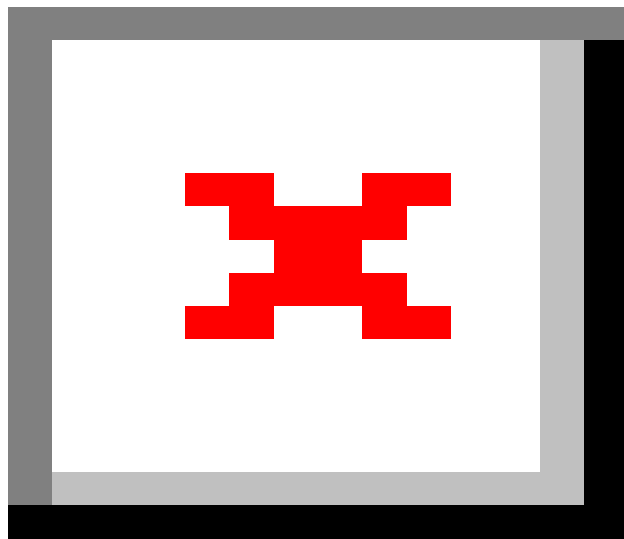


"Jonsson, Ulla-Britt" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE
GROUP
(FYDIBOHF23SPDLT)/RECIPIENTS/D59BE527293A4EB29C7EF3FA993E5F99
-JONSSON, UL>
Sent: 4/28/2015 8:11:10 PM +00:00
"Minor, Gregory" <GMinor@oaklandnet.com>; "Miller, Scott"
<SMiller@oaklandnet.com>; "Quesada, Bill"
<BQuesada@oaklandnet.com>; "Candell, Chris"
<CCandell@oaklandnet.com>
CC: "Illgen, Richard" <rillgen@oaklandnet.com>
Subject
: RE: Suprema takeover of Lowell St

Dear all,

Since the question came up during the meeting and after I went to our City website and downloaded this map from 2010. As you can see, while 57th Street is prohibited to truck, Lowell isn't, but then again Lowell is not a truck route either. But perhaps, with the involvement of our PWA's Iris Starr or Jamie Parks, we can do some thinking about other appropriate routes to minimize the impact on schools and residences.



From: "Chun, Peter" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/6A08ABB38E264F78833AE09D557C78CB-CHUN, PETER>
Sent: 5/4/2015 4:24:49 PM +0000
To: "Minor, Gregory" <GMinor@oaklandnet.com>
CC: "Miller, Scott" <SMiller@oaklandnet.com>
Subject: RE: Suprema takeover of Lowell St

Greg,

Let me know when you want to discuss this. You should include someone from Building Services on this discussion. The cones were discussed with the property as a temporary measure until they could renovate the Lowell Street side of their building with access dock.

Thanks,

Peter Chun, TE
Transportation Engineer
Transportation Services Division | Bureau of Engineering and Construction
City of Oakland | Oakland Public Works Department | APWA Accredited Agency
250 Frank Ogawa Plaza Suite 4344 | Oakland, CA 94612-2033
(510) 238-7774 | (510) 238-3415 Fax

Report A Problem | Public Works Agency Call Center | (510) 615-5566
www.oaklandpw.com | pwacallcenter@oaklandnet.com | Mobile app: SeeClickFix

-----Original Message-----

From: Minor, Gregory
Sent: Friday, May 01, 2015 5:21 PM
To: Chun, Peter
Cc: Miller, Scott
Subject: FW: Suprema takeover of Lowell St

Peter-

Can we follow up next week about Suprema's practice of placing cones out along Lowell to reserve space for their trucks? It makes sense to me but it doesn't seem very legal (obstructing pub right of way) unless they pull an appropriate permit. It would help to know what permits they need to get (obstruction permit?) and inform them accordingly.

