



California Affordable  
Housing Initiatives, Inc.

**REQUEST FOR PROPOSALS  
(RFP) #22-021**

**AFFORDABLE HOUSING DEVELOPER FOR  
77<sup>TH</sup> & BANCROFT, OAKLAND**

<b>RFP Issued</b>	July 14, 2022
<b>Pre Proposal Conference, Non-Mandatory</b>	August 1, 2022 at 10:00 AM to 12:00 PM through Zoom Call. Meeting location to be determined.
<b>Questions Due</b>	August 8, 2022
<b>Proposal Due</b>	October 12, 2022

**California Affordable Housing Initiatives, Inc.**

**c/o Contract Compliance & General Services (CCGS) Department  
Oakland Housing Authority (OHA)  
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E-mail: [CCGS@oakha.org](mailto:CCGS@oakha.org)**

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Jeanne Smith [JSmith@oakha.org](mailto:JSmith@oakha.org), 510-587-2123

Documents (in the order of the RFP Package)		MUST be submitted with Proposal.
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## 1. **GENERAL INFORMATION**

### 1.1 **RFP Introduction**

California Affordable Housing Initiatives, Inc. (“CAHI”), a nonprofit affiliate of the Oakland Housing Authority (“OHA”), is soliciting proposals from developers with the capacity to redevelop 77<sup>th</sup> and Bancroft property in the Eastmont neighborhood in Oakland, California (the “Property”).

*CAHI’s primary goal is to redevelop the Property with a developer with a demonstrated capacity to return the Property to an active residential use that will enhance the quality of life in the neighborhood surrounding the Property in a timely manner. CAHI’s secondary goal is for the units to be affordable to very low-income senior households.*

CAHI has provided a concept drawing and unit mix illustrating the analysis completed on the site. The concept drawings and program are designed to provide guidance to the developer on the overall program for the site in order to serve the population identified. The developer may depart from this program but all proposals should reflect the intent to serve and support very low-income seniors on the site. The unit mix proposed in the concept scheme includes 78 one bedroom and 20 two-bedroom units serving seniors earning below 30% of area median income. CAHI seeks to build an appropriately scaled and attractive building that will support and augment the surrounding community. In addition to the 98 units, the concept scheme also includes indoor and outdoor community spaces and 58 parking spaces.

The Eastmont neighborhood holds particular interest to the California Affordable Housing Initiative and the Oakland Housing Authority as this area includes multiple properties owned, operated and maintained by these entities. CAHI/OHA are committed to improving and expanding on the quality of life for its residents.

The scope of the proposed project is found in Exhibit A.

### 1.2 **CAHI’s Reservation of Rights**

- CAHI reserves the right to reject any or all proposals, to waive any informality in the RFP process, or to terminate the RFP process at any time, if deemed by the CAHI to be in its best interests.
- CAHI reserves the right not to award a Contract pursuant to this RFP.
- CAHI reserves the right to terminate a Contract awarded pursuant to this RFP, at any time for its convenience.

- CAHI reserves the right to determine the days, hours and locations that the successful proposer(s) shall provide the services called for in this RFP.
- CAHI reserves the right to negotiate the fees proposed by the proposed entity.
- CAHI reserves the right to reject and not consider any proposal that does not meet the requirements of this RFP, including but not necessarily limited to incomplete proposals and/or proposals offering alternate or non-requested services.
- CAHI shall reserve the right at any time during the RFP or contract process to prohibit any further participation by a proposer or reject any proposal submitted that does not conform to any of the requirements detailed herein.

### **1.3 CAHI Background Information**

California Affordable Housing Initiatives, Inc. ("CAHI") was formed as an instrumentality of the OHA to enhance, preserve, develop and administer housing for HUD-defined low and moderate income families and individuals in California.

The mission of CAHI is to administer project-based rental assistance (PBRA) Section 8 Contracts on behalf of the U.S. Department of Housing & Urban Development in order to:

- Ensure that eligible families are provided affordable housing that is well managed and maintained;
- Contribute to building and preserving healthy neighborhoods and communities; and
- Operate with a high degree of integrity and public and fiscal accountability.

CAHI serves and embodies a diverse community; therefore, it is crucial that contractors understand the effects of race, class, ethnicity, income, and other issues of difference in our society, and display a high level of cultural competency throughout their interactions with the non-profit.

## **2. PROPOSAL SUBMISSION REQUIREMENTS**

### **2.1 Proposal Format**

To provide objective criteria that can be used in determining various respondents' abilities, please address the following items in the order presented. Submissions must clearly address all of the requirements outlined in this Request for Proposals (RFP). Respondents are encouraged to submit concise proposals; however, a

maximum page limit will not be enforced. A company qualification brochure may be added as an attachment at the end of the Proposal.

## **A. Development Proposal**

Provide a preliminary development narrative, proposal and layout for the Property to include the development intent to construct new housing on the site.

Specific requirements under this section include:

### **1. Design Concept**

- Design Narrative: The project will be new construction. In the proposal describe the proposed development program and design, including unit mix, gross building square footage, number of parking spaces, and building(s) height.
- Site Plan: Show the relationship of the proposed and surrounding buildings, open space, streets, access paths, parking layout and general site circulation.
- Building Elevation and First Floor Plan: Provide a conceptual building elevation and first floor plan that includes any contemplated residential common areas and commercial space, if applicable.
- Green Building: Describe proposed green building methods, materials, and techniques that will be applied including the targeted green building certification.

### **2. Community Engagement**

Describe the development team's planned approach to soliciting input from the Eastmont community on how to make redevelopment of the 77<sup>th</sup> & Bancroft site beneficial to the community. Describe how the development team will incorporate this input into plans for the programming, development, and operations of a new affordable housing development at the site.

### **3. Community Benefits**

- Specify the quantity and mix of affordable units to be included, the depth of affordability, and the term of the income restrictions that the respondent proposes to commit to for the 77<sup>th</sup> & Bancroft development. Identify any departure or recommendations for changes to the proposed unit mix suggested in the concept plan.

- Describe the approach to engaging with Oakland-based small, local and emerging professional and construction-related businesses.
- Describe the approach to providing economic opportunities to low- and very low-income persons residing in the City of Oakland.

#### **4. Financial Proposal**

- **Financing Plan:** Submit a financing plan that details the proposed ground lease terms including the closing costs, the targeted resident population, the proposed housing tenure (rental), and a summary of the proposed financing. For competitive financing sources, describe how the project will be positioned to be successful in receiving financing allocations.
- **Project Pro Forma:** Submit a project pro forma that includes a detailed development budget of project costs, all projected sources of debt and equity financing and their terms, unit mix, projected rents, target resident population, and rent roll.
- **Operating Cash flow:** Provide a 30-year operating cash flow that includes services and general operating expenses for the building(s). Please provide and describe all modeling assumptions used.
- **Project Pro Forma and Operating Cash Flow assumptions** will be evaluated for reasonableness as related to other Oakland area affordable housing projects of similar scope and size. The applicant will provide justification to support their assumptions as reasonable.
- **Financial Participation:** Below is a list of potential funding options in which CAHI may provide development funding:
  - predevelopment funding
  - operating subsidy
  - gap financing

Any funding requests and terms must be explicit in the proposal and pro forma.

Please include any proposed developer fee split between the respondent, emerging developer (if part of the proposed developer team), and CAHI. Such fee proposal should

correlate with the proposed level of CAHI financial involvement with the project.

Identify your proposed ground lease rent, either as an annual lease payment or a capitalized lease payment (see also “Financing Proposal” below). CAHI will consider a below-market ground lease rent if needed for project feasibility.

## **B. Relevant Development Experience**

- Provide a summary of respondent’s experience developing projects that required interaction with a broad range of interested parties from both the public and private sectors.
- Owner/Developer: The primary developer will demonstrate experience and financial capacity to deliver the project. The primary developer should be eligible for the maximum available general partner experience points in the current TCAC and CDLAC regulations.
- *The following information is required for each key member of the development team:*
  - Developer Entity: Identify and describe the legal entity or entities what will develop the Property. Include each entity’s name, mailing address, email address, contact phone number, type of organization (i.e. 501(c) 3, LLC, etc.), anticipated role, and anticipated percentage ownership in the proposed project.
  - Authorized Personnel: Identify person(s) with the authority to represent and make legally binding commitments for each entity.
  - Key Personnel: Identify and describe the key personnel for each developer entity, including the person with authority to lead negotiations. Provide a resume for each individual.
  - Development Experience: Include a list of all projects developed by each developer entity over the last ten (10) years with an indication of the current status of each project.
  - Comparable Projects: Highlight and describe comparable projects completed by each developer entity within the last ten (10) years. Include dates of completion, location, size of project, land use, construction type, construction period, total

development cost, financing sources, target resident population (if applicable), any innovative aspects or features, and the role of the respondent in each development.

- Photographs: Include photographs of each of the past or current comparable projects described above.
  - Green Building: Describe each developer entity's experience with green building methods, techniques, and certification programs.
  - Real Estate Portfolio: Provide a comprehensive list of all of the real estate projects either owned or managed by each developer entity listing the following for each project: name, type, location (city, state), number of units, date completed, total development cost, role, and ownership interest.
  - Provide a minimum of five (5) references with names, affiliations, phone numbers, and email addresses. At least one reference should be a related financial institution and one should be a public agency.
- Priority points will be given to respondent proposals that include an emerging development partner as a team member. CAHI will prioritize proposals in which the emerging developer partner has a meaningful and defined role in the project and clear commitment of developer fee split. Previous partnership experience, if any, should be highlighted.

### **C. Design Team**

- Lead Architect(s): Identify and provide information about the firm and lead architect including but not limited to an individual and firm resume and contact information.
- Recent Experience: Include a list of all affordable housing projects developed by the Lead Architect(s) over the last ten (10) years and the current status of each project.
- Comparable Projects: Highlight and describe comparable projects completed by the Lead Architect(s) within the last ten (10) years. Include completion date, location, land use, size of project, construction type, and total development cost.
- Green Building Experience: Describe green building design and certification experience and list current LEED professionals among the Key Personnel, if any.

- Photographs: Include photographs of the interiors and exteriors of each of the past or current comparable projects described above.
- A minimum of three (3) client references with primary contact names, affiliations, title, phone numbers, and email addresses.

**D. Other Members of the Development Team**

Third Party Providers –Identify other critical development team members including but not limited to general contractor, property management firm, resident services provider and marketing agent. Include the name of the firm, the firm’s role, the lead staff person with each firm, the firm’s specific experience with community engagement experience in communities of color as comparable projects to that which is being proposed over the last ten (10) years. Please include resumes of the firm and lead staff person.

Provide a management plan for providing property management and resident services.

**E. Development Timeline**

Provide a development timeline that must include, but is not limited to, the following milestones. [Note: the development timeline should assume three months Contract Negotiation and Execution prior to start of Due Diligence:]

1. Due Diligence
2. Schematic Design
3. Environmental Review
4. Entitlements
5. Design Development
6. Construction Documents
7. Financing (must be consistent with the Financing Plan)
8. Start Construction
9. Complete Construction
10. Leasing Period commences
11. Leasing Period completed
12. Stabilization/ permanent financing closed

**F. Respondent’s Financial Strength and Capacity**

Include any applicable financial information that can assist CAHI in determining how efficiently the respondent can secure the necessary financing to execute the development plan for the Property.

Provide a statement of respondent’s financial capacity to undertake the development and to access equity and debt commitments in a timely manner.

Provide a separate submittal (marked “Confidential”) of one set of audited financial statements for the past two fiscal years of each legal entity that will be engaged in developing and/or owning the Property.

**G. Disclosures**

Please provide answers to the following questions:

- **Litigation or Disputes:** Is the respondent, proposed guarantor, or any named individual in the RFP involved in any litigation, administrative proceeding, investigations or disputes (actual or pending, or which have occurred in the last five years) that could result in a financial settlement having a materially adverse effect on the ability to execute a project? If yes, please explain.
- **Bankruptcy or Foreclosure:** Has the respondent, proposed guarantor, or any named individual in the RFP ever filed for bankruptcy or any named individual ever filed for bankruptcy or had projects that have been foreclosed, or transferred to a creditor in lieu of foreclosure? Has the respondent, proposed guarantor, or any named individual renegotiated or refinanced permanent project-related debt which resulted in a relaxation of either financial or other covenant or other terms and conditions of existing debt on the project? If yes, please list the dates and circumstances.
- **Suspension:** Indicate whether the respondent or individuals within the proposed development entity have been suspended from performing work for any governmental agency within the past five years. If so, please explain the nature of the suspension.

If the answer is yes to any of these questions, CAHI may require additional information from the respondent.

**H. Other Documents:**

Exhibit E. Profile and Certification Form/Statement of Qualifications

The form Profile and Certification Form/Statement of Qualifications Form must be completed and signed.

Exhibit F. Section 3 Requirements Form and Action Plan

Must be completed and signed.

Exhibit G. Addendum Acknowledgement Form (if applicable)

All applicable addendum acknowledgement form(s) must be submitted with the proposal. (See Exhibit G for a sample.)

### 3. **PROCESS FOR SELECTING DEVELOPER**

#### 3.1 **RFP Timeline**

A general timeline for the developer proposal and selection process is shown below:

	3rd QTR 2022	4th QTR 2022	1st QTR 2023
<b>77th &amp; BANCROFT PRELIMINARY TIMELINE</b>			
☒ = PROJECT MILESTONE			
ISSUE DEVELOPER RFP	☒		
REVIEW PROPOSALS AND SELECT DEVELOPER			
DEVELOPMENT PARTNER NEGOTIATION			
BOARD APPROVAL TO PROCEED WITH SELECTED DEVELOPER AND PROVIDE FINANCING			☒

July 14, 2022	RFP Issued
August 1, 2022	Non-Mandatory Pre-Proposal Conference
August 8, 2022	Questions in writing via email, due by 10:00 AM
October 12, 2022	Proposals due by 10:00 AM to be submitted online through Housing Agency Marketplace through the following link: <a href="https://ha.internationaleprocurement.com/requests.html?company_id=63442">https://ha.internationaleprocurement.com/requests.html?company_id=63442</a> <b>Proposers MUST register with Housing Agency Marketplace in order to submit a proposal.</b>

#### 3.2 **Pre-Proposal Conference**

A non-mandatory pre-proposal conference will be held through a Zoom call on **August 1, 2022 at 10:00AM PST**. To join the Zoom call for the Pre-Bid Conference use link below:

One tap mobile: US: [+16692192599](tel:+16692192599), [+12133388477](tel:+12133388477), [83583110789](tel:+183583110789)#, ..., \*232352# or  
[+12133388477](tel:+12133388477), [83583110789](tel:+183583110789)#, ..., \*232352#

Meeting URL: <https://oakha-org.zoom.us/j/83583110789?pwd=QIIPMURYaEITMm0rZ2s2ZTZiZXRxdz09>

Meeting ID: 835 8311 0789

Passcode: 232352

#### 3.3 **Questions/Answers**

Questions may be addressed to Jeanne Smith at [ccgs@oakha.org](mailto:ccgs@oakha.org). All questions must be submitted in writing. All questions will be answered in writing in an Addendum issued and posted on OHA's website as well as Housing Agency

Marketplace if applicable. No questions will be responded to after the question and answer period has expired. The Addendum can be found on the OHA's website at [www.oakha.org/Business Opportunities/Open RFPs and Bid Status/Active Bids/select appropriate RFP#](http://www.oakha.org/Business%20Opportunities/Open%20RFPs%20and%20Bid%20Status/Active%20Bids/select%20appropriate%20RFP#) or on Housing Agency Marketplace at the below link:

[https://ha.internationaleprocurement.com/requests.html?company\\_id=63442](https://ha.internationaleprocurement.com/requests.html?company_id=63442)

### **3.4 Proposal Due Date**

Responses to this solicitation will be accepted online at the Housing Agency Marketplace website at [ha.economicengine.com](http://ha.economicengine.com) until 10:00 AM (PST) on the date specified above. **Proposers MUST register with Housing Agency Marketplace at the following link in order to submit a proposal.**

[https://ha.internationaleprocurement.com/requests.html?company\\_id=63442](https://ha.internationaleprocurement.com/requests.html?company_id=63442)

Please do not wait until the last minute to submit a proposal, as it may take time to upload your proposal. Proposals received by OHA late will be disqualified and not accepted. To attach documents to your response, open the solicitation, and check the gray box near the bottom of the solicitation that says "Responder Will Bid", or in some cases, "Respond to this Bid Online". Be sure to review the total response to make sure this is exactly what you want to submit. Once review is complete, click on the "Confirm Response" link and you will get a confirmation number/letters at the top of the page. Vendors are able to revise this response at any time prior to the solicitation deadline by logging in, clicking on the title of the solicitation/ View Response/ Revise Response.

