



**PHASE I
ENVIRONMENTAL SITE ASSESSMENT**

**The Berkeley Center
2200-2240 Shattuck Avenue
2065 Kittredge Street
2070 Allston Way
Berkeley, California 94704**

**Prepared for:
Hill Street Realty
Los Angeles, CA**

**June 11, 2012
IVI Project No.: PC2050723**



IVI Assessment Services, Inc.

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**PROPERTY CONDITION & ENVIRONMENTAL
DUE-DILIGENCE**

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June 11, 2012

Mr. Joseph Penner
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Re: Phase I Environmental Site Assessment
The Berkeley Center
2200-2240 Shattuck Avenue; 2065 Kittredge Street; 2070 Allston Way
Berkeley, California 94704
IVI Project No.: PC2050723

Dear Mr. Penner:

IVI Assessment Services, Inc. ("IVI") is pleased to submit this copy of our Phase I Environmental Site Assessment on the above-referenced property. This report outlines the findings of IVI's site reconnaissance, historical land use research, review of governmental records, interviews, and our Pre-Survey Questionnaire.

I declare that, to the best of my professional knowledge and belief, I meet the definition of *environmental professional* as defined in § 312.10 of 40 CFR 312 and I have the specific qualifications based on education, training, and experience to assess a *property* of the nature, history, and setting of the *subject property*. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

Please contact the undersigned at (619) 254-3124 or by email at scott.pritchard@ivi-intl.com should you have any questions.

Sincerely,

IVI Assessment Services, Inc.
DRAFT

Scott Pritchard, REA I
Environmental Professional

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This report documents IVI's findings from our Phase I Environmental Site Assessment on The Berkeley Center, located at 2200-2240 Shattuck Avenue, 2070 Allston Way and 2065 Kittredge Street, Berkeley, California (the "Subject"). The property, which is situated in an urban area characterized by commercial office development, consists of a 1.63-acre parcel improved with a 102-year-old (built in 1910), mixed use office and retail building. The building consists of a basement level, a ground level, a second level, and a partial penthouse. In plan the Subject best resembles a set of interconnected rectangles that wrap around and are under the Shattuck Plaza Hotel. It consists of three individual, but connected structures that were constructed between 1910 and 1955. The structures are identified as: the Shattuck Building which is the ground floor retail and basement children's museum area along Shattuck Avenue below the hotel; the Allston Building a two-story with basement structure located at the corner of Allston Way and Harold Way; and the Kittredge Building, a two-story with basement structure, located at the corner of Kittredge Street and Harold Way. The Shattuck Plaza Hotel portion is not included as part of this asset. There is an open, concrete paved, exterior, service corridor accessed from Allston Way that leads to an open area near the center of the complex. The corridor serves both the hotel and the Subject. Subject occupancies include a ten screen theater, a children's museum, restaurants, retail stores, a postal station, and a number of offices.

Prior to the construction of the existing improvements, the site contained single-family dwellings; and a small multi-tenant retail building in the northwestern corner of the property. This retail building was razed in the early-1950s prior to the construction of the current building addition (with basement) in 1955. Previous tenants in the current Subject building were various retail stores and offices. Previous tenants in the former 2-story retail building include various retail shops, offices and dry cleaners.

The purpose of this Phase I Environmental Site Assessment was to assess existing site conditions and render an opinion as to the identified or potential presence of recognized environmental conditions in connection with the property within the scope and limitations of ASTM International's Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process E 1527-05 and the limitations identified herein. Exceptions to or deletions from the scope of work are described in Section 2.0.

This assessment has revealed no evidence of recognized environmental conditions (REC) in connection with the Subject except for the following:

Previous On-Site Operations

The address of 2209 Harold Way, within the former 2-story retail building on the northwest corner of the property, was labeled as "pressing" on the 1950 Sanborn map; which is another term for dry cleaning. From cross referencing with city directories it appears that this address and the former address of 2060 Allston Way, which was the adjoining tenant suite to 2209 Harold Way, were occupied by dry cleaning establishments during the 1920-1950s. These former cleaners were not identified on any regulatory databases that report releases, spills or contamination conditions, such as the CERCLIS,

state hazardous waste sites (SHWS) or SLIC lists. Nevertheless, these facilities operated prior to the promulgation of RCRA in 1980 (with amendments for small quantity generators in 1984), the legislation that regulates the handling and disposal of hazardous materials and wastes. As such, these facilities operated virtually unregulated while at the Subject property. IVI attempted to obtain any additional information regarding subsurface conditions at the Subject; however, none was available.

Of note, the building that these dry cleaning establishments were located within did not have a basement and was razed in the early-1950s. The building that was built in this location in 1955 is the current building and has a basement level. It is suspected that any near-surface soil contamination (approximately 0-10' depth) associated with the former onsite dry cleaners would have been removed during site excavation activities prior to the construction of the current building's basement. Nevertheless, based on the type of chemicals utilized, lack of regulatory oversight at the time and the amount of time these cleaners were in operation (at least 30 years), the potential still exists for adverse impact to the Subject; mainly as a vapor intrusion concern from any potentially remaining contamination not removed during construction of the current building's basement level.

Of note, in 2002 a limited indoor air quality survey was performed in a basement office tenant suite of the current building after complaints were received stating that workers in the office were experiencing headaches, stuffiness and allergies. The survey concluded that carbon dioxide, formaldehyde, ozone, thermal analysis levels and a dust sample were all normal and no significant findings were reported. However, the survey did not sample for volatile organic compounds (VOCs) which would be the constituents of concern associated with dry cleaning facilities.

In addition, the following historical REC was also identified:

Possible Former Underground Storage Tanks (USTs)

According to a previous Phase I ESA conducted in 1995, a boiler was present on the hotel site which reportedly had used fuel oil for heating. This previous Phase I speculated that the fuel oil may have been stored in underground tanks, although this was not confirmed at that time. The previous Phase I ESA also reported that a fuel oil line had lead from the old boiler to the basement and then out to Allston Way. Following completion of the 1995 Phase I, an investigation was conducted at the site in an attempt to locate any USTs, if present, at the site. In May 1995, two soil borings were drilled on Allston Way near the entrance to the Shattuck Hotel. While coring through the sidewalk, an empty underground vault was encountered, which was believed to have the previous location of an UST used for the boiler at the Shattuck Hotel. It was believed that the UST was removed sometime after the boiler was converted from fuel oil to natural gas in the 1950s. The concrete vault was found to be in good condition with no evidence of cracking. No hydrocarbon or septic odors were identified and no sludge was located at the bottom of the vault. In June 1995, an inspector from the City of Berkeley Toxics Management Division (TMD) inspected the vault and found no issues. The TMD

subsequently issued a letter in June 1996 requiring no further action regarding the potential UST at the site. IVI concurs with the TMD and no further action or investigation appears warranted at this time.

In addition, the following item of environmental concern was identified, which warrants mention:

Asbestos-Containing Material (ACM)

Based on our review of several previous assessments and abatement reports, the majority of previously identified ACM have been abated from the Subject. However, suspect asbestos containing materials remain at the Subject. These materials include 1' x 1' acoustical ceiling tiles, textured ceiling finish, 9"x 9" resilient floor tile, 1' x 1' resilient floor tile, gypsumboard, and built-up roofing system. Since these materials were observed to be in good condition, no further action is recommended at this time other than maintaining these suspect materials in good condition under the existing Asbestos Operations and Maintenance (O&M) Program. All activities involving ACM should be conducted in accordance with governmental regulations.

2.1 General

IVI was retained by Hill Street Realty (“Client” or “User”) to prepare a Phase I Environmental Site Assessment, in conformance with ASTM International's Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process E 1527-05 on the Subject in accordance with our Agreement dated May 22, 2012.

2.2 Purpose and Scope

2.2.1 Purpose

The purpose of this report is to identify Recognized Environmental Conditions in connection with the property, using the methodology recommended by ASTM International in order for a user to satisfy one of the requirements to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser defenses to CERCLA liability and/or to help understand potential environmental conditions that could materially impact the operation of the business associated with the Subject. Specifically, this methodology is referred to as *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process Designation: E 1527-05*.

The term Recognized Environmental Condition is defined by ASTM Standard E 1527-05 as “...the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include *de minimis* conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.”

2.2.2 Scope

In general, the scope of this assessment consisted of reviewing readily available information and environmental data relating to the property; interviewing readily available persons knowledgeable about the site; reviewing readily available maps, aerial photographs and records maintained by federal, state, and local regulatory agencies; and conducting a site visit.

Of importance, the client is advised that federal, state, and local laws may impose environmental assessment obligations beyond the scope of this practice. Client is also notified that there are likely to be other legal obligations with regard to hazardous substances or petroleum products discovered on the Subject that are not addressed in this practice and that may pose risks of civil and/or criminal sanctions for non-compliance.

The specific scope of this assignment included the following:

2.2.2.1 Performing a site reconnaissance to characterize on-site conditions and assess the site’s location with respect to surrounding property uses and natural surface features. In addition, IVI conducted a reconnaissance of the surrounding roads and readily accessible adjacent properties to identify obvious potential environmental conditions on neighboring properties. Photographs taken as part of the site reconnaissance are provided in Appendix A.

The site visit was conducted on June 1, 2012, by Carol Noland representing IVI. The site was represented by Mr. Darrin Nee, the property owner. It was sunny and the temperature was approximately 75° F at the time of our site survey. IVI conducted the site reconnaissance in a systematic manner focusing initially on the exterior, which was surveyed in a grid pattern. IVI also surveyed a representative sampling of the interior spaces in a systematic manner.

2.2.2.2 Interviewing persons familiar with the property to obtain information on present and previous on-site activities potentially resulting in the environmental degradation of the site or adjoining properties. A Pre-Survey Questionnaire to be filled out and returned to IVI by someone knowledgeable about the site was provided to Mr. Darrin Nee. A completed copy of the Pre-Survey Questionnaire is provided in Appendix B.