Thanks,

Greg Minor
Assistant to the City Administrator
Nuisance Abatement/Special Activity Permits Division
1 Frank H. Ogawa Plaza, 11th Floor
Oakland, CA 94612
Phone: (510)238-6370
Fax: (510) 238-7084
gminor@oaklandnet.com

-----Original Message-----

From: [REDACTED]
Sent: [REDACTED]
To: Candell, Chris; Minor, Gregory
Cc: Low, Tim; Quesada, Bill; Chun, Peter; Flynn, Rachel; Miller, Scott; Jonsson, Ulla-Britt; Kalb, Dan; [REDACTED]; [REDACTED]
Subject: Suprema takeover of Lowell St

Hello All,

I took this photo looking south on Lowell through the intersection of 57th. Suprema "reserves" additional big rig parking and queuing in the street taking up most of the southbound lane by placing their orange barriers every morning when the first workers arrive at 3:30 am.

Suprema regularly unloads 2 or 3 big rigs simultaneously with forklifts making dangerous blind turns from both north and south Lowell on both sides of the street. That is, currently suprema is monopolizing 2 blocks of Lowell as though the street is one giant loading dock.

Greg, you previously told me this is a public nuisance for which enforcement action can be taken by your office and I believe you gave suprema ample warning in your Feb 17 citation.

Thanks,

[REDACTED]

From: "Brenyah-Addow, Maurice" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/59F519ECEA62408587AF48C4812E682 F-BRENYAH-ADD>
Sent: 5/18/2015 4:41:14 PM +0000
To: Marcela Jara <mmjara@comcast.net>
CC: Steve Hassing <sjh@hassinglaw.com>; "Valeska, David" <DValeska@oaklandnet.com>; "Miller, Scott" <SMiller@oaklandnet.com>; "Quesada, Bill" <BQuesada@oaklandnet.com>; "Candell, Chris" <CCandell@oaklandnet.com>
Subject: RE: Suprema's Dock

Hi Miguel,

The new planner who will be working on your application is David Valeska, copied on this email.

Please allow a few days for him to familiarize himself with the project and then he can pick up from where Ulla, left off.

Thanks

-Maurice

Maurice Brenyah-Addow, MBA Planner III | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6342 | Fax: (510) 238-4730 | Email: mbrenyah@oaklandnet.com | Website: www.oaklandnet.com/planning

From: Marcela Jara [mailto:mmjara@comcast.net]
Sent: Monday, May 18, 2015 5:43 AM
To: Brenyah-Addow, Maurice
Cc: Steve Hassing
Subject: Fwd: Suprema's Dock

Hi Maurice

Since Ulla is retiring on Wednesday I am extending the invitation to you, to visit us at Suprema, to address any questions you should have about the dock or anything else that has to do with my application.

Thanks

Miguel

Suprema

----- Forwarded message -----

From: **Marcela Jara** <mmjara@comcast.net>

Date: Mon, May 18, 2015 at 12:21 AM

Subject: Suprema's Dock

To: "Jonsson, Ulla-Britt" <UJonsson@oaklandnet.com>

Cc: Craig <cmiers@mierscottarchitects.com>, "Candell, Chris"

<CCandell@oaklandnet.com>, "Minor, Gregory" <GMinor@oaklandnet.com>,

"Quesada, Bill" <BQuesada@oaklandnet.com>, "Miller, Scott"

<SMiller@oaklandnet.com>, Steve Hassing <sjh@hassinglaw.com>

Hi Ulla

I was driving around the neighborhood last week when I stumbled upon two warehouse's that had a lot of things in common with Suprema. They are only a couple of blocks away from 57th St. One is on 60th St. and the other is on 61st St. both corner with Lowell St.

They both have driveways on residential streets and they both have an open dock. They seem to be even more exposed than our dock, to residential homes all around them.

From the very beginning we explained to the City ,that the 57th St. dock was not going to create "extra" activity. If any, it will help us cut down on truck movements and on pallet handling.

Since I need to leave all trucks loaded a day before (three trucks parked in the back part of the driveway and another three trucks parked in the front part of the driveway) Not having the dock would force me to load up the front trucks first, forcing me to drive them out, to make space to drive in the other 3 trucks that need to be loaded. This would be the only way I could leave all trucks park and loaded on my driveway a day before.

With the dock, I can load up the first three trucks without having the need to move them again, then I would use the dock to load up the next three. leaving them park in the front. This way it will minimize all truck movements.

