

IMPACT

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2006 FEB 27 PM 2: 50

September 27, 2002

Ms. Janice Weston
Community Development Corporation of Oakland
5636 Shattuck Avenue
Oakland, California 94609

Alameda County
FEB 28 2006
Environmental Health

Re: Phase I Environmental Site Assessment
3701 Martin Luther King Jr. Way
Oakland, California 94609

Dear Ms. Weston:

We are pleased to submit our Phase I Environmental Site Assessment report for the above referenced site. Should you have any questions or require additional information, please do not hesitate to contact me at (510) 703-5420.

Sincerely,

Impact Environmental Services

Joseph A. Cotton R.G., R.E.A.
Principal Environmental Geologist

JAC\CEH,jc
Copies. Addressee (2)

Phase I Environmental Site Assessment
3701 Martin Luther King Jr. Way
Oakland, California

November 21, 2002

Prepared for:

Community Development Corporation of Oakland
5636 Shattuck Avenue
Oakland, California

Prepared by:

Impact Environmental Services Inc.
39120 Argonaut Way, Suite 223
Fremont, California

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PHASE I ENVIRONMENTAL SITE ASSESSMENT
3701 Martin Luther King Jr. Way
Oakland, California

1.0 INTRODUCTION

Impact Environmental Services (Impact) was retained by the Community Development Corporation of Oakland (CDCO) to conduct a Phase I Environmental Site Assessment (Phase I) for the property located at 3701 Martin Luther King Jr. Way (MLK) in Oakland, California (cited hereafter as the Property). The objective of the Phase I was to identify recognized environmental conditions and evaluate potential environmental liabilities associated with the Property. Impact evaluated the potential presence or likely presence of hazardous substances on the Property for conditions that indicate an existing release or a material threat of release of hazardous substances into structures on the property, into the ground, groundwater, or surface water of the property. This Phase I report has been prepared for the exclusive use of CDCO and/or its agents. Impact will distribute information regarding this assessment and report only upon the request of CDCO and/or its agents.

1.1 Scope of Work Performed

The Phase I was conducted in accordance with the American Society of Testing and Material (ASTM) Guidance Document for Standard Practice for Environmental Site Assessment: Designation E-1527-00. The Scope of Work for this Phase I ESA included the following tasks:

- Visual inspection of said Property to evaluate current on-site activities and potential past uses.
- Research and review of select geologic and hydrologic information in the Property area.
- Review of select historical documentation for the Property to determine what activities have occurred at the site since the Property's first developed use or since 1940, whichever is earlier.
- Visual survey of current uses of the immediate adjacent properties.
- Review of reasonably ascertainable local regulatory files concerning chemical use and storage at the Property.
- Acquisition of a computerized review of federal, state, and local publications to identify National Priority List (NPL); Resource Conservation and Recovery Act (RCRA); United States Environmental Protection Agency (EPA)- Region 9; Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS); RCRA Treatment, Storage and Disposal (TSD); and Emergency Notification System (ERNS) sites located within close proximity to the Property as well as landfills, Leaking Underground Storage Tanks (LUST) sites and registered underground storage tank sites.

this period, the earth's crust was divided into smaller sinking blocks that formed basins and embayments. These are interspersed with zones of uplift that formed the highland areas.

The Property is located within a basin known as the Santa Clara Valley. The Santa Clara Valley is a large structural depression containing unconsolidated alluvial deposits derived from the Diablo Range to the east and the Santa Cruz Mountains to the west. Sediment from slopewash, landslides, and gullies were carried downslope by shifting alluvial stream channels to the marshlands and the San Francisco Bay in time, infilling the Santa Clara Valley with alluvial material. Other sediments occupying the Valley originated from the marine environment that covered a portion of the basin. The basin generally consists of about 1,000 to 2,000 feet of these deposits that unconformably overlie bedrock formations. Alluvial materials at and in the area are characterized by fine-grained alluvial fan and freshwater marsh deposits of relatively low permeability.

The San Francisco Bay Region is also one of the most seismically active regions in the United States and has a long history of extensive earthquake activity. The San Andreas Fault system, located approximately 15 miles southwest of the subject Property, separates the North American and Pacific tectonic plates. The subject Property lies on the North American plate and east of the tectonic zone juxtaposing these two tectonic plates. Other significant local faults of known or suspected seismic activity include the Hayward Fault (approximately 5-miles northeast) and the Calaveras Fault (approximately 15-miles east). The general trend of these faults is toward the northwest. The relative motions along the faults are strike-slip with right-lateral movement.

The Property is within the eastern San Francisco Bay region where the climate is characterized by cool, wet winters and warm, dry summers. Rainfall in the region typically occurs between October and April and averages approximately 21 inches annually.

2.5 Soil and Groundwater Conditions

Specific groundwater information was not available for the Property. However, three locations (two to the northwest and one to the east-southeast) within 1/4 mile of the Property had consistent ground water flow directions to the north and northwest. Depth to groundwater at these three locations ranged from 8 feet bgs to 15 feet bgs. The surface soil in the area is categorized as silty clay. Deeper subsurface soil in the area contains a mixture of clays, silts, sand and gravel, with an average soil type of sandy to silty clay. These soils exhibit very slow infiltration rates and have somewhat poor soil drainage characteristics. The average permeability rate of these soils range from 0.06 to 0.20 inches per hour (in/hr). Site soils do not meet the requirements for hydric soils.

3.0 PROPERTY HISTORY & LAND USE REVIEW

Standards developed by ASTM, and agreed upon by most financial institutions, require that the history of a site be established from the present time back to 1940, or to the year that it was developed from agricultural use or

open space. Sources of such information are typically interviews, aerial photographs, Sanborn Fire Insurance Maps, city directories, and local fire, building/planning and health department files. Historical records for the Property indicate that the Property was first developed circa 1939.

Please note that Grove Street was renamed Martin Luther King Jr. Way circa 1985. To maintain consistency with relevant historical documents and figures, Impact will refer to Grove Street when describing features at the Property before 1985 and MLK will be referenced to describe site features after 1985.

3.1 Personnel/Property Owner Interview

Impact requested that CDCO arrange a meeting with the current property owner to complete the ASTM standardized Interview Form. However, contact was not made with the property owner and the owner/tenant section of the ASTM standardized Interview Form could not be completed. However, the section of the interview form that contained the environmental professional's observations was completed by Impact. A copy of the interview form is attached in Appendix A.

3.2 Sanborn Insurance Maps

Impact reviewed Sanborn maps of the Property for the years **1902, 1912, 1951, 1952, 1954, 1959, 1961, 1962 and 1967**. Sanborn maps are fire insurance maps maintained by private insurance companies from the 1880's to 1970's for insurance validation purposes. Sanborn maps were reviewed to evaluate historical land uses at the subject site and nearby properties and are presented in Appendix B.

The **1902** Sanborn map shows the subject Property as a rectangular-shaped, vacant undeveloped parcel trending roughly east west. Vacant lots define the northern and western terminus of the subject property. Grove Street and 37th Street border the property to the west and south, respectively. The area surrounding the subject Property is primarily residential in nature.

The **1912** Sanborn map shows the subject Property with expanded property boundaries to the north and west. The new 1912 northern boundary of the site incorporates the adjoining vacant lot that the 1902 map shows to the west. The northern boundary of the Property also appears to have extended to include a portion of the former vacant lot that bordered the site to the north. The **1912** Sanborn map shows no other significant changes to the subject Property from the 1902 Sanborn map. A wood-frame, two-unit flat are present former vacant property that borders the subject Property on the north. On the parcel at the western boundary of the Property is a two-story wood-frame dwelling. The area surrounding the subject site is still primarily residential.

The **1951** Sanborn map shows automotive repair garage and automobile service station-type structures constructed in center of the subject property. The map also shows the subject property with an address of 3701 Grove Street. A detached restroom building is present in the northwest portion of the site. A kiosk and

attached canopy is present in the southeast portion of the Property. The map shows two underground storage tanks containing oil and gasoline installed beneath a canopy in the southeast portion of the subject Property. The rear (west) quarter of the site remained vacant and unpaved. The property bounding the subject Property to the west appears unchanged from the 1912 Sanborn map. A multi-story, wood-framed dwelling replaced the two-unit flat on the property to the immediate north of the site. The area surrounding the subject Property is still primarily residential.

The 1952, 1954, 1959, 1962, 1967, and 1970 Sanborn maps for the site show no significant changes from the 1951 Sanborn map.

3.3 Aerial Photograph Review

Aerial photographs from Pacific Aerial Survey Inc. in Oakland, California, were reviewed for evidence of hazardous materials and related features that may have affected the Property. Aerial photographs of the Property were reviewed from the years 1930 through 2002. The aerial photograph review provided additional information regarding the chronology of development at the Property whether past or present land use involved the handling, storage, or disposal of hazardous materials. The aerial photographs review included the photographs listed below.

<u>Flight No.</u>	<u>Date</u>	<u>Scale</u>
GY-1930	1930	1: 9500
AV 11	1947	1: 20000
AV 119	1953	1: 10000
AV 337	1959	1: 9,600
AV 710	1963	1 : 36000
AV 902	1969	1 : 12000
AV 1100	1973	1 : 12000
AV 1377	1977	1 : 12000
AV 2040	1981	1 : 12000
AV 2640	1985	1 : 12000
AV 3681	1989	1 : 6000
AV 4625	1994	1 : 12000
AV 6421	1999	1 : 12000
AV 8202	2002	1 : 12000

The 1930 photograph shows the subject Property as being vacant and unpaved. Soil in the western half of the site appears darker than the eastern half of the site. However, this feature may be due to a shadowing effect created by cloud patterns in the vicinity of the site when the picture was taken. Residential-type buildings surround the subject site to the north and west. Grove Street and 37th Street border the property to the west and south, respectively. Residential dwellings are also present across 37th and Grove Streets. In general, the scale of the photograph is not sufficient to ascertain actual site use.