The following table presents a summary of the individuals contacted or to whom requests for documentation were made as part of this assessment:

| Name | Affiliation | Telephone No. |
|---------------------------------|---|----------------------|
| Records Clerk | City of Berkeley Toxics Management Division | (510) 981-7460 |
| Customer Service Representative | Pacific Gas & Electric (PG&E) | (800) 743-5000 |
| Fire Marshal | Berkeley Fire Department | (510) 981-5585 |



| Name | Affiliation | Telephone No. |
|------------|------------------|----------------|
| Darrin Nee | Subject Property | (415) 430-8042 |

- 2.2.2.3 If provided, reviewing of information such as previously prepared appraisals, building plans and specifications, and environmental reports.
- 2.2.2.4 Reviewing readily available historical documents, such as topographic maps, aerial photographs, city directories, Sanborn Fire Insurance Maps and atlases, to identify previous activities on and in the vicinity of the Subject. Copies of these documents are included in Appendix C.
- 2.2.2.5 Reviewing readily available environmental databases maintained by federal, state, and local agencies within the approximate minimum search distances as described within the Regulatory Review Section 6.0 of this report. A copy of the Computerized Environmental Report, provided by Environmental Data Resources, Inc. can be referenced in Appendix D.
- 2.2.2.6 Conducting a visual survey of readily accessible common areas to identify the presence of the most obvious and common types of suspect asbestos containing materials (ACM). The basis for “suspect” determination is taken from the materials listed in Appendix G of the United States Environmental protection Agency (USEPA) publication Managing Asbestos in Place (also known as the Green Book). All building materials listed within Appendix G of the Green Book are considered to be suspect ACMs at the Subject. This screening is not intended to be used for demolition, abatement, renovation, or repair work.

THIS LIMITED SURVEY IS NOT TO BE CONSTRUED AS A COMPREHENSIVE ASBESTOS SURVEY, WHICH OFTEN ENTAILS DESTRUCTIVE TESTING OR THE SURVEY OF AREAS BEHIND WALLS, ABOVE CEILINGS, IN TENANT SPACES AND IN OTHER TYPICALLY INACCESSIBLE AREAS. MOREOVER, IVI DOES NOT WARRANT THAT ALL ACMs AT THE SUBJECT HAVE BEEN IDENTIFIED.

- 2.2.2.7 Reviewing published radon occurrence maps to determine whether the site is located in an area with a propensity for elevated radon concentrations.
- 2.2.2.8 An analysis of mold and/or mold issues was beyond the scope of this report.



2.2.2.9 Assessing the age of the Subject to determine whether it is predisposed to contain lead-based paint. During our walkthrough survey, IVI noted the condition of the paint observed. Note, a compliance audit for lead paint was not conducted.

2.2.2.10 Testing, if any, was designed solely to meet the requirements of the client’s scope of work, not to meet any local, State or Federal regulations and shall not be utilized as such.

2.3 Data Gaps

According to § 3.3.20 of ASTM Standard E 1527-05 a data gap is a lack of or inability to obtain information required by the ASTM Standard despite good faith efforts to gather same. Data gaps may result from incompleteness in any of the activities required by the ASTM Standard. The following data gaps occurred in connection with this report:

| Data Gap | Explanation | Significance of Gap |
|------------------------------------|---|--|
| Site History | History not conducted back to a time when the site was undeveloped land (See § 5) | Low - not likely to alter Report’s conclusions due to IVI’s search of standard historical sources of information such as aerial photographs, historic topographic maps, city directory abstracts, Sanborn Fire Insurance Maps, reviews of previous investigations and interviews with knowledgeable individuals who were familiar with the property. |
| Site History | Site history not conducted in 5-year intervals (See § 5) | Low - not likely to alter Report’s conclusions due to IVI’s search of standard historical sources of information such as aerial photographs, historic topographic maps, city directory abstracts, Sanborn Fire Insurance Maps, reviews of previous investigations and interviews with knowledgeable individuals who were familiar with the property. |
| User Interview | AAI User Questionnaire not returned to IVI | Low - not likely to alter Report’s conclusions |
| Former Owner or Operator Interview | Unable to interview former site owner or operator due to inability to locate | Low - not likely to alter Report’s conclusions |
| Governmental Records | FOIAs not returned (See § 8.6) | Unknown - However, if receipt of FOIAs alters the Report’s conclusion, the client will be notified |



3.0 SALIENT ASSIGNMENT INFORMATION

The Berkeley Center
Berkeley, California

| Salient Assignment Information | |
|--|--|
| IVI Project No.: | PC2050723 |
| Project Name: | The Berkeley Center |
| Street Address: | 2200-2240 Shattuck Avenue 2065 Kittredge Street 2070 Allston Way |
| City, State and Zip: | Berkeley, California 94704 |
| Primary Use: | Mixed use office and retail building |
| Year Built and Age of Improvements: | 1910 - 1955; 57 - 102 years-old |
| Site Area: | 1.63 Acres |
| Building Size: | 92,531 SFG |
| Number of Buildings: | 1 (built in three phases) |



4.1 Property Location

The site is located at 2200-2240 Shattuck Avenue, 2070 Allston way, and 2065 Kittredge Street in Berkeley, Alameda County, California and is identified on local tax maps as Parcel No. 57-2027-6; 57-2027-7; 57-2027-8; and 57-2027-9. Please refer to the Site Plan and maps provided within Appendix C.

4.2 Surrounding Land Use

The property is located in an urban setting characterized by commercial office development. The following is a tabulation of surrounding property usage:

| Direction | Adjacent Properties | Surrounding Properties |
|-----------|---|------------------------|
| North | Allston Way, across which is a building being renovated for a new Walgreens (2194 Shattuck Avenue), and a parking garage (2061 Allston Way). | Commercial properties |
| South | Kittredge Street, across which is the Berkeley Public Library (2090 Kittredge Street). | Commercial properties |
| East | Shattuck Avenue, across which are several retail businesses including Burgermeister (2237 Shattuck Avenue), EZ Stop Deli (2231 Shattuck Avenue), Maplight (2223 Shattuck Avenue), Verizon Wireless (2209 Shattuck Avenue), and Fedex (2201 Shattuck Avenue). Walgreens (2187 Shattuck Avenue) is located adjacent to the northeast. | Commercial properties |
| West | Harold Way, across which is Dharma College (2010 Harold Way). | Commercial properties |

The Walgreens store at 2187 Shattuck Avenue is listed as a small quantity generator. No violations were listed, and the site does not appear on any other lists of reported or known releases. Thus, it is not expected to pose a significant environmental concern to the Subject. Please refer to Section 6.2 for a more detailed discussion on same.

4.3 Physical Site Setting

4.3.1 Size and Shape of Parcel

The property is irregular in shape and 1.63-acres in size.



4.3.2 Topography

The site slopes gently from the east to west. The topography of the area is best described as a gently sloping. Properties to the east are at a higher topographic elevation. According to the United States Geological Survey (USGS) *Oakland West, CA 7.5 Minute Series* topographic map, the Subject's topographic elevation is approximately 180' above mean sea level (msl).

4.3.3 Surface Waters and Wetlands**Surface Waters**

There are no surface water bodies or streams on or adjacent to the Subject. The closest open surface water to the Subject is the San Francisco Bay, which is located approximately 2 miles to the west.

Wetlands

IVI reviewed a wetlands map of the subject area prepared using the US Department of the Interior, Fish and Wildlife Service's Internet Wetland Interactive Mapper. The source material used to produce the National Wetlands Inventory digital data for these maps was prepared primarily by stereoscopic analysis of high altitude aerial photographs. Based on this review, IVI did not identify any federally regulated wetlands on the subject property. Additionally, IVI did not observe vegetation characteristic of wetlands on the subject site.

4.3.4 Soils, Geology and Groundwater**Soils**

According to the *Soil Survey of Alameda County, California*, dated March 1981, issued by the United States Department of Agriculture, Soil Conservation Service, the soils at the site are classified as Urban Land-Tierra Complex with 2 to 5 percent slopes. Urban Land complex are those soils in which the soil's original structure and content have been so altered by human activities it has lost its original characteristics and is thus unidentifiable. Tierra soils are very deep and moderately well drained, formed in weakly consolidated old alluvium. The surface layer is grayish brown, slightly acid loam, underlain by gray, slightly acid loam. Permeability is very slow.

Geology

There are no predominant geological surface features such as rock outcroppings on the Subject. The Subject is in the Coast Range Geomorphic Province, a region characterized by northwest-trending ridges and valleys that generally parallel the major geologic structures, such as the San Andreas and Hayward Fault systems. Bedrock in the Bay Area is composed of highly consolidated and tectonically deformed sedimentary, volcanic, and metamorphic rocks of the Franciscan Assemblage (Jurassic to Cretaceous age). Large bodies of serpentinite are closely associated with the Franciscan rocks. The Franciscan rocks commonly consist of sheared shale and sandstone that include isolated masses of other types of rocks such as chert and greenstone.

Groundwater

Under natural, undisturbed conditions, shallow groundwater flow generally follows the topography of the land surface and on this basis, the topography suggests that groundwater flow across the site is in a westerly direction. However, localized conditions can alter flow direction and thus the presumed flow may not coincide with the actual in the subject area. Shallow groundwater has been recently measured at approximately 10-30' below ground surface at two properties within 3 blocks of the Subject that are undergoing remedial activities.

4.4 Site Improvements

4.4.1 Utilities

The Subject is served with the following utilities:

| | |
|-----------------|-------------------------------------|
| Water: | East Bay Municipal Utility District |
| Sanitary Sewer: | City of Berkeley |
| Storm Sewer: | City of Berkeley |
| Electric: | Pacific Gas & Electric (PG&E) |
| Natural Gas: | Pacific Gas & Electric |

According to the 2011 Annual Water Quality Report published by the East Bay Municipal Utility District, the water supplied to the Subject meets federal and state water quality standards.

Storm water runoff from building roofs is directed by roof slope to multiple locations of roof drains with adjacent overflow drains and scuppers with leaders, which discharge into the municipal storm water collection system.