If you have any technical issues with the Housing Agency Marketplace website or questions regarding the process, please contact Larry Hancock at 1-866-526-0160 or the general support line at 1-866-526-9266.

Late proposals will not be considered.

### **3.5 Selection Process**

All responses will be reviewed for completeness and responsiveness. Proposals will be reviewed, and the most qualified Proposers may be required to be interviewed by a selection committee that will complete a final evaluation. The selection will be the sole responsibility of CAHI. CAHI reserves the right to reject any and all proposals, and shall select a service provider based on the most advantageous conditions for CAHI.

#### **A. Initial Evaluation for Responsiveness**

Each proposal received will first be evaluated for responsiveness (e.g., meets the minimum of the published requirements). CAHI reserves the right to reject any proposals deemed by CAHI not minimally responsive and to waive any minor informalities they deem so (CAHI will notify such firms in writing of any such rejection).

**B. Evaluation Committee**

Internally, an Evaluation Packet will be prepared for each Evaluator. CAHI anticipates that it will select a minimum of three (3) people to serve on a committee to evaluate each of the responsive Proposals submitted in response to this RFP. PLEASE NOTE: No proposer shall be informed at any time during or after the RFP process as to the identity of any Evaluation Committee Member. If, by chance, a proposer does become aware of the identity of such person(s), he/she SHALL NOT make any attempt to contact or discuss with such person anything related to this RFP. As indicated in this document, the designated CCGS Staff is the only person at CAHI that the proposers shall contact pertaining to this RFP. Failure to abide by this requirement may (and most likely will) cause such proposer(s) to be eliminated from consideration for award.

**C. Evaluation**

The appointed Evaluation Committee, independent of CCGS, shall evaluate the responsive Proposals submitted and award points pertaining to the Evaluation Criteria.

**D. Potential “Competitive Range” and “Best and Finals” Negotiations**

CAHI reserves the right to conduct “Best and Finals” Negotiations, which may include oral interviews with all firms deemed to be in the competitive range. Any firm deemed not to be in the competitive range shall be notified of such, in writing, by the CAHI in as timely a manner as possible.

**1. Determination of Top Ranked Proposer**

Typically, all points are awarded by the Evaluation Committee. The Committee’s scores (points) will determine the final ranking. The final ranking is then typically forwarded by CCGS to the Executive Director for approval. If the evaluation was performed to the satisfaction of the Executive Director, the final ranking may be forwarded to CAHI Board of Directors (BOD) at a scheduled meeting for approval. Contract negotiations may, at CAHI's option, be conducted prior to or after the BOD approval.

**2. Restrictions**

All persons having familial (including in-laws) and/or employment relationships (past or current) with principals and/or employees of a proposer entity will be excluded from participation on the Evaluation Committee. Similarly, all persons having ownership interest in and/or contract with a proposer entity will be excluded from participation on the Evaluation Committee.

**3.6 Evaluation Criteria.** All responses to this RFP that are received on or before the stated deadline will be evaluated by an Evaluation Committee according to the criteria listed below.

Points will be assigned to each of the criteria listed below. The evaluation team will make a recommendation to CAHI's Board of Directors. Final selection will be made by CAHI's Board of Directors. **Total points possible: 100**

A developer selection, if made, will be to the respondent(s) that receives the highest overall number of points in accordance with the stated evaluation criteria.

A description of the required Proposal Submission Format is set out at Section 2.1.

No.	Criteria	Points
1.	Development Proposal	30
	Design Concept CAHI Proposed Participation Green Building Methods & Certification Cultural/Community Engagement Plan	
2.	Relevant Development Experience	30
3.	Emerging Development Partner Included with Dedicated Role	10
4.	Development Timeline	10
5.	Financial Strength and Capacity	20
	<b>Total Points Possible</b>	<b>100</b>

#### **4. CONTRACT REQUIREMENTS**

##### **4.1 Contractor Requirements**

The Proposer(s) selected must be fully qualified to perform the services described above and must possess the appropriate licensing.

Prior to award, the *successful proposer* will be required to provide the proper license documents and insurance certificates. See **CAHI Insurance Requirements** (Exhibit D).

All work performed pursuant to this RFP must conform and comply with all applicable local, state and federal codes, statutes, laws and regulations.

## **A. Section 3 Requirements Form and Action Plan**

The Section 3 Requirements Form and Action Plan (Exhibit F) must be completed and signed.

CAHI expects the selected Developer to make a good effort to comply with the Section 3 policy. Refer to Attachment "Section 3 Requirements - Oakland Housing Authority Economic Opportunities Policy" in this RFP. The Proposer must describe proposed compliance with Section 3 of the Housing Act of 1968, as amended regarding the provision of training and employment opportunities for low-income persons, with priority to residents of the Authority's Public Housing, and a Certified Statement that the firm will make a good effort to comply with the Section 3 Policy. The Authority and its Affiliates' Project Manager and Contract Compliance staff will monitor the selected developer's compliance with Section 3 Requirements.

## **4.2 Contract Award**

### **A. Negotiations.**

CAHI reserves the right to enter into discussions with the firm(s) whose Proposal is deemed most advantageous and in the CAHI's best interest for the purpose of negotiations. CAHI reserves the right to enter into negotiations with the responsible and responsive firms within the competitive range without the need to repeat the formal solicitation process.

CAHI reserves the right to award without discussions.

**B. Meetings.** Once the Contract is awarded, the Contractor(s) will meet with the Project Manager for this RFP and key staff to discuss the needs, method, and timeline of this requirement/service.

## **4.3 Contract Conditions**

The following provisions are considered mandatory conditions of any Contract Award made by CAHI pursuant to this RFP:

- 1. Assignment of Personnel:** CAHI shall retain the right to demand and receive a change in personnel assigned to the work if CAHI believes that such change is in the best interest of the CAHI and the completion of the contracted work.
- 2. Unauthorized Sub-Contracting Prohibited:** The Proposer shall identify hereunder whether or not he/she intends to use any subcontractors for this job, if awarded, and/or if the Proposal is a joint venture with another firm. The successful Proposer shall not assign any right, nor delegate any duty for the work proposed pursuant to this RFP (including, but not limited to, selling or transferring the Contract) without the prior written consent of CAHI. Any purported assignment of interest or delegation of duty without the prior written consent of CAHI shall be void and may result in the cancellation of

the Contract with CAHI, or may result in the full or partial forfeiture of funds paid to the successful Proposer as a result of the proposed Contract; either as determined by CAHI.

**4.4 Contract Terms**

CAHI intends to enter into an Exclusive Negotiating Rights Agreement (ENRA) which will provide the selected Developer an exclusive right to negotiate with CAHI for a specified period of time, with the goal of entering into a Lease Disposition and Development Agreement (LDDA) with the Developer. The terms of the ENRA and LDDA will be negotiated between CAHI and the Developer.

## Exhibit A: Scope of Project

### Property Description

The parcel is 0.75 acres. The Property is located in the Eastmont neighborhood of Oakland in RM-4 Mixed Housing Type Residential Zone. It is CAHI's understanding that the site is within one-half mile of a "major transit stop" as defined in the State Density Bonus Law. This would make a 100 percent affordable development at the site eligible for unlimited unit density, a height increase of 3-stories or 33 feet (whichever is more) and a 0.5 parking ratio. The respondent should make its own assessment of the proposed project's eligibility for density bonus provisions.

This property was previously a public housing development known as Greenside. In 2013, the building was demolished and currently the property at 77<sup>th</sup> and Bancroft is a vacant lot.

The surrounding neighborhood has expressed interest and concern that the property be re-activated and useful to the community.

### Eastmont Neighborhood Description

The Eastmont neighborhood is centered around the Eastmont Mall. This area was developed in the 1920s, primarily after the Chevrolet assembly plant was built in 1916. At one point, a real estate company (The Minney Company) described Eastmont "The Piedmont of East Oakland." Workers moved to the area, taking over what had been small farms and building houses and commercial space. By the time the plant closed in 1963 and moved to Fremont, there were 3550 employees there<sup>1</sup>.

The Eastmont Transit Center, located at the intersection of 73<sup>rd</sup> Avenue, MacArthur and Foothill Boulevard, is a designated "Priority Development Area" (PDA). The Bay Area's sustainable growth framework known as Plan Bay Area is built around the concept of "Priority Development Areas" (PDAs). In 2010, the Oakland City Council adopted Resolution No. 82526 designating six established transit-oriented development centers in Oakland as PDAs. Oakland designated PDAs at the area surrounding the **Eastmont Transit Center** (73rd Avenue and MacArthur Blvd), as well as four other transit centers in Oakland. Priority Development Areas are existing neighborhoods near transit, nominated by jurisdictions as appropriate locations for future growth.

Eastmont Town Center, directly adjacent to the Eastmont Transit Center includes a supermarket, a neighborhood branch of the Oakland Public Library, City and County social services, and a primary medical care clinic.

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<sup>1</sup>Mailman, Erika. *Oakland's Neighborhoods*. Oakland: Mailman Press, 2005

Prior to the demolition, in 2013, the Oakland Housing Authority promoted the East Oakland Community artist engagement, known as Brighter than Blight, on the former public housing site at 77<sup>th</sup> and Bancroft. This initiative brought the community together with the artist Ise Lyfe to bring art to the community.

The video of this effort can be seen here: <https://vimeo.com/122205364>

Redevelopment of this site should be mindful of the legacy of both positive impacts and challenges that this property has had over its history. Integrating art, culture and healthy living into the development project is a priority. This should be a collaborative process with the community. We see this development and the developer that is selected as an extension of and a partner with the neighborhood.

The East Oakland Black Cultural Zone Collaborative — a partnership of more than 20 local nonprofits — is spearheading the effort to establish the Black Cultural Zone in a triangle-shaped lot along 73rd Avenue and Foothill Boulevard. The site, also known as Liberation Park, borders the Eastmont Town and Transit centers.<sup>2</sup>

### **CAHI Participation**

CAHI is seeking creative proposals from qualified development teams (the “respondent”) to return the Property to an active residential use that will enhance the quality of life in the neighborhood and provide affordable housing to lower or moderate-income senior households.

CAHI is seeking to ground lease the property and is seeking a developer with capacity to develop the site and provide long-term resident services and management to the property. CAHI will hold the Right of First Refusal to purchase the project upon completion of the tax credit compliance period.

CAHI may provide development funding in the form of predevelopment funding, operating subsidy, or gap financing to the proposed project at its discretion. Any funding requests and proposed terms should be explicit in the proposal and pro forma.

### **Property Development Requirements**

Construction of approximately 98 one- and two-bedroom apartments (including a manager’s unit) with associated community space in quality and attractive 4-5 story building(s). Please refer to the concept drawings provided in this RFP for guidance. Below are the defined priorities of the Oakland Housing Authority as it relates to the 77<sup>th</sup> and Bancroft site.

#### **Affordability Requirements**

- Preferred Income Targeting (VLI-50% AMI and ELI-30% AMI)

---

<sup>2</sup> East Bay Times, [NewBlackCulturalZonehelpsEastOaklandneighborhoodthrive](#), September 27, 2020

### Targeted Populations

- Seniors - The plan should include a detailed plan for serving low and very low-income seniors (62 years of age and older) on the property. Services including but not limited to health, wellness, food resources, aging in place, computer literacy etc.

### Community Engagement

- Conducting meaningful and interactive developer outreach to the surrounding community in development and operational planning is a priority. Please define the community engagement plan in your proposal.
- Where applicable, the project should contribute toward the implementation of larger planning efforts in the community including but not limited to the following:
  - 2021-2023 Oakland General Plan Update: multi-year public process
  - 2017 Pedestrian Plan Update – Includes specific recommendations for Central East Oakland
  - 2019 Let's Bike Oakland Plan– Includes specific recommendations for Central East Oakland
  - 2013-2018 Redevelopment Successor Agency Implementation Plan
  - 2021 East Oakland Neighborhoods Initiative – potential model for Eastmont neighborhood

**The development team will also be expected to engage with and be responsive to future planning efforts that are relevant to 77<sup>th</sup> & Bancroft.**

There is a preference for partnerships with local and emerging developers with knowledge and experience in the East Oakland region.

- Developer's performance in specific (and non-duplicative) roles defined and rewarded with share of developer fee.

### Property Management/ Operations

- CAHI/OHA reserves the right to have ongoing access to allow for and facilitate transfers as part of the property management agreement to house OHA and OHA's Affiliates' residents in the building(s).
- Property Management partner must have demonstrated experience working with senior populations and affordable housing developments with LIHTC and other housing program compliance requirements likely to apply to 77th & Bancroft

### Service Provider

- Service provider must have demonstrated experience working with low and very low-income senior populations similar to the target population for 77th & Bancroft

### Oakland Housing Authority Services

- The OHA Department of Family and Community Partnerships (FCP) provides resident and community services to participants in OHA's affordable housing

programs. The OHA Police Department (OHAPD) provides community policing, public safety, and law enforcement at OHA and affiliated properties. During the development process, it is anticipated that OHA and the developer will discuss whether any FCP and/or OHAPD services are needed and desired for 77<sup>th</sup> & Bancroft, as well as appropriate fees for these services. It is anticipated that services provided by FCP and/or OHAPD would supplement and not replace services to be provided by the development project.

### Conditions and Contingencies

#### A. Property Condition

The Property will be conveyed in its “as is” condition.

#### B. Development Agreements

Once the respondent has been notified of its selection by CAHI, staff will work with the respondent to execute an Exclusive Negotiating Rights Agreement (“ENRA”) which will provide the selected respondent (the “Developer”) an exclusive right to negotiate with CAHI for a specified period of time, with the goal of entering into a Lease Disposition and Development Agreement (“LDDA”).

