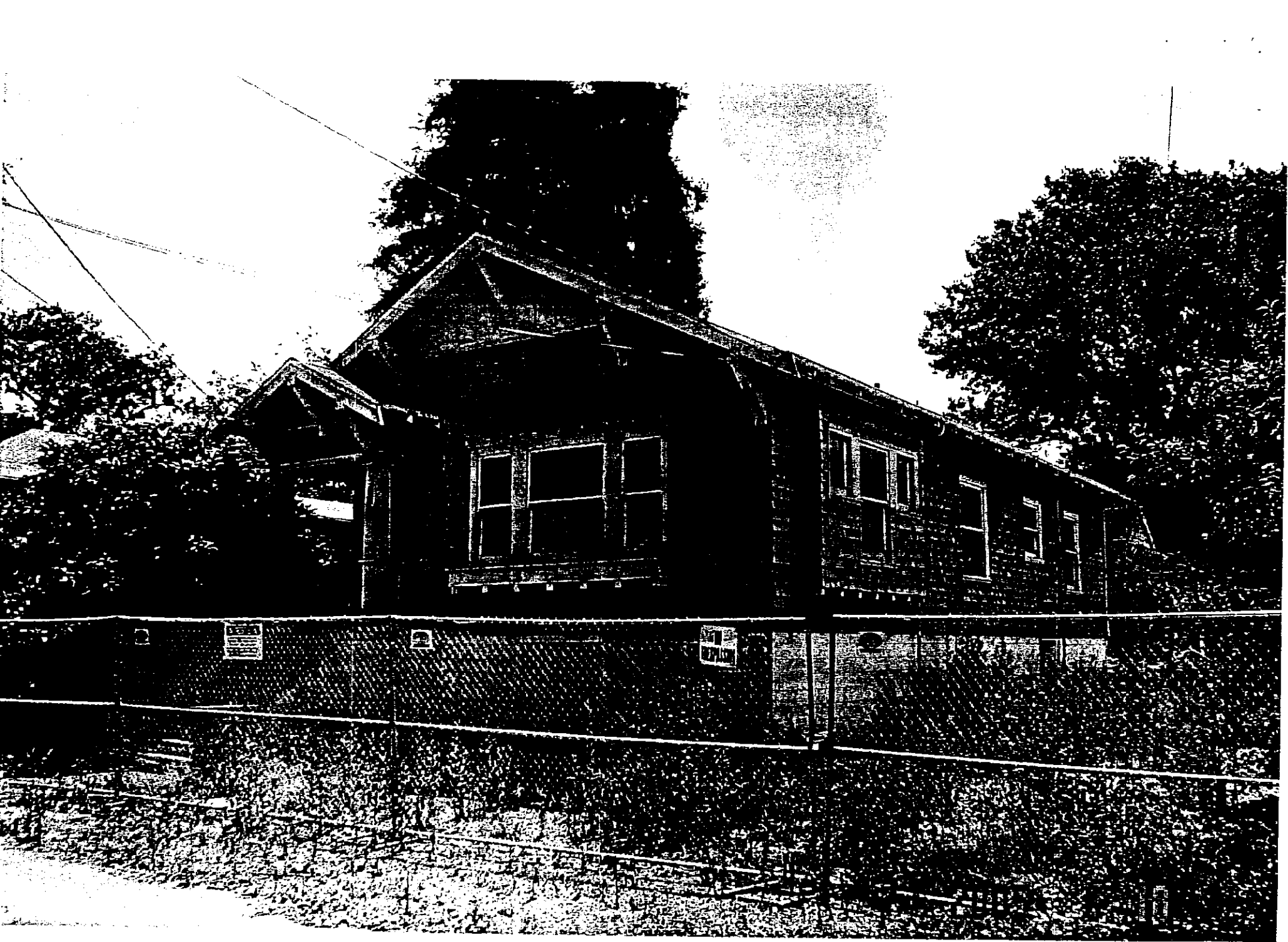




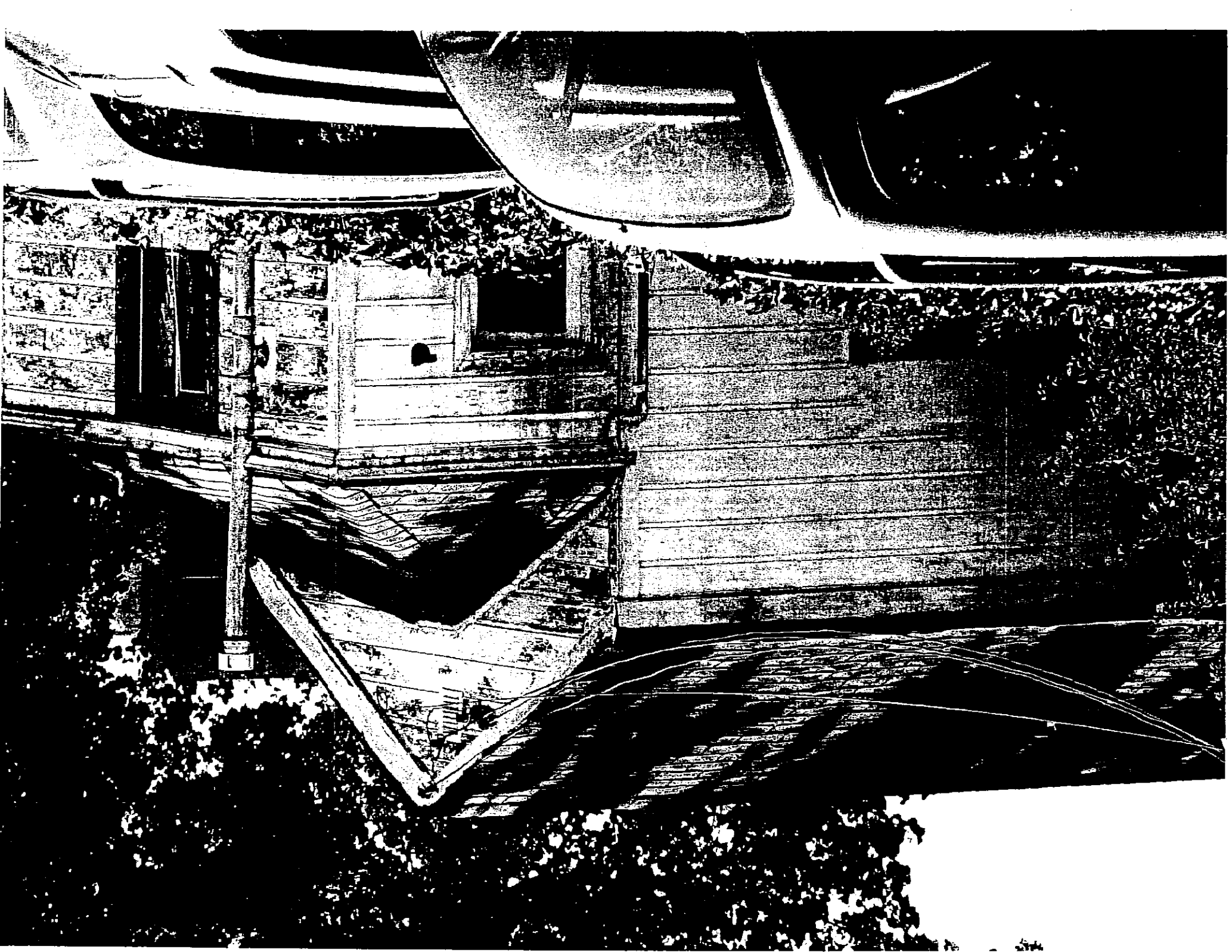


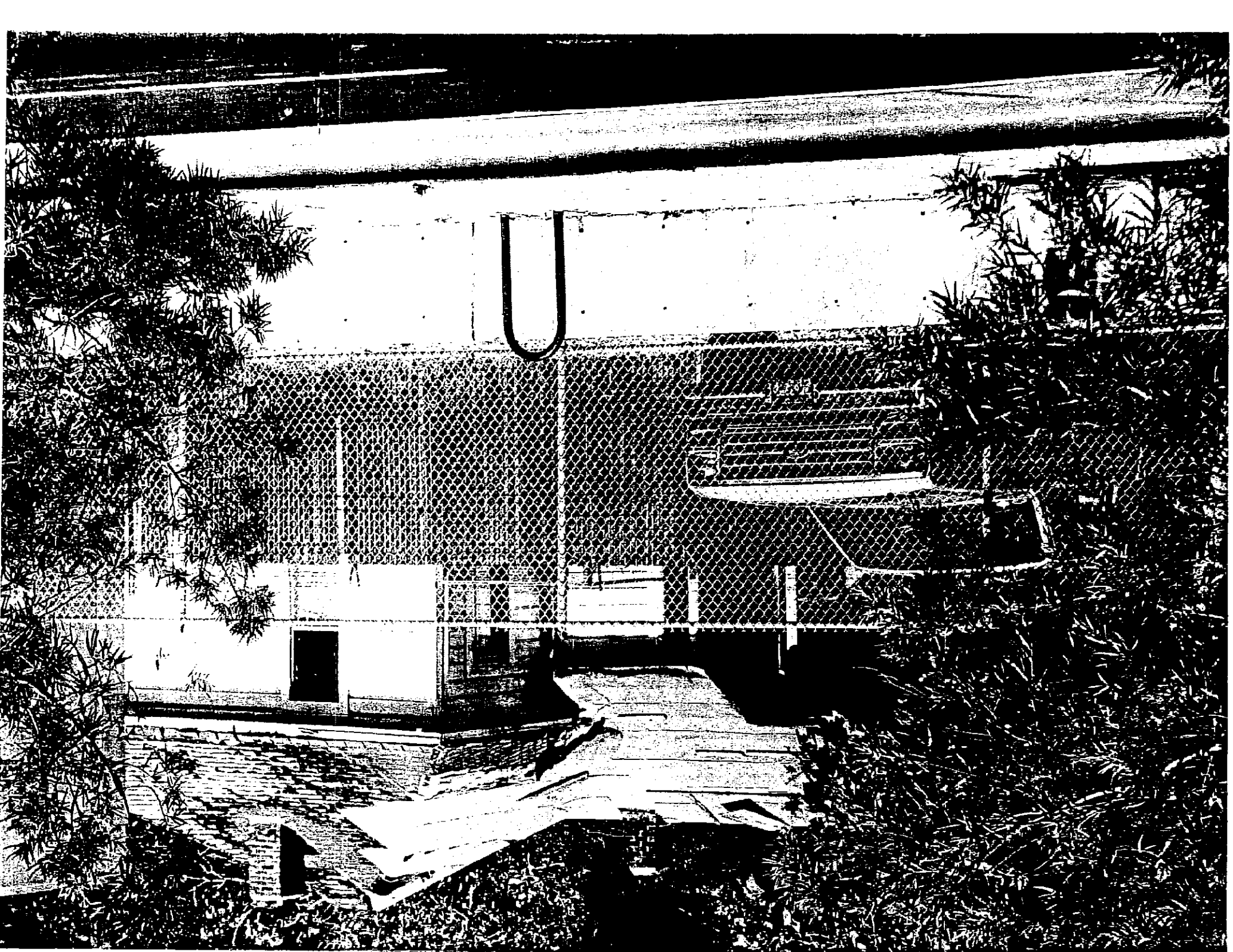


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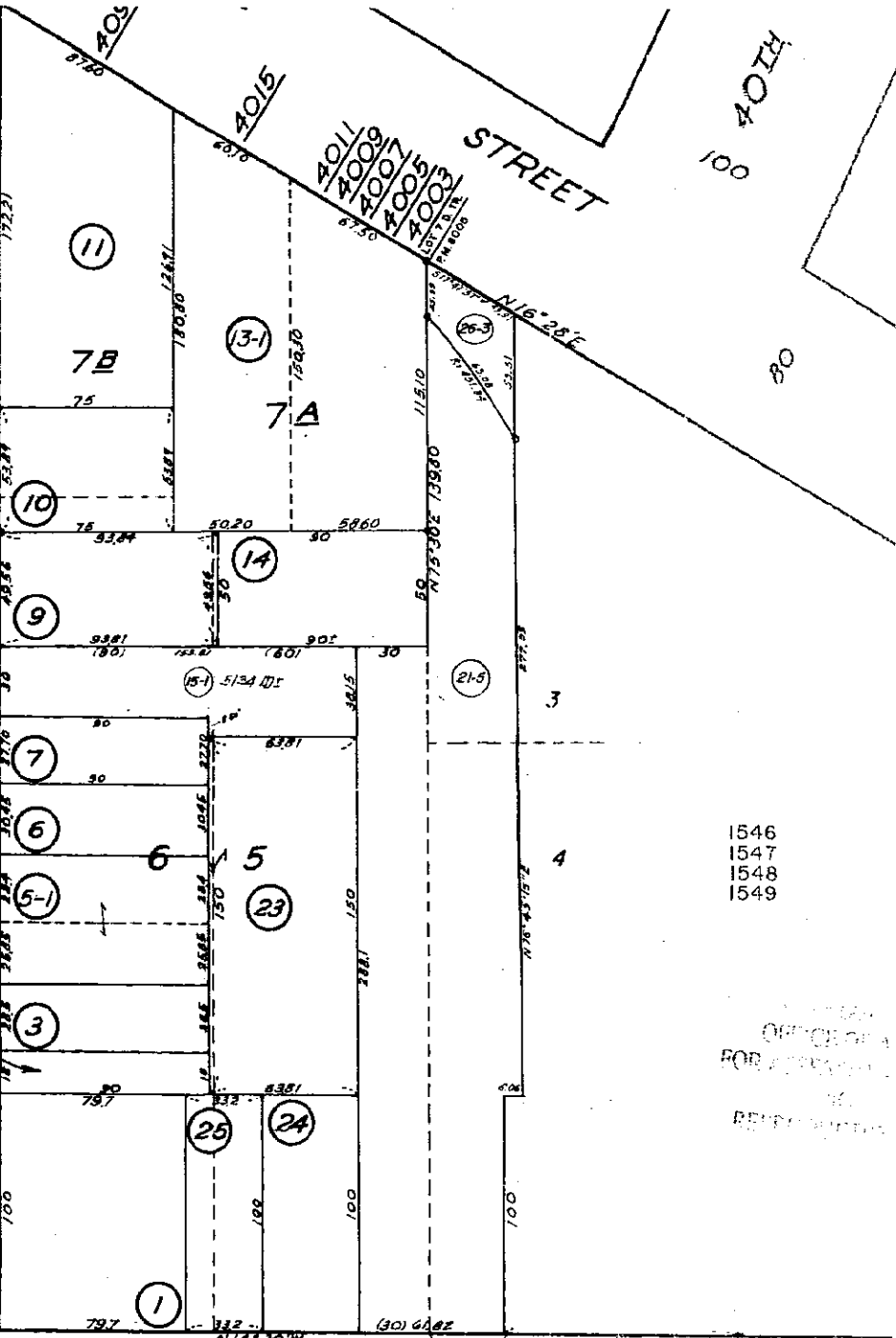
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SAN PABLO AVENUE

TOBEC

October 06, 2005

Daniel Vanderpriem
Director of Redevelopment, Economic Development & Housing
Community & Economic Development Agency City of Oakland
505 14th Street, Suite #609
Oakland, California 94612-1406

Dear Mr. Vanderpreim:

I am in the process of obtaining authorization to relocate a number of single family dwellings in the Emeryville area and would like to work through your agency to relocate one of them to a lot the City of Oakland owns on 46th Street in North Oakland.

The Assessors Parcel is #13-1170-14. This was formerly #938 - 46th Street. (See map and photos attached)

Please inform me if this can be arranged and what services your agency provides in this type of project. Thank you in advance for your considerations.

You may contact me in writing at the address below and by phone at #(510) 637-8543.