The 1947 photograph shows three-quarters of the site as paved with the remaining rear (western fourth) of the subject property vacant and unpaved. A small square-shaped office or kiosk structure with adjoining canopy is present near the southeast section of the Property. The property appears to be operating as an automobile service station. Residential dwellings are still present to the immediate north (3715 MLK Jr. Way) and east (666 37th Street) of the subject property. Grove Street and 37th Street still abut the property to the west and south, respectively.

The 1953 photograph shows the Property with the majority of the site paved with the remaining rear portion of the site unpaved. A new automotive repair garage-type structure (located near the center of the site at the eastern edge of the unpaved portion of the site) replaced the original garage. Another smaller square building (restroom) is present at the northwest corner of the paved area. The kiosk and canopy is still present in the southeast corner of the property. Several cars are parked in the northwest unpaved portion of the site and along the northeast property boundary. No significant changes in development and land use appear at the bordering properties.

The 1959, 1963, and 1966 photographs appear similar to the 1953 photograph, with no significant changes in development and land use at the subject Property and vicinity. Several cars are parked throughout the paved and unpaved portions of the site.

The 1969 photograph appears similar to the 1966 photograph, with no significant changes in development and land use at the subject Property and vicinity. There is apparent dark staining of the surface near the center of the unpaved section and in the north-center portion of the paved section of the property. Several cars are parked throughout the paved and unpaved portions of the site.

The 1973 photograph shows no significant changes in development or use at the subject Property and vicinity. Surface staining is still present in the unpaved portion of the property. New staining is observed in the eastern portion of the site near the canopy. All other area features appear similar to the 1969 photograph. Several cars are parked throughout the paved and unpaved portions of the site.

The 1977 photograph appears similar to the 1973 photograph, with no significant changes in development and land use at the subject Property and vicinity. An unidentified white material is present in the northeast quadrant of the unpaved area. The white substance was not evident in the 1981 photograph. In development or land use at the subject Property and vicinity were noted from the 1977 aerial photograph.

The 1979, 1983, 1985 and 1989 photographs show no significant changes in development or land use at the subject Property and vicinity.

The 1994 photograph shows light color soil staining behind the lubrication/repair building in the unpaved portion of the site. There appears to be an increase in vehicles parked on the Property.

The 1999 photograph shows a significant reduction of cars stored at the property from that shown in the 1994 photograph. The property appears almost vacant, with only one vehicle observed on the property. Significant surface staining and cracked asphalt is observed along the outside of the lubrication/repair garage building to the east and south. The photograph shows the presence of a circular excavation (roughly ten feet in diameter) in the center of the unpaved portion of the site. A large dark material or object was noted in the center of this excavation. No apparent changes in development occurred at other sections of the subject Property and vicinity.

The 2002 photograph shows significant surface staining and damaged asphalt near the northeast portion of the site. A gray substance, which appears to be large cobbles of concrete and brick, were observed behind the lubrication building. Concrete appears to cover the apparent excavation that was present in the 1999 aerial photograph. No apparent changes in development occurred at the subject Property and vicinity. The property appears vacant.

3.4 City of Oakland Building Permits

City of Oakland Planning and Building Department Records were reviewed to delineate site use and to determine whether building permits were granted to the subject Property and vicinity to operate and/or install equipment associated with hazardous materials storage or use. City of Oakland building permits were further evaluated to obtain a more comprehensive background of site use, development and operations associated with the subject Property.

Building permits for the subject Property were available for the years 1939 (earliest available permits on record) through present. The permit review indicated that in 1939 a permit (#7242) to construct a *steel service station and lubrication/vehicle repair building* was issued for the subject property to Mr. J.B. Young of 3715 Grove Street, the listed property owner.

Records indicate that in 1967, Union Oil Company applied for a permit to replace the sign at the property. California Pacific Signs Incorporated of San Francisco also applied for a permit to construct a sign at the property in 1974. No other relevant permits for the subject site were found in the City of Oakland Planning and Building Department archives.

3.5 City of Oakland Fire Department Hazardous Materials File Review

Impact requested records for the subject Property from Oakland Fire Department (OFD). OFD records contained a certified "Notice of Legal Obligation" letter dated June 9, 2000. The letter, addressed to a Renna Locus, requested that the property owner; (1) submit an underground storage tank closure plan for the site; (2) apply for a permit to operate the tank; and/or (3) demonstrate to OFD that the tank has been previously removed. Ms. Locus was given 10 days to notify OFD of here intentions and to obtain necessary instructions and forms. According to OFD, representatives for the Property never responded to the notice.

3.6 Alameda County Health Care Services Agency, Environmental Health Services, Environmental Protection File Review

Impact reviewed Alameda County Health Care Services Agency, Environmental Health Services, Environmental Protection Division (ACHSC) files for the subject Property. Records indicate that J&H Auto Repair operated at the facility. From 1989 through 1996, ACHSC conducted several hazardous materials inspections at the Property and sent numerous correspondence to the property owner(s) and operators of J&H Auto Repair requesting: (1) hazardous waste management records; (2) UST permitting, testing, and removal action; and (3) remediation of oil-stained soil at the property.

In 1995, an inspection of the Property revealed the presence of three to four underground storage tanks beneath the site that had historically contained gasoline and oil contained but not been used in years. The inspection forms indicate that the gasoline tanks had a capacity of 550-gallons with the oil tank having a capacity of 350-gallons. During site inspections, ACHSC identified two fuel dispenser pumps at a fueling island located under the canopy and next to the kiosk.

Historical ACHSC hazardous materials inspection forms also indicate that several waste streams were generated at the Property during the operation of the service station and automotive repair facility. These waste streams included waste oil, oil filters, used car batteries, wiping rags and used absorbent. Records documented considerable visible soil contamination on the side of the garage and beneath a waste oil drum behind the garage. The records also mention a second 55-gallon drum and a 5-gallon container with unknown contents that was abandoned next to the restroom building.

Several "Notice of Violation" and "Final Notice" letters were sent to the owners and operators of the service station requesting abatement of several hazardous materials (oil) spills and to provide receipts as proof of disposal of generated on the Property. However, the primary area of concern from ACHSC was the permitting, leak testing, upgrading and removal the onsite USTs. Because of the lack of action on the part of the property owners and operators, the case was submitted to the Alameda County District Attorneys Office for enforcement action and a pre-enforcement hearing was held to address environmental conditions at the Property.

4.0 PROPERTY RECONNAISSANCE & VICINITY OBSERVATIONS

On November 11, 2002, Impact conducted a visual reconnaissance of the Property for indications of past or present hazardous material handling or storage activities, which may pose a threat to the surface or subsurface environment. The site reconnaissance was performed by a Registered Environmental Assessor (REA) licensed by the State of California.

The Property is comprised of a rectangular-shaped partially paved parcel totaling approximately 6,130 square feet. The rear portion of the Property consists of an unpaved vacant dirt lot. Three buildings are present on the property. Residential properties border the Property to the north and west. The Property is bordered to the south and east by 37th Street and MLK, respectively.

4.1 Mechanical Systems

The property is unoccupied and does not contain any active mechanical systems.

4.2 Potable Water

The property is unoccupied and water services for the subject Property appears to be disconnected.

4.3 Wells

No evidence of water supply, irrigation, monitoring, oil, injection, or dry wells was observed on the Property.

4.4 Waste Water/Storm water Runoff

No wastewater is generated at the Property. Storm water from the Property discharges into nearby storm water drains along MLK and 37th Street. Storm water discharges to the Oakland Inner Harbor and eventually into the San Francisco Bay.

4.5 Floor Drains and Sumps

There are floor drains located in the garage and restroom. The floor drain located in the restroom most likely drains to the sanitary sewer. It is not apparent where the floor drain in the garage is directed (i.e., sanitary sewer, sump, or surface). An open storm water diversion trough with a grated cover connects the kiosk and the garage. The trough dimensions measure approximately eight-feet long, 4 inches wide and three inches deep. It is not clear if the bottom of the trough is sealed. It is not evident where wastewater in this trough ultimately drains. Water from the trough appears to either percolate to the subsurface and/or spill over into the driveway that drains to 37th Street or to the asphalt in front and along the southeast side of the garage.

4.6 Solid Waste Disposal

The property is vacant and currently does not generate solid waste.

4.7 Public Utilities

The property is vacant and public utilities were either capped or disconnected.

4.8 Hazardous Waste Storage, Use and Disposal

No hazardous materials were identified at the Property during the November 11, 2002 site reconnaissance. A small propane cylinder is attached to a trailer stored in the garage.

4.9 Underground and Aboveground Tanks

No evidence of aboveground storage tanks was observed at the Property. Four filling ports were identified at the Property. One fill port was located just north of the kiosk. Two fill ports were located in the east driveway beneath the canopy. The final fill port was located along the south side of the garage. Oil was observed in the neck of the fill port next to the garage. Tank vent lines were also present on the roof of the canopy. Remnant fuel dispenser footprints and capped piping are present on an island beneath the canopy.

ACHSC records indicate that three to four USTs currently exist beneath the site. The subject Property is also on two regulatory governmental lists documenting active and inactive underground storage tank sites.

4.10 Releases to Air

Impact did not observe any indication of air quality distortion (i.e., discernable odors) during the site reconnaissance.

4.11 PCBs in Electrical Equipment

No potential PCB-containing equipment was observed on the Property.

4.12 Stained Soil or Pavement.

Oil stained soil was observed at several locations in the unpaved area of the Property. The locations of stained soil are depicted in Figure 3.

4.13 Stressed Vegetation.

Stressed vegetation was observed at the rear of the Property, behind the automotive repair garage and in the area of the oil-stained soil.

4.14 Radon

The Property is in a geologic area of low to medium potential for radon gas generation. The only definitive method of determining if radon concentrations exceed the U.S. EPA action levels of 4 picocuries per liter (pCi/L) is to collect samples for radon. Screening sampling for radon at the Property was not performed because this task was not part of the scope of work for the Property.