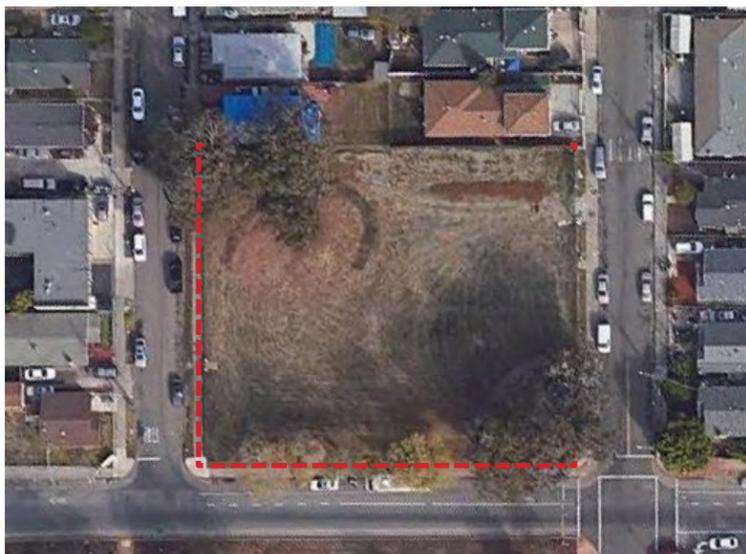
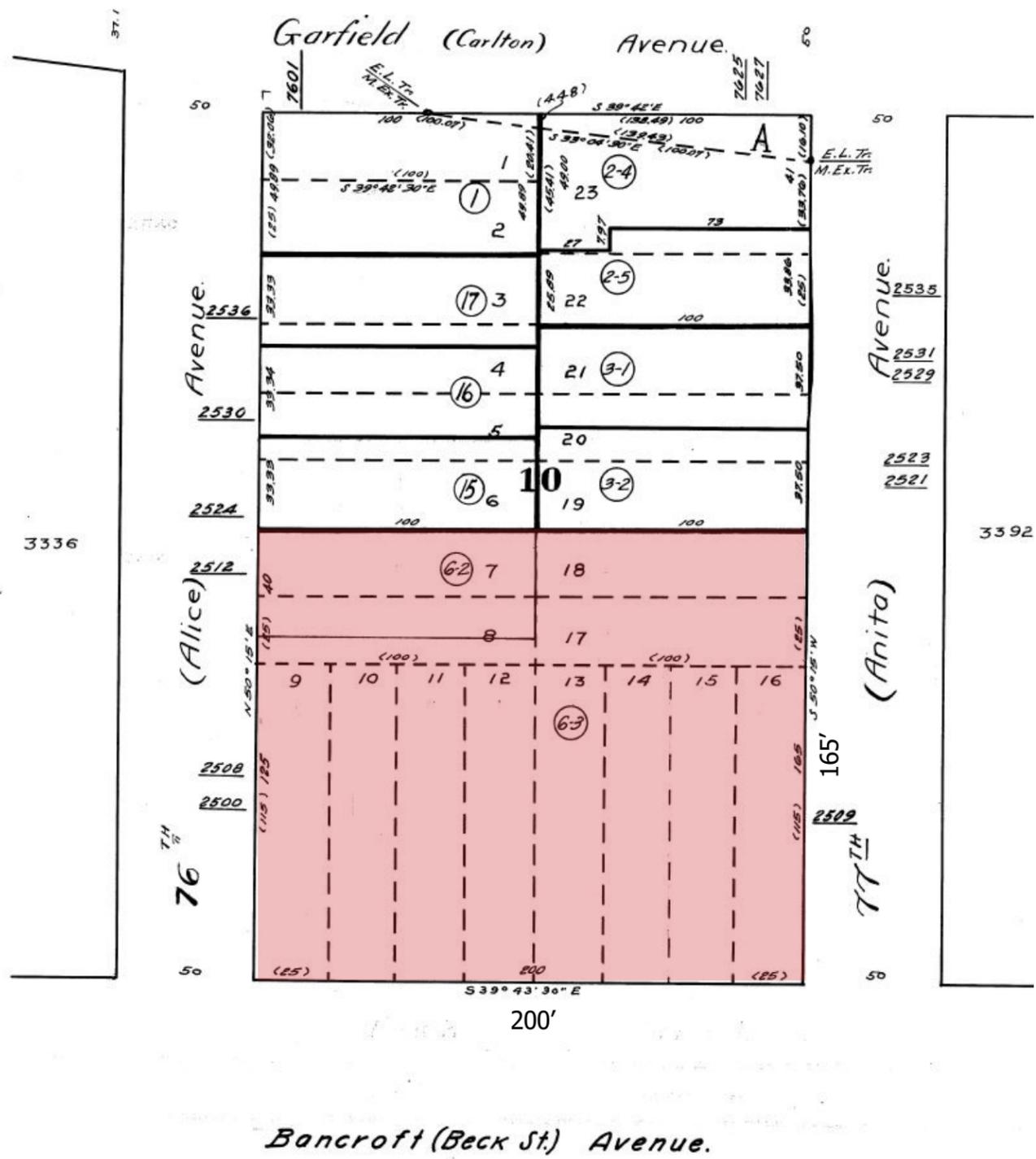
#### C. Due Diligence

The Developer will adhere to a mutually agreed upon Development Schedule pursuant to the LDDA for all development milestones except for Due Diligence.

The ENRA will require that the Developer complete its Due Diligence review of the Property within a specified period of time. The Due Diligence review shall include all environmental, physical, and legal conditions of the Property. A preliminary title report issued by First Republic Title Company will be provided by OHA.

A schedule of subsequent development milestones prior to the lease of the property, including entitlements, financing, and building permitting, shall be negotiated and documented in the LDDA. Additionally, the proposed use(s) for the Property must be compliant with all local, state and federal zoning codes and regulations.

## **Exhibit B: Concept Drawings**

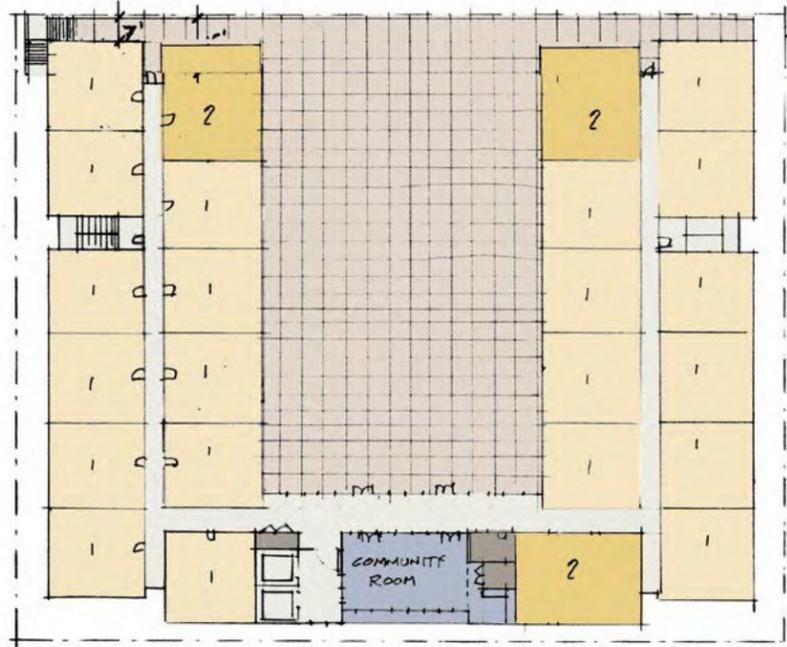


**Site Data**

Area: 0.75 ac

Zone: RM-4

1 primary unit on lots less than 4ksf  
 For 1-4 units, 1 unit per 1,100 sf of lot area on lots greater than 4,000 sf  
 5+ units at 1 / 1,100 sf & cond. use  
 Max. height: 35'



Floor 2



Ground Floor



Floor 5



Floors 3-4

### Development Summary

Seniors & Small Households

Total Units: 98

1-bdrm: 78

2-bdrm: 20

3-bdrm: 0

On-Site Parking: 60 spaces

Density: 133 DUA

Construction Summary:

5 stories total (55' max. height):

4 stories Type V-A wood frame over

1 story concrete podium

Total building area: 99,500 sf

Gross residential area: 75,000 sf

Lobby, admin & amenities: 3,500 sf

Parking & service: 21,000 sf



## **Exhibit C: Phase I Environmental Site Assessment (December 23, 2020)**

**SCA Project No: F13312.04**

**December 23, 2020**

**PHASE I ENVIRONMENTAL SITE ASSESSMENT  
APNs 40-3339-6-2 and 40-3339-6-3  
2500 76<sup>th</sup> AVENUE  
OAKLAND, CA 94605**



Prepared For:

**MR. JONATHAN YOUNG  
PROGRAM MANAGER  
OAKLAND HOUSING AUTHORITY  
1540 WEBSTER STREET  
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Prepared By:



ENVIRONMENTAL, INC.

**2939 SUMMIT STREET #302  
OAKLAND, CA 94609  
TEL: (510) 645-6200  
FAX: (415) 962-0736**

## Certifications

This Phase I Environmental Site Assessment is subject to limitations as described in Section 10.0. We declare that, to the best of our professional knowledge and believe, we meet the definition of Environmental Professional as defined in §312.10 of 40 CFR 312. We have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the Target Property. We have developed and performed the all appropriate inquires in conformance with the standards and practices set forth in 40 CFR Part 312.

All work performed for this Phase I was performed under the direct supervision of the professionals listed below.



---

**Christina Codemo, CHMM, REPA, CAC**  
**President**  
**REPA 953197 exp 4/30/21**



---

**Chuck Siu, CIH, PE, CSP, CAC, CDPH**  
**Senior Consultant**  
**PE C59672 exp 12/31/21**

**PROJECT PERSONNEL**

Oakland Housing Authority (OHA)

Jonathan Young..... Program Manager

SCA Environmental, Inc.

Christina M. Codemo, CHMM, REPA, CAC..... Senior Consultant  
Tucker Kalman, QSP/D, CAC, CDPH, REPA ..... Sr. Project Manager  
Chuck Siu, CIH, PE, CSP, CAC, CDPH. .... Senior Consultant  
Carl Bello, EIT, CSST, CDPH ..... Environmental Engineer

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Appendix A	Site Photographs
Appendix B	Miscellaneous Correspondence and Interviews
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Appendix E	Aerial Photographs
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Appendix G	City Directory
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## 1.0 EXECUTIVE SUMMARY

### 1.1 SITE SUMMARY

SCA Environmental, Inc. (SCA) conducted a *Phase I Environmental Site Assessment* for the following Assessor's Parcel Numbers (APNs), (hereafter referred to as the "Target Property", **Exhibit 1**):

- APNs 40-3339-6-2 and 40-3339-6-3

The *assessment* was performed in accordance with the scope and limitations of American Society of Testing and Materials (ASTM) Practice E1527-13. Any limitations to, or deletions from, this practice are described in Section 2.4. ASTM-defined terms are italicized in this report.

#### **Exhibit 1: Target Property, APN 40-3339-2 and 40-3339-6-3**



The Target Property is located at 2500 76<sup>th</sup> Avenue, in the City of Oakland, Alameda County, California. The lot size is approximately 0.67 acres. The Target Property currently consists of two adjacent vacant parcels surrounded by metal fencing. The Target Property is bordered by residential properties to the northeast, 76<sup>th</sup> Avenue to the northwest, Bancroft Avenue to the southwest, and 77<sup>th</sup> Avenue to the southeast. This report pertains only to the area outlined in red above (**Exhibit 1**) and depicted in **Figure 2** (attached). Refer to Photo Plates 1-4 for general views of the Target Property and to Photo Plates 5-8 and 21-24 for surrounding properties.

Historically the earliest data that SCA has obtained for the site is an 1897 Topographic Map that shows the overall Target Property as undeveloped land. A review of topographic maps, aerial photos, and Sanborn maps shows that the site was developed into a nursery by 1925. The nursery housed several buildings for greenhouses, a boiler room, and dwellings. Additional structures were added for the nursery by 1950. A 1969 Sanborn Map shows that the Target Property was split into two parcels: the larger southwestern parcel was redeveloped into a three-building apartment complex, and in the smaller northeastern parcel remained two residential dwellings. In 2013, building permits were issued for the demolition of the three-building apartment complex on the Target Property. A 2016 Aerial

Photograph shows all buildings demolished on the Target Property. Surrounding properties have been largely residential and some commercial since 1915. The overall area has remained relatively unchanged from circa 1970 with mostly residential and some commercial structures throughout the overall area.

## 1.2 FINDINGS

SCA has performed this Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-13 for the Target Property. Any exceptions to, or deletions from, this practice are described in Section 2.4 of this report. The assessment revealed evidence of *recognized environmental conditions (RECs)* in connection with the property. These are summarized below:

1. Several greenhouses were present on the Target Property from 1925 until 1969 as the Target Property was used as Seronello Nursery. This past use may be associated with potential environmental contaminants of concern (i.e., pesticides, herbicides, etc.).
2. The presence of a former boiler room was identified on the Target Property on the southwest portion along Bancroft Avenue from 1925 to 1968. This past use may be associated with underground storage tanks. No records of any tanks that may have been associated with the former boiler room being removed were found.
3. Several structures were present on the Target Property that had been constructed prior to 1969. Lead paint associated with previous structures and/or demolition of the structures may have caused surficial lead contamination at the site during the demolition process or along driplines, common with lead-based and lead containing paints.

The following items were also noted. While not *RECs* as defined by ASTM methodology, these are significant considerations for future redevelopment activities at the site:

1. Potential presence of asbestos-containing and assumed asbestos-containing building materials.
2. Presence of two small soil stockpiles and gravel fill material.

## 2.0 INTRODUCTION

### 2.1 PURPOSE

This *Phase I Environmental Site Assessment (Phase I ESA)* was performed by SCA under contract to Oakland Housing Authority (OHA). The purpose of the Phase I ESA is to identify recognized environmental concerns associated with the past and/or present use, generation, storage, or disposal of hazardous materials and/or wastes at the Target Property, and at nearby properties judged to have a potential to affect the Target Property.

The *Phase I* was performed in accordance with the ASTM standard E1527-13 which defines good commercial and customary practice in the United States for conducting a *Phase I* of a parcel of commercial real estate with respect to the range of contaminants within the scope of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and petroleum hydrocarbons. As such, ASTM E 1527-13 is intended to permit a user to satisfy one of the requirements to qualify for the innocent landowner defense to CERCLA liability: that is, the practices that constitute “*all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice*” as defined in 42 USC [section] 9610(35)(B).

### 2.2 SCOPE OF SERVICES

The *Phase I ESA* was performed in accordance with the ASTM standard E1527-13. SCA's work included the review of reasonably ascertainable standard historical sources and a site reconnaissance.

### 2.3 ASSUMPTIONS

In preparing this report, SCA has assumed that all information received from interviewed parties is true and accurate. In addition, SCA has assumed that all records obtained from Others, such as previous environmental reports, regulatory databases, maps, aerial photos, etc. are accurate and complete. SCA has not independently verified the accuracy or completeness of any data received.

### 2.4 LIMITATIONS & EXCEPTIONS

Information regarding the Target Property and nearby properties was gathered from a site visit, historical background data, and environmental database files. SCA provided a *Key Site Manager* questionnaire to Mr. Jonathan Young of OHA to provide to the appropriate party. Mr. Jonathan Young of OHA completed this questionnaire and information is incorporated in this report by reference.