I think you should also understand that it is not possible to load any trucks on the front part of the driveway because the driveway is not even, it has a steep decline that makes loading and unloading impossible. All trucks would have to be park on the flat surface of the driveway to be able to load them.

From the meeting we had with the neighbors, it was clear to me that they don't want a dock on 57th St. I did not have a chance to explained that the dock has always had limited usage during the day and that it has not been use before 7:00a in the last 5 months.

The usage is so limited that we really only use it to load up 3 trucks after 7:00a and we load up another 3 around 4:30p. In between this hours we unload an average of 3 bobtails trucks per day. To be clear, this bobtail trucks are my own trucks that are coming back from their route with product that they pick up while making their deliveries.

The last thing I would hope to end up with, is not being able to unload any bobtail trucks because the Lowell dock is block by an 18 wheeler that is parked unloading. I think is better for everybody that I can handle all deliveries swiftly and I can station all my bobtails in the driveway as they arrive to keep the streets open.

You are welcome to come by Suprema if you would like me to explain everything to you on the premises. I think it is very important that you understand how the dock helps me minimize our foot print i the neighborhood.

Thanks

Mj

From: "Flynn, Rachel" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/C9E87BD049D74A6E8F5A2932242E7792-FLYNN, RACH>
Sent: 6/12/2015 9:35:48 PM +0000
To: "Ranelletti, Darin" <DRanelletti@oaklandnet.com>
CC: "Miller, Scott" <SMiller@oaklandnet.com>; "Brenyah-Addow, Maurice" <Brenyah-Addow@oaklandnet.com>; "Valeska, David" <DValeska@oaklandnet.com>
Subject: Re: Suprema

Scott, Please have your final recommended conditions ready for my review on Monday. I've reviewed what Ulla sent me 3 weeks ago and what Dave sent me several days ago (based on what the neighbors want). I have my own thoughts on what conditions should be included, but need to see first what you and Dave are recommending. And when you think we'll issue the CUP notice. When we met on this a couple of weeks ago, you couldn't commit to any timeline. We need to solidify that on Monday.
Thanks, Rachel

On Jun 12, 2015, at 1:45 PM, "Ranelletti, Darin" <DRanelletti@oaklandnet.com> wrote:

Okay, thanks.

Darin Ranelletti, Deputy Director | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-3663 | Fax: (510) 238-6538 | Email: dranelletti@oaklandnet.com | Website: www.oaklandnet.com/planning

Sent from my mobile device.

On Jun 12, 2015, at 1:17 PM, Miller, Scott <SMiller@oaklandnet.com> wrote:

We have sent Rachel the neighbor's wish-list of Conditions, and Rachel wants to discuss all potential COA on Monday at our 3:00 meeting.

Scott Miller, Zoning Manager | Bureau of Planning | 250 Frank H. Ogawa Plaza, Suite 2114 | Oakland, CA 94612 | Phone: (510) 238-2235 | Fax: (510) 238-4730 | Email: smiller@oaklandnet.com | Website: www.oaklandnet.com/planning

From: Ranelletti, Darin
Sent: Friday, June 12, 2015 12:38 PM
To: Miller, Scott; Valeska, David
Cc: Brenyah-Addow, Maurice; Flynn, Rachel
Subject: RE: Suprema

Scott and Dave- What's the status on this?

Thanks,

Darin

Darin Ranelletti, Deputy Director | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-3663 | Fax: (510) 238-6538 | Email: dranelletti@oaklandnet.com | Website: www.oaklandnet.com/planning

From: Flynn, Rachel
Sent: Tuesday, June 02, 2015 9:39 PM
To: Miller, Scott; Valeska, David
Cc: Ranelletti, Darin; Brenyah-Addow, Maurice
Subject: Suprema

Does anyone have these conditions of approval?

From: Kalb, Dan
Sent: Sunday, May 31, 2015 1:11 PM
To: Flynn, Rachel
Subject: Fwd: conditions of approval

Hi Rachel, Can U let me know what your thoughts are about their specific suggestions.
Thanks, Dan

From: [REDACTED]
Date:
To: Dan Kalb <DKalb@oaklandnet.com>
Cc: [REDACTED]
Subject: Fwd: conditions of approval

Dan,

Here are the community's conditions of approval that we've been respectfully and repeatedly asking Rachel's team to address for 1.5 years. We're now getting more answers but still not others. There is no excuse for ignoring any of our points/questions at any time in the process, especially now.

