

## Memorandum

DATE	May 25, 2021		
TO	Pete Vollmann 510-238-6167 pvollmann@oaklandca.gov  cc: Michael Branson	FROM	Lynette Dias, President Emilie Wolfson, Associate Planner

### RE: Errata to the 1396 5th Street CEQA Analysis

Urban Planning Partners has prepared this Errata to the Addendum, published in February 2021, for the 1396 5<sup>th</sup> Street Project. The purpose of this Errata Memorandum is to include, and correct all parts of relevant Standard Conditions of Approval (SCA)'s that were inadvertently left out of Attachment A: Standard Conditions of Approval and Mitigation and Monitoring and Reporting Program related to hazards and hazardous materials, HAZ-2 (Hazardous Building Materials and Site Contamination (#43), and HAZ-3 (Hazardous Materials Business Plan (#45), as well as to clarify the hazards and hazardous materials section.

Related to Impact Haz-1, Haz-2 and Haz-3 of the West Oakland Specific Plan (WOSP) EIR on page 62 of the CEQA analysis, states that the site is identified as a Cleanup Program Site on the State Water Resources Control Board GeoTracker database due to previous potential groundwater contamination. The case clean-up was completed, and the case was closed as of May 10, 2017.<sup>1</sup>

The CEQA analysis inadvertently did not disclose that the case closure is granted for the current land use as a vacant lot only. Subsequent to the preparation of the CEQA Analysis, the applicant is consulting with the Alameda County of Environmental Health (ACDEH). The applicant is currently awaiting feedback, but it expected that with certain conditions (i.e., implementation of a corrective action plan) the project site can be suitable for residential development given the site was previously developed with a partially constructed residential project under ACDEH oversight. Examples of corrective actions could include excavation of lead-impacted soil and/or offsite disposal at a permitted landfill or onsite consolidation and capping to prevent direct contact

<sup>1</sup> State Water Resources Control Board GeoTracker. Red Star Yeast/ 1396 5<sup>th</sup> Street. Available at: [https://geotracker.waterboards.ca.gov/profile\\_report?global\\_id=To6019794669](https://geotracker.waterboards.ca.gov/profile_report?global_id=To6019794669), accessed August 2020.

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exposure, and installation of vapor mitigation engineering controls underlying the structures and hardscape to reduce the inhalation risk of exposure to volatile organic compounds (VOCs).

The additional information does not change any of the findings or conclusions of the Addendum as the site was already identified in the West Oakland Specific Plan EIR as an open case in the RWQCB Geotracker Site, and Table 4.5-5 identifies the site as a site that has had chemical releases that have contaminated soil and/or groundwater, and which Alameda County Environmental Health (ACEH) provides regulatory oversight for investigation and cleanup. The WOSP EIR found that no mitigation measures were required to address impacts pertaining to hazardous materials release sites (Impact Haz-1) because those impacts would be less than significant with implementation of the City's SCAs.

Changes to the Addendum, as outlined below, were initiated by staff subsequent to publication of the Addendum to correct information discovered to be inadvertently omitted after the release of the Addendum. Text with double underline represents language that has been added to the Addendum; ~~text with strikeout~~ has been deleted from the Addendum.

Hazards and Hazardous Materials	When Required	Initial Approval	Monitoring/Inspection
<p><b>SCA-HAZ-2: Hazardous Building Materials and Site Contamination (#43)</b></p> <p><i>a. Hazardous Building Materials Assessment</i>  The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</p> <p><i>b. Environmental Site Assessment Required</i>  The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</p> <p><del>The project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following:</del></p> <p><del>a. The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids.</del></p> <p><del>b. The location of such hazardous materials.</del></p> <p><del>c. An emergency response plan including employee training information.</del></p>	<p>a. Prior to approval of demolition, grading, or building permits</p> <p><del>b. Prior to building permit final</del> <u>Prior to approval of construction-related permit.</u></p> <p><u>c. Prior to approval of construction-related permit</u></p> <p><u>d. During construction</u></p>	<p>a. Bureau of Building</p> <p><del>b. Oakland Fire Department</del>  <u>Applicable regulatory agency with jurisdiction</u></p> <p>c. Bureau of Building</p> <p>d. N/A</p>	<p>a. Bureau of Building</p> <p><del>b. Oakland Fire Department</del>  <u>Applicable regulatory agency with jurisdiction</u></p> <p><u>c. Bureau of Building</u></p> <p><u>d. Bureau of Building</u></p>

<p>d. <del>_____ A plan that describes the manner in which these materials are handled, transported, and disposed.</del></p> <p>c. <u>Health and Safety Plan Required</u>  <u>The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The project applicant shall implement the approved Plan.</u></p> <p>d. <u>Best Management Practices (BMPs) Required for Contaminated Sites</u>  <u>The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:</u></p> <p>a. <u>Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements.</u></p> <p>b. <u>Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.</u></p>			
<p><b>SCA-HAZ-3: Hazardous Materials Business Plan (#45)</b>  The project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following:</p> <p>a. The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids.</p> <p>b. The location of such hazardous materials.</p> <p>c. An emergency response plan including employee training information.</p> <p>d. A plan that describes the manner in which these materials are handled, transported, and disposed.</p>	<p>Prior to building permit final</p>	<p>Oakland Fire Department</p>	<p>Oakland Fire Department</p>

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