Note that ASTM E1527-13 requires that the property's use be identified at intervals of five years or less, beginning from the first developed use, or 1940, whichever is earlier. Intervals of less than five years were not available for the Target Property. SCA was unable to locate information regarding the property during the following intervals: 1900-1911, and 1916-1924. Given the site history and SCA's review of available data, the absence of documentation during these time periods is not considered a significant data gap.

Note that ASTM E1527-13 requires the review of record information that is *reasonably ascertainable* from those *standard sources*. Record information that is *reasonably ascertainable* means (1) information that is *publicly available*, (2) information that is obtainable from its source within reasonable time and cost constraints (20 calendar days from receipt of request), and (3) information that is *practically reviewable*.

2.5 SPECIAL  
TERMS AND  
CONDITIONS

The methodology used was that detailed in the ASTM document E1527-13, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*. Site-specific details of this methodology (for example, specific records sources used) are explained in the pertinent sections of this report.

2.6 USER  
RELIANCE

SCA prepared this *Phase I* specifically Oakland Housing Authority. No other entity may use or rely on this report without written approval signed by a Principal of SCA Environmental, Inc.

### 3.0 TARGET PROPERTY DESCRIPTION

#### 3.1 TARGET PROPERTY DESCRIPTION

The Target Property is located in Oakland in the County of Alameda, California. The following table presents the address and legal description of the Target Property, as well as its use. This information was obtained from the site reconnaissance, record reviews, and interviews.

<b>Assessor's Parcel No. (APNs) &amp; Addresses</b>	2500 76 <sup>th</sup> Avenue, CA 94605, APNs 40-339-6-2 and 40-3339-6-3  Alternative Addresses: <ul style="list-style-type: none"> <li>• 2508 76<sup>th</sup> Avenue (APN 40-339-6-3)</li> <li>• 7700 Bancroft Avenue (APN 40-339-6-3)</li> <li>• 2509 77<sup>th</sup> Avenue (APN 40-339-6-3)</li> <li>• 2512 76<sup>th</sup> Avenue (APN 40-339-6-2)</li> </ul>
<b>Location</b>	Oakland, Alameda County, CA
<b>Topographic Map</b>	Oakland East, 2012, 7.5 minute San Leandro, 2012, 7.5 minute
<b>Gross Area</b>	Approximately 0.67 acres
<b>Uses</b>	Currently, the site is an empty lot.

#### 3.2 SITE FEATURES

Information regarding the current site features and site utilities obtained from the site reconnaissance, records review, and interviews is included in the following table. A site diagram is included in **Figure 2**.

<b>Building Descriptions, Site Features, Roads, etc.</b>	The Target Property is currently comprised of 2 vacant parcels surrounded by metal fencing. No structures are located on the Target Property; however, concrete slab remnants most likely associated with the former structures (Plates 13-15) and two soil stockpiles (Plates 12, 13) are located on the Target Property. Gravelly fill material (Plates 9, 11) is also present on the northeastern portion of the Target Property. The sources of the gravel and stockpiles are unknown.
<b>Source of Potable Water</b>	N/A
<b>Sewage Disposal System</b>	Municipal (Refer to Photo Plate 17)
<b>Solid Waste Disposal</b>	N/A
<b>Other Improvements and Features</b>	No other improvements or features on the Target Property.

#### 3.3 SITE SETTING

The area directly surrounding the Target Property consists of mostly residential properties and some commercial. Single family residential dwellings border to the northeast, 77<sup>th</sup> Avenue borders to the southeast, Bancroft Avenue borders to the southwest, and 76<sup>th</sup> Avenue borders to the northwest.

##### 3.3.1 *Geology and Topography*

The Target Property is located in Oakland, Alameda County with an elevation of approximately 58 feet above mean sea level. The overall region in which the Target Property is located is comprised of relatively flat terrain. Further north of the Target Property, the elevation slopes upwards towards the North. The site itself is relatively flat with only a slight grade change towards the south.

According to the Oakland East and San Leandro, CA 2012 Geographic Maps, the Target Property has a soil component of Urban Land. The soil surface texture is not reported. The soil is partially hydric.

According to the USGS's soils map, the Target Property is located on Qa (Surficial Deposits - Alluvial gravel, sand, and clay, includes alluvial fan gravel near foothills). North of the Target Property in Millsmont, and southeast of the Target Property on Oak Knolls Golf Links are Franciscan Assemblage and Coast Range Ophiolite Complex soils which may contain naturally-occurring asbestos (NOA), but the site itself is not part of a geographic ultramafic rock unit.

3.3.2  
*Hydrology*

The nearest surface water body is Arroyo Viejo Creek, which sits approximately 0.1 miles at the nearest point south of the Target Property. Arroyo Viejo Creek traverses in the southwest-northeast direction. No standing water bodies or flowing surface water was present on the Target Property at the time of SCA's site reconnaissance.

Based on SCA's review of the EDR reports, groundwater flow at surrounding sites have been between approximately 3-34 feet bgs with varying groundwater flow directions.

The direction of groundwater flow at the Target Property is estimated to be towards the southwest following the surface gradient in a general way and in accordance with the surrounding sites. It is typical for local groundwater gradients and directions to vary substantially, due to subsurface soil and rock density, and due to offsite dewatering activities, agricultural / tidal fluctuations, aquifer recharge, etc.

3.3.3 *Historical  
Reports from Others*

SCA was provided with historical reports for the Target Property by the Oakland Housing Authority. Historical reports used by SCA in preparing this Phase I report include the following:

- Comprehensive Asbestos and Lead Survey for the Planned Demolition Project, Three Building Apartment Complex, 2509 77<sup>th</sup> Avenue, Oakland, CA. Prepared by ACC Environmental Consultants and dated December 2011.
- Technical Specifications for Asbestos Abatement and Lead Control Procedures, Three-Building Apartment Complex, 2509 77<sup>th</sup> Avenue, Oakland California. Prepared by ACC Environmental Consultants and dated January 2012.

The reports provided by OHA for the Target Property are summarized on the following page:

In December 2011, ACC Environmental Consultants, Inc. (ACC) prepared a pre-demolition hazardous materials survey<sup>1</sup> for the three-building complex on the Target Property. ACC identified asbestos containing materials (drywall and joint compound, wall texturing, stucco, and vinyl floor sheeting) and lead-containing paints.

In January 2012, ACC prepared a workplan<sup>2</sup> outlining technical specifications for asbestos abatement and lead control procedures for the three-building apartment complex on the Target Property. Per the Key Site Manager Questionnaire completed by Mr. Jonathan Young, the abatement contractors removed and disposed of all asbestos and lead-containing materials prior to the demolition of the buildings.

### 3.4 ADJACENT PROPERTY USES

Adjoining Direction	Name	Use
Northwest (across 76 <sup>th</sup> Avenue)	2501, 2507 76 <sup>th</sup> Avenue, Oakland, CA 94605	Apartment Complex
	2515 76 <sup>th</sup> Avenue, Oakland, CA 94605	Single-family Residential
Southwest (Across Bancroft Avenue)	7615, 7625 Bancroft Avenue, Oakland, CA 94605	Apartment Complexes
Northeast	2524 76 <sup>th</sup> Avenue, Oakland, CA 94605	Single-family Residential
	2521, 2529 77 <sup>th</sup> Avenue, Oakland, CA 94605	Residential
Southeast (Across 77 <sup>th</sup> Avenue)	2500, 2506, 2514, 2520 77 <sup>th</sup> Avenue, Oakland, CA 94605	Single-family Residential

<sup>1</sup> Comprehensive Asbestos and Lead Survey for the Planned Demolition Project, Three Building Apartment Complex, 2509 77<sup>th</sup> Avenue, Oakland, CA. Prepared by ACC Environmental Consultants. December 2011.

<sup>2</sup> Technical Specifications for Asbestos Abatement and Lead Control Procedures, Three-Building Apartment Complex, 2509 77<sup>th</sup> Avenue, Oakland California. Prepared by ACC Environmental Consultants. January 2012.

#### 4.0 USER PROVIDED INFORMATION

- |   |   |
|---|---|
| 4.1 <u>LIENS OR USE LIMITATIONS</u>                 | SCA did not discover evidence of any existing Environmental Liens or Activity and Land Use Limitations based on the EDR Lien Search Report ( <b>Appendix C</b> ).   |
| 4.2 <u>SPECIALIZED KNOWLEDGE</u>                    | The Client did not report any specialized knowledge or experience pertaining to environmental issues at the Target Property.  |
| 4.3 <u>VALUATION REDUCTION</u>                      | An AAI questionnaire was provided to OHA and was completed by Mr. Jonathan Young of OHA. SCA has not been made aware of any valuation reduction associated with the Target Property.  |
| 4.4 <u>INFORMATION PROVIDED BY KEY SITE MANAGER</u> | Information regarding the Target Property and nearby properties was gathered from a site visit, historical background data, and environmental database files. SCA provided a <i>Key Site Manager</i> questionnaire to Mr. Jonathan Young of OHA to provide to the appropriate party. Mr. Jonathan Young completed this questionnaire and information is incorporated in this report by reference. |
| 4.5 <u>REASON FOR PERFORMING PHASE I</u>            | The Phase I ESA is being performed as part of due diligence investigations.   |
| 4.6 <u>OTHER</u>                                    | No other information has been provided to SCA at this time, other than that detailed in this report.  |

## 5.0 RECORDS REVIEW

### 5.1 RECORDS SOURCES

The Federal, State and local databases searched are listed in Section 5.1.1.

#### 5.1.1 Findings from Regulatory Databases

Given the large volume of databases searched in the EDR Report, only the sites identified within the ASTM standard radius (1 mile) are presented in the following table:

Database	Radius of Search in Miles	Site on list?	Number of Off-Site Facilities on List	Number of Off-Site facilities Which Are at an equal or higher elevation
USEPA SEMS-ARCHIVE	0.500	No	1	1
USEPA RCRA-LQG	0.250	No	1	1
USEPA RCRA-SQG	0.250	No	1	0
STATE CA ENVIROSTOR	1.000	No	2	1
STATE CA LUST	0.500	No	11	8
STATE CA CPS-SLIC	0.500	No	2	2
STATE CA Alameda County CS	0.500	No	9	6
STATE CA UST	0.250	No	3	0
STATE CA CERS HAZ WASTE	0.250	No	1	0
STATE CA SWEEPS UST	0.250	No	4	0
STATE CA HIST UST	0.250	No	4	0
STATE CA FID UST	0.250	No	4	0
STATE CA CERS TANKS	0.250	No	1	0
STATE CA DEED	0.500	No	1	1
RCRA NonGen/NLR	0.250	No	7	3
CA Cortese	0.500	No	8	5
HAZNET	0.001	Yes	0	0
CA HIST CORTESE	0.500	No	8	6
HWTS	TP	Yes	0	0

The Target Property is listed on the following databases under CA Affordable Housing Initiatives under the address of 2500 76<sup>th</sup> Avenue:

- HAZNET, HWTS: The address of 2500 76<sup>th</sup> Avenue is listed on HAZNET and HWTS databases for disposal of 200 tons of asbestos containing waste in November 2013. This was likely for the demolition of the three-building complex on the Target Property. No violations are noted.

SCA researched sites within 0.3 mile of the Target Property with documented leaking USTs, releases, and documented subsurface contamination and that are at an equal or higher elevation than the Target Property. SCA's findings are summarized below:

Address	Type & contamination	Orientation & Distance to TP	Site Summary
<p>Stop N Go Market (07-785), 7701 Bancroft Avenue, Oakland, CA 94601</p>	<p>Benzene, Diesel, Ethylbenzene, Gasoline, Naphthalene, Toluene, Waste Oil, Motor, Hydraulic, Lubricating, Xylene</p>	<p>South 0.036 mile</p>	<p>Site is lower in elevation and down-cross gradient to Target Property. Case was opened in November 2012 and is currently open for site assessment as of June 2013. Site was historically used as gasoline service stations (Gulf Oil, and Stop and Go) from the 1960s to 1980s. In January 2012, soil borings were drilled on site and TPHg, TPHd, and TPHmo contamination was found in the soil samples. Environmental investigations were conducted in 2015 and 2018. Soil vapor testing in 2015 confirmed no soil vapor issues at the site. A request for closure in January 2019 was submitted by the property owner; however, site was denied due to not meeting LTCP criteria. The location, number, and contents from the USTs is undocumented and the extent of the contaminant plume has not been adequately defined. As of October 2020, Pangea Environmental Services, Inc. (PEG) submitted a revised data gap assessment workplan and updated site conceptual model to ACDEH to help facilitate case closure. PEG has proposed to ACDEH additional soil and groundwater sampling to be conducted at the site. According to the updated site conceptual model, Pangea has determined that heavy hydrocarbon residual contamination is present about 14' bgs, but extent is limited. Contamination in groundwater is limited to perched water where tank cavity area was previously located. Site is considered a minimal threat to the Target Property due lower elevation, being downgradient, and limited extent of contamination.</p>
<p>Eastmont Auto Goodyear, 7250 Bancroft, Oakland, CA 94605</p>	<p>Not reported</p>	<p>NW 0.163 mile</p>	<p>Site is higher in elevation and upgradient to Target Property. Site is listed on the LUST database as leak confirmed in September 1993. No files are available for this site. Although site is higher in elevation and upgradient to the Target Property, site is considered a minimal threat to the Target Property due to distance.</p>

<p>BP, 7210 Bancroft Avenue, Oakland, CA 94605</p>	<p>Benzene, Diesel, Ethylbenzene, Gasoline, MTBE, TBA, Other Fuel Oxygenates, Naphthalene, Toluene, Xylene in Groundwater</p>	<p>NW 0.169 mile</p>	<p>Site is lower in elevation and upgradient to Target Property. Case was opened in January 1992 and is currently open for remediation as of March 2012. Site was historically a gas station with several gasoline and diesel USTs. Monitoring wells and extraction wells were installed on site between 1989 and 2000. In 2009, SVE/AS wells were installed for pilot test; however, injection of plume stop was conducted without regulatory oversight. Plume Stop injection mobilized the hydrocarbon mass at the site. GRO and benzene concentrations are indicative of free phase however due to the submerged conditions of many of the existing monitoring wells at the site, free phase product may not be detected in the network. In 2014, the USTs on site were removed, the gas station demolished, and all but one monitoring well destroyed. In April 2020, Antea Group and Gregg installed on-site monitoring wells to investigate dissolved-phase petroleum hydrocarbons in groundwater. In June 2020, Antea Group recommended the use of ISCO for remedial action at the site. In October 2020, Antea Group submitted a workplan for locating a historic waste oil tank at the site. As of October 2020, the site is still in the process of implementing remediation. Threat to Target Property is considered minimal due to distance and lower elevation.</p>
<p>Chevron, 7225 Bancroft Avenue, Oakland, CA 94605</p>	<p>Gasoline in Groundwater</p>	<p>WNW 0.177 mile</p>	<p>Site is lower in elevation and up-cross gradient to Target Property. Case was opened in August 1996 and is currently open as of November 2007. Product piping was removed from the site in August 1996. Monitoring wells were installed on site between 1998 and 2017 for free product evaluation, reduction verification, and delineation. Remediation efforts for the site include over-excavation of soil, surfactant injection and extraction, and installation of an absorbent sock. As of June 2019, Arcadis has recommended implementing DPE for further remediation. Threat to Target Property is considered minimal due to distance and lower elevation.</p>
<p>JC Penny / Firestone, 2701 73<sup>rd</sup> Avenue, Oakland, CA 94605</p>	<p>Gasoline in Groundwater</p>	<p>North 0.259 mile</p>	<p>Site is higher in elevation and up-cross gradient to Target Property. Case was opened in December 1989 and closed in February 1995. No files are available on Geotracker. Due to distance from and downgradient from the Target Property, threat from this site is considered minimal.</p>

Eastmont Mall, 1 Eastmont Mall, Oakland CA 94605	Waste Oil, Motor, Hydraulic, Lubricating in Groundwater	NW 0.261 mile	Site is higher in elevation and upgradient to Target Property. Case was opened in October 1995 and closed in April 1998. A 500-gallon waste oil tank was removed in October 1995. Groundwater flow direction at this site was determined to be WNW per Case Closure Summary. Contaminated soils were over-excavated and disposed. Site was granted case closure under site management requirements (i.e., site safety plan for future excavation/trenching) due to residual soil and groundwater contamination. Site is considered a minimal threat to Target Property due to distance.
Sparkle Cleaners, 7000 Bancroft Avenue, Oakland, CA 94605	Tetrachloroethylene (PCE), Other Chlorinated Hydrocarbons in soil, soil vapor, and groundwater	NNW 0.265 mile	Site is higher in elevation and upgradient to Target Property. PCE was detected in soil, soil vapor, and groundwater beneath a dry-cleaning facility within a shopping center. Contaminated soils were over-excavated for remediation. Groundwater monitoring has been ongoing since 2007 and indicates PCE plume is stable. During September 2016 vapor intrusion testing, PCE was detected exceeding the soil vapor ESL of 2,100 ug/m3. Additional site assessment is being planned to evaluate the extent of PCE affected soil vapor. Site is considered a minimal threat to Target Property due to distance.