4.15 Herbicides/Pesticides

No current usage of herbicides and/or pesticides was observed during the visual reconnaissance of the Property.

4.16 Asbestos-Containing Materials

Screening sampling for asbestos containing materials was not included in Impact's scope of work for this Phase I ESA at the Property. However, it was customary to use asbestos in construction at the time the kiosk and the garage were constructed.

4.17 Survey of Lead-Containing Materials

Screening sampling for lead was not included in Impact's scope of work for this Phase I ESA at the Property. Peeling and flaking paint was observed on both the inside and outside of the garage and outside of the kiosk.

4.18 Surface Water

No natural surface waters were observed on the property during the site reconnaissance. No pits, ponds or lagoons were observed at the Property during the site reconnaissance. Potholes were observed in the asphalt driveway in front of the garage. It is likely that rainwater and wastewater runoff would be periodically retained in the depressions. The potholes are a result of cracking and eroding asphalt on the driveway.

4.19 Adjacent Properties

Residential buildings are adjacent to the subject Property on the north and west. Martin Luther King Jr. Way and 37th Street border the property to the east and south, respectively. Residential-type properties and churches are also located across MLK and 37th Street.

5.0 REGULATORY REVIEW

Impact contracted Environmental Data Resources Inc. (EDR) to perform a government records search for sites within a one-mile radius of the subject Property. Impact reviewed ASTM specific federal, state, and local regulatory agency record lists to identify potential exposure of the Property to hazardous materials incidents, within a specific search radii. The following provides the results of regulatory databases that were searched during this Phase I Environmental Site Assessment conducted at the Property.

Agency/Database - Type of Records	Within 1/8 mile	1/8 to 1/4 mile	1/4 to 1/2 mile	1/2 to 1 mile
Databases Searched: 1 mile				
US EPA NPL	0	0	0	0
US EPA CORRACTS (TSD)	0	0	0	0
State SPL (AWP)	0	0	0	0
State Cal-Sites	0	0	1	5
State CHMIRS	2	0	2	18
State Cortese	2	4	12	116
Databases Searched: 1/2 mile				
US EPA CERCLIS	0	0	1	---
US EPA RCRA (TSD)	0	0	0	---
State Landfill/ WMUDS/SWAT	0	0	0	---
LUST	3	5	27	---
Databases Searched: 1/4 mile				
US EPA CERCLIS NFRAP	0	0	---	---
US EPA RCRA Small Quantity Generator	0	0	---	---
US EPA RCRA Large Quantity Generator	0	0	---	---
HAZNET	3*	9	---	---
State UST & HIST UST	2	3	---	---
3701 Martin Luther King Jr. Way, Oakland, California or Adjacent Properties on Databases Searched				
US EPA ERNS	No	---	---	---
CA FID UST	Yes*	---	---	---
State AST	No	---	---	---

*-Denotes that Subject Property is listed on this regulatory database

The EDR Radius Map and Report with GeoCheck for the subject Property is presented in Appendix C. The actual number of sites reported may not reflect the number of reported sites reported in the EDR database report due to duplicate listing therein. Several "unmappable" sites are also included on the EDR database. Although the exact locations of "unmappable" sites are frequently unknown, Impact attempts to evaluate the potential adverse environmental impact that these sites may have on the Property. This evaluation consists of reviewing street names to determine if the street on which the site is located is within the radius area for the

Property. The sites listed by EDR as unmappable are either not within the areas of interest, or are located well distant and down-gradient or cross-gradient of the Property, and therefore, do not appear to be of environmental concern.

5.1 Vicinity Properties Records/Listings and Summary of Specific Databases Reviewed

Subject Property

The subject Property was on the California Facility Inventory Database for Underground Storage Tanks (CA FID UST) and the Hazardous Waste Information System (HAZNET) database.. The CA FID-UST contains historical listings of active and inactive underground storage tank locations from the State Water Resources Control Board. HAZNET data is extracted from the copies of hazardous waste manifests received each year by the California Department of Toxic Substance Control. Inclusion on this database suggests that hazardous waste was generated at the Property at some point in time and the waste was disposed under control of a hazardous waste manifest at least once.

National Priorities List (NPL)

No sites were listed on the U.S. Environmental Protection Agency's (EPA) National Priorities List (NPL) within a one-mile radius of the Property.

CORRACTS

No CORRACTS sites are listed within a one-mile radius of the Property. The CORRACTS is a list of handlers with RCRA Corrective Action Activity.

SPL (AWP)

No AWP sites are listed within a one-mile radius of the Property. The AWP list identifies known hazardous substance sites targeted by the California-EPA for cleanup.

State Cal-Sites

There are six Cal-Sites within a one-mile radius of the Property. One of these sites is within 0.5 miles from the subject Project. The Cal-Sites database contains both known and potential hazardous substance sites as define by the California Department of Toxic Substance Control (DTSC). All of the Cal-Sites are at such a distance from the Property or situated down-gradient or cross-gradient direction that they do not appear to be an environmental concern to the Property.

CHMIRS

There are a total of 22 CHMIRS sites within a one-mile radius of the Property. Two of these sites are within 1/8 miles from the subject Property. Two other sites are within 1/2 miles from the subject Property. The CHMIRS list contains information on reported hazardous materials incidents (i.e., accidental releases or spills). All 22 CHMIRS sites listed are at such a great distance from the

Property or situated in the down-gradient or cross-gradient direction and do not appear to be an environmental concern to the Property.

Cortese

There are 134 Cortese sites within a one-mile radius of the Property. Two of these sites are within 1/8 mile from the subject Property. Four sites are within 1/4 mile and 12 sites are within 1/2 mile from the subject Property. The Cortese database identifies drinking water wells with detectable levels of contamination, hazardous substance sites selected for remedial action, sites with known toxic material identified through the abandoned site assessment program, sites with USTs having a reportable release and all solid waste disposal facilities. All 134 Cortese sites listed are at such a great distance from the Property or situated in the down-gradient or cross-gradient direction and do not appear to be an environmental concern to the Property.

CERCLIS

There is one CERCLIS site within a 1/2-mile radius of the Property. The CERCLIS contains data on potentially hazardous waste sites that have been reported to the EPA by states, municipalities, private companies, and private persons pursuant Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The one CERCLIS sites listed is at such a great distance from the Property or situated in the down-gradient or cross-gradient direction and do not appear to be an environmental concern to the Property.

RCRIS (RCRA-Small Quantity Generator (SQG), Large Quantity Generator (LQG), and Treatment, Storage and Disposal Facility (TSD))

There are no RCRIS-SQG or RCRIS-LQG sites within 1/4 -mile radius of the Property. There are no RCRIS-TSD sites within a 1/2 mile radius from the subject Property. The Resource Conservation and Recovery Act (RCRA) database includes selected information on sites that generate, store, treat, or dispose of hazardous waste as define by the Act.

State Landfill/WMUDS/SWAT

There are no solid waste disposal facilities or landfills within 1/2-mile radius of the Property.

LUST

There is 35 leaking Underground Storage Tank (LUST) Incident Reports within a 1/2-mile radius of the Property. Three of the sites are within a 1/8 of a mile from the Property and 5 sites are within 1/4 mile from the Property. All of the reported LUST sites are at such a great distance from the Property or situated in the down-gradient or cross-gradient direction and do not appear to be an environmental concern to the Property.

State Registered UST/HIST UST/AST

The RWQCB maintains a list of registered USTs and aboveground storage tanks (ASTs) in the State. There are five registered underground storage tanks (USTs) within a 1/4-mile radius of the Property.

Only two UST sites exist, as one of the sites is listed three times and the other is listed twice. Both of the UST sites currently listed are at such a great distance from the Property or situated in the down-gradient or cross-gradient direction and do not appear to be an environmental concern to the Property. No USTs or ASTs are listed for adjoining parcels.

ERNS

The Property and adjacent parcels were not listed on the Emergency Response Notification System (ERNS) spills database or the State Spills database.

HAZNET

The subject Property is listed on the HAZNET database. There are 12 additional HAZNET sites within a 1/4-mile radius of the subject Property. The Hazardous Waste Information System (HAZNET) database is extracted from copies of hazardous waste manifests received each year by the California Department of Toxic Substance Control. Inclusion on this database confirm that hazardous waste was generated at the Property at some point in time and some quantity of waste from the site was disposed under control of a hazardous waste manifest. All of the reported offsite HAZNET sites are at such a great distance from the Property or situated in the down-gradient or cross-gradient direction and do not appear to be an environmental concern to the Property.

CA FID UST

The subject Property is the only California Facility Inventory Database for Underground Storage Tanks (CA FID-UST) listed address in a 1/4-mile radius. The CA FID UST contains historical listings of active and inactive underground storage tank locations from the State Water Resources Control Board.

Impact's review of the EDR Radius Map with GeoCheck Report confirms that **the subject Property is currently on the HAZNET and CA FID UST databases**. It is not likely that any of the off-site listed sites represent a significant impact to soil or groundwater at the subject Property because of the distance of the impacted properties relative to the subject Property and the direction of groundwater flow with respect to the subject Property. The most significant threat of subsurface hazardous materials contamination is from the oil spills and the underground storage tanks that are still present beneath the Property.

5.2 City of Oakland Fire Department Records

Refer to Section 3.5.

5.3 Regional Water Quality Control Board File Review

The Property is on the Regional Water Quality Control Board Facility Inventory database that contains a historical listing of active or inactive underground storage tanks locations.

5.4 California Department of Toxic Substance Control File Review

The subject Property is on DTSC's HAZNET database documenting hazardous waste generators and disposal history as determined by hazardous waste manifests.

5.5 Alameda County Local Oversight List (LOP)

Refer to Section 3.6.

6.0 CONCLUSIONS

Impact conducted a Phase I in conformance with the scope and limitations of ASTM Practice E1527-2000 at of the subject Property located at 3701 Martin Luther King Jr. Way in Oakland, California. Any exceptions to, or deletions from this practice are described in Section 4 of this report.