4.4.2 Building Description

The Subject is an approximately 92,531 SF, low-rise urban-sited mixed-use office and retail building located in Berkeley, California. More specifically, the Subject property is bounded by Shattuck Avenue on the east side, Allston Way on the north, Kittredge Street to the south, and Harold Way along the west side. The building consists of a basement level, a ground level, a second level, and a partial penthouse. In plan, the Subject best resembles a set of interconnected rectangles that wrap around and are under the Shattuck Plaza Hotel. It consists of three individual, but connected structures that were constructed between 1910 and 1955. The structures are identified as: the Shattuck Building which is the ground floor retail and basement children's museum area along Shattuck Avenue; the Allston Building, a two-story with basement structure located at the corner of Allston Way and Harold Way; and the Kittredge Building, a two-story with basement structure, located at the corner of Kittredge Street and Harold Way. The Shattuck Plaza Hotel portion is not included as part of this asset. There is an open, concrete paved, exterior service corridor accessed from Allston Way that leads to an open area near the center of the complex. The corridor serves both the hotel and the Subject. Subject occupancies include a ten screen theater, a children's museum, restaurants, retail stores, a postal station, and a number of offices.

The Subject is constructed primarily of cast-in-place concrete. Floors are framed with either a concrete pan joist system or structural steel framing with pre-cast concrete decking. Roofing consists of a smooth-surface built-up system with a small area of gravel-surfaced built-up roofing. The shops along the Shattuck Avenue elevation have a tan and white painted wood and glass storefront system with a continuous ornamental terra cotta frieze above the storefronts. Other elevations have punched steel framed industrial windows and typical storefront glass and aluminum entrance doors and side lights set in the beige painted, plaster finished, concrete walls.

Interior finishes include floor coverings of carpet, resilient floor tile, and sheet vinyl; walls of painted gypsumboard and painted plaster and ceilings typically consist of painted drywall and a suspended system with inlaid acoustical ceiling tiles.

Heating and cooling for the offices and retail shops is provided by two-water-source heat pump systems, individual split systems and individual rooftop air conditioning units. Vertical transportation is provided by a single hydraulic elevator and a wheelchair lift.

4.5 Current Property Use

The Subject is developed with a mixed use office and retail building. The following table summarizes the site’s tenants and their activities:

| Tenant | Description of Operation |
|-------------------------------|---------------------------------|
| Gamestop | Video game store |
| Tea Fever | Tea store |
| John’s Ice Cream | Ice Cream Store |
| BART Bike Station | Bicycle storage |
| Clear Wireless | Cell phone store |
| Papa John’s Pizza | Restaurant |
| Starbuck’s | Coffee store |
| Shattuck Cinemas | Movie theater |
| Yogurtland | Yogurt store |
| The Original | Restaurant |
| US Post Office | Post office annex |
| Berkeley City College | Offices |
| Alan Kropp & Associates | Offices |
| Arcon, Inc. | Offices |
| Five Bridges Foundation | Offices |
| College Internship Program | Offices |
| UAW Local 5810 | Offices |
| Habitot Children’s Museum | Children’s museum |
| Downtown Berkeley Association | Offices |
| Margaretta H. Bisno | Offices |
| Berkeley Albany YMCA | Storage |

Based on the operations currently conducted at the Subject, significant quantities of hazardous waste are not generated. The current on-site activities are not suspected to have degraded the environmental quality of the subject site.

4.6 Environmental Permits

Based on our research, no environmental permits such as wastewater discharge, National Pollutant Discharge Elimination System (NPDES), air emissions, or petroleum bulk storage (PBS) tank registrations are required at the Subject.

4.7 Plans and Specifications

Neither building drawings nor specifications were provided for our review.



5.1 Historical Summary

Prior to the construction of the existing improvements, the site contained single-family dwellings; and a small 2-story, multi-tenant retail building in the northwestern corner of the property. This retail building was razed in the early-1950s prior to the construction of the current 2-story with basement building in 1955. Previous tenants in the current Subject building were various retail stores and offices. Previous tenants in the former 2-story retail building include various retail shops, offices and dry cleaners.

The address of 2209 Harold Way, within the former 2-story retail building on the northwest corner of the property, was labeled as “pressing” on the 1950 Sanborn map; which is another term for dry cleaning. From cross referencing with city directories it appears that this address and the former address of 2060 Allston Way, which was the adjoining tenant suite to 2209 Harold Way, were occupied by dry cleaning establishments during the 1920-1950s. The building that these dry cleaning establishments were located within did not have a basement and was razed in the early-1950s. The building that was built in this location in 1955 is the current building and has a basement level.

5.2 Topographic Maps

IVI reviewed historic USGS *Oakland West, CA 7.5 Minute Series* topographic maps of the Subject area provided by EDR. The following maps were provided for our review:

| Year Revised | Subject Property | Surrounding Properties |
|--------------|---|--|
| 1949 | The Subject is shaded pink, denoting dense development. | All surrounding areas are shaded pink, denoting dense development. |
| 1959 | Similar to the previous topographic map reviewed. | Similar to the previous topographic map reviewed. |
| 1968 | Similar to the previous topographic map reviewed. | Similar to the previous topographic map reviewed. |
| 1973 | Similar to the previous topographic map reviewed. | Similar to the previous topographic map reviewed. |
| 1980 | Similar to the previous topographic map reviewed. | Similar to the previous topographic map reviewed. |

The topographic maps do not identify individual buildings or development on the Subject due to the concentration of structures in the highly urbanized Berkeley area, but rather shows the area to be shaded denoting urbanized land use, and identifies only landmarks as distinct structures. Nevertheless, the topographic map does not identify any industrial complexes, landfills or wetlands on or adjacent to the subject site.

5.3 Historical Maps

Sanborn Fire Insurance Maps (Sanborn Maps)

IVI had a search conducted for Sanborn Maps, which reference the property. The findings of this review are summarized below:

| Year | Subject Property | Adjacent and Surrounding Properties |
|------|---|--|
| 1890 | There are four structures on the Subject. One of the structures appears to be a residence and the remaining three structures are garages/barns. A portion of Strawberry Creek transects the northern portion of the Subject. | Land to the north is developed with a hay barn, residence, and two small sheds. In addition, an “elevation tank and wind mill.” The tank is 10,000 gallons. Strawberry Creek is also located to the north. Land to the east, beyond Shattuck Avenue appears to be vacant. Land to the south is not depicted on the map. Land to the west appears to be vacant. |
| 1894 | The Subject appears to be primarily vacant land with two single-family residences and a few smaller outbuildings. A portion of Strawberry Creek appears to cross from east to west along the northern end of the property. | Residences, a small photo shop, the same windmill and elevated tank, and a retail strip building are located to the north. Residences and vacant land are located across Shattuck Avenue to the east. Allston Way and Kittredge Street do not extending westerly across Shattuck Avenue to border the Subject at this time. |
| 1903 | Three dwellings are depicted on the Subject, along with several smaller outbuildings. The majority of the Subject property appears to be vacant land. | Allston Way borders the Subject to the north, across which is vacant land and a few dwellings. The area to the north along Shattuck Avenue is densely developed with commercial properties. Dense commercial development is also present to the east along Shattuck Avenue. Vacant land and residential development are also present to the south. |
| 1911 | The Shattuck Hotel is depicted on the northeast corner of the site, with the addresses of 2078 through 2096 Allston Way. The hotel included an office, a restaurant, kitchen, and a billiards room. The east end of the building is divided into retail spaces with the addresses of 2200-2208 Shattuck Avenue. The remainder of the Subject contains two dwellings and several smaller outbuildings. | The area to the north is densely developed with commercial properties. The Public Library is depicted adjacent to the south. Numerous retail properties are present to the east across Shattuck Avenue. Vacant land is located adjacent to the west. |
| 1929 | The Subject is labeled as the Hotel Whitecotton. A 2-story building with several retail spaces addressed as 2060-2072 Allston Way and 2209 Harold Way, is located on the northwest end of | Harold Way is present along the western border of the property, across which are the Elks Club and the Armstrong School of Business. No other significant changes to the areas were noted. |



| Year | Subject Property | Adjacent and Surrounding Properties |
|------|--|---|
| | the site, adjacent to the hotel. Additional retail spaces at 2210 and 2214 Shattuck Avenue are present to the south of the hotel, in addition to two larger commercial buildings on the south side of the property. | |
| 1950 | The Subject is labeled as the Hotel Shattuck. The buildings on the southern end of the property are labeled as J.F. Hink & Son department store. An auto parking lot is located just to the south of the 2-story commercial building in the northwestern portion of the property. The address of 2209 Harold Way, within this 2-story retail building, is labeled as “pressing”. | A parking garage has been added to the property across Harold Way to the west. The City library appears to have been expanded. No other significant changes to the surrounding area were noted. |
| 1980 | The retail building on the northwest corner of the Subject appears to have been removed and was replaced with a larger 2-story building with a basement. | A parking garage and large commercial structure are present to the north across Allston Way. No other significant changes to the surrounding area were noted. |

The address of 2209 Harold Way, within the former 2-story retail building on the northwest corner of the property, is labeled as “pressing”; which is another term for dry cleaning. From cross referencing with city directories it appears that this address and the former address of 2060 Allston Way, which was the adjoining tenant suite to 2209 Harold Way, were occupied by dry cleaning establishments during the 1920-1950s. From notations on the Sanborn maps it appears that the building that these dry cleaning establishments were located within did not have a basement and was razed in the early-1950s. The building that was built in this location in 1955 is the current building and has a basement level.