Various other properties within a 0.3-mile radius of the Target Property are noted on databases including the RCRA-SQG, UST, CA FID UST, SWEEPS UST, HIST CORTESE, etc. These sites include sites with closed case files, sites where no violations were reported, and sites where no documented subsurface contamination was reported.

No sites appear on the EDR Hist Auto database, indicating previous use as an automobile facility (gasoline station, repair shop, garage, etc.) within 1000 feet of the Target Property.

No sites appear on the EDR Hist Cleaner database within 1000 feet of the Target Property.

**5.1.2**  
*Unmapped Sites in the EDR Report*

One (1) site was listed as not mapped due to inadequate address information. SCA was able to locate the site and determined the site is located >0.35 miles from the Target Property. Impacts to the Target Property from these facilities are considered minimal given the distance.

**5.1.3**  
*Other Sites within a 0.35-mile radius*

SCA conducted a visual inspection of neighboring properties within a 0.35-mile radius for landfill sites, gas stations, waste incinerators, hazardous waste disposal sites, etc. and visual evidence of possible contamination.

All sites observed within 0.35 miles of the Target Property that were considered to have the potential for adversely affecting the subsurface conditions at the Target Property were addressed in the EDR Report and are summarized in the previous sections.

#### 5.2 ADDITIONAL RECORDS SOURCES

The following additional records sources were used in preparing this report:

- Comprehensive Asbestos and Lead Survey for the Planned Demolition Project, Three Building Apartment Complex, 2509 77<sup>th</sup> Avenue, Oakland, CA. Prepared by ACC Environmental Consultants. December 2011.
- Technical Specifications for Asbestos Abatement and Lead Control Procedures, Three-Building Apartment Complex, 2509 77<sup>th</sup> Avenue, Oakland California. Prepared by ACC Environmental Consultants. January 2012.

#### 5.3 PHYSICAL SETTING SOURCES

The following records sources were used in preparing this report:

- United States Geological Survey (USGS), Oakland East, San Leandro, San Francisco CA/7.5-Minute Quadrangle.
- EDR Reports located in Appendices C through H.
- Regulatory reviews as listed in Section 7.

#### 5.4 HISTORICAL DATA

The following sources were researched for site and adjacent property history information. See the Appendices of this report for these historical sources.

- Topographic Maps – 1897-2012
- Aerial photographs – 1939-2016
- Building Permit Report – 1993-2013
- City Directory – 1928-2014
- EDR Tax Map Report
- Sanborn Maps – 1912-1969

##### 5.4.1 *Historical Findings*

Historically the earliest data that SCA has obtained for the site is an 1897 Topographic Map that shows the overall Target Property as undeveloped land. A review of topographic maps, aerial photos, and Sanborn maps shows that the site was developed into a nursery by 1925. The nursery housed several buildings for greenhouses, a boiler room, and dwellings. Additional structures were added for the nursery by 1950. A 1969 Sanborn Map shows that the Target Property was split into two parcels: the larger southern parcel was redeveloped into a three-building apartment complex, and in the smaller northern parcel remained two residential dwellings. In 2013, building permits were issued for the demolition of the three-building apartment complex on the Target Property. A 2016 Aerial Photograph shows all buildings demolished on the Target Property. Surrounding properties have been largely residential and some commercial since 1915. The area has remained relatively unchanged from circa 1970 with mostly residential and some commercial structures throughout the overall area.

The historical data obtained from aerial photographs, Sanborn maps, city directory, and topographic maps for the Target Property and immediately surrounding properties is summarized in the following table.

Date	Document	Notes
1897 1899	Topo Map	Shows the overall Target Property and vicinity. Shows the Target Property as undeveloped. Arroyo Viejo Creek is present south of the Target Property. A road is present west of the Target Property. Surrounding properties to the south appear to be sparsely built up with structures and roads. A railroad is present further northeast and further south of the Target Property.
1912	Sanborn Map	1912 Sanborn Map does not provide coverage for Target Property. Shows properties south of the Target Property developed with a few dwellings.
1915	Topo Map	Shows the overall Target Property and vicinity. Shows the Target Property as undeveloped. Although not directly bordering the Target Property, there are roads now present surrounding the Target Property. South and west of the Target Property has been developed further with more roads and structures.
1925	Sanborn Map	Shows the Target Property as G. Seronello Nursery with four rectangular green houses, boiler room, a water tank on the southern portion of the Target Property, and a dwelling on the northwest portion of the Target Property. Target Property is bordered by 76 <sup>th</sup> Avenue to the approximate north, Beck Avenue to the approximate west, 77 <sup>th</sup> Avenue to the approximately south, and dwellings to the approximate east. Surrounding properties are dwellings and associated automobile garages.
1928	City Directory	Lists the Target Property as occupied by Seronello Nursery.
1933	City Directory	Lists the Target Property as occupied by Seronello Nursery.
1938	City Directory	Lists the Target Property as occupied by Seronello Nursery.
1939	Aerial Photo	Shows the Target Property and vicinity. The Target Property appears to contain several large rectangular structures (greenhouses) and a smaller structure on the northern most portion of the Target Property. Surrounding properties appear to be largely residential. Three blocks northwest of the Target Property appears to be a railroad station.
1943	City Directory	Lists the Target Property as occupied by Seronello Nursery.
1945	City Directory	Lists the Target Property as occupied by Seronello Nursery.
1946	Aerial Photo	Shows the Target Property and vicinity. The Target Property appears to contain four large rectangular structures (greenhouses) and two smaller structures on the northernmost portion of the Target Property. Approximately three blocks to the northeast of the Target Property, there appears to be gas station present.
1947	Topo Map	Shows the overall Target Property and vicinity as built up. The Target Property is bordered by roads to the approximately north, west, and south. A railroad station is present three blocks northwest of the Target Property. Various schools are present in the surrounding vicinity. A four-lane highway (MacArthur Boulevard) is present three blocks northeast of the Target Property.
1948 1949	Topo Map	No notable changes from the 1947 Topo Map.
1950	City Directory	Lists the Target Property as occupied by Seronello Nursery.
1950	Sanborn Map	Shows the Target Property as G. Seronello Nursery with four large green houses, Boiler Room on the southwest portion of the Target Property, one dwelling and associated garage on the northwest portion of the Target Property, and a room on north portion of the Target Property. Water tank from 1925 Sanborn Map is no longer present. Surrounding properties have been developed with more dwellings and associated automobile garages. Beck Avenue has been renamed as Bancroft Avenue.
1952	Sanborn Map	Shows the Target Property in the same configuration as the 1950 Sanborn Map. Dwellings on the adjoining lot northeast of the Target Property have been demolished as lot is now empty.
1955	City Directory	Lists the Target Property as occupied by Seronello Nursery.

1958	Aerial Photo	Shows the Target Property in the same configuration as the 1952 Sanborn Map. A railroad appears to be present along the road directly west of the Target Property. Site west of the Target Property across the road appears to be empty lot. Further west of the Target Property, two baseball fields have been developed.
1959	Topo Map	Shows the overall Target Property and vicinity in mostly the same configuration as the 1948, 1949 Topo Map. A railroad is shown running along Bancroft Avenue directly bordering the Target Property to the approximate west. The Upper San Leandro Filtration Plant is shown further north from the Target Property by Mountain Boulevard.
1959	Sanborn Map	Shows the Target Property in mostly the same configuration as the 1952 Sanborn Map. An automobile garage has been added east of the boiler room. Adjoining eastern lot has been developed with dwellings. Bancroft Avenue directly west of the Target Property has been developed with a railroad (South Pacific Rail Road).
1960	Sanborn Map	Shows the Target Property and surrounding properties in the same configuration as the 1959 Sanborn Map.
1962	City Directory	Lists the Target Property as occupied by Seronello Nursery.
1963	Aerial Photo	Shows the Target Property in the same configuration as the 1958 Aerial Photograph. Directly west of the Target Property across the road, the empty lots have been developed with two large rectangular structures (likely apartment complexes). Southwest of the Target Property across the road, there appears to be a gas station present.
1966	Sanborn Map	Shows the Target Property in the same configuration as the 1960 Sanborn Map. Lots directly west of the Target Property across Bancroft Avenue have been developed with apartment complexes. Lot southwest of the Target Property on the intersection of Bancroft Avenue and 77 <sup>th</sup> Avenue has been developed into a Gas & Oil Station. Lot directly north of the Target Property across 76 <sup>th</sup> Avenue has been developed with an L-shaped flat.
1967	City Directory	Lists the Target Property as occupied by Seronello Nursery.
1968	Topo Map	Shows the overall Target Property and vicinity. Railroad three blocks northwest of the Target Property is no longer present and has been replaced with a large rectangular building. Railroad along Bancroft Avenue is no longer present. Mountain Boulevard has been replaced with an 8-lane highway (MacArthur Freeway).
1968	Sanborn Map	No notable changes from the 1966 Sanborn Map.
1968	Aerial Photo	Shows the Target Property and immediate vicinity in the same configuration as the 1963 Aerial Photograph. Approximately three block northwest of the Target Property, the previous rail road station has been demolished and replaced with a large rectangular building. Previous railroad along road directly west of the Target Property appears to have been demolished.
1969	Sanborn Map	Shows the Target Property as split into one large southern parcel with three multi-story apartment complexes and one small northern parcel with two single family residential dwellings. No notable changes from the 1968 Sanborn Map for surrounding properties.
1970	City Directory	Lists the Target Property with residential occupants and Seronello Nursery.
1973	Topo Map	Shows the overall Target Property and vicinity. Large rectangular building three blocks northwest of the Target Property has been expanded and an additional structure has been built.
1974	Aerial Photo	Shows the Target Property and vicinity. The Target Property appears to no longer contain the green houses and instead contains three large rectangular shaped structures (apartment complexes) and associated parking lots. The northeast portion of the site appears to contain a small residential structure. Southwest of the Target Property across the road, the gas station appears to have been redeveloped with a parking lot. Further northwest of the Target Property, the large commercial building has been expanded.
1975	City Directory	Lists the Target Property with a residential occupant.
1980	City Directory	Lists the Target Property with residential occupants.
1980	Topo Map	No notable changes from the 1973 Topo Map.

1982	Aerial Photo	No notable changes from the 1974 Aerial Photograph.
1986	City Directory	Lists the Target Property with a residential occupant.
1991	City Directory	Lists the Target Property with a residential occupant.
1992	City Directory	Lists the Target Property with a residential occupant.
1993	Aerial Photo	No notable changes from the 1982 Aerial Photograph.
1993	Building Permit	Building Permits issued to Target Property for repair of parking lot pole and installation of security lighting.
1994	Building Permit	Building Permits issued to Target Property for installation of exterior light fixtures and fencing.
1996	City Directory	Lists the Target Property with a residential occupant.
1996 1997	Topo Map	No notable changes from the 1980 Topo Map.
1998	Aerial Photo	No notable changes from the 1993 Aerial Photograph.
1999	City Directory	Lists the Target Property with residential occupants.
1999	Building Permit	Building Permit issued to Target Property for electrical hardwiring of 88 smoke detectors for a 22-unit building.
2000	City Directory	Lists the Target Property with residential occupants.
2004	City Directory	Lists the Target Property with residential occupants.
2006	City Directory	Lists the Target Property with residential occupants.
2006	Aerial Photo	No notable changes to Target Property and immediate vicinity from the 1998 Aerial Photograph. A lot several blocks northeast of the Target Property appears to have been cleared of structures.
2007	Building Permit	Building Permit issued to Target Property for installation of electrical for 100-amp phone pedestal.
2009	City Directory	Lists the Target Property with residential occupants.
2009	Aerial Photo	No notable changes to Target Property from the 2006 Aerial Photograph. Empty lot west of the Target Property across road appears to be developed with residential structures. Previous gas station three blocks northeast of the Target Property appears to have been demolished.
2012	Aerial Photo	No notable changes from the 2009 Aerial Photograph.
2012	Topo Map	Shows the overall Target Property and vicinity in the same configuration as the 1996 Topo Map. A fire station is present approximately four blocks north of the Target Property along MacArthur Boulevard.
2013	Building Permit	Building Permits issued to Target Property for demolition of 3-story Apartment Building, demolition of 2-story Apartment Building, demolition of 3-story apartment building, and installation of temporary electrical service.
2014	City Directory	Lists the Target Property with residential occupants.
2016	Aerial Photo	Shows the Target Property and vicinity. The Target Property appears to be an empty lot. Property southwest of the Target Property across the street appears to have been demolished as well.
2020	Site Visit	The Target Property is currently a vacant lot surrounded by metal fencing around the perimeter. No structures are located on the Target Property; however, concrete slab remnants (Refer to Photo Plates 13-15), two soil stockpiles (Refer to Photo Plates 12, 13), and one mulch stockpile (Refer to Photo Plate 10) are present. Gravelly fill material (Refer to Photo Plate 9) is also present on the northeastern portion of the Target Property. A PG&E box is present on southeastern sidewalk along the Target Property (Refer to Photo Plate 19).

### 5.5 HISTORICAL USE INFORMATION

Historically, sites in the immediate area have been largely residential, commercial, and schools. The Target Property was developed as early as 1925 as G. Seronello Nursery and then later redeveloped as a three-building apartment complex by 1969. Sites west, east, and south around the Target Property were developed as early as 1915 in the 1915 Topographic Map. Sites north of the Target Property were developed by 1939 as shown in a 1939 Aerial Photograph. Later aerial photographs and city directories (**Appendix G**) show the presence of railroads, gas stations, etc. within 0.3 miles of the Target Property.