Please read the attached closely and ask Rachel for clear answers on all points. Whether we like them or not, we still have a right to know what they are, as do you, our elected rep.

The mayor's office is now involved, again. It's insane how many hours City staff have spent on not solving this case.

[REDACTED]

From: [REDACTED]
Date: May 26, 2015 at 11:58:18 PM PDT
To: "Miller, Scott"
<SMiller@oaklandnet.com>,
dvaleska@oaklandnet.com
Cc: "Minor, Gregory"

<GMinor@oaklandnet.com>, [REDACTED]
[REDACTED]
[REDACTED]

approval

Hi Scott and David,

Thanks Scott for filling me in today on the status of Suprema's permit applications.

As promised, here are some community recommended conditions of approval, run by the 100+ residents who submitted public comments. We still oppose all of the permits for reasons given in those comments. That said, this list is our brainstorming of the best mitigation possible should permits be approved.

I will also send you and Greg Minor a link to a folder on dropbox with a few videos with audio of loading trucks in the 57th St loading dock. I don't think you've ever witnessed this but it's really important that you see and hear the extent of the nuisance -- e.g., trucks extending out of the dock taking up 2/3 of the sidewalk, loading and engine noise, multipoint turns in 57th St including up onto the curb across the street, damage to the curbs and street itself.

We're looking forward to hearing from you in the next couple weeks on the City's position, and next steps (including timeline) the Planning Dept will take to ensure Suprema's application meets compliance plan for an requirements for an internal Suprema truck loading area and sidewalks on Lowell St. We also look forward to the results of Peter Chun's measurements and assessment of the capacity of Lowell St to accommodate big rigs and sidewalks.

Thanks,
[REDACTED]

From: "Jonsson, Ulla-Britt" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/D59BE527293A4EB29C7EF3FA993E5F99-JONSSON, UL>
Sent: 5/4/2015 3:26:58 PM +0000
To: Cherrie Hakanson <cherriehakanson.ch@gmail.com>
CC: "Miller, Scott" <SMiller@oaklandnet.com>
Subject: RE: Surema meat co.

Thank you for the information Cherrie,

Ulla-Britt

Ulla-Britt Jonsson, Planner

City of Oakland Bureau of Planning

250 Frank H. Ogawa Plaza, Oakland, CA 94612

Direct: (510) 238-3322 | Fax: (510) 238-4730

ujonsson@oaklandnet.com | www.oaklandnet.com/planning

From: Cherrie Hakanson [mailto:cherriehakanson.ch@gmail.com]
Sent: Friday, May 01, 2015 5:31 PM
To: Jonsson, Ulla-Britt
Subject: Surema meat co.

Suprema meat is complying with no weekend washing, and over night parking on the st. They're using their parking lot. The loud noises, humming, buzzing and beeping is still a problem, it's constant.

From: Chris Peterson <cpeterson@portoakland.com>
Sent: 6/18/2015 8:27:34 PM +0000
To: "Valeska, David" <DValeska@oaklandnet.com>; "Miller, Scott" <SMiller@oaklandnet.com>
Subject: RE: Truck Idling Areas at Port?

David, I googled their location and they are rather disconnected from the Port area. Is it possible they could simply go and wait at the end of Powell in the Emeryville Marina area? I know there is a lot of space along the street out there.

Chris Peterson

Chief Wharfinger

Port of Oakland

Off: 510-627-1308

Cell: 510-719-8024

From: Valeska, David [mailto:DValeska@oaklandnet.com]
Sent: Thursday, June 18, 2015 1:16 PM
To: Chris Peterson; Miller, Scott
Subject: RE: Truck Idling Areas at Port?

Thanks for the timely reply, Chris. The trucks are not coming to the Port, they are arriving

From meat-producing states to Suprema Meats for local distribution by smaller trucks.

The big trucks have been a nuisance for residential neighbors and we are looking for a

Suitable in-transit place while they wait their turn for the 1-dock loading berth. Any Suggestions?