- Impact's review of the EDR Radius Map with GeoCheck Report confirms that **the subject Property is currently on the HAZNET and CA FID UST databases**. It is not likely that any of the off-site listed sites represent a significant impact to soil or groundwater at the subject Property because of the distance of the impacted properties relative to the subject Property and the direction of groundwater flow with respect to the subject Property. The most significant threat of subsurface hazardous materials contamination is from the oil spills and the underground storage tanks that are still present beneath the Property.
- Inclusion on the HAZNET database confirms that hazardous waste was generated at the Property at some point in time and some quantity of waste from the site was disposed under control of a hazardous waste manifest.
- The USTs that are apparently still beneath the property have the potential to release gasoline and/or waste oil into the subsurface beneath the Property.
- ACHSC also reported spills of hazardous waste (waste oil) at the Property. Oil stained soil was observed at several locations in the unpaved area of the Property during the site reconnaissance performed by Impact.
- Four filling ports were identified at the Property. One tank fill port was located just north of the kiosk, two fill ports were located in the east driveway beneath the canopy, and a final tank fill port was located along the south side of the garage. Oil was observed in the neck of the fill port next to the garage. Tank vent lines were also present on the roof of the canopy. Remnant fuel dispenser footprints and capped piping are present on an island beneath the canopy.

7.0 RECOMMENDATIONS

Impact recommends that the underground storage tanks and associated piping located on the Property be removed and disposed in accordance with all applicable laws and regulations

Impact recommends installing an appropriate number of exploratory soil borings at the site and site perimeter . Soil and groundwater samples should be collected from the borings to evaluate the soil and groundwater quality and the potential presence of petroleum hydrocarbons, associated aromatic constituents, and metals in soil and groundwater beneath the Site.

Impact recommends collecting an appropriate number of samples in the kiosk and repair garage to evaluate the potential presence of lead-based paint (LBP) and asbestos containing material (ACM) at the kiosk and garage.

STATEMENT OF LIMITATIONS

The purpose of an environmental assessment is to reasonably evaluate the potential for or actual impact of past practices on a given site area. In performing an environmental assessment, it is understood that a balance must exist between a reasonable inquiry into the environmental issues and an exhaustive analysis of each conceivable issue of potential concern. The following paragraphs discuss the assumptions and parameters under which such an assessment (which may include professional opinions) is conducted.

No investigation is thorough enough to absolutely rule out the presence of hazardous materials at a given site. If hazardous conditions have not been identified during the assessment, such a finding should not therefore be construed as a guarantee of the absence of such materials on the site, but rather as the result of the services performed within the scope, limitations, and cost of the work performed.

Environmental conditions may exist at the site that cannot be identified by visual observation. Where subsurface work was performed, our professional opinions are based in part on interpretation of data from discrete sampling locations that may not represent actual conditions at unsampled locations.

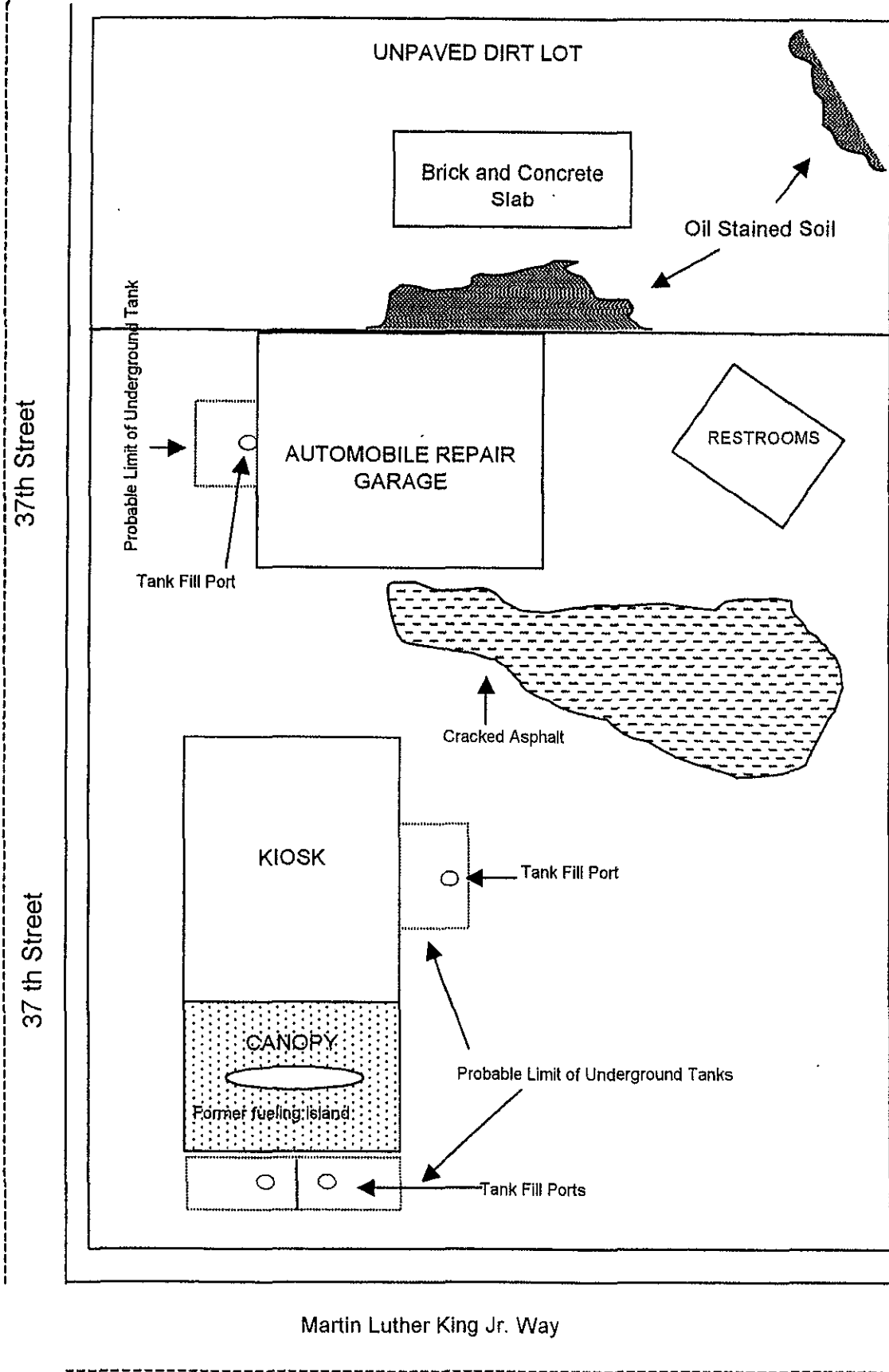
Except where there is express concern of our client, or where specific environmental contaminants have been previously reported by others, naturally occurring toxic substances, potential environmental contaminants inside buildings, or contaminant concentrations that are not of current environmental concern may not be reflected in this document.

Where the scope of services is limited to interview and/or review of readily available reports and literature, any conclusions, and/or recommendations are necessarily based largely on information supplied by others, the accuracy or sufficiency of which may not be independently reviewed by us.

Any opinions and/or recommendations presented apply to site conditions existing at the time of performance of services. We are unable to report on or accurately predict generally unforeseeable events which may impact the site following performance of services, whether occurring naturally or caused by external forces. Therefore, we cannot assume responsibility of such events or their impact.

We also cannot assume responsibility for changes in environmental standards, practices, or regulations.

FIGURE 2: SITE PLAN: 3701 MARTIN LUTHER KING JR. WAY, OAKLAND, CALIFORNIA



ASSESSOR'S MAP 12

965

958
Map of the APGAR TRACT (BK77166)
Map of the MAJOR GIVEN TRACT (BK109425)

Scale: 1" = 50'