Based on the review of the available information, the former presence greenhouse buildings and boiler room have the potential to have impacted subsurface conditions at the Target Property. The greenhouse buildings may be associated with contaminants of concern (i.e., pesticides, herbicides, etc.). The boiler room may be associated with underground storage tanks. No removal records for when the site was turned into a three-building apartment complex were found. A Phase II Environmental Site Assessment should be completed to determine subsurface soil and groundwater conditions below the Target Property before redevelopment activities.

**(See "ASTM Findings" in Section 8.0)**

## 6.0 SITE RECONNAISSANCE

- 6.1 LIMITATIONS/  
METHODS | The site visit was completed by Tucker Kalman, REPA, CAC, CDPH and Carl Bello, EIT, CSST, CDPH on December 11, 2020. SCA was able to access all areas of the site. Photographs taken during the site reconnaissance are presented in **Appendix A**.
- 6.2 SITE SETTING | The area surrounding the Target Property consists of mixed residential-commercial properties.
- 6.3 OBSERVATIONS | All observations of site conditions including any identified or non-identified substances have been listed below in accordance with ASTM Practice E-1527-13.
- 6.3.1  
*Hazardous Substances from Identified Property Uses* | SCA found no evidence of hazardous substances from identified property uses was observed during SCA's site reconnaissance.
- 6.3.2  
*Hazardous Substance and Unidentified Containers* | SCA did not note any hazardous substances nor unidentified containers being stored on the site.
- 6.3.3  
*Storage Tanks* | No evidence of underground storage tanks was observed during SCA's site reconnaissance as the Target Property is a vacant lot. However, the former boiler room on the Target Property may be associated with underground storage tanks. No records of any tanks that may have been associated with the former boiler room being removed were found.  
  
**(See "ASTM Findings" in Section 8.0)**
- 6.3.4  
*Polychlorinated Biphenyls (PCBs)* | PCBs are regulated under Federal and State law. Byproducts of PCB combustion are known carcinogens and respiratory hazards. Consequently, specific handling and disposal of PCB-containing products is required. PCBs are most commonly found in lighting ballasts, wet transformers, and in electrical equipment, which uses dielectric fluids. PCBs are also occasionally found as a contaminant in hydraulic fluids.  
  
Because of PCBs' environmental toxicity and classification as a pollutant, PCB production was banned by United States federal law in 1978.  
  
No evidence of PCBs was observed during SCA's site reconnaissance.
- 6.3.5  
*Solid Waste Disposal* | No solid waste disposal containers were noted at the Target Property during SCA's site reconnaissance. Minor trash (Refer to Photo Plate 18) was

	observed throughout the Target Property during the site reconnaissance; however, the trash was not an environmental concern.
6.3.6 <i>Physical Setting Analysis (re: on-site or off-site migration of hazardous substances)</i>	Based on our site reconnaissance and the findings listed in Section 5.1.3, it is SCA's opinion that adjacent properties do not have the potential to have impacted the soil, soil-vapor, or groundwater conditions at the Target Property.  No other factors observed at the Target Property were relevant to on-site or off-site migration.
6.3.7 <i>Odors</i>	No odors of environmental concern were noted at the Target Property.
6.3.8 <i>Pits, Ponds, Lagoons, or Pools of Liquid</i>	No pits, ponds, lagoons or pools of liquid were noted during SCA's site visit.
6.3.9 <i>Stained or Corroded Concrete, Floors, etc.</i>	No stains were noted on site during SCA's site investigation.
6.3.10 <i>Stressed Vegetation</i>	No stressed vegetation indicative of possible contamination was noted at the Target Property during the site reconnaissance.
6.3.11 <i>Wastewater and Stormwater Disposal</i>	Stormwater follows the topographic gradient of the site toward the south. SCA noted storm drains (Refer to Photo Plate 20) located at the northwest and southwest corners of the Target Property along the street.  SCA also noted a sewer access (Refer to Photo Plate 17) on the southwest portion of the Target Property.
6.3.12 <i>Wells and Septic System</i>	No wells or septic tanks were identified during SCA's site visit.
6.3.13 <i>Drains and Sumps</i>	Storm drains are present at the northwest and southwest ends of the property near the western border. One unidentified metal access panel (Refer to Photo Plate 16) was found on the northwest corner of the Target Property.
6.3.14 <i>Heating and Cooling</i>	No heating or cooling systems were identified during SCA's site visit.

6.3.15  
*Asbestos-Containing  
Materials*

Asbestos-containing materials (ACM) are those materials identified as containing >1.0% asbestos. Trace ACM are those materials identified as containing <1.0% but greater than 0.1% asbestos. These materials may exist as construction debris (in which case they fall under CERCLA regulatory requirements), as materials in intact buildings (in which case they fall under TSCA and NESHAPS requirements) or as geological deposits (in which case they are typically regulated by local air pollution control district standards).

SCA identified suspect ACM during the December 11, 2020 site visit. Remnants of a concrete slab (Plates 13-15) was identified on the Target Property. The slab was most likely associated with the former structures present on the property. The slab should be considered suspect ACM until sampling can be performed to verify asbestos content.

**(See “Asbestos-Containing Building Materials” in Section 8.0)**

6.3.16  
*Lead-Containing  
Materials*

Lead is a suspect carcinogen and known teratogen, and neurotoxic in high doses, therefore lead-containing materials need to be identified prior to the onset of construction activities. Deteriorated or child-accessible lead-based paints (LBP) and lead-contaminated dust may be of particular concern in residential settings, even where no construction activities are planned.

LBP is defined differently by different agencies. The Consumer Product Safety Commission (CPSC) prohibits the use of more than 90 parts per million (ppm) of lead in new paint for residential use. HUD uses a cutoff of 0.5% lead by weight or 1.0 milligram/square centimeter (mg/cm<sup>2</sup>). Lead paint waste disposal is regulated by California EPA, and uses a definition of 1000 ppm total lead by weight and 5 ppm of soluble lead (although intact LBP on a solid substrate is generally not regulated as a hazardous waste). Federal and California OSHA use a standard based upon airborne exposure to workers disturbing the painted surface, providing that, airborne lead should not exceed a permissible exposure limit of 50 micrograms per cubic meter.

Although no suspect lead-containing materials were identified during SCA’s site reconnaissance, several structures were previously present on the Target Property that had been constructed prior to 1969. Lead containing paint associated with these previous structures and/or demolition of these structures may have caused surficial lead contamination in the soil at the Target Property during the demolition process or along driplines, common with lead based and lead-containing paints.

**(See “ASTM Findings” in Section 8.0”)**

6.3.17  
*Lead in Water*

Lead in drinking water is limited to 15 parts per billion (ppb) standard under USEPA regulations (for the Utility – EBMUD). The potential sources of lead, and their applicability to the Target Property, are summarized in the following table:

Potential Source of Lead in Water	Applicability to Target Property	Follow-up Action
Older piping systems with "silver solder" connections.	Not applicable – vacant lot	None
Specific brands of drinking fountain with lead-lined holding tanks.	Not applicable – vacant lot	None
Water provided by local municipality	Not applicable – vacant lot	None

6.3.18  
*Mercury Lamps and Control Systems*

Elemental mercury is a neurotoxin and bio-accumulative environmental hazard, which is relatively common in building electrical and control systems.

No Mercury-containing lamps nor control systems were noted on the Target Property.

6.3.19  
*Urea Formaldehyde Foam Insulation*

No suspect urea formaldehyde foam insulation was noted on the Target Property.

6.3.20  
*Fiberglass Building Systems*

No fiberglass building systems were noted on the Target Property.

6.3.21  
*Chlorofluorocarbons (CFCs)*

No suspect CFC containing equipment were noted at the Target Property.

6.3.22  
*Radon*

No specific information is available concerning radon levels at the Target Property. However, the Federal EPA Radon Zone for Alameda County is listed in the EDR Report as "2". The zone is defined by radon testing of the basement, first and second floors for various sites in Alameda County. The zone indicates that the average indoor level of radon is generally between 2-4 picocuries per liter (pCi/l). This average is below the US EPA's recommended action level of 4 pCi/l.

6.3.23  
*Electromagnetic Fields*

The Target Property does not appear to be in a particularly high-risk location for electromagnetic field (EMF) or extremely low frequency (ELF) exposure. High voltage lines do not traverse the property. No transformers, step-down stations, microwave transmitters, or other typical sources of EMF/ELF were visible on the property or surrounding properties.

6.3.24  
*Mold*

No suspect mold impacted substrates were noted at the Target Property.

6.3.25  
*Other Environmental  
Issues*

SCA noted two soil stockpiles (Plates 12, 13) present on the northeast and southwest portions of the Target Property, and gravelly fill material (Plates 9, 11) along the eastern end of the Target Property. Stockpiles are under 10 cubic yards and SCA noted no staining associated with the stockpiles. The source of the fill and gravel is unknown. These materials should be sampled to determine if hazardous chemical constituents are present and to characterize the materials for disposal.

**(See "OTHER FINDINGS" in Section 8.0)**

SCA noted no other environmental issues at the Target Property during the site reconnaissance.

## 7.0 INTERVIEWS

- 7.1 KEY SITE  
MANAGER  
INTERVIEW Information regarding the Target Property and nearby properties was gathered from a site visit, historical background data, and environmental database files. SCA provided a *Key Site Manager* questionnaire to Mr. Jonathan Young of OHA to provide to the appropriate party. Mr. Jonathan Young completed this questionnaire and information is incorporated in this report by reference.
- 7.2 REGULATORY  
INTERVIEWS SCA requested files for the Target Property using the addresses presently associated with the site. Files were requested from representatives of the following regulatory agencies, and memoranda documenting these requests are located in **Appendix B** of this report.
- 7.2.1  
*Bay Area Air Quality  
Management District* This agency maintains files related to leaks, spills and air quality contamination. No files or reports were on record for the Target Property.
- 7.2.2  
*Bay Area  
Regional  
Water Quality  
Control Board* This agency maintains files related to leaks, spills, and groundwater contamination. No files or reports were on record for the Target Property.
- 7.2.3  
*City of Oakland Fire  
Department* This agency maintains files that include records for sites with underground storage tanks and hazardous materials on site. As of the time of this report, SCA has not received a response from City of Oakland Fire Department regarding fire inspection records requests.
- 7.2.4  
*Alameda County  
Department of  
Environmental Health* This agency maintains files including sites undergoing remediation, underground storage tank removal and installation, hazardous materials management plans, permits, inventories, and notices of violations. No files or reports were on record for the Target Property. SCA was referred to ACDEH Solid/Medical Waste, Operations Division, Vector Control Division, and Land and Water Division LOP.
- 7.2.5  
*Permits, Licenses, and  
Registrations, etc.* No other registrations, environmentally related permits or licenses are existent or required for the Target Property under its current use.
- 7.2.6  
*California Department  
of Conservation,  
Division of Oil, Gas  
and Geothermal  
Resources.* No oil, gas, or geothermal wells are located within 1,500-feet of the Target Property.

### WITH OTHERS

### 7.2 INTERVIEWS

The findings of SCA have not warranted any further interviews to be conducted at this time.

## 8.0 FINDINGS

### 8.1 ASTM FINDINGS

The assessment revealed evidence of *recognized environmental conditions (RECs)* in connection with the property. These are summarized below:

1. Several greenhouses were present on the Target Property from 1925 until 1969 as the Target Property was used as Seronello Nursery. This past use may be associated with potential environmental contaminants of concern (i.e., pesticides, herbicides, etc.).
2. The presence of a former boiler room was identified on the Target Property on the southwest portion along Bancroft Avenue from 1925 to 1968. This past use may be associated with underground storage tanks. No records of any tanks that may have been associated with the former boiler room being removed were found.
3. Several structures were present on the Target Property that had been constructed prior to 1969. Lead paint associated with previous structures and/or demolition of these structures may have caused surficial lead contamination at the site during the demolition process or along driplines, common with lead-based and lead containing paints.

**Recommendation: A limited Phase II Environmental Assessment should be completed at the Target Property to characterize subsurface conditions from historical uses of the Target Property. This Phase II should be targeted to evaluate the soil, groundwater, and soil vapor conditions at the Target Property.**

**A private utility scan of the site using Ground Penetrating Radar (GPR) and a metal scan of the Target Property should be conducted to confirm the presence of absence of an underground storage tank.**

**Dripline testing to confirm lead impacts from previous presence of buildings should also be conducted where buildings were noted.**

### 8.2 OTHER FINDINGS

The following items were noted, but are not *recognized environmental conditions* as defined by ASTM methodology. Although not recognized by ASTM, these items may be of some significance in future redevelopment activities at the site.

#### 8.2.1 *Assumed Asbestos- Containing Building Materials*

During the site reconnaissance, SCA noted concrete slab on southwest corner that should be assumed asbestos-containing until sampling is performed to verify asbestos content. Refer to Section 6.3.15.

**Recommendation: The concrete and any subslab vapor barriers/waterproofing membranes, if present, should be sampled and analyzed by Polarized Light Microscopy (PLM) to determine asbestos content. All asbestos containing materials (ACM, >1%) and asbestos-containing construction materials (ACCM, >0.1%) removal or cleanup work should be conducted by a DOSH-registered abatement contractor. Workers' safety and disposal requirements should comply with all federal, state and local regulations.**

*8.2.2  
Soil Stockpiles  
and Gravel Fill  
Material*

During the site reconnaissance, SCA noted two soil stockpiles and gravel fill material (less than 10 cubic yards total) of unknown origin on the Target Property.

**Recommendation: These materials should be characterized and removed from the site prior to redevelopment.**

## 9.0 CONCLUSIONS

SCA has performed this Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-13 for the Target Property. Any exceptions to, or deletions from, this practice are described in Section 2.4 of this report. The assessment revealed evidence of *recognized environmental conditions (RECs)* in connection with the property. These are summarized below:

1. Several greenhouses were present on the Target Property from 1925 until 1969 as the Target Property was used as Seronello Nursery. This past use may be associated with potential environmental contaminants of concern (i.e., pesticides, herbicides, etc.).
2. The presence of a former boiler room was identified on the Target Property on the southwest portion along Bancroft Avenue from 1925 to 1968. This past use may be associated with underground storage tanks. No records of any tanks that may have been associated with the former boiler room being removed were found.
3. Several structures were present on the Target Property that had been constructed prior to 1969. Lead paint associated with previous structures and/or demolition of the structures may have caused surficial lead contamination at the site during the demolition process or along driplines, common with lead-based and lead containing paints.

The following items were also noted. While not *RECs* as defined by ASTM methodology, these are significant considerations for future redevelopment activities at the site:

1. Potential presence of asbestos-containing and assumed asbestos-containing building materials.
2. Presence of two small soil stockpiles and gravel fill material.

## **LIMITATIONS**

The staff of SCA Environmental, Inc. has prepared this report for OHA under the professional supervision of the principal and staff whose signatures appear hereon. Neither SCA Environmental, Inc., nor any staff member assigned to this investigation has any interest or contemplated interest, financial or otherwise, in the subject or surrounding properties or which may be responsible for environmental issues identified during the course of this investigation, and has no personal bias with respect to the parties involved.

The information contained in this report has received appropriate technical review and approval. The conclusions represent professional judgments and are founded upon the findings of the investigations identified in the report and the interpretation of such data based on our experience and expertise according to the existing standard of care. No other warranty or limitation exists, either express or implied.

The investigation was prepared in accordance with the most current (E-1527-13) American Society of Testing and Materials (ASTM) methods for environmental site assessments. The report is prepared solely for the use and benefit of OHA. No other party may use this report, for any purpose, without the written authorization of a Principal of SCA.