Dave Valeska, Planner II | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2214 | Oakland, CA 94612 | Phone: (510)238-2075 | Fax: (510) 238-4730 | Email: dvalueska@oaklandnet.com | Website: www.oaklandnet.com/planning

From: Chris Peterson [<mailto:cpeterson@portoakland.com>]
Sent: Thursday, June 18, 2015 10:46 AM

To: Valeska, David
Cc: Joe Marsh
Subject: RE: Truck Idling Areas at Port?

David, are these trucks coming to and from the Port? We have a truck parking operation in the Port but it's for Port trucks only as space is limited. There are idling laws in effect from CARB. Have you considered having the BAAQMD come out to perform some enforcement action?

Chris Peterson

Chief Wharfinger

Port of Oakland

Off: 510-627-1308

Cell: 510-719-8024

From: Joe Marsh
Sent: Thursday, June 18, 2015 10:37 AM
To: Chris Peterson
Subject: Fwd: Truck Idling Areas at Port?

Chris, can you help them?

Sent from my HTC

----- Forwarded message -----

From: "Valeska, David" <DValeska@oaklandnet.com>
To: "Joe Marsh" <jmarsh@portoakland.com>
Subject: Truck Idling Areas at Port?
Date: Thu, Jun 18, 2015 9:59 AM

Joe, we are working on a truck-using business on Lowell Street in North Oakland and need

A place where trucks can idle and wait BEFORE driving to the packing house, rather than\

Idling in the residential neighborhood (where we have complaints about noise etc.).

Could you please identify an area of the Port or Army Base where trucks can go and park/

Idle with compressors active without causing complaints? Our director, Rachel Flynn, has

Been working with citizens on this important case, thanks.

Dave Valeska, Planner II | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2214 |Oakland, CA 94612 | Phone: (510)238-2075 | Fax: (510) 238-4730 | Email: dvalueska@oaklandnet.com | Website: www.oaklandnet.com/planning

From: [REDACTED]
Sent: 5/18/2015 6:39:24 PM +0000
To: "Flynn, Rachel" <RFlynn@oaklandnet.com>
CC: "Miller, Scott" <SMiller@oaklandnet.com>; "Quesada, Bill" <BQuesada@oaklandnet.com>; "Candell, Chris" <CCandell@oaklandnet.com>; "Minor, Gregory" <GMinor@oaklandnet.com>; "Illgen, Richard" <RIllgen@oaklandcityattorney.org>; "Kalb, Dan" <DKalb@oaklandnet.com>; "Low, Tim" <TLow@oaklandnet.com>; [REDACTED]
[REDACTED] "Hunt, Michael" <MHunt@oaklandnet.com>
Subject: Re: URGENT - SUPREMA'S PERMITS SHOULD BE SUSPENDED - CONFLICTS WITH COMPLIANCE PLAN

Hi Rachel,

Can you please respond to the two items from my email below from May 4?

(1) The permit application does not meet the requirements of the Compliance Plan

When I spoke with you on May 6 you said that you would be meeting with your staff on Tuesday May 12 to determine next steps given Suprema's planning permit application does not meet the terms they agreed to in the Compliance Plan.

(2) Determination of expansion and applicable performance standards.

We need a response to our request for a determination of expansion. Suprema's word that they have not increased business volume in 10 years should not be taken above the word of dozens of residents who have witnessed the increase in freezer and rooftop equipment, the doubling of Suprema's delivery truck fleet, the number of big rigs unloading, and the increased hours of operation, all since they purchased the property in 2013.

Can you also please let us know who the assigned city planner is now that Ulla has retired?

Thanks,
[REDACTED]

On Mon, May 4, 2015 at 1:51 PM, [REDACTED] wrote:
Dear Rachel,

We need to urgently request that Suprema Meats' multi-permit application decisions be suspended until the following two critical issues are addressed.