5.4 Aerial Photographs

Aerial photographs frequently provide visual documentation of site conditions at the time of the photographs. Activities such as dumping or industrial use of a site can often be discerned through the examination of aerial photographs. IVI reviewed historic aerial photographs provided by EDR and GoogleEarth. The following is a synopsis of the aerial photographs reviewed:

| Year | Subject Property | Adjacent and Surrounding Properties |
|------|---|---|
| 1939 | Two large structures are present on the north end of the site. Several smaller structures are located on the remainder of the property. | Several large buildings are located to the north, west, and east of the Subject. A few large buildings are present to the south as well, along with some small residential development. |



| Year | Subject Property | Adjacent and Surrounding Properties |
|------|---|---|
| 1946 | Numerous buildings appear on the Subject, which is entirely developed at this time. | The surrounding area appears densely developed with large commercial buildings. |
| 1958 | The building previously noted at the northwest end of the Subject appears to have been removed and a new structure built in its place. The remainder of the Subject appears relatively unchanged. | Similar to the previous aerial photograph reviewed. |
| 1965 | Similar to the previous aerial photograph reviewed. | Similar to the previous aerial photograph reviewed. |
| 1974 | Similar to the previous aerial photograph reviewed. | Similar to the previous aerial photograph reviewed. |
| 1982 | Similar to the previous aerial photograph reviewed. | Similar to the previous aerial photograph reviewed. |
| 1993 | Similar to the previous aerial photograph reviewed. | Similar to the previous aerial photograph reviewed. |
| 1998 | Similar to the previous aerial photograph reviewed. | Similar to the previous aerial photograph reviewed. |
| 2005 | Similar to the previous aerial photograph reviewed. | Similar to the previous aerial photograph reviewed. |
| 2011 | Similar to the previous aerial photograph reviewed. | Similar to the previous aerial photograph reviewed. |

5.5 Chain-of-Ownership

IVI reviewed information regarding the ownership of the Subject, obtained from previously assessments of the Subject, which are reviewed in Section 5.6 below. Inasmuch as the chain of ownership only provides the names of the previous owners and little information, if any, about the actual uses or occupancies of the property, this information was consulted in conjunction with other standard historical sources. The title information is summarized below:

| Title Holders | Year of Transfer |
|--|------------------|
| NFLP Berkeley Center DE LLC | 2004 |
| Berkeley Land Center, Owner L.P. | 2003 |
| Berkeley Land Center | 1995 |
| Berkeley Improvement Center | 1995 |
| Transaction Commercial Mortgage Investors | 1995 |
| Firmaterr Incorporated | 1993 |
| Transaction Commercial Mortgage Investors, Gail Wardel | 1990 |



| | |
|--|---------------|
| Transaction Commercial Mortgage Investors, Dolores Stauderrdos | 1989 |
| Transaction Commercial Mortgage Investors and Mortgage Investors Limited | 1985 |
| Moshe Cukierman | 1985 |
| Transaction Commercial Mortgage Investors | 1985 |
| Moshe Cukierman | 1980 |
| Frontier Investment Company | Prior to 1970 |
| Levi Strauss Realty Company | Prior to 1970 |

Based upon this review, no previous property owners were identified, which are suspected of impairing the environmental quality of the property.

5.6 Previous Reports

IVI reviewed an environmental assessment on the Subject titled *Phase I Environmental Site Assessment, 2200 Shattuck Avenue, Berkeley, California*, dated May 31, 1995, prepared by Geoscience Consultants, Ltd. (GCL), on behalf of Ellis Partners, Inc. The information obtained was not verified for accuracy by IVI and a critique of the report was beyond the scope of this assessment. According to this report, the Subject has been developed with a hotel since at least 1911. The GCL report made the following conclusions and recommendations:

- GCL reported that an asbestos survey had been conducted on the southern and rear section of the building, and that confirmed asbestos had been identified and removed from the building. GCL also identified old insulation on piping in the basement, on the boilers, and on the roof, some of which was in a friable condition. GCL recommended an asbestos survey in these areas.
- GCL also reported the old boiler used by the hotel had used fuel oil for heating, and identified an old fuel oil line leading from the boiler to the basement and then out to Allston Way. GCL did not know if the fuel line was connected to underground storage tanks, or was fed by a central distribution center. GCL attempted to trace the fuel line, but could not conclusively determine whether it was connected to an UST. GCL recommended that the area be further investigated with soil borings to attempt to locate a possible UST.
- Despite the suspected presence of a fuel oil UST, GCL found no evidence to indicate that the Subject had been contaminated by on-site sources, and determined that the nature of the businesses on the property were unlikely to have impacted the site. GCL therefore concluded that the Subject had not been contaminated by on-site activities.



IVI previously prepared an environmental assessment on the Subject titled *Phase I Environmental Site Assessment, Berkeley Center, 2200-2240 Shattuck Avenue, 2070 Allston Way, and 2065 Kittredge Street, Berkeley, California*, dated November 12, 2007, on behalf of Legg Mason Real Estate Investors. This report revealed no evidence of recognized environmental conditions in connection with the Subject; however, the following item of environmental concern was identified which warranted mention:

- Asbestos-Containing Material (ACM) - Based on our review, the majority of previously identified ACM have been abated from the Subject. However, suspect non-friable asbestos containing materials remain at the Subject. These materials include 1' x 1' acoustical ceiling tiles, textured ceiling finish, 9"x9" resilient floor tile, 1' x 1' resilient floor tile, gypsumboard, and built-up roofing system. Since these materials were observed to be in good condition, no further action is recommended at this time other than maintaining these suspect materials in good condition under the existing Asbestos Operations and Maintenance (O&M) Program.

As part of our previous 2007 assessment of the Subject, several additional assessments of the Subject were reviewed. These assessments are as followed:

Hink's Building, Shattuck Avenue, Berkeley, Phase III, prepared by Robert E. Gills and Associates on behalf of TransAction Companies Ltd. and dated December 1987.

- The report includes the procedures for abatement and identified the areas of the building mezzanine where the asbestos containing materials (ACM) will be abated.

Hink's Building, Shattuck Avenue, Berkeley, Phase IV, prepared by Robert E. Gills and Associates on behalf of TransAction Companies Ltd. and dated December 1987.

- The report includes the procedures for abatement and identified the areas of the building basement where the ACM will be abated.

Hink's Building, Shattuck Avenue, Berkeley, Phase V, prepared by Robert E. Gills and Associates on behalf of TransAction Companies Ltd. and dated December 1987.

- The report includes the procedures for abatement and identified the areas of the piping which contains ACM located in the building that will be abated.

Hink's Building. Shattuck Avenue, Berkeley, Phase I and II, prepared by Robert E. Gills and Associates on behalf of TransAction Companies Ltd. and dated February 1988.

- The report discusses the abatement of asbestos containing pipe insulation, floor tile, and wall plaster from the basement area located at the Subject.

Hink's Building Abatement Survey, prepared by Robert E. Gills and Associates on behalf of TransAction Companies Ltd. and dated March 1988.

- The report discusses the abatement of the ACM at the Subject. ACM was removed from the second floor mezzanine, the second floor fan room, and the corner of the basement between Allston Way and Harold Way. In addition, small amounts of ACM pipe and pipe joints were removed from the second floor, the corner of the first floor between Allston Way and Harold Way, and around the stairwell on the northwest portion of the building.

Soil Borings to the East of the Shattuck Hotel for an UST, prepared by Geoscience Consultants, Limited (GCL), prepared on behalf of Ellis Partners, and dated June 1995.

- GCL advanced a boring through the sidewalk on the north side of Shattuck Hotel (an area which is not part of the Subject). An empty underground vault was found and GCL concluded that this was likely a fuel oil UST that was removed from the vault when the hotel was converted from fuel oil and natural gas. No odors or sludge were noted by GCL in the vault. GCL determines that no subsurface contamination was present in the area of the vault.

No Further Action Letter from the City of Berkeley – Toxic Management Division (TMD) to John DeClercq, dated June 1996.

- The letter discusses the TMDs review of the site investigation and remedial action for the empty UST vault that was found at the Subject. The two soil borings showed no presence of contamination. The vault was subsequently inspected by TMD staff on June 19, 1995, and found to be in good condition with no evidence of sludge, hydrocarbon or septic odor. Based on this information, the TMD stated that no further action related to the UST was required.

Asbestos Abatement, Berkeley Center, Berkeley, California, prepared by IVI on behalf of Transaction Companies, Ltd. and dated October 1996.

- The report indicated that friable asbestos containing pipe insulation was removed from the basement of the Subject. At that time, this area was occupied by Frank Lee Jewelers and Huston Shoes.

Operation and Maintenance Program for Asbestos-Containing Materials at the Berkeley Center, Berkeley, California, prepared by IVI and dated October 1996.

- This O&M Program is the plan that is currently in place at the Subject. *Preliminary Indoor Air Quality Survey, Berkeley Center, 2065 Kittredge Street, Berkeley, California, prepared by Marina Mechanical (MM), and dated 2002.*
- This survey was actually conducted at the Lyris Technologies office, Suite 2 situated at 2070 Allston Way, as a result of complaints from workers in the office who were complaining of headaches, stuffiness, and allergies. The survey concluded that carbon dioxide, formaldehyde, ozone, thermal analysis levels and a dust sample were all normal and no significant findings were reported.

Phase I Environmental Site Assessment of Berkeley Center, 2200-2240 Shattuck Avenue, 2065 Kittredge Street, and 2060-2070 Allston Way, Berkeley, California 94704 dated October 31, 2003 prepared by EMG on behalf of CDC Mortgage Capital.

- The report indicated that Subject was constructed between 1910 and 1955 and is currently developed with various commercial businesses. Historically, the Subject was developed with residences and a garage/stable. The EMG report did not identify any recognized environmental conditions in connection with the subject site.

5.7 City Directories

A Historical City Directory Abstract obtained from EDR was reviewed. This Abstract provides site occupant listings by address. Subject site addresses included in this review were: 2200-2240 Shattuck Avenue, 2060-2096 Allston Way, 2065-2099 Kittredge Street, and 2209 Harold Way. Due to the dense concentration of commercial/office properties on and surrounding the Subject, only the most significant listings are detailed below:

| Subject | Surrounding Properties |
|--|---|
| 2200 Shattuck Avenue – Berkeley Pharmacy (1920-1933); Frank Lee Jewelers (1970-2000) | 2067 Allston Way – Carpenters Tailoring & Cleaning Shop (1938-1955) |



| Subject | Surrounding Properties |
|--|---|
| 2216 Shattuck Avenue – Huston’s Shoes (1925-1996) | 2071 Allston Way – Allston Way Cleaners (1920-1925) |
| 2068 Allston Way – Berkeley Seed Testing Laboratory (1945-1955) | 2090 Kittredge Street – Berkeley Public Library (1938-2006) |
| 2060 Allston Way – Perfection Cleaners (1925) | 2205 Shattuck Avenue – Presto Prints (1986-1996) |
| 2209 Harold Way – Whitecotton Tailors & Cleaners (1938); Wyands Tailors & Cleaners (1943-1955) | |

Please refer to Section 5.1, 5.3 & 6.3 for a more detailed discussion the former onsite dry cleaners.