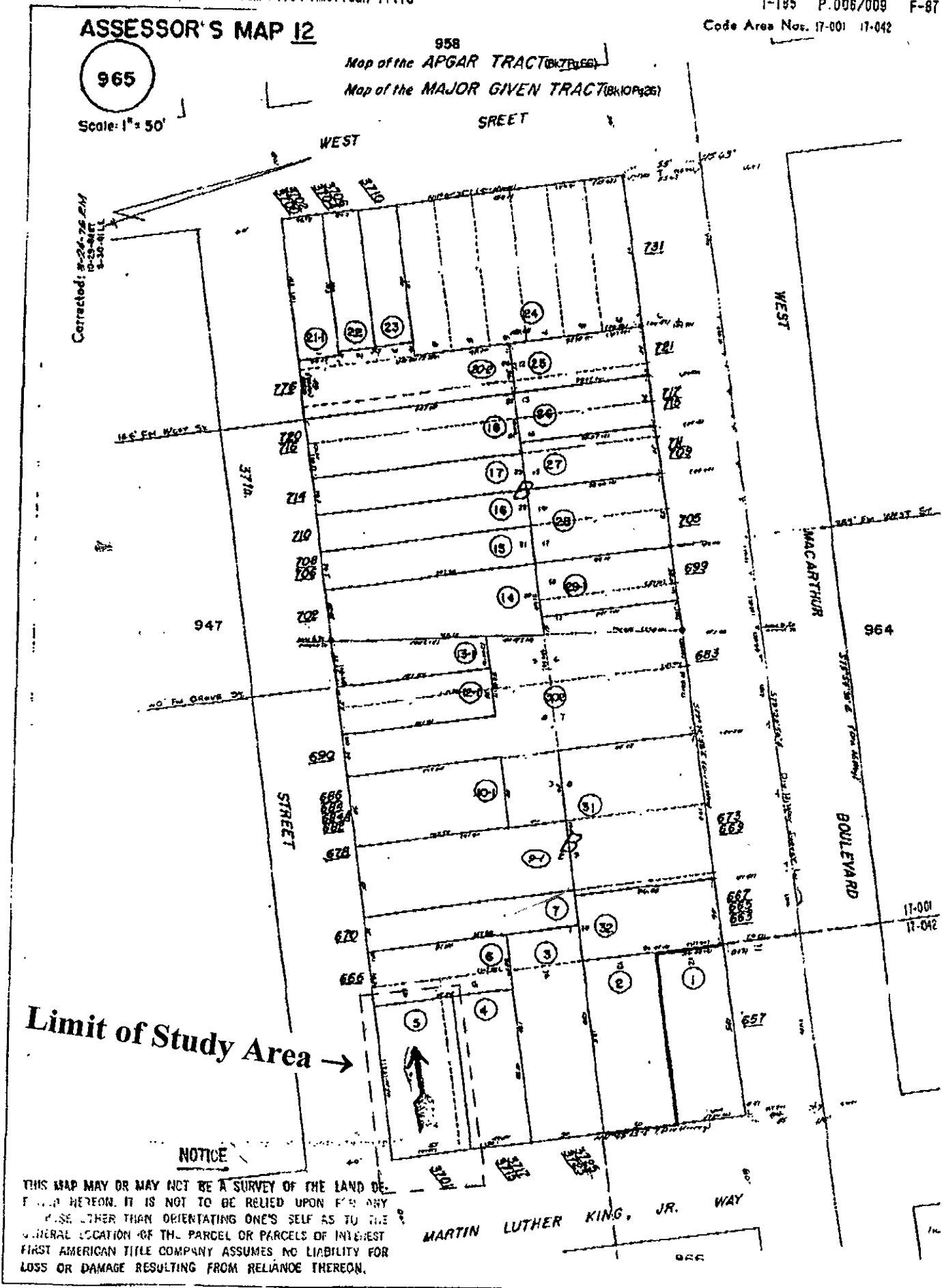
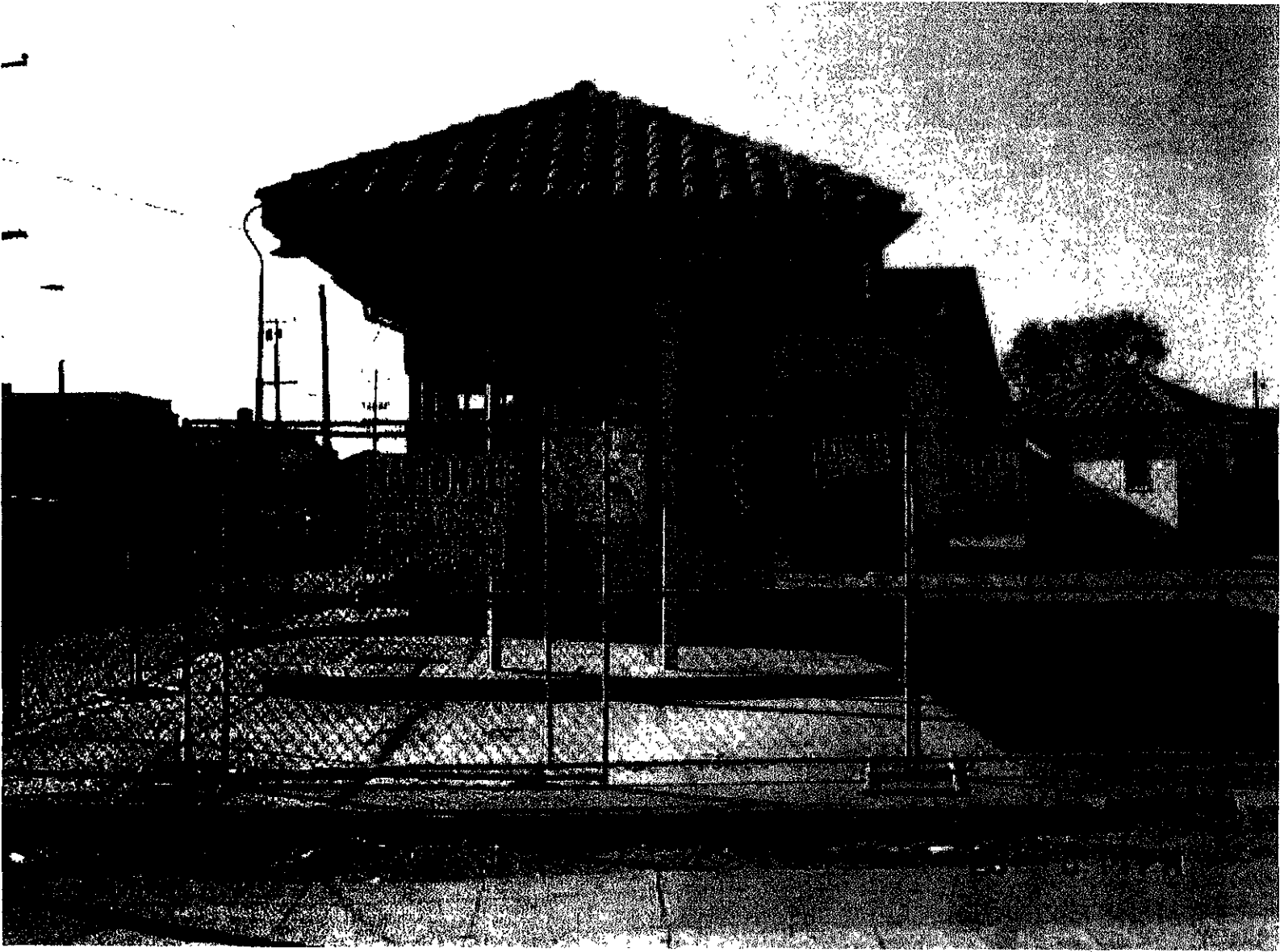


Figure 3: Parcel Map

FIGURE 4



Photograph looking west from Martin Luther King Jr. Way. Photograph of the front of the Property showing kiosk, canopy, and fueling island curb. Vent pipes are seen on the roof of the canopy.

FIGURE 5



Photograph looking west from Martin Luther King Jr. Way. Photograph of the front of the Property showing the garage and restroom. Notice the damaged asphalt driveway in front of garage.

FIGURE 6



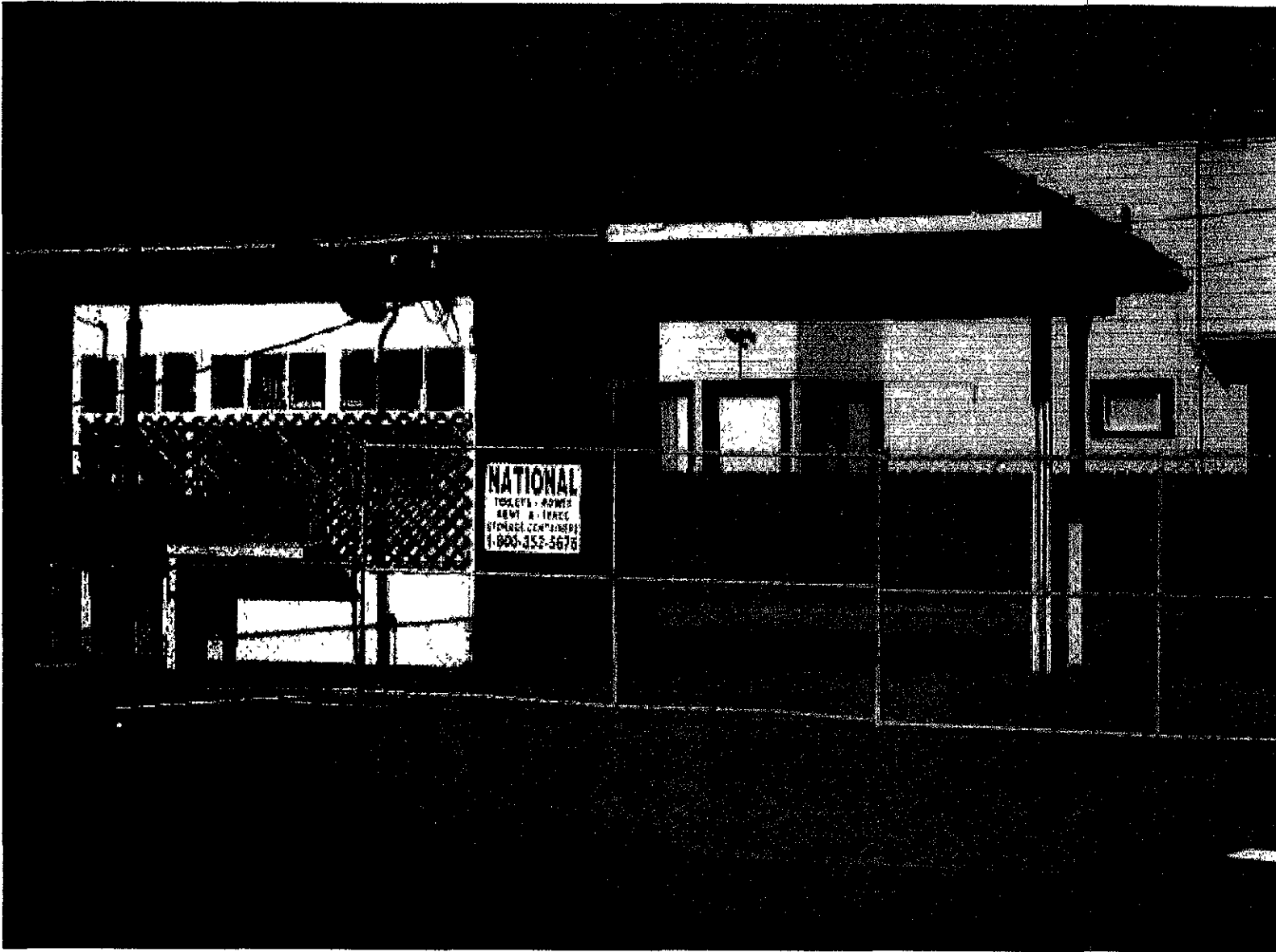
Photograph looking north from 37th Street. Photograph of the front of the Property showing the rear unpaved portion of the Property.