(1) The permit application does not meet the requirements of the Compliance Plan (attached). Two provisions in Section 3 (c and d) are not being fulfilled with the architectural plans that are currently under review by Scott Miller and Ulla-Britt Jonsson. This is a huge oversight on the part of Planning. How can Planning even consider permits that are in direct conflict with this legally binding agreement? This is especially troubling given what residents have had to endure since Suprema embarked on their illegal construction in 2013 and given Suprema's ongoing Mon-Fri daily violations of the Compliance Plan.

Section 3 reads: *The full scope of the required private and public*

improvements to be included in all required planning and building permit applications shall include...

3(c): construction of a new loading facility for at least one delivery truck inside the existing warehouse building along Lowell Street (east elevation. It appears that Suprema initially submitted drawings that complied with 3(c) but then somehow was able to submit final drawings that replaced the loading dock with a utility area / ramp. The purpose of this requirement was to try to have the loading be done more internally and have trucks leave on that side before 7 am to mitigate some of the open facility noise violations occurring from use of the unpermitted 57th St loading dock.

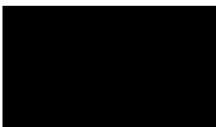
3(d): related public Right-of-Way improvements along the property's Lowell Street frontage (from 57th St to Aileen St) ... These public improvements shall ... include a sidewalk, curb, gutter, ... There is no plan for a sidewalk on Lowell St. The street is too narrow to include a big rig unloading area without taking up public right of way. Suprema is apparently proposing taking over public property where a side walk should be.

(2) Determination of expansion and applicable performance standards.

Suprema claims that the business has had zero growth in the past 10 years. Residents have experienced and provided evidence to the contrary, of significant growth. **When we met with you and your staff on Oct 1, 2014, you said that even anecdotal evidence of expansion would be helpful to determine which performance standards and noise ordinance apply to Suprema for Planning design review.** In addition to the attached evidence which we prepared at your request, Suprema's taxes paid increased from \$4,613 in 2013 to \$6,828 in 2014 (see business license account details report attached to Mr. Hassing's July 24, 2014 meeting memorandum), the truck fleet nearly doubled in 2012-13, and the hours of operation have increased with big rig unloading starting at 7 am (previously 8 or 9) and now going until 6 pm most days and until 9 pm Thursdays (previously finished early afternoon). We are therefore urging you to do an independent determination of expansion (e.g., business volume, activity, hours, operational space, freezer capacity (including the raised elevation allowing taller stacks of product), number of pallets/week. The City can compel Suprema to provide all relevant records/books and we believe we have provided enough evidence contrary to Suprema's claim to justify this City action.

We look forward to your timely response, BEFORE the Planning Dept makes decisions or approves any of Suprema's permits.

Thank you,



From: "Minor, Gregory" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/5A6EF2B6CFFD4FB294099918818B73F7-MINOR, GREG>
Sent: 5/27/2015 1:20:43 AM +0000
To: MARIO E <tiomarito@comcast.net>; Marcela Jara <mmjara@comcast.net>; Steve Hassing <sjh@hassinglaw.com>
CC: "Candell, Chris" <CCandell@oaklandnet.com>; "Miller, Scott" <SMiller@oaklandnet.com>
Subject: RE: Weekly Complaint log
Attachments: photo.jpg

Couple of other follow up items:

We have been receiving complaints of morning staging activity before 7am in the form of forklifts moving around. Has this been taking place? Can you please cease this activity immediately?

Can you please remove any cones obstructing the public right of way? I understand some city staff may have suggested these cones as an interim measure, but this unfortunately is an unpermitted obstruction of the public right of way.

Any updates on the purchase of hybrid delivery trucks per paragraph 7 of the compliance plan?

Thank you,

Greg

From: Minor, Gregory
Sent: Tuesday, May 26, 2015 5:24 PM
To: 'MARIO E'; 'Marcela Jara'
Cc: Candell, Chris; Miller, Scott
Subject: RE: Weekly Complaint log

Hi Mario and Miguel-

Can you forward the directions you currently provide to truck drivers on how to exit Suprema? The below website seems to just describe how to arrive at Suprema.