In preparing this report, SCA has relied upon information provided by others. SCA has not verified the accuracy or completeness of this information. Should information provided by others prove to be inaccurate or incomplete, SCA's findings, conclusions, and recommendations provided herein may not be valid.

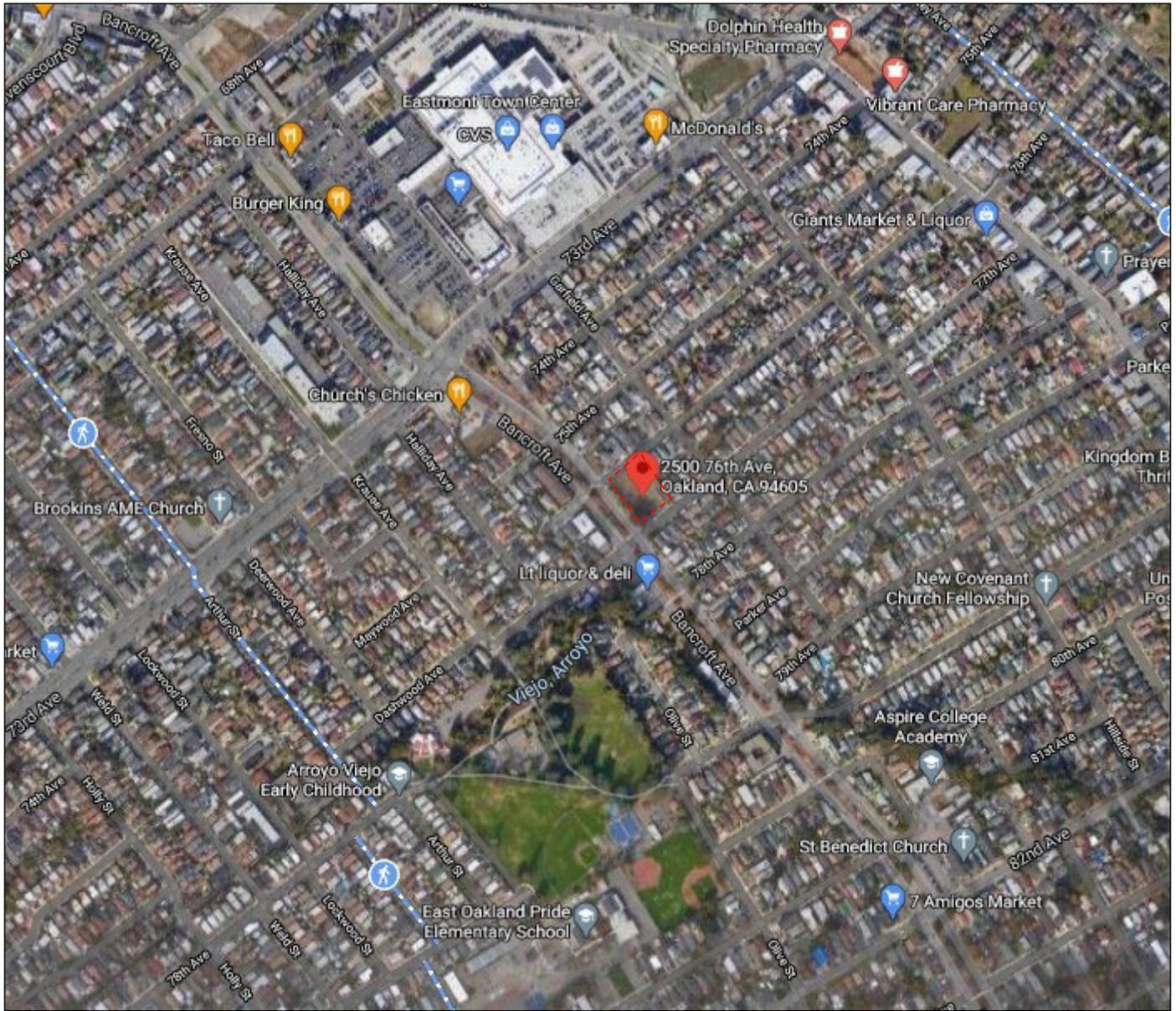
Please note that relevant ASTM standards require re-preparation of Phase I assessments after six months if they are to be used for funding, development, or other decision-making purposes. This document is not to be used for zoning or planning purposes and does not address seismic, aesthetic or noise issues.

Phase I Environmental Site Assessment  
APN 40-3339-6-2 and 40-3339-6-3, 2500 76<sup>th</sup> Avenue, Oakland, CA 94605  
SCA Environmental Project No. F13312.04

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## **FIGURES**

Phase I Environmental Site Assessment  
2500 76<sup>th</sup> Avenue, Oakland, CA 94605  
SCA Environmental Project No. F13312.04



Source: Google Maps

LEGEND:



Vicinity Map

2500 76<sup>th</sup> Avenue,  
Oakland, CA 94605

Figure

1



Key:

- 1. School
- 2. Apartment Complex
- 3. Park

- 4. Residential
- 5. Commercial
- 6. LUST Site

 Target Property



Figure 2: Site Map

2500 76th Avenue,  
Oakland, CA 94605  
SCA Project No.: F13312.04

## **Exhibit D: Sample Insurance Requirements**

## **EXHIBIT D INSURANCE**

Awardee shall procure and maintain for the duration of the Contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Awardee, its agents, representatives, or employees.

### ***Minimum Scope of Insurance***

Coverage shall be as least as broad as:

1. Insurance Services Office Commercial General Liability coverage (occurrence Form CG 0001).
2. Insurance Services Office Form Number CA 0001 covering Automobile Liability, Code 1 (any auto).
3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.
4. Errors and Omissions or Professional Liability insurance appropriate to the consultant's profession. Architects' and engineers' coverage is to be endorsed to include contractual liability.

### ***Minimum Limits of Insurance***

Consultant shall maintain limits no less than:

- |  |  |
|--|--|
| 1. General Liability:<br><br>(Including operations, products and completed operations, as applicable.) | \$1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. |
| 2. Automobile Liability:   | \$1,000,000 per accident for bodily injury and property damage.  |
| 3. Workers' Compensation and Employer's Liability:   | \$1,000,000 per accident for bodily injury and property damage.  |
| 4. Professional Liability Insurance:   | \$1,000,000 per occurrence.  |

### ***Deductible and Self-Insured Retentions***

Any deductibles or self-insured retentions must be declared to and approved by the CAHI. At the option of the CAHI, either; the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the CAHI, its officers, officials, employees and volunteers; or the Consultant shall provide a financial guarantee satisfactory to CAHI guaranteeing payment of losses and related investigations, claim administration and defense expenses.

### ***Other Insurance Provisions***

The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions.

1. CAHI, its commissioners, members, officers, agents, employees and volunteers are to be covered as an additional insureds as respects: liability arising out of work or operations performed by or on behalf of the Consultant; or automobiles owned, leased, hired or borrowed by the Consultant.
2. For any claims related to this project, the Consultant's insurance coverage shall be primary insurance as respects CAHI, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by CAHI, its commissioners, members, officers, agents, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after (30) days' prior written notice by certified mail, returned receipt requested, has been given to CAHI.
4. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to CAHI, its commissioners, members, officers, agents, employees and volunteers.
5. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the Civil Code.

General Liability, Workers' Compensation and Employers Liability Coverage. Insurer shall agree to waive all rights of subrogation against CAHI and its respective commissioners, members, officers, agents and employees for losses arising from work performed by Contractor or for CAHI.

Claims Made Coverage. If General Liability and/or Errors and Omissions coverage are written on a claims-made form:

1. The "Retro Date" must be shown, and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract work.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a "Retro Date" prior to the contract effective date, the

Contractor must purchase “extended reporting” coverage for a minimum of five (5) years after completion of contract work.

4. A Copy of the claims reporting requirements must be submitted to CAHI for review.

Subcontractors. Contractor shall include all subcontractors as insured under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverage for subcontractors shall be subject to all the requirements stated herein.

### ***Acceptability of Insurers***

Insurance is to be placed with insurers with a current A.M. Best’s rating of no less than A:VI, unless otherwise acceptable to CAHI. Exception may be made for the State Compensation Insurance Fund when not specially rated.

### ***Verification of Coverage***

Consultant shall furnish CAHI with certificates of insurance and with original endorsements evidencing coverage required by this clause. All certificates and endorsements are to be received and approved by CAHI before work commences. CAHI reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

## **Exhibit E: Profile and Certification Form**

<b>PROFILE AND CERTIFICATION FORM (Page 1 of 3)</b>
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(1) Prime \_\_\_\_ Sub-contractor \_\_\_\_ (This form must be completed by and for each).

(2) Name of Firm: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

(3) Street Address, City, State, Zip: \_\_\_\_\_

(4) Primary Contact for this Project: \_\_\_\_\_ Email Address: \_\_\_\_\_

(5) Identify Principals/Partners in Firm (Attach **professional resumes** for each):

NAME	TITLE	% OF OWNERSHIP

(6) Identify the individual(s) that will act as project manager and any other supervisory personnel that will work on project; please attach **professional resumes** for each. (Do not duplicate any resumes required above):

NAME	TITLE

(7) Bidder Diversity Statement: You must circle all of the following that apply to the ownership of this firm and enter where provided the correct percentage (%) of ownership of each:

Caucasian American (Male) \_\_\_\_\_%     
 Public-Held Corporation \_\_\_\_\_%     
 Government Agency \_\_\_\_\_%     
 Non-Profit Organization \_\_\_\_\_%

Resident- (RBE), Minority- (MBE), or Woman-Owned (WBE) Business Enterprise (Qualifies by virtue of 51% or more ownership and active management by one or more of the following:

Resident-Owned\* \_\_\_\_\_%     
 African American \_\_\_\_\_%     
 \*\*Native American \_\_\_\_\_%     
 Hispanic American \_\_\_\_\_%     
 Asian/Pacific American \_\_\_\_\_%     
 Hasidic Jew \_\_\_\_\_%     
 Asian/Indian American \_\_\_\_\_%

Woman-Owned (MBE) \_\_\_\_\_%     
 Woman-Owned (Caucasian) \_\_\_\_\_%     
 Disabled Veteran \_\_\_\_\_%     
 Small Business \_\_\_\_\_%     
 Other (Specify): \_\_\_\_\_%

If applicable, WMBE Certification Number: \_\_\_\_\_

Certified by (Agency): \_\_\_\_\_

(8) Federal Tax ID No.: \_\_\_\_\_

(9) Business Name as Listed on the California Secretary of State Website: \_\_\_\_\_

(10) California Secretary of State Entity Number: \_\_\_\_\_

(11) [APPROPRIATE JURISDICTION] Business License No.: \_\_\_\_\_

(12) State of \_\_\_\_\_ License Type and No.: \_\_\_\_\_

\* The undersigned party submitting this bid hereby certifies that the firm can meet and comply with OHA's "Section 3 Requirements" attached hereto. (**See 'Section 3 Requirements Form and Action Plan'**)

<b>PROFILE AND CERTIFICATION FORM (Page 2 of 3)</b>
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(13) Vendor Diversity Outreach Requirements: The Authority requires vendors/contractors/proposers undertake good faith efforts to ensure that Minority Business Enterprises and Woman Business Enterprises are provided opportunities to contract with the Authority for the delivery of goods and services. The undersigned, as an authorized representative of the business identified herein, hereby declares that the following statements are, to the best of his/her/its knowledge, true and correct with respect to the efforts made in a "good-faith" attempt to comply with the Authority's outreach requirements and that said business will provide to the Authority evidence of the efforts described herein within three working days of such request.

a.) **Written Notice**

- Not less than \_\_\_\_\_ days prior to the submission of the bids/proposals, we provided written notice of our interest in bidding and requested assistance from organizations that provide assistance in the recruitment and placement of MBE/WBE and other business enterprises. **[NOTE: You may be requested to submit a list of organizations that provided such assistance.]**
- We **did not** provide such written notice.

b.) **Advertisement**

- Not less than \_\_\_\_\_ days prior to the submission of the bids/proposals, the undersigned party advertised for bids/proposals from interested MBE/WBE businesses in more than one daily or weekly newspaper, trade association publications, minority or trade oriented publications, trade journals, internet, social media and/or other media. **[Proof of advertisement must be attached.]**
- The undersigned party **did not** advertise for bids from MBE/WBE businesses.

c.) **Participation**

- The undersigned party directly solicited MBE/WBE businesses that have agreed to participate in this contract if awarded.
- The undersigned party **did not** obtain participation by MBE/WBE businesses.

(14) Insurance Certification: The undersigned party submitting this bid hereby certifies that the firm can meet and comply with OHA's "Insurance Requirements" attached hereto. **(See 'OHA Insurance Requirements' attached)** Copies of insurance certificates may be submitted with the proposal or the information completed below. The insurance policies must name OHA as an additional insured and maintained throughout the term of the contract. The firm(s) must provide OHA with Certificates of Insurance for the preceding coverage. The insurance policies must provide a 30-day notice of cancellation and be primary to any other insurance carried by OHA.

Worker's Compensation Insurance Carrier: \_\_\_\_\_

Policy No.: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

General Liability Insurance Carrier: \_\_\_\_\_

Policy No. \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Professional Liability Insurance Carrier: \_\_\_\_\_

Policy No. \_\_\_\_\_ Expiration Date: \_\_\_\_\_

(15) Debarred Statement: Has this firm, or any principal(s) ever been debarred from providing any services by the Federal Government, any state government, the State of \_\_\_\_\_, or any local government agency within or without the State of \_\_\_\_\_? Yes  No

If "Yes," please attach a full detailed explanation, including dates, circumstances and current status.

<b>PROFILE AND CERTIFICATION FORM (Page 3 of 3)</b>
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- (16) Disclosure Statement: Does this firm or any principals thereof have any current, past personal or professional relationship with any Commissioner or Officer of the HA? Yes  No

If "Yes," please attach a full detailed explanation, including dates, circumstances and current status.

- (17) Non-Collusive Affidavit: The undersigned party submitting this bid hereby certifies that such bid is genuine and not collusive and that said bidder entity has not colluded, conspired, connived or agreed, directly or indirectly, with any bidder or person, to put in a sham bid or to refrain from bidding, and has not in any manner, directly or indirectly sought by agreement or collusion, or communication or conference, with any person, to fix the bid price of affiant or of any other bidder, to fix overhead, profit or cost element of said bid price, or that of any other bidder or to secure any advantage against the OHA or any person interested in the proposed contract; and that all statements in said bid are true.
- (18) Indemnification Certification: The undersigned party submitting this bid hereby certifies that the firm expressly agrees to indemnify, defend, hold harmless and indemnify the Authority, and its respective commissioners, members, officers, agents and employees of and from all claims, loss, damage, injury, actions, causes of action and liability of every kind, nature and description directly or indirectly arising out of or connected with the performance of this Contract and any of Contractor's operations or activities related thereto, excluding the willful misconduct or the gross negligence of the person or entity seeking to be defended, indemnified or held harmless.
- (19) Section 3 and Labor Compliance: The undersigned party submitting this bid hereby certifies that the firm can meet and comply with OHA's "Section 3 Requirements" and Labor Compliance standards including submission of certified payrolls and paying employees the required prevailing wages. *(Section 3 Information, Economic Opportunities Policy, and Labor Compliance standards may be found on our website at [www.oakha.org/ Business Opportunities/Section 3.](http://www.oakha.org/Business%20Opportunities/Section%203))*
- (20) Labor Code Certification: The undersigned party submitting this bid hereby certifies that party submitting this bid hereby is aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for worker's compensation or to undertake self insurance in accordance with the provisions of that Code, and will comply with such provisions before commencing the performance of the work of this Agreement".
- (21) Verification Statement: The undersigned party hereby states that by completing and submitting this form he/she is verifying that all information provided herein is, to the best of his/her knowledge, true and accurate, and agrees that if the HA discovers that any information entered herein is false, that shall entitle the HA to not consider nor make award or to cancel any award with the undersigned party.