FIGURE 7



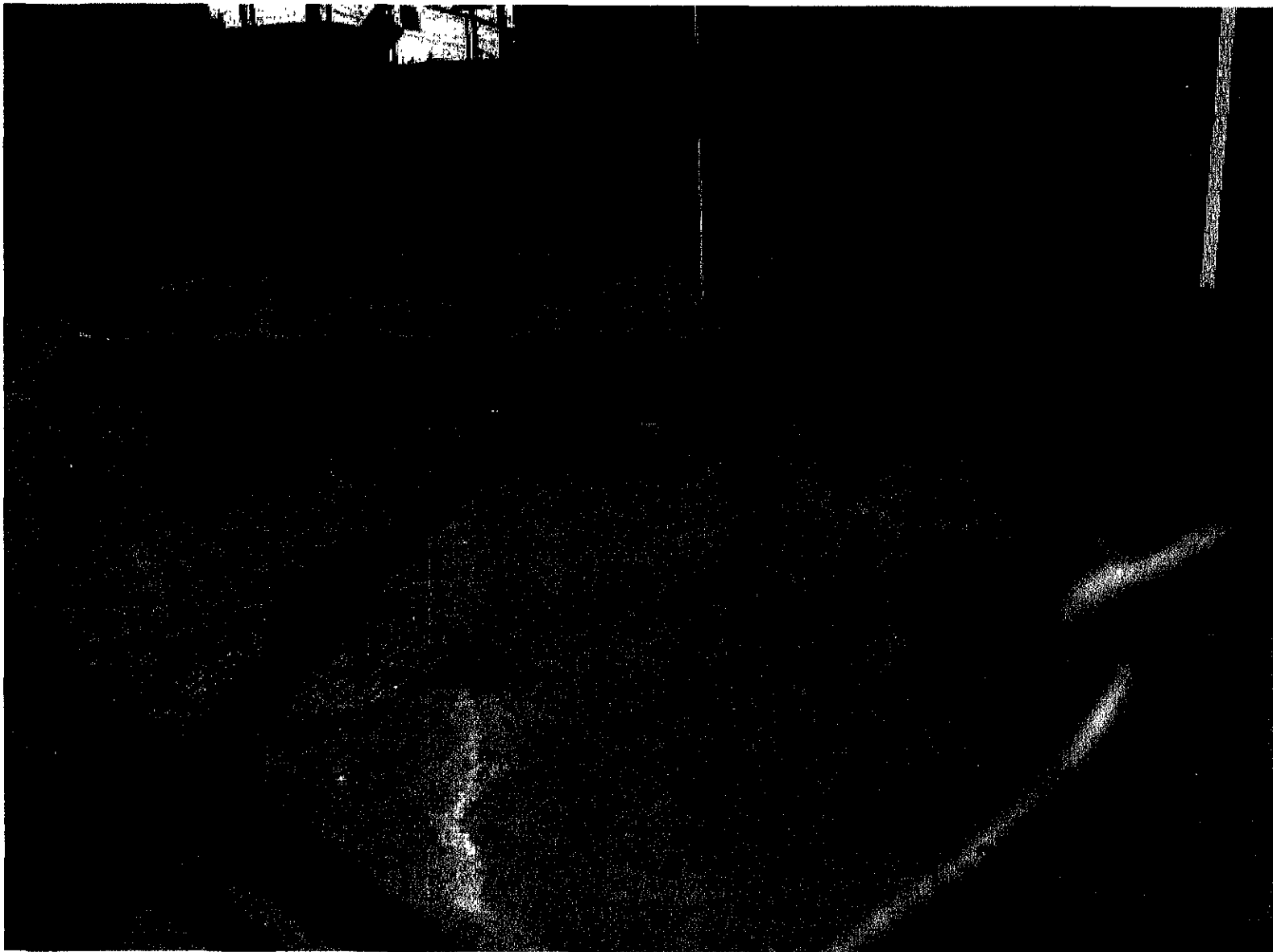
Photograph looking northwest from 37th Street. Photograph of the front of the former automotive repair garage.

FIGURE 8



Photograph looking west from 37th Street looking north. The photograph shows the south wall of the kiosk.

FIGURE 9



Photograph looking west from Martin Luther King Jr. Way. The photograph shows two underground storage tank fill ports and a former fuel dispenser island.

FIGURE 10



Photograph looking north from 37th Street. The photograph shows a view of the south side of the repair garage and kiosk..

ENVIRONMENTAL QUESTIONNAIRE / DISCLOSURE STATEMENT AND PROPERTY OBSERVATION FORM

PROPERTY/PROJECT ADDRESS:

3701 MARTIN LUTHER KING JR. WAY, OAKLAND, CA

VIA: PHONE FAX IN-PERSON

(Circle One)

DATE:

November 11, 2002

PERSON INTERVIEWED/TITLE:

PROJECT MANAGER:

JOSEPH COTTON

QUESTIONS

OWNER OR TENANT

(Circle One)

**OBSERVED DURING
SITE VISIT**

1. Is the Property or an adjoining site used for industrial use?

Comments: Yes, in the past service station & repair facility operated on-site

YES

NO

YES

NO

2. To the best of your knowledge, has the Property or any adjoining site been used for industrial use in the past?

Comments:

YES

NO

YES

NO

3. Is the Property or any adjoining site used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo development laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing or recycling facility?

Comments: In the past circa 1989-1990's

YES

NO

YES

NO

4. To the best of your knowledge, has the Property or any adjoining site been used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo development laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing or recycling facility?

Comments:

YES

NO

YES

NO

<p>5. Are there currently, or to the best of your knowledge have there been previously, any damaged or discarded automotive or industrial batteries, or pesticides, paints, or other chemicals in individual containers of greater than five gallons in the aggregate, stored on or used at the Property or at the facility?</p> <p>Comments:</p>	YES	NO	YES	NO
<p>6. Are there currently, or to the best of your knowledge have there been previously, any industrial drums (typically fifty five gallon) or sacks of chemicals located on the Property or at the facility?</p> <p>Comments:</p>	YES	NO	YES	NO
<p>7. Has fill dirt been brought onto the Property which originated from a contaminated site or which is of an unknown origin?</p> <p>Comments: UNKNOWN</p>	YES	NO	YES	NO
<p>8. Are there currently, or to the best of your knowledge have there been previously, any pits, ponds, or lagoons located on the Property in connection with waste treatment or waste disposal?</p> <p>Comments:</p>	YES	NO	YES	NO
<p>Is there currently, or to the best of your knowledge has there been previously, any stained soil on the Property?</p> <p>Comments:</p>	YES	NO	YES	NO
<p>Are there currently, or to the best of your knowledge have there been previously, any registered or unregistered storage tanks (above or underground) located on the Property?</p> <p>Comments: 3 to 4 underground storage tanks and present beneath the site</p>	YES	NO	YES	NO

<p>11. Are there currently, or to the best of your knowledge have there been previously, any vent pipes, fill pipes or access ways indicating a fill pipe protruding from the ground on the Property or adjacent to any structure located on the Property?</p> <p>Comments:</p>	YES	NO	YES	NO
<p>12. Are there currently or to the best of your knowledge have there been previously, any flooring drains, or walls located within the facility that are stained by substances other than water, or are emitting foul odors?</p> <p>Comments:</p>	YES	NO	YES	NO
<p>13. If the Property is served by a private well or non-public water system, have contaminants been indicated in the well or system that exceed guidelines applicable to the water system or has the well been designated as contaminated by any government, environmental, or health agency?</p> <p>Comments:</p>	YES	NO	YES	NO
<p>14. Does the Owner or Occupant of the Property have any knowledge of Environmental Liens or governmental notification relating to past or current violations of environmental laws with respect to the Property or any facility located on the Property?</p> <p>Comments:</p>	YES	NO	YES	NO
<p>15. Has the Owner or Occupant of the Property been informed of the past or current existence of hazardous substances, petroleum processes or environmental violations with respect to the Property or any facility located on the Property?</p> <p>Comments:</p>	YES	NO	YES	NO

<p>16. Does the Owner or Occupant of the Property have any knowledge of any Environmental Site Assessment of the Property or facility that indicated the presence of hazardous substances or petroleum products on, or contamination of, the Property or recommended further assessment of the Property?</p> <p>Comments:</p>	YES	NO	YES	NO
<p>17. Does the Owner or Occupant of the Property know of any past, threatened, or pending lawsuits or administrative proceedings concerning a release or threatened release of any hazardous substance or petroleum products involving the Property by any owner or occupant of the Property?</p> <p>Comments:</p>	YES	NO	YES	NO
<p>18. Does the Property discharge waste water, on or adjacent to the Property other than storm water or into a sanitary sewer system?</p> <p>Comments:</p>	YES	NO	YES	NO
<p>19. To the best of your knowledge, have any hazardous substances or petroleum products, unidentified waste materials, tires automotive or industrial batteries or any other waste materials been dumped above ground, buried and/or burned on the Property?</p> <p>Comments:</p>	YES	NO	YES	NO
<p>20. Is there a transformer, capacitor or any hydraulic equipment for which there are any records indicating the presence of PCB's?</p> <p>Comments:</p>	YES	NO	YES	NO

PROJECT MANAGER Joseph Cotton

DATE 11/11/2

APPENDIX B
Sanborn Fire Insurance Maps



"Linking Technology with Tradition"

Sanborn® Map Report

Ship to: Joseph Cotton

Impact Environmental Services

39120 Argonaut Way

Fremont, CA 94538

Order Date: 11/11/2002 **Completion Date:** 11/12/2002

Inquiry #: 879674.3S

P.O. #: NA

Site Name: Phase 1

Address: 3701 Martin Luther King Jr Way

City/State: Oakland, CA 94609

Cross Streets: 37th

1026052UNK

510-703-5420

Based on client-supplied information, fire insurance maps for the following years were identified

- 1902 - 1 - map
- 1912 - 1 - map
- 1951 - 1 - map
- 1952 - 1 - map
- 1954 - 1 - map
- 1959 - 1 - map
- 1962 - 1 - map
- 1967 - 1 - map
- 1970 - 1 - map

Total Maps: 9

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Organization of Electronic Sanborn Image File

- First Page Sanborn Map Report, listing years of coverage
- Second Page Electronic Sanborn Map Images USER'S GUIDE
- Third Page Oldest Sanborn Map Image
- Last Page Most recent Sanborn Map Image

Navigating the Electronic Sanborn Image File

- Open file on screen.
- Identify TP (Target Property) on the most recent map.
- Find TP on older printed images.
- Using Acrobat, zoom to 250% in order to view more clearly.
 - 200-250% is the approximate equivalent scale of hardcopy Sanborn Maps.
- Zooming in on an image:
 - On the menu bar, click "View" and then zoom.
 - Use the magnifying tool and drag a box around the TP area.