The building that the former off-site northern dry cleaners (2067 and 2071 Allston Way) were located in has been razed and redeveloped since these establishments were in operation. Based on the subsequent redevelopment of this adjacent property and the amount of time that has passed since these businesses were in operation (over 85 years) these former adjacent establishments are not suspected to be of a significant environmental concern to the Subject.

5.8 Interviews

According to Darrin Nee, the property owner, who has been involved with the property for the past 8 years, the Subject was developed in stages between 1910 and 1955.

5.9 Municipal Records

Tax Assessor Records

According to the tax assessor records reviewed, the Subject building(s) were constructed on a 1.63-acre parcel.

5.10 Internet Search

IVI conducted a cursory internet search for the Subject’s name and address using the Google search engine on June 6, 2012. No environmentally related information was identified on the first page of the Google search engine.



A copy of regulatory database information contained within a Computerized Environmental Report (CER) provided by Environmental Data Resources, Inc. (EDR) appears in Appendix D. The CER is a listing of sites identified on select federal and state standard source environmental databases within the approximate minimum search distance specified by ASTM Standard Practice for Environmental Site Assessments E 1527-05. IVI reviewed each environmental database to determine if certain sites identified in the CER are suspected to represent a material negative environmental impact to the Subject. The following table lists the number of sites by regulatory database within the prescribed minimum search distance appearing in the CER.

| Databases Reviewed | Approximate Minimum Search Distance (AMSD) | Number of Sites Within AMSD |
|---|---|------------------------------------|
| Federal National Priorities List (NPL) Site List | One-Mile | 0 |
| Federal Delisted NPL Site List | One-Half Mile | 0 |
| Federal Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) | One-Half Mile | 0 |
| Federal CERCLIS No Further Remedial Action Planned (NFRAP) Sites | One-Half Mile | 0 |
| Federal Resource Conservation and Recovery Information System (RCRIS) Treatment, Storage, and Disposal (TSD) List | One-Half Mile | 0 |
| Federal RCRIS Generators List | On-Site and Adjoining Properties | 1 |
| Federal Corrective Action Tracking System (CORRACTS) | One-Mile | 0 |
| Federal Emergency Response Notification System (ERNS) List | On-Site | 0 |
| Federal Institutional/Engineering Control Registries | On-Site | 0 |
| California and Tribal Lists of NPL Equivalent Hazardous Waste Sites Identified for Investigation and/or Remediation | One-Mile | 1 |
| California and Tribal Lists of CERCLIS Equivalent Hazardous Waste Sites Identified for Investigation and/or Remediation | One-Half Mile | 0 |
| California and Tribal Landfills or Solid Waste Facilities List | One-Half Mile | 0 |
| California and Tribal Registered Underground Storage Tank (RUST) Facility List | On-Site and Adjoining Properties | 0 |
| California and Tribal Leaking UST/Spill List | One-Half Mile | 55 |
| California and Tribal Institutional/Engineering Control | On-Site | 0 |



| Databases Reviewed | Approximate Minimum Search Distance (AMSD) | Number of Sites Within AMSD |
|---|--|-----------------------------|
| Registries | | |
| California and Tribal Voluntary Cleanup Sites | One-Half Mile | 0 |
| California and Tribal Brownfields Sites | One-Half Mile | 0 |

The CER identified 20 "Orphan Sites". "Orphan Sites" are those sites that could not be mapped or "geocoded" due to inadequate address information. Refer to the CER for a list of these "Orphan Sites". IVI attempted to locate these sites via a review of street maps, vehicular reconnaissance and/or interviews with people familiar with the area. "Orphan Sites" that were identified in this manner were analyzed in their respective regulatory database below.

A description of the databases reviewed by IVI and an analysis of sites identified within the prescribed search area are presented below.

6.1 Federal Databases

NPL

The NPL database is a listing of the most serious uncontrolled or abandoned hazardous waste sites identified for possible long-term remedial action under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or "Superfund"). A site must be on the NPL to receive money from the Trust Fund for Remedial Action.

Analysis/Comment: The CER did not identify NPL sites within the AMSD.

Delisted NPL Site List

The EPA may delete a final NPL site if it determines that no further response is required to protect human health or the environment. Under Section 300.425(e) of the National Contingency Plan (55 FR 8845, March 8, 1990). Sites that have been deleted from the NPL remain eligible for further Superfund-financed remedial action in the unlikely event that conditions in the future warrant such action. Partial deletions can also be conducted at NPL sites.

Analysis/Comment: The CER did not identify Delisted NPL sites within the AMSD.

CERCLIS

CERCLIS is the USEPA's system for tracking potential hazardous-waste sites within the Superfund program. A site's presence on CERCLIS does not imply a

level of federal activity or progress at a site, nor does it indicate that hazardous conditions necessarily exist at the location. Within one year of being entered into CERCLIS, the USEPA performs a preliminary assessment of a site. Based upon the results of the preliminary assessment, the USEPA may conduct additional investigation, which could lead to a site being listed on the NPL.

Analysis/Comment: The CER did not identify CERCLA sites within the AMSD.

CERCLIS No Further Remedial Action Planned (NFRAP) Sites

As of February 1995, CERCLIS sites designated “No Further Remedial Action Planned” (NFRAP) have been removed from the CERCLIS list. NFRAP sites may be sites where, following an initial investigation, no contamination was found, contamination was removed quickly without the need for the site to be placed on the NPL, or the contamination was not serious enough to warrant Federal Superfund Action or NPL consideration.

Analysis/Comment: The CER did not identify CERCLA NFRAP sites within the AMSD.

RCRIS TSD

The RCRIS TSD contains information pertaining to those facilities that treat, store, or dispose of hazardous waste. While these facilities represent some form of hazardous waste activity, they are most significant if determined to be out of compliance or to have violations.

Analysis/Comment: The CER did not identify RCRIS TSD facilities within the AMSD.

RCRIS Generators

IVI reviewed the list of sites, which have filed notification with the USEPA in accordance with RCRA requirements. These sites include generators of hazardous waste regulated under RCRA. Under RCRA, hazardous waste generators are classified by the quantity of hazardous waste generated in a calendar month into the following categories: Large Quantity Generator (LQG), greater than 1,000 kilograms (kg); Small Quantity Generator (SQG), 100 to 1,000 kg; and Conditionally-Exempt Small Quantity Generator (CESQG), less than 100 kg. RCRA Generators, while they represent some form of hazardous waste activity, are most significant if they are determined to have Class I Violations or to be non-compliant.

Analysis/Comment: The CER identified the following RCRA Generator located within the AMSD:

| Property Name/ Address | Distance (Mile) | Direction | Presumed Hydrogeologic Relationship | Regulatory Status |
|---------------------------------------|--------------------|-----------|--|-----------------------------|
| Walgreens/ 2187 Shattuck Avenue | Adjacent | NE | Crossgradient | Compliant/ No Violations |

This site is listed as a small quantity generator. Inclusion of a site on the RCRA Generator list does not necessarily constitute environmental contamination, but instead merely indicates that a hazardous waste stream was or is generated. This facility was not cross-referenced on any regulatory databases that report releases or contamination conditions, such as the CERCLIS, state hazardous waste sites (SHWS) or SLIC databases. In addition, no violations or compliance infractions were identified in connection with the above-referenced RCRA site. Based on this information, this facility is not suspected to be of a significant environmental concern to the Subject.

Corrective Action Tracking System (CORRACTS)

CORRACTS is a list of facilities that are found to have had hazardous waste releases and require RCRA corrective action activity, which can range from site investigations to remediation.

Analysis/Comment: The CER did not identify CORRACTS sites within the AMSD.

ERNS

The ERNS is a database of notifications of oil discharges and hazardous substance releases made to the Federal government. These notifications are used by “On-Scene Coordinators” to determine an emergency response and release prevention. When a call is made to the National Response Center or one of the 10 USEPA Regions, a report is created containing all of the release information that the caller provided. This report is transferred to an appropriate agency to evaluate the need for a response and the records are electronically transferred to the ERNS database. As such, if a reported release of oil or a hazardous substance is deemed to require a response, it should also be listed in the appropriate federal or state environmental database such as CERCLIS, state equivalent CERCLIS, or state leaking underground storage tank or spills lists.

Analysis/Comment: The CER did not identify the Subject on the ERNS database.

Federal Institutional Control/Engineering Control Registries

These Federal registries contain listings of those sites which have either engineering and/or institutional controls in place. Engineering controls include various physical control devices such as fences, caps, building slabs, paved areas,

liners and treatment methods to eliminate pathways for regulated substances to enter the environment or affect human health. Institutional controls include administrative measures, such as groundwater use restrictions, construction restrictions, property use restrictions and post remediation care requirements intended to prevent exposure to contaminants remaining on site. Deed restrictions (Activity and Use Limitations) are generally required as part of institutional controls.

Analysis/Comment: The CER did not identify the Subject on the Federal Institutional or Engineering Control registries.

6.2 California Environmental Protection Agency (Cal/EPA) Databases

Response and Tribal NPL Equivalent Hazardous Waste Sites (HWS)

The Response database is a list of confirmed release sites where DTSC is involved in remediation, either in a lead or oversight capacity. These confirmed release sites are generally high-priority and high potential risk.