Sincerely,

Terrence Boyd

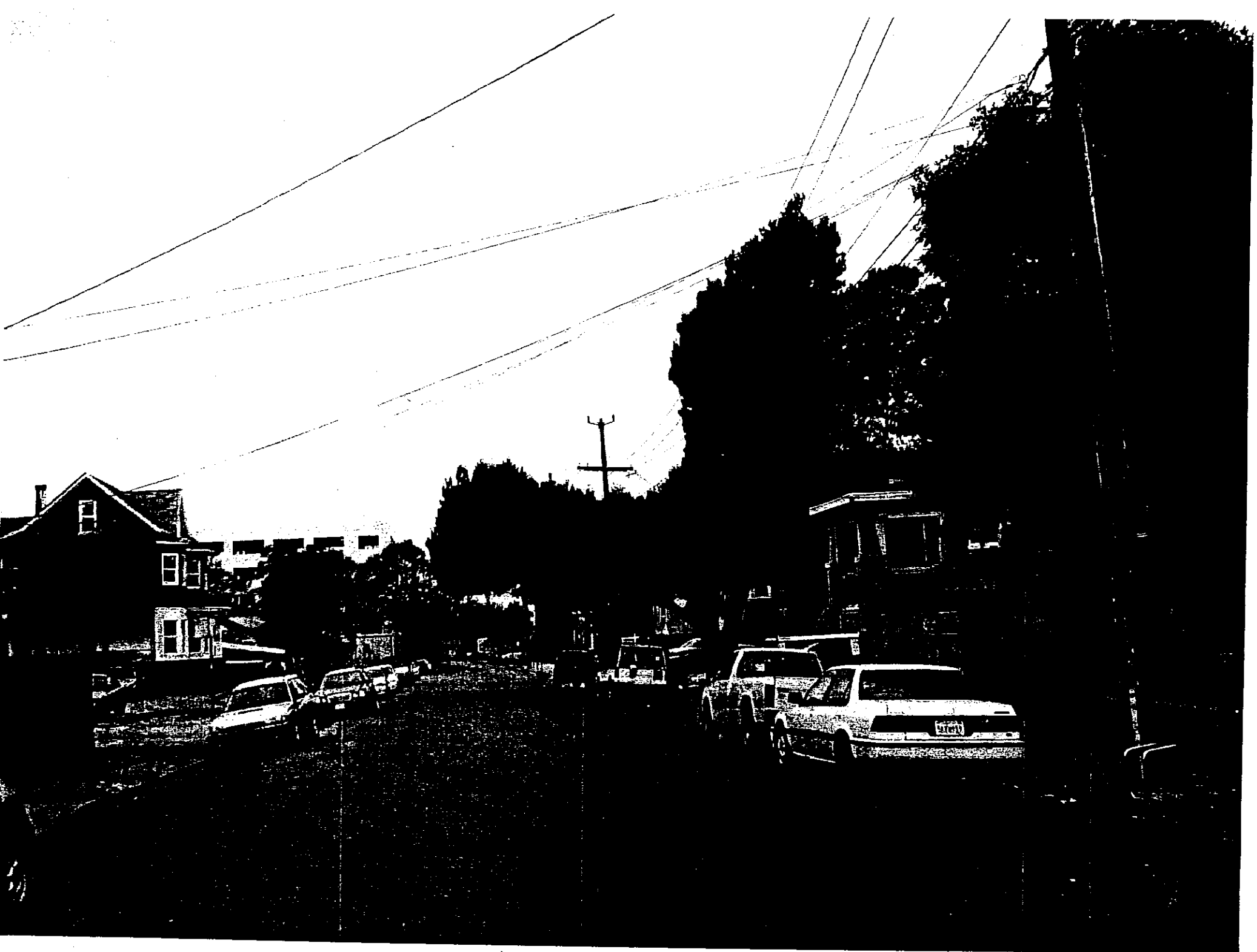
Terrence O'Neill Boyd Enterprise Company
Post Office Box 3594
Emeryville, California 94632

Phone: (510) 637-8543
E-mail: terrence@ecpwa.org











Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Sean Walsh
Director

October 25, 2005

Charles S. Bryant
City of Emeryville
1333 Park Avenue
Emeryville, CA 94608

Subject: Oak Walk Mixed Use Project
SCH#: 2005092115

Dear Charles S. Bryant:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 24, 2005, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2005092115
Project Title Oak Walk Mixed Use Project
Lead Agency Emeryville, City of

Type Neg Negative Declaration
Description Residential/Commercial mixed use project with 5,500 square feet of retail space fronting on San Pablo Avenue, 58 dwelling units in building up to four stories high with a courtyard at a podium level, 103 at-grade parking spaces and 18 bicycle parking spaces on a 1.77 acre site.

Lead Agency Contact

Name Charles S. Bryant
Agency City of Emeryville
Phone 510 596-4361 **Fax**
email
Address 1333 Park Avenue
City Emeryville **State** CA **Zip** 94608

Project Location

County Alameda
City Emeryville
Region
Cross Streets San Pablo Avenue - 40th Street, 41st Street
Parcel No. 49-1025-1,2,3,5-1,6,7,9,14,15-1,21-5,23,24,25
Township **Range** **Section** **Base**

Proximity to:

Highways 13,24,80,123,580,880,980
Airports
Railways UP, BNSF
Waterways San Francisco Bay
Schools Anna Yates Elementary Emery Secondary
Land Use Residential and Commercial/General Commercial (C-G) and Medium Density Residential (R-M)/Commercial (C) and Medium Density Residential (M)

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Department of Housing and Community Development; Department of Health Services; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Date Received 09/23/2005 **Start of Review** 09/23/2005 **End of Review** 10/24/2005