Printing a Sanborn Map from the Electronic File

- EDR recommends printing all images at 300 dpi (300 dpi prints faster than 600 dpi).
- To print only the TP area, cut and paste the area from Adobe Acrobat to your word processor.

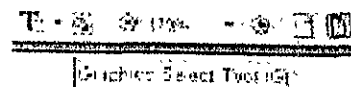
Acrobat Version 4

- Go to the Menu bar
- Press and hold the "T" button
- Choose the Graphics Select Tool
- Draw a box around the area selected
- Go to "Menu"
- Highlight "Edit"
- Highlight "Copy"
- Go to a word processor such as Microsoft Word, paste and print.



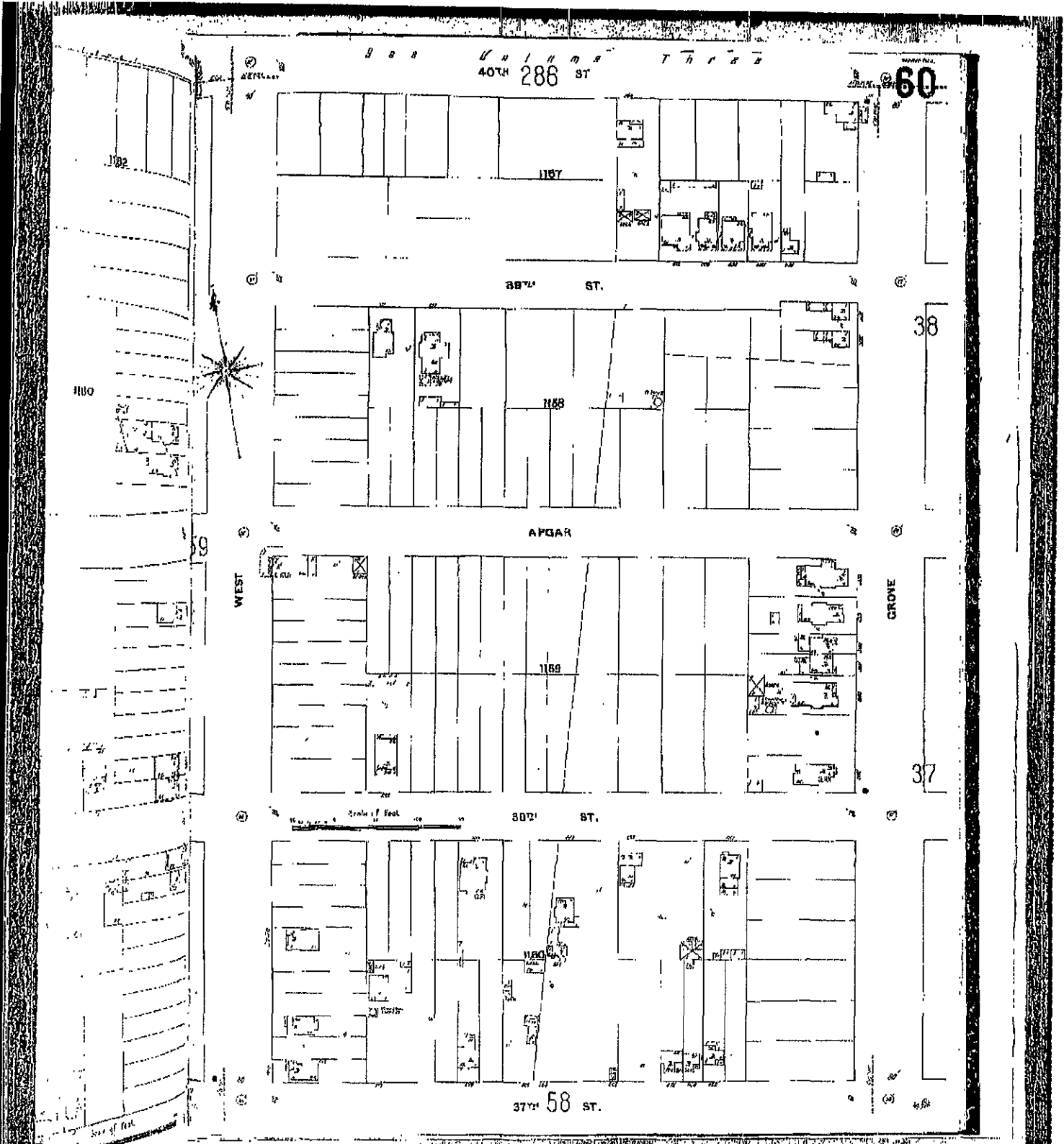
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
- Go to the Menu Bar.
- Click the "Graphics Select Tool"
- Draw a box around the area selected
- Go to "Menu"
- Highlight "Edit"
- Highlight "Copy"
- Go to a word processor such as Microsoft Word, paste and print.



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- In cases where in excess of 6-7 map years are available, the file size typically exceeds 2MB. In these cases, you will receive multiple files, labeled as 1 of 3, 2 of 3, etc. including all available map years.
- Due to file size limitations, certain ISPs, including AOL, may occasionally delay or decline to deliver files. Please contact your ISP to identify their specific file size limitations.



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5 6 7 8 9 10 11 12 13 14 15 16 17 18

12

38TH ST.

37TH ST.

36TH ST.

35TH ST.

18

17

16

WEST

GROVE

Scale of Feet



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Б В У О П М В Т П Г В

12

MAC ARTHUR BLVD WEST
(3875 ST.)



37th ST.

18

11

WEST

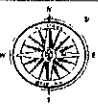
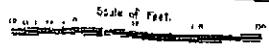
GROVE

38th ST.

17

39th ST.

16



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S E B U O I U M E T H P E E

12A

MAC ARTHUR BLVD WEST
(30th ST.)



37th ST.

WEST

GROVE

36th ST.

35th ST.

16

18

17

11

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12A

MACARTHUR BLVD WEST
(ARTW ST.)

37TH ST.

36TH ST.

35TH ST.

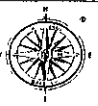
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WEST

GROVE



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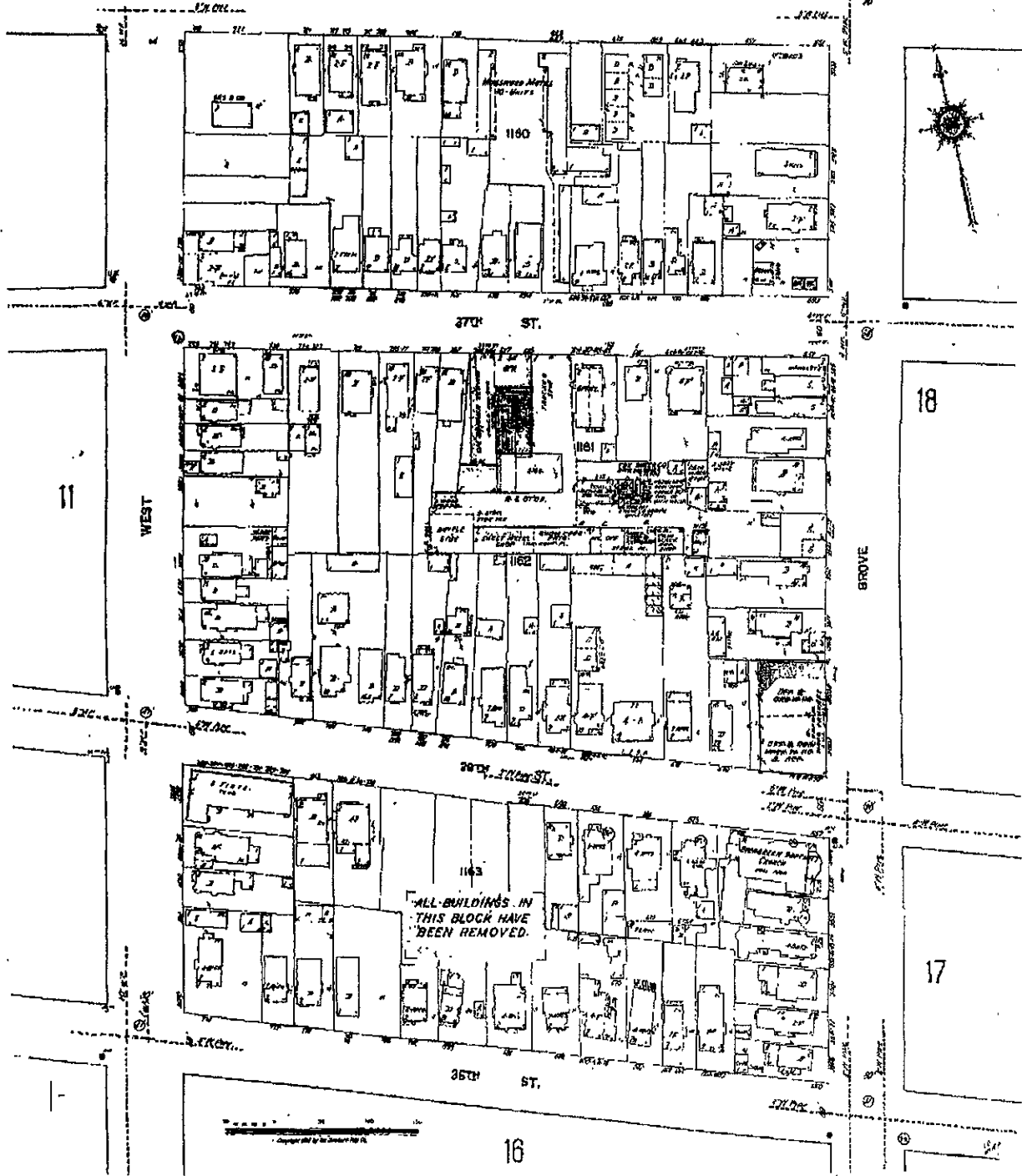
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S E E U N I O N T R E E