Analysis/Comment: The CER identified the following site within the AMSD:

| Property Name/ Address | Distance (Mile) | Direction | Presumed Hydrogeologic Relationship | Regulatory Status |
|---|---------------------|-----------|--|----------------------|
| Virginia Cleaners/ 1667 Shattuck Avenue | 0.52 (corrected) | N | Crossgradient | NFA |

The site was occupied by Virginia Cleaners from March 1937 to November 1981. The buildings were destroyed as a result of a fire. In July 1986, construction of a commercial/residential complex detected elevated levels of hydrocarbons. The site was subsequently remediated, and granted a no further action status in 1987. A No Further Action (NFA) designation indicates that the site has been remediated to the satisfaction of the lead environmental regulatory agency and no longer poses a threat to human health or the environment. Based on its status, it is unlikely that contamination originating at this site has a significant negative environmental impact to the Subject. In addition, this site is located a sufficient distance from the Subject so as not to be reasonably suspected of having impacted the same.

Envirostor, HIST Cal-Sites, and Tribal CERCLIS Equivalent Hazardous Waste Sites (HWS)

The Department of Toxic Substances Control's (DTSC's) Site Mitigation and Brownfields Reuse Program's (SMBRP's) EnviroStor database identifies sites that have known contamination or sites for which there may be reasons to investigate further. The database includes the following site types: Federal

Superfund sites (National Priorities List (NPL)); State Response, including Military Facilities and State Superfund; Voluntary Cleanup; and School sites. EnviroStor provides similar information to the information that was available in CalSites, and provides additional site information, including, but not limited to, identification of formerly-contaminated properties that have been released for reuse, properties where environmental deed restrictions have been recorded to prevent inappropriate land uses, and risk characterization information that is used to assess potential impacts to public health and the environment at contaminated sites.

The HIST Cal-Sites database is a list of facilities subject to investigation concerning likely or threatened releases of hazardous substances. These sites are either being actively remediated, or are currently under evaluation for further action, if necessary. This database has been replaced by Envirostor and is no longer being updated.

Tribal CERCLIS Equivalent HWS list is an inventory of toxic sites listed by Tribal Environmental and Health Authorities. These sites are either under remediation, or are currently under evaluation for further action, if necessary.

Analysis/Comment: The CER did not identify California and/or Tribal CERCLIS Equivalent Hazardous Waste sites within the AMSD (0.5-mile).

California and/or Tribal Solid Waste Facilities (SWF) List

The SWF list is an inventory of active, closed and inactive landfills and other sites that manage solid wastes.

Analysis/Comment: The CER did not identify SWF sites within the AMSD.

California and/or Tribal Registered Underground Storage Tanks (UST), HIST USTs and SWEEPS UST Facility Lists

The UST facility list is an inventory of registered liquid bulk storage tanks. The HIST UST database, aka the Hazardous Substance Storage Container Database, is a historical listing of UST sites. The SWEEPS UST database, aka the Statewide Environmental Evaluation and Planning System, is a list of USTs that was updated and maintained by a company contacted by the State Regional Water Quality Control Board in the early 1980's. This listing is no longer updated or maintained but has historical significance.

Inclusion of a site on these lists does not necessarily constitute environmental contamination, but instead merely indicates the presence of registered bulk storage tanks.

Analysis/Comment: The CER did not identify sites within the AMSD.

California and Tribal Leaking Underground Storage Tanks (LUST) List and Spills, Leaks, Investigations and Cleanups (SLIC) Records

The LUST list is an inventory of reported spills and leaks, both active and inactive maintained by the various California Regional Water Quality Control Boards. It includes stationary and non-stationary source spills reported to state and federal agencies, including remediated and contaminated leaking UST sites. SLIC records, which are maintained by the various Regional Water Quality Control Boards, document unauthorized discharges from spills and leaks from sources other than UST and other regulated sites.

Analysis/Comment: The CER identified 55 LUST/SLIC cases within the AMSD. Of those 55 cases, 44 have been granted a Case Closed status. A Case Closed status is granted to those sites that do not exhibit levels of contamination requiring clean-up, have been remediated to the satisfaction of the lead regulatory agency, or are not suspected to represent a significant threat to human health or the environment. As such, absent additional information to the contrary, it is unlikely that contamination originating at sites with a Case Closed status have had a significant negative environmental impact on the Subject.

All of the 11 open cases are located a sufficient distance from the Subject (>0.20-mile) and/or are located in a crossgradient to downgradient direction so as not to be reasonably suspected of having impacted same.

California Deed Restriction Listing and Tribal Institutional Control/Engineering Control Registries

The DTSC SMBRP list includes sites remediated under the program's oversight that have active deed restrictions. The DTSC Hazardous Waste Management Program Facility Sites (HWMP) list includes current and former hazardous waste facilities with deed/Land Use Restrictions that have been recorded with the County. The type of land use restrictions includes deed notices, deed restrictions, or a land use restriction that binds current and future owners.

The Tribal Institutional Control/Engineering Control Registries contain listings of those sites which have either engineering and/or institutional controls in place. Engineering controls include various physical control devices such as fences, caps, building slabs, paved areas, liners and treatment methods to eliminate pathways for regulated substances to enter the environment or effect human health. Institutional controls include administrative measures, such as groundwater use restrictions, construction restrictions, property use restrictions and post remediation care requirements intended to prevent exposure to contaminants remaining on site. Deed restrictions (Activity and Use Limitations) are generally required as part of institutional controls.

Analysis/Comment: The CER did not identify the Subject on the SMBRP, HWMP or Tribal Institutional or Engineering Control registries.

California and Tribal Voluntary Cleanup Program (VCP) Sites

The California VCP properties list includes “low” threat level properties with either confirmed or unconfirmed releases and the project proponents have requested that the DTSC oversee the investigation and cleanup.

Analysis/Comment: The CER did not identify VCP sites within the AMSD

California and Tribal Brownfield Sites

A Brownfield site was defined in the 2002 Small Business Liability Relief and Brownfields Revitalization Act (Brownfields Law) as "real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant". In connection with the passage of the Brownfields Law, the Environmental Protection Agency grants awards to states and tribes for activities under Section 128 (a).

Analysis/Comment: The CER did not identify Brownfield sites within the AMSD.

6.3 EDR Proprietary Databases

EDR Historic Auto Stations

EDR has searched selected national collections of business directories and has collected listings of potential gas station/filling station/service station sites that were available to EDR researchers. EDR’s review was limited to those categories of sources that might, in EDR’s opinion, include gas station/filling station/service station establishments. The categories reviewed included, but were not limited to gas, gas station, gasoline station, filling station, auto, automobile repair, auto service station, service station, etc.

Analysis/Comment: The CER did not identify the Subject or any adjacent properties on the historical auto stations database.

EDR Historic Cleaners

EDR has searched selected national collections of business directories and has collected listings of potential dry cleaner sites that were available to EDR researchers. EDR’s review was limited to those categories of sources that might, in EDR’s opinion, include dry cleaning establishments. The categories reviewed

included, but were not limited to dry cleaners, cleaners, laundry, laundromat, cleaning/laundry, wash & dry etc.

Analysis/Comment: The CER identified the Subject and an adjacent property on the historical cleaners database. Harry Jacobs, listed at 2060 Allston Way, a portion of the Subject, was listed under the heading of cleaners, dyers, and pressers in 1925. From cross referencing with Sanborn maps it appears that this address and the former address of 2209 Harold Way, which was the adjoining tenant suite to 2060 Allston Way, were occupied by dry cleaning establishments during the 1920-1950s.

These former cleaners were not identified on any regulatory databases that report releases, spills or contamination conditions, such as the CERCLIS or SHWS lists. Nevertheless, these facilities operated prior to the promulgation of RCRA in 1980 (with amendments for small quantity generators in 1984), the legislation that regulates the handling and disposal of hazardous materials and wastes. As such, these facilities operated virtually unregulated while at the Subject property. IVI attempted to obtain any additional information regarding subsurface conditions at the Subject; however, none was available.

Of note, the building that these dry cleaning establishments were located within did not have a basement and was razed in the early-1950s. The building that was built in this location in 1955 is the current building and has a basement level. It is suspected that any near-surface soil contamination (approximately 0-10' depth) associated with the former onsite dry cleaners would have been removed during site excavation activities prior to the construction of the current building's basement. Nevertheless, based on the type of chemicals utilized, lack of regulatory oversight at the time and the amount of time these cleaners were in operation (at least 30 years), the potential still exists for adverse impact to the Subject; mainly as a vapor intrusion concern from any potentially remaining contamination not removed during construction of the current building's basement level.

Of note, in 2002 a limited indoor air quality survey was performed in a basement office tenant suite of the current building after complaints were received stating that workers in the office were experiencing headaches, stuffiness and allergies. The survey concluded that carbon dioxide, formaldehyde, ozone, thermal analysis levels and a dust sample were all normal and no significant findings were reported. However, the survey did not sample for volatile organic compounds (VOCs) which would be the constituents of concern associated with dry cleaning facilities.

In addition, Allston Way Cleaners at 2071 Allston Way, adjacent to the north of the Subject, was listed under the heading of cleaners, dyers, and pressers in 1925. The building that the former off-site northern dry cleaner was located in has been

razed and redeveloped since this establishment was in operation. Based on the subsequent redevelopment of the adjacent property and the amount of time that has passed since this business was in operation (over 85 years) this former adjacent property is not suspected to be of a significant environmental concern to the Subject. In addition, this adjacent property was not identified on any regulatory databases that report releases or contamination conditions, such as the CERCLIS, SHWS or SLIC databases.

EDR Manufactured Gas Plants

This database includes records of coal gas plants (manufactured gas plants) compiled by EDR's researchers. Manufactured gas sites were used in the United States from the 1800's to the 1950's to produce a gas that could be distributed and used as fuel. These plants used whale oil, rosin, coal, or a mixture of coal, oil, and water that also produced a significant amount of wastes. Many of the byproducts of the gas production, such as coal tar (oily waste containing volatile and non-volatile chemicals), sludges, oils and other compounds are potentially hazardous to human health and the environment. The byproduct from this process was frequently disposed of directly at the plant site and can remain or spread slowly, serving as a continuous source of soil and groundwater contamination.

Analysis/Comment: The CER did not identify the Subject or any adjacent properties on the manufactured gas plant database.