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Signature

---

Date

---

Printed Name

---

Company

## **Exhibit F: Section 3 Requirements and Action Plan**



Oakland Housing  
Authority

## **Contractor's Summary Guide to Section 3 Compliance**

### **A. Introduction and Summary**

The Oakland Housing Authority (OHA) has established a policy whereby any contractor that transacts business with OHA must meet the requirements of OHA Section 3 Policy as outline in this document. This Section 3 Policy is required to be a flow down provision to each subcontract at every tier. This policy applies to all contracts valued over \$250,000.

This policy requires that employment and other economic opportunities generated by certain HUD financial assistance, to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons.

This document serves to fulfill two (2) main objectives: 1) it contains program definitions, requirements, information on program assistance provided by OHA and 2) it outlines the Section 3 program compliance measures of OHA.

### **B. Definitions**

#### **Low-Income Person**

A family (including single persons) whose income does not exceed 80% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families (See OHA income eligibility chart).

#### **Very Low-Income Person**

A family (including single persons) whose income does not exceed 50% of the median family income for the area, as determined by HUD, with adjustments for smaller or larger families (See OHA income eligibility chart).

#### **Section 3 Worker**

A Section 3 worker is any worker who currently fits into, or when hired within the past five years fit into, at least one of the following categories:

1. The worker's income for the previous or annualized calendar year is below the income limit established by HUD
2. The worker is employed by a Section 3 business concern
3. The worker is a YouthBuild participant.

### **Section 3 Business Concern**

A Section 3 business concern is any type of business (sole proprietorship, partnership, non-profit, corporation) that meets at least one of the following criteria, documented within the last six-month period:

1. At least 51 percent owned and controlled by low- or very low-income person;
2. Over 75 percent of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers; or
3. A business at least 51 percent owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing

### **YouthBuild Program**

YouthBuild is a community-based pre-apprenticeship program that provides job training and educational opportunities for at-risk youth ages 16-24 who have previously dropped out of high school.

YouthBuild participants learn vocational skills in construction, as well as in other in-demand industries that include health care, information technology, and hospitality. Youth also provide community service through the required construction or rehabilitation of affordable housing for low-income or homeless families in their own neighborhoods

### **Targeted Section 3 Worker**

A Section 3 targeted worker is a Section 3 worker who:

- (1) is employed by a Section 3 business concern: or
- (2) currently fits or when hired fit at least one of the following categories, as documented within the past five years:
  - (i) A resident of OHA or Section 8-assisted housing;
  - (ii) A resident of other public housing projects or Section 8-assisted housing managed by a PHA that is providing the assistance; or
  - (iii) A YouthBuild participant.
- (3) A business at least 51 percent owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing.

## Section 3 Project

Section 3 projects are housing rehabilitation, housing construction, and other public construction projects assisted under HUD programs that provide housing and community development financial assistance when the total amount of assistance to the project exceeds a threshold of \$250,000. The threshold is \$100,000 where the assistance is from the Lead Hazard Control and Healthy Homes programs. Section 3 applies, on a per project basis, to all OHA projects that are fully or partially funded with HUD funding.

### C. OHA Section 3 Goals

There are two Section 3 Goals. One for **Section 3 Workers** and the other for **Section 3 targeted Workers**. For OHA the goal for Section 3 workers is set at *25 percent* or more of the total number of labor hours worked by all workers employed within OHA's fiscal year. The benchmark for **Targeted Section 3 workers** is set at *5 percent* or more of the total number of labor hours worked by all workers employed with public housing financial assistance within OHA's fiscal year. This means that the *5 percent* is included as part of the *25 percent* threshold.

### D. Section 3 Plan

The Contractor is required to submit with their bid/proposal package a Section 3 Plan for OHA review and written approval. The Section 3 Plan will detail the processes to be implemented to ensure that the above Section 3 goals will be met. The plan should specify the number of positions expected to be created and what minimum qualifications and skills will be required in order to perform the positions. The plan should also address the Contractor's strategy for recruiting OHA residents for the available positions, which should include consultation with OHA's Section 3 Coordinator.

Qualitative processes to be included, but not limited to, in the Section 3 Plan are identified below. The HUD Section 3 website has additional educational resources and tools for developing the Section 3 Plan. The HUD website can be accessed at <https://www.hud.gov/section3/>.

### E. Qualitative Processes for Section 3 Plan

The OHA Resident & Community Services Coordinator is the OHA's point of contact for assistance in identifying OHA's Section 3 and Targeted Workers.

Engaging in outreach efforts to generate job applicants who are Targeted Section 3 workers should but not be limited to the following.

- Providing training or apprenticeship opportunities.
- Providing technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).
- Providing or connecting Section 3 workers with assistance in seeking employment including: drafting resumes, preparing for interviews, and finding job opportunities connecting residents to job placement services.

- Holding one or more job fairs.
- Providing or referring Section 3 workers to services supporting work readiness and retention (e.g., work readiness activities, interview clothing, test fees, transportation, childcare).
- Providing assistance to apply for/ or attend community college, a four-year educational institution, or vocational/technical training.
- Assisting Section 3 workers to obtain financial literacy training and/or coaching.
- Engaging in outreach efforts to identify and secure bids from Section 3 business concerns.
- Providing technical assistance to help Section 3 business concerns understand and bid on contracts.
- Dividing contracts into smaller jobs to facilitate participation by Section 3 business concerns.
- Providing bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.
- Promoted use of business registries designed to create opportunities for disadvantaged and small businesses.
- Outreach, engagement, or referrals with the state one-stop system as defined in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.

## **F. Documenting and Reporting-Section 3 Plan**

1. Contractor agrees to report the labor hours performed by Section 3 Workers for the work identified in each payment request. The reporting of Section 3 Worker hours, as prepared by the Contractor, must be approved in writing by OHA's Labor Compliance Officer.
2. The Contractor and its subcontractors shall provide all required compliance data with respect to Contractor's Section 3 Plan to OHA via LCP tracker software. The Contractor and its subcontractors shall be responsible for responding to any requests for data or information by the noted response due dates. The Contractor shall also be responsible for ensuring that all subcontractors have completed all requested items with complete and accurate information and that their contract information is current.

## **G. Compliance Reporting Systems**

OHA utilizes LCPtracker in order to monitor the compliance requirements for Davis-Bacon, and Section 3 labor hour tracking policy requirements.

LCPtracker, is accessible to **ALL** OHA Prime Contractors (as well as Subcontractors) and each contractor is required to utilize the secure web-based systems for electronic submission of information related to Section 3 compliance.

## **H. Section 3 Calculations**

Below are the formulas for calculating Section 3 and Target Workers. This formula will be utilized to validate that contractors have met OHA's Section 3 goals.

$$\frac{\text{Section 3 Workers}}{\text{Total Labor Hours}} = \geq 25\%$$

$$\frac{\text{Section 3 Target Workers}}{\text{Total Labor Hours}} = \geq 5\%$$

Note: Professional Service Contracts are not applicable to Section 3 requirements. However, if Section 3 goals are met by a Professional Service Contractor, the hours can be added in the numerator of the Section 3 calculation.

### Resident Referral Process

OHA is committed to working with general contractors and subcontractors to help them reach their Section 3 goals. This process ensures that each candidate is in good standing with the housing authority and has a background that qualifies him/her to perform the essential functions of the job.

To ensure the best possible match, it is important that contractors communicate their hiring needs to OHA well in advance of the project start date. We request at least 2 business days' notice before the employee's start date, but earlier notice is preferred. We will work with you to identify a pool of candidates for each position. If we cannot provide you with a candidate, we will grant you a waiver to document your efforts to meet the Section 3 goals.

Union Contractors: OHA's Family and Community Partnerships department (FCP) has established a list of current OHA residents in construction trade unions that is sent to contractors on a regular basis. If there is no candidate that meets your hiring needs, you are encouraged to consider sponsoring an OHA resident who is not a member of a trade union to meet your Section 3 hiring goals.

Please contact **OHA's Dan Abrami at 510.587.5127 or [dabrami@oakha.org](mailto:dabrami@oakha.org)** for a list of qualified residents, to request a candidate, or verify the Section 3 eligibility of any prospective hire. For more information about providing economic opportunities to OHA resident's contact:

Employment Development Coordinator  
Family & Community Partnerships Department

**Phone: 510.587.5127**

Fax: 510.587.5141

**Email: [dabrami@oakha.org](mailto:dabrami@oakha.org)**

### New Hire Section 3 Information Form

General contractors and subcontractors will be provided this form upon award. Every **new hire** should be requested to complete the form. The form provides the means to determine Section 3 eligibility of the employee. The forms should be submitted to OHA as soon as possible after hiring for verification of Section 3 status.

## Monthly Reports

OHA requires monthly reports listing all new hires and Section 3 hires from all contractors and subcontractors on Section 3 covered projects. A sample report will be provided. Reports shall be due on the fifth day of each month for the preceding month. These reports shall be submitted to:

Rufus Davis, Labor and Section 3 Compliance Officer  
 Phone: 510.587.2176  
 Email: [rdavis@oakha.org](mailto:rdavis@oakha.org)

## Record Maintenance and Documentation

All projects and activities that are subject to Section 3 requirements shall maintain comprehensive documentation of their Section 3 outreach efforts and implementation activities. Section 3 documentation files should be clearly maintained and be available for review by Oakland Housing Authority and/or HUD officials.

## Compliance Reviews

OHA staff will conduct regular compliance reviews, which consist of comprehensive analysis and evaluation of the contractor's compliance with Section 3. Where noncompliance is found, OHA will notify the contractor of the deficiency and make recommendations for corrective actions.

1	\$26,050 or less
2	\$29,750 or less
3	\$33,450 or less
4	\$37,150 or less
5	\$40,150 or less
6	\$43,100 or less
7	\$46,100 or less
8	\$49,050 or less

**(Income limits eff. 07/01/2021)**

Questions regarding the Oakland Housing Authority  
 Section 3 Program should be addressed to:

Rufus Davis, Labor and Section 3 Compliance Officer  
 Oakland Housing Authority  
 1805 Harrison Street, First Floor  
 Oakland, CA 94612  
 Phone: 510.587.2176  
 Email: [rdavis@oakha.org](mailto:rdavis@oakha.org)



### Section 3 Action Plan (2 pages)

All firms and individuals bidding on any Section 3 covered contract with the Oakland Housing Authority (OHA) **MUST COMPLETE AND SUBMIT THIS ACTION PLAN WITH THE BID, OFFER, OR PROPOSAL.** Any solicitation response that does not include this document (completed and signed) will be considered non-responsive and not eligible for award.

**PRELIMINARY STATEMENT OF CURRENT WORKFORCE AND HIRING NEEDS**

*THIS PLAN OUTLINES YOUR COMMITMENT TO OHA'S SECTION 3 HIRING GOALS*

COMPANY NAME:

ADDRESS:

PROJECT  
(Bid/RFP#):

GENERAL  SUBCONTRACTOR

JOB CATEGORY: EXAMPLES ADMINISTRATIVE ASST., OFFICE MANAGER, CLERK, PROJECT MANAGER, EQUIPMENT MECHANIC, JANITORIAL, HOUSING MANAGEMENT, LABORER, LANDSCAPER, GLAZIER-JOURNEYMAN, GLAZIER- APPRENTICE, PLUMBER-JOURNEYMAN, PLUMBER-APPRENTICE	(A)  # of CURRENT Employees (Core Staff)	(B)  PROJECTED # of New Hires FOR THIS PROJECT	(C)  PROJECTED # of Section 3 Hires	(D)  PROJECTED Section 3 Hires as a Percentage of NEW HIRES
				%
				%
				%
				%
				%
				%
				%
OTHER, PLEASE LIST.				%

\_\_\_ (Check here and attach another sheet if applicable)

**I attest that the above information is true and correct. The company certifies that the above table represents the appropriate number of employee positions and also represents the number of Section 3 employees that the company proposes to hire.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

### Section 3 Action Plan (continued)

#### EFFORTS TO ACHIEVE SECTION 3 COMPLIANCE

Indicate the efforts your organization will take to direct employment and other economic opportunities, to the greatest extent feasible, to low-income residents. Think about how you can leverage your resources and expertise to foster training and employment opportunities for Section 3 residents. **Examples** include, but are not limited to, the following. Check all that apply.

- Refer to any list of pre-screened job-ready applicants provided by OHA’s Department of Family and Community Partnerships (FCP) (***REQUEST A LIST from FCP at [S3hire@oakha.org](mailto:S3hire@oakha.org) or 510-587-5127***).
- Utilize and manage union privileges such as name-call, transfer, rehire, and sponsorship.
- Financially sponsor OHA resident(s) in trainings, certifications, professional mentorships, etc.
- Distribute flyers door-to-door to OHA owned and managed properties.
- Run multiple advertisements in local media such as newspapers and radio stations, and/or Internet-based job-posting websites announcing the hiring and contracting opportunities.
- Contract with certified Section 3 businesses, in construction and non-construction trades (***REQUEST A LIST from Rufus Davis at OHA, [rdavis@oakha.org](mailto:rdavis@oakha.org) or 510-587-2176***).
- Post signs at the entrance to the job site stating that it is a Section 3 covered project.
- Sponsor (schedule, advertise, finance, or provide in-kind services) a job informational meeting to be conducted by the housing authority or a contractor representative.
- Undertake job counseling, education and related programs in association with local educational institutions.
- Other:

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**I attest that the above information is true and correct.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**SECTION 3 CLAUSE (24 CFR 135.38)**

***This contract is subject to the following conditions under Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3).***

- A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
- B. The parties to this contract agree to comply with HUD's regulations in 24 CFR Part 135 and 24 CFR Part 75, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 135 regulations.
- C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor or organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 135 and 24 CFR Part 75, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon finding that the subcontractor is in violation of the regulations in 24 CFR Part 135 and 24 CFR Part 75. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 135 and 24 CFR Part 75.
- E. The contractor will certify that any vacant employment positions, including training positions that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR Part 135 and 24 CFR Part 75.
- F. Noncompliance with HUD's regulations in 24 CFR Part 135 and CFR Part 75 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
- G. With respect to work performed in connection with Section 3 covered Indian housing assistance, Section 7(b) of the Indian Self-Determination and Education Assistance Act

(25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprise. Parties to this contract that are subject to the provisions of Section 3 and Section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with Section 7(b).

## Exhibit G: Addendum Acknowledgement Form



**RFP #22-021**

**DEVELOPMENT PLANS FOR 77<sup>th</sup> & Bancroft**

Addendum #1

**Date issued and released: XXX X, XXXX**

Bidder hereby acknowledges this addendum:

Name of Firm: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Acknowledgement of this Addendum must be included with your bid.**