Thank you,

Greg Minor

Assistant to the City Administrator

Nuisance Abatement/Special Activity Permits Division

1 Frank H. Ogawa Plaza, 11th Floor

Oakland, CA 94612

Phone: (510)238-6370

Fax: (510) 238-7084

gminor@oaklandnet.com

From: MARIO E [<mailto:tiomarito@comcast.net>]

Sent: Saturday, May 23, 2015 1:42 PM

To: Candell, Chris

Cc: Quesada, Bill; Minor, Gregory; JARA, MIGUEL; Hassing, Steve

Subject: Weekly Complaint log

Good morning Chris,

And here we are again, unfortunately having to report three cases of trucker coming in the incorrect way:

We had a truck from Carrier Logistics that came in west on 57th street; A truck from Lightspeed that came in north on Lowell street, and a truck from Aleks Trucking that came in east on 57th street.

Like always I sent all the needed information to these trucking companies so they can give to their drivers, I know that eventually our goal will be accomplished.

We started asking all the packing companies to change their Bill of lading to include in addition to our address, " For directions go to: <http://smc-route.com/> ", with the intention that all drivers see that all they have to do is go to that website for directions, eventually all the bills of lading will have this information.

I am attaching all the regular attachments that accompany my weekly reports, this week I started sending photos of the trucks that come in the wrong way to the trucking companies, I am also attaching those as

a reference.

Untill next week, have a good weekend.



Mario E Jara

Operations Manager
Suprema Meat Company
5655 Lowell Street
Oakland, CA. 94608
(510) 654-9282
(510) 655-9566 fax
(510) 376-3010 cell
Mario.suprema@comcast.net
tiomarito@comcast.net

Driver Website. <http://smc-route.com/>

From: "Minor, Gregory" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/5A6EF2B6CFFD4FB294099918818B73F7-MINOR, GREG>
Sent: 5/27/2015 12:23:40 AM +0000
To: MARIO E <tiomarito@comcast.net>; Marcela Jara <mmjara@comcast.net>
CC: "Candell, Chris" <CCandell@oaklandnet.com>; "Miller, Scott" <SMiller@oaklandnet.com>
Subject: RE: Weekly Complaint log

Hi Mario and Miguel-

Can you forward the directions you currently provide to truck drivers on how to exit Suprema?
The below website seems to just describe how to arrive at Suprema.

Thank you,

Greg Minor

Assistant to the City Administrator

Nuisance Abatement/Special Activity Permits Division

1 Frank H. Ogawa Plaza, 11th Floor

Oakland, CA 94612

Phone: (510)238-6370

Fax: (510) 238-7084

gminor@oaklandnet.com

From: MARIO E [mailto:tiomarito@comcast.net]
Sent: Saturday, May 23, 2015 1:42 PM
To: Candell, Chris
Cc: Quesada, Bill; Minor, Gregory; JARA, MIGUEL; Hassing, Steve
Subject: Weekly Complaint log

Good morning Chris,

And here we are again, unfortunately having to report three cases of trucker coming in the incorrect way:

We had a truck from Carrier Logistics that came in west on 57th street; A truck from Lightspeed that came in north on Lowell street, and a truck from Aleks Trucking that came in east on 57th street.

Like always I sent all the needed information to these trucking companies so they can give to their drivers, I know that eventually our goal will be accomplished.

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I am attaching all the regular attachments that accompany my weekly reports, this week I started sending photos of the trucks that come in the wrong way to the trucking companies, I am also attaching those as a reference.

Untill next week, have a good weekend.



Mario E Jara

Operations Manager
Suprema Meat Company
5655 Lowell Street
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(510) 654-9282
(510) 655-9566 fax
(510) 376-3010 cell
Mario.suprema@comcast.net
tiomarito@comcast.net

Driver Website. <http://smc-route.com/>

From: "Flynn, Rachel" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/C9E87BD049D74A6E8F5A2932242E7792-FLYNN, RACH>
Sent: 4/28/2015 12:27:30 AM +0000
To: "Jonsson, Ulla-Britt" <UJonsson@oaklandnet.com>
CC: "Miller, Scott" <SMiller@oaklandnet.com>; "Ranelletti, Darin" <DRanelletti@oaklandnet.com>
Subject: Retirement

Hi Ulla – I just heard the news today about your retirement. I am sad to see you go, as you have always been a bright spot in our department.