7.1 Chemical Storage and Usage

With the exception of chemicals customarily used for routine building maintenance and cleaning, IVI did not observe any hazardous chemicals stored on-site. For the most part, the maintenance chemicals are stored in the janitorial room in the basement. Of note, floor drains were not observed in the vicinity of the chemical storage areas. In addition, housekeeping was generally considered satisfactory. The chemicals, which are stored in their original containers, do not appear to represent an impact to the environmental quality of the site provided that they are used as intended, properly handled, and the regulations pertaining to their usage are followed.

7.2 Bulk Storage Tanks**Underground Storage Tanks (USTs)**

No USTs were identified on the subject property and no common indicators of USTs such as vent pipes, fill ports, manways, pavement cuts, fuel gauges or dispensers were observed. In addition, according to Darrin Nee, there are no USTs on-site. Furthermore, the Subject was not identified on the California list of registered UST facilities.

No underground storage tanks were reportedly removed, closed-in-place or abandoned at the site and no common indicators of closed tanks were observed.

However, according to a previous Phase I ESA conducted in 1995, a boiler was present on the hotel site which reportedly had used fuel oil for heating. This previous Phase I speculated that the fuel oil may have been stored in underground tanks, although this was not confirmed at that time. The previous Phase I ESA also reported that a fuel oil line had lead from the old boiler to the basement and then out to Allston Way. Following completion of the 1995 Phase I, an investigation was conducted at the site in an attempt to locate any USTs, if present, at the site. In May 1995, two soil borings were drilled on Allston Way near the entrance to the Shattuck Hotel. While coring through the sidewalk, an empty underground vault was encountered, which was believed to have been the previous location of an UST used for the boiler at the Shattuck Hotel. It was believed that the UST was removed sometime after the boiler was converted from fuel oil to natural gas in the 1950s. The concrete vault was found to be in good condition with no evidence of cracking. No hydrocarbon or septic odors were identified and no sludge was located at the bottom of the vault. In June 1995, an inspector from the City of Berkeley Toxics Management Division inspected the vault and found no issues. The department issued a letter in June 1996 requiring no further action regarding the potential UST at the site.

Aboveground Storage Tanks (ASTs)

No ASTs were observed and IVI did not identify any equipment, which should require such tanks. Moreover, visual indicators of former site ASTs, such as tank cradles, secondary containment structures, tank pedestals, etc., were not observed. In addition, according to the site contact, there are no ASTs on-site.

7.3 Site Waste and Wastewater**Solid Waste**

Non-hazardous solid waste is disposed of in dumpsters and a compactor and is removed from the Subject on a regular basis by the municipality. Potential sources of contamination, such as waste oil or automobile batteries, were not observed in the vicinity of the dumpsters or compactor.

Sanitary Sewage

Sanitary sewage disposal is provided by the City of Berkeley. IVI did not observe any sources of wastewater or liquid discharge into the sewer other than sanitary sewage.

Hazardous Waste

No hazardous waste was observed or reported to be generated on the Subject. Furthermore, IVI's review of the USEPA's database of sites regulated under RCRA did not identify the Subject as a generator of hazardous waste.

7.4 Stained Soil, Stained Pavement, or Stressed Vegetation

There was no evidence of significant soil staining, stained pavement, or stressed vegetation observed on-site.

7.5 Liquid Discharges

No visible evidence of liquid discharges, suspected to represent an environmental concern were observed during our survey.

7.6 Pools of Liquid

IVI did not observe significant standing surface water or pools containing liquids likely to be hazardous substances or petroleum products.

7.7 Pits, Ponds, or Lagoons

No pits, ponds or lagoons suspected of containing hazardous substances or petroleum products were identified on-site.

7.8 Wells

IVI did not identify on-site dry wells, irrigation wells, injection wells, observation wells, monitoring wells, potable water wells, recovery wells or abandoned wells.

7.9 On-Site Fill

Based on our observations, other than typical engineered fill used in foundation construction, it does not appear that a significant amount of fill has been imported onto the Subject.

7.10 Drums and Containers for Storing Waste

With the exception of non-hazardous solid waste containers and drums for kitchen grease, IVI did not identify containers suspected of storing waste. With respect to the non-hazardous solid waste containers, no significant environmental concerns were noted.

7.11 Floor Drains and Sumps

IVI did not identify any floor drains or sumps that were stained, emitting foul odors, or connected to an on-site sewage disposal system, or located adjacent to chemical storage areas. A sewage ejector was noted in the elevator equipment room located in the basement. The presence of this equipment is not suspected to be of a significant environmental concern to the Subject.

7.12 Odors

IVI did not identify strong, pungent, or noxious odors suspected to represent an environmental concern.

7.13 Air Emissions

IVI did not identify processes or equipment that emit noticeable vapors or fumes.

7.14 Polychlorinated Biphenyls (PCBs)Hydraulic Lifts

There is an aboveground wheelchair lift at the southwest corner of the building. Inasmuch as the lift was installed after the 1979 ban on the manufacturing of PCBs, the hydraulic fluid is unlikely to contain PCBs. Since the lift is an aboveground unit and no significant leakage was identified in connection with same, the potential for subsurface contamination is unlikely.

Another lift was noted in the post office annex loading dock area. The lift was reportedly installed after the 1979 ban on the manufacturing of PCBs, thus, the hydraulic fluid is unlikely to contain PCBs. Since the lift is an aboveground unit and no significant leakage was identified in connection with same, the potential for subsurface contamination is unlikely.

Elevators

IVI identified one hydraulic elevator at the Subject. Although Mr. Nee did not know the date of installation of the elevator equipment, he did not believe it was original to the building. According to an *Elevator Acquisition Survey Report*, dated June 5, 2012, the current onsite elevator was manufactured and installed by Otis Elevator Company in 1969. Although the elevator may have been installed prior to the 1979 ban on the manufacturing of PCB-containing hydraulic fluid, the hydraulic fluid currently used in the elevator equipment is unlikely to contain PCBs since it has likely been serviced since 1979; it was noted in the elevator report that the hydraulic control valve was not original, and presumably when this was replaced the elevator hydraulic fluid was drained and replaced. Nevertheless, no significant staining or pools of hydraulic fluid were observed around the hydraulic equipment or in the elevator pit.

Trash Compactor

A hydraulic trash compactor is located on the west end of the Subject. The compactor was installed after the 1979 ban on the manufacturing of PCBs, thus, the hydraulic fluid is unlikely to contain PCBs. Since the lift is an aboveground unit and no significant leakage was identified in connection with same, the potential for subsurface contamination is unlikely.

7.15 Asbestos-Containing Material (ACM)

Documents provided by the client included a letter dated May 20, 1991 from Robert Gils Associates regarding suspect ACM at the site. The letter indicates that abatement of certain ACM was completed in 1988, as detailed below:

| Material | Location | Status |
|-------------------------------------|-----------------------------------|-----------------------------|
| Linoleum | Throughout the Building | Abated |
| Pipe insulation | Under floor in penthouse | Enclosed during remodeling |
| Water pipe | Above ceiling of Shattuck & lobby | Abated |
| Pipe insulation | Roof | Abated |
| Corrugated material in cooling unit | Roof | Entire cooling unit removed |
| Pipe insulation | Tunnel | Tunnel enclosed |
| Floor tile | Mezzanine | Abated |
| Floor tile | Basement | Encased with gypcrete |

An environmental assessment on the Subject titled Phase I Environmental Site Assessment, 2200 Shattuck Avenue, Berkeley, California, prepared on May 31, 1995, by Geoscience Consultants, Ltd. (GCL), reported that an asbestos survey had been conducted on the southern and rear section of the building, and that confirmed asbestos had been identified and removed from the building. GCL also identified old insulation on piping in the basement, on the boilers, and on the roof, some of which was in a friable condition. GCL recommended an asbestos survey in these areas.

Also in documents provided by the client was a letter dated October 1, 1996, from IVI Environmental, Inc. verifying the removal of friable asbestos-containing pipe insulation identified in the cellar of Frank Lee Jewelers and Huston Shoes (2200 and 2216 Shattuck Avenue). Approximately 150 linear feet of the material was removed in August 1996 by Marfield Company, and was disposed of off-site at the California asbestos monofill in Copperopolis, California. Final air clearance monitoring was conducted by CTL Environmental Services.

Subsequent to the removal of the friable pipe insulation, IVI completed an Asbestos Operations & Maintenance Program, dated October 1, 1996. According to the O&M, suspect non-friable materials at the Subject include:

| Material | Location | Condition | Quantity | Asbestos Containing? |
|--------------------------------|-------------------------|-----------|---------------|----------------------|
| 1' x1' acoustical ceiling tile | Unit 2200 | Good | Not estimated | Suspect |
| Textured ceiling finish | Unit 2200 | Good | Not estimated | Suspect |
| 9"x9" resilient floor tile | Unit 2200 | Good | Not estimated | Suspect |
| 1' x1' resilient floor tile | Throughout the building | Good | Not estimated | Suspect |
| Gypsumboard | Units 2200 and | Good | Not estimated | Suspect |

| | | | | |
|-------------------------|------|------|---------------|---------|
| | 2216 | | | |
| Built-up roofing system | Roof | Good | Not estimated | Suspect |

As noted, all current building materials appeared to be in good condition.

7.16 Lead-in-Drinking Water

Based on our conversations with utility personnel, the water at the Subject is not expected to contain elevated levels of lead.

7.17 Radon

Based on statistical information maintained within the U.S. Department of the Interior and U.S. Geological Survey’s *Geologic Radon Potential*, dated 1993, radon concentrations in Alameda County average 1.0 picocuries per liter (pCi/L), which is below the 4.0 pCi/L action level established by the USEPA. Based solely on this data, it is unlikely that radon represents an environmental concern at this time.

7.18 Lead-Based Paint (LBP)

Since the Subject was constructed prior to the Consumer Product Safety Commission’s 1978 ban on the sale of LBP to consumers and the use of LBP in residences, there is a potential that LBP may have been applied at the Subject. Testing would be required in order to determine whether LBP exists. Painted surfaces observed were in generally good condition.