12A

MACARTHUR BLVD WEST
(38TH ST)



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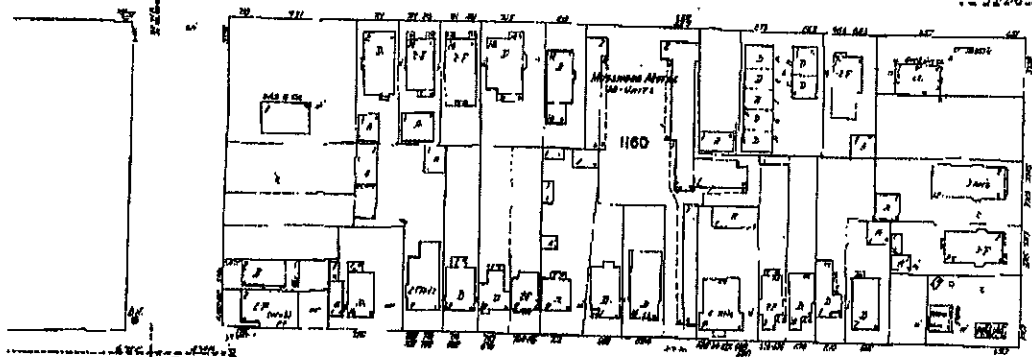
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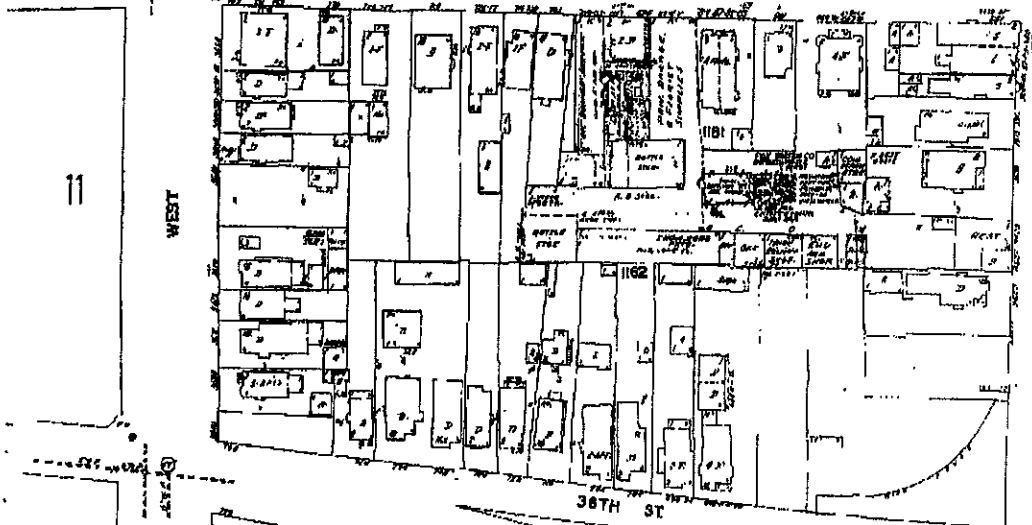
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MAPLE 12A

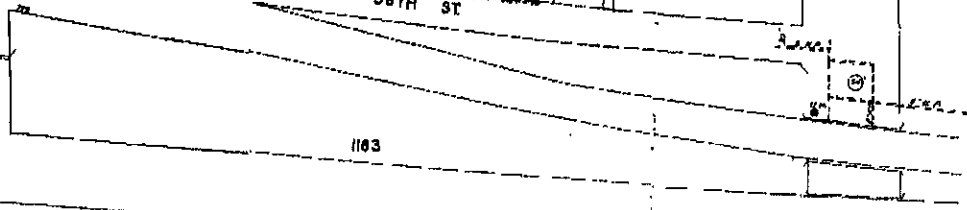
MAC ARTHUR BLVD WEST
(38TH ST.)



37TH ST.

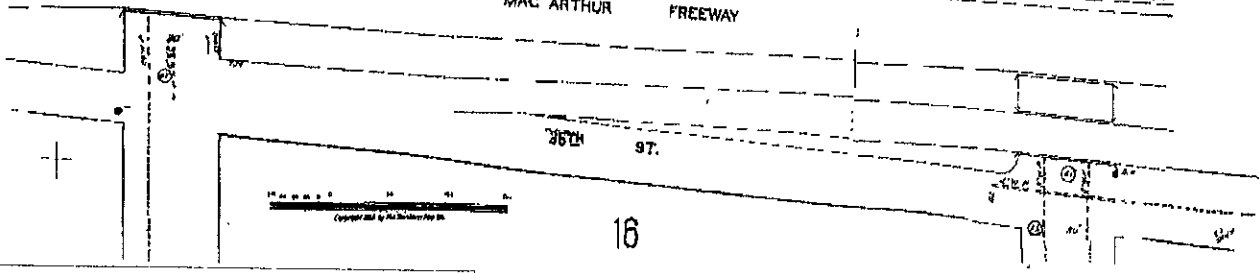


38TH ST.

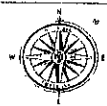


1163

MAC ARTHUR
FREEWAY



16



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S A B U O I U M T H R E E

12A

MAC ARTHUR BLVD WEST
(36TH ST.)

37TH ST.

36TH ST.

1163

MAC ARTHUR
FREEWAY

35TH ST.

16

18

17

11

WEST

GROVE



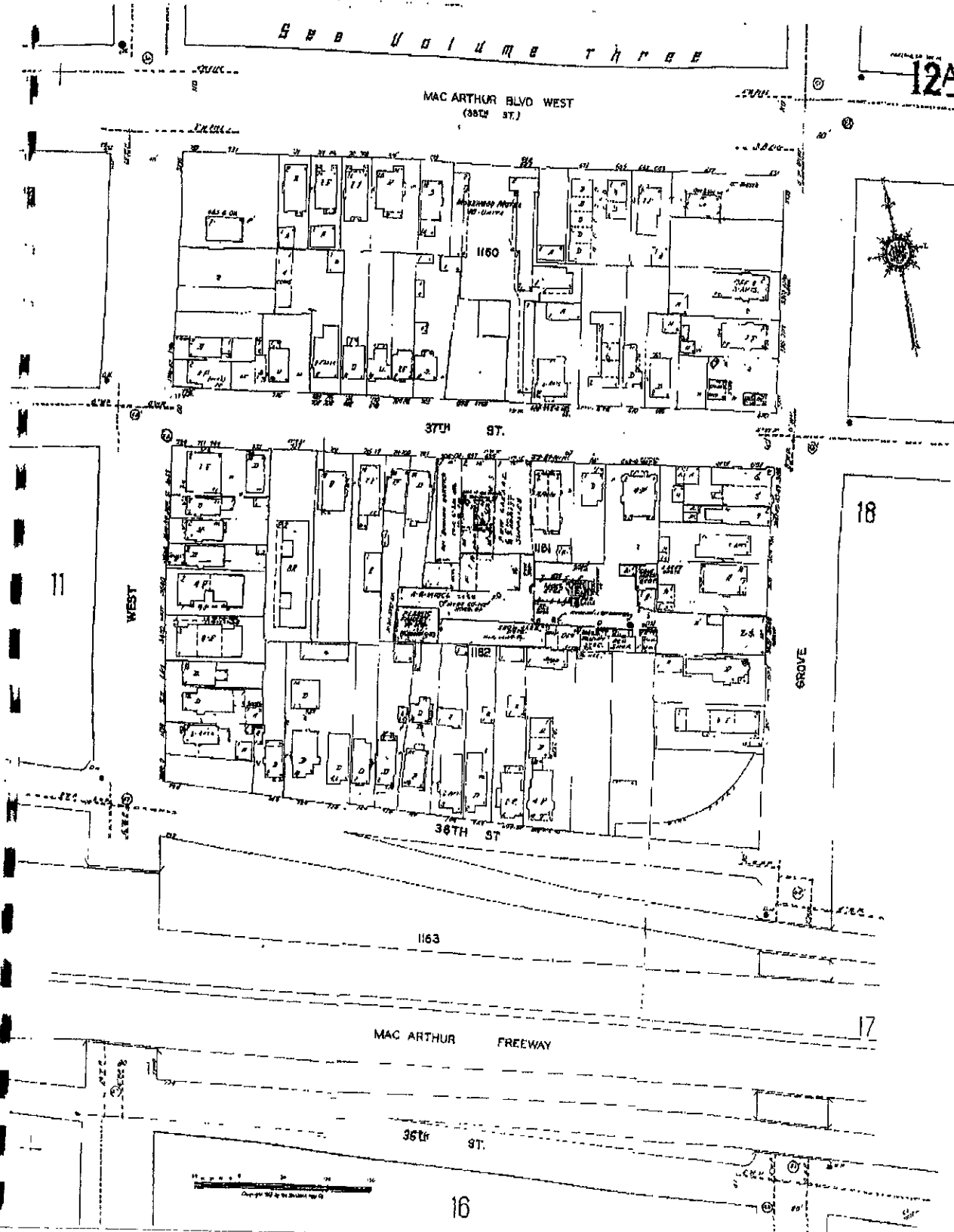
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
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