8.1 Questionnaires

IVI sent a Pre-Survey Questionnaire and an AAI User Questionnaire to the site contact and the User, respectively. The purpose of these questionnaires was to disclose any previous or existing hazardous waste or toxic material conditions, which may not have been apparent at the time of our site reconnaissance and to satisfy the User interview all appropriate inquiry requirements.

The completed Pre-Survey Questionnaire is attached hereto as Appendix B. The questionnaire did not identify any recognized environmental conditions in connection with the Subject. The User has yet to return the AAI User Questionnaire.

8.2 User**8.2.1 Title Records**

A copy of the Subject's Chain-of-Title has not been provided to IVI for review; however, some ownership history was provided as part of previous assessments of the Subject. Please refer to Section 5.5 for a more detailed discussion on same.

8.2.2 Environmental Clean Up Liens and Activity and Use Limitations (AULs)

The User has not returned the AAI User Questionnaire. Of note, according to the EDR Environmental LienSearch Report dated November 7, 2007, no environmental liens or AULs were identified for the Subject parcels at the Alameda County Recorder.

8.2.3 Specialized Knowledge

The User has not returned the AAI User Questionnaire.

8.2.4 Relationship of Purchase Price to Fair Market Value Due to Contamination in Connection with the Subject

The User has not returned the AAI User Questionnaire.

8.2.5 Common Knowledge or Reasonably Ascertainable Information

The User has not returned the AAI User Questionnaire.

8.2.6 Purpose for Conducting the Phase I Environmental Site Assessment

The User has not returned the AAI User Questionnaire.

8.2.7 Proceedings Involving the Property

The User has not returned the AAI User Questionnaire.

8.3 Key Site Manager**8.3.1 Historic Site Use**

According to Darrin Nee, the property owner, who has been involved with the property for the past 8 years, the Subject was developed in stages between 1910 and 1955.

8.3.2 Proceedings Involving the Property

Mr. Nee had no knowledge of pending, threatened, or past litigation, administrative proceedings, or notices from governmental agencies regarding violations of environmental laws regarding hazardous substances or petroleum products.

8.4 Occupants

None of the other site occupants were interviewed.

8.5 Past Owners

IVI was unable to locate the site's former owner.

8.6 Local Regulatory Agency Interviews and/or File Reviews**Fire Department**

IVI has sent a request to the Berkeley Fire Department for environmental information pertaining to the subject property. As of this writing, the Fire Department has not responded to our request. Should receipt of a response from the Fire Department change the conclusions of this report, the Client will be notified in writing by IVI.

Health Department

IVI has sent a request to the Berkeley Toxics Management Department for environmental information pertaining to the subject property. As of this writing, the Department has not responded to our request. Should receipt of a response from the Department change the conclusions of this report, the Client will be notified in writing by IVI.

Tax Assessor

A cursory review of property tax files did not identify any environmental liens with respect to the subject property.

Department of Planning and Zoning

Review of available zoning records maintained by the City of Berkeley Planning Department indicates that the Subject is currently zoned C-2 Commercial. According to the planning and zoning records, no additional zoning changes were listed for the Subject.

IVI has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Standard Practice E1527-05 of The Berkeley Center, located at 2200-2240 Shattuck Avenue, Berkeley, California. Any exceptions to, or deletions from, the standard practice are described within Section 2.0 of this report.

This assessment has revealed no evidence of recognized environmental conditions (REC) in connection with the Subject except for the following:

Previous On-Site Operations

The address of 2209 Harold Way, within the former 2-story retail building on the northwest corner of the property, was labeled as “pressing” on the 1950 Sanborn map; which is another term for dry cleaning. From cross referencing with city directories it appears that this address and the former address of 2060 Allston Way, which was the adjoining tenant suite to 2209 Harold Way, were occupied by dry cleaning establishments during the 1920-1950s. These former cleaners were not identified on any regulatory databases that report releases, spills or contamination conditions, such as the CERCLIS, state hazardous waste sites (SHWS) or SLIC lists. Nevertheless, these facilities operated prior to the promulgation of RCRA in 1980 (with amendments for small quantity generators in 1984), the legislation that regulates the handling and disposal of hazardous materials and wastes. As such, these facilities operated virtually unregulated while at the Subject property. IVI attempted to obtain any additional information regarding subsurface conditions at the Subject; however, none was available.

Of note, the building that these dry cleaning establishments were located within did not have a basement and was razed in the early-1950s. The building that was built in this location in 1955 is the current building and has a basement level. It is suspected that any near-surface soil contamination (approximately 0-10’ depth) associated with the former onsite dry cleaners would have been removed during site excavation activities prior to the construction of the current building’s basement. Nevertheless, based on the type of chemicals utilized, lack of regulatory oversight at the time and the amount of time these cleaners were in operation (at least 30 years), the potential still exists for adverse impact to the Subject; mainly as a vapor intrusion concern from any potentially remaining contamination not removed during construction of the current building’s basement level.

Of note, in 2002 a limited indoor air quality survey was performed in a basement office tenant suite of the current building after complaints were received stating that workers in the office were experiencing headaches, stuffiness and allergies. The survey concluded that carbon dioxide, formaldehyde, ozone, thermal analysis levels and a dust sample were all normal and no significant findings were reported. However, the survey did not sample for volatile organic compounds (VOCs) which would be the constituents of concern associated with dry cleaning facilities.

In addition, the following historical REC was also identified:

Possible Former Underground Storage Tanks (USTs)

According to a previous Phase I ESA conducted in 1995, a boiler was present on the hotel site which reportedly had used fuel oil for heating. This previous Phase I speculated that the fuel oil may have been stored in underground tanks, although this was not confirmed at that time. The previous Phase I ESA also reported that a fuel oil line had lead from the old boiler to the basement and then out to Allston Way. Following completion of the 1995 Phase I, an investigation was conducted at the site in an attempt to locate any USTs, if present, at the site. In May 1995, two soil borings were drilled on Allston Way near the entrance to the Shattuck Hotel. While coring through the sidewalk, an empty underground vault was encountered, which was believed to have the previous location of an UST used for the boiler at the Shattuck Hotel. It was believed that the UST was removed sometime after the boiler was converted from fuel oil to natural gas in the 1950s. The concrete vault was found to be in good condition with no evidence of cracking. No hydrocarbon or septic odors were identified and no sludge was located at the bottom of the vault. In June 1995, an inspector from the City of Berkeley Toxics Management Division (TMD) inspected the vault and found no issues. The TMD subsequently issued a letter in June 1996 requiring no further action regarding the potential UST at the site. IVI concurs with the TMD and no further action or investigation appears warranted at this time.

In addition, the following item of environmental concern was identified, which warrants mention:

Asbestos-Containing Material (ACM)

Based on our review of several previous assessments and abatement reports, the majority of previously identified ACM have been abated from the Subject. However, suspect asbestos containing materials remain at the Subject. These materials include 1' x 1' acoustical ceiling tiles, textured ceiling finish, 9"x 9" resilient floor tile, 1'x 1' resilient floor tile, gypsumboard, and built-up roofing system. Since these materials were observed to be in good condition, no further action is recommended at this time other than maintaining these suspect materials in good condition under the existing Asbestos Operations and Maintenance (O&M) Program. All activities involving ACM should be conducted in accordance with governmental regulations.

- 10.1** This report has been prepared in compliance with the ASTM standard entitled “Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process” E1527-05.
- 10.2** The observations described in this report were made under the conditions stated herein. The conclusions presented in the report were based solely upon the services described therein, and not on scientific tasks or procedures beyond the scope of described services within the constraints imposed by the client. The work described in this report was carried out in accordance with the Terms and Conditions of the contract.
- 10.3** In preparing this report, IVI has relied on certain information provided by federal, state, and local officials and other parties referenced therein, and on information contained in the files of governmental agencies, that were readily available to IVI at the time of this assessment. Although there may have been some degree of overlap in the information provided by these various sources, IVI did not attempt to independently verify the accuracy or completeness of all information reviewed or received during the course of this site assessment. Observations were made of the site and of the structures on the site as indicated in this report. Where access to portions of the site or to structures on the site was unavailable or limited, IVI renders no opinion as to the presence of direct or indirect evidence relating to petroleum substances, hazardous substances, or both, in that portion of the site and structure. In addition, IVI renders no opinion as to the presence of indirect evidence relating to hazardous material or oil, where direct observation of the ground surface, interior walls, floors, ceiling or a structure is obstructed by objects or materials, including snow, covering on or over these surfaces.
- 10.4** As part of this assessment, IVI submitted requests for information via the Freedom of Information Act (FOIA) to various governmental agencies. As of the preparation of this report these requests may not have been fulfilled. The conclusions of this report are subject to change upon receipt of a response from these FOIA requests.
- 10.5** IVI does not represent that the site referred to herein contains no petroleum or hazardous or toxic substances or other conditions beyond those observed by IVI during the site walkthrough.
- 10.6** IVI has produced this document under an agreement between IVI and Hill Street Realty. All terms and conditions of that agreement are included within this document by reference. Any reliance upon this document, or upon IVI’s performance of services in preparing this document, is conditioned upon the relying party’s acceptance and acknowledgement of the limitations, qualifications, terms, conditions and indemnities set forth in that agreement, and property ownership/management disclosure limitations, if any. It is not to be relied upon by any party other than Hill Street Realty nor used for any purpose other than that specifically stated in our Agreement or within this Report’s Introduction section without IVI’s advance and express written consent. The Phase I report is only valid if completed within 180 days of an acquisition or the transaction necessitating the report.
- 10.7 TIME LIMITATION TO ENACT CLAIM AGAINST IVI** If in the opinion of the client, or any third party claiming reliance on IVI’s report or services, that IVI was negligent or in breach of contract, such aforementioned parties shall have one year from the date of IVI’s site visit to make a claim.
- 10.8** Unless specifically identified within Section 2, Chinese drywall, indoor air quality and any other non-ASTM scope issues as identified in ASTM E1527-05, Section 13.1.5, are excluded from the scope of this assessment.