I've appreciated your positive attitude and genuine interest in serving our customers and making Oakland a better place. [I hope Suprema Meats didn't drive you out!]

Thanks for your dedicated service all these years. You will be missed. Rachel

Rachel Flynn AIA

Director | Planning & Building Department

City of Oakland

510 . 238 . 2229

From: [REDACTED]
Sent: 3/30/2015 5:53:17 AM +00:00
To: "Jonsson, Ulla-Britt" <UJonsson@oaklandnet.com>; "Miller, Scott" <SMiller@oaklandnet.com>
CC: "Minor, Gregory" <GMinor@oaklandnet.com>; [REDACTED]
Subject: Suprema - more major construction discovered
Attachments Suprema google street view Apr2008-Apr2011-Jan2015.pdf;
: warehouse elevation 2.JPG
Hi Ulla and Scott,

I'm afraid there's been even more major construction than we knew of at Suprema. I thought you should be aware of it.

This week we learned from [REDACTED] who owns [REDACTED], that additional major construction without permits occurred late in 2012 or early 2013 to enlarge the main warehouse. [REDACTED] went to India during that time, and when he returned, the construction was complete. Page 1 of the attached file shows how the warehouse was significantly elevated behind the unpermitted steel canopy (built without a permit on Mandip's property line). Page 2 shows the aerial view of massive white square elevation on top of the warehouse. Given the timing of all of the other unpermitted construction, I suspect the warehouse was enlarged to accommodate the massive new freezer units that were installed without permits in Dec 2014.

[REDACTED] is also being inundated with run-off from Suprema's roof, most likely condensate that is not being captured properly from the unpermitted refrigeration equipment.

Complaints will be filed ASAP with Building Services for the unpermitted warehouse expansion and for the roof run-off into [REDACTED].

I have tried phoning and emailing Tim Low several times now about the evaluation and permitting status for the freezers and rooftop equipment but haven't heard back from him.

Thanks,
[REDACTED]

From: [REDACTED]
Sent: 4/27/2015 6:55:11 PM +0000
To: "Jonsson, Ulla-Britt" <UJonsson@oaklandnet.com>; "Miller, Scott" <SMiller@oaklandnet.com>
CC: [REDACTED]
Subject: Suprema - next steps and timeline
Hi Ulla and Scott,

I understood from the community meeting last Thursday evening that you will be reviewing all of the comments and providing answers the the questions that Greg Minor listed.

Can you please confirm this, any other next steps on the part of Planning, and the timeline for the permit decisions?

Thanks,
[REDACTED]

From: "Jonsson, Ulla-Britt" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/D59BE527293A4EB29C7EF3FA993E5F99-JONSSON, UL>
Sent: 5/11/2015 11:30:03 PM +0000
To: "Miller, Scott" <SMiller@oaklandnet.com>
Subject: Suprema COA's

Hi Scott,

I'm almost finished with the Approval Letter for Suprema. Here is a start to the draft of the:

PROJECT SPECIFIC CONDITIONS

1. No trucks associated with the business can idle at night on Lowell Street or near residential streets.
2. At applicant's expense the applicant shall coordinate with the Public Works Department for installation of appropriate signage regarding pedestrian crossings at 55th Street, and possibly Aileen Street, and Lowell Street to avoid pedestrian crossing on Suprema's western corners.
3. The applicant shall submit a plan for a new sidewalk and street trees on Lowell Street between 57th Street and Aileen Street opposite Suprema's building.
4. No washing of trucks shall occur on Suprema property across Lowell Street unless trucks are being hand-washed and appropriate permits have been obtained for draining of fluids into the sewer system.
5. As part of submittal of revised plans, the applicant shall propose landscaping to be installed adjacent to two-story building on Lowell Street.
6. As part of submittal of revised plans, the applicant shall propose screening material behind the gate system on 57th Street.
7. No activity on 57th Street except....(pull from Compliance plan)

Ulla-Britt

Ulla-Britt Jønsson, Planner

City of Oakland Bureau of Planning

250 Frank H. Ogawa Plaza, Oakland, CA 94612

Direct: (510) 238-3322 | Fax: (510) 238-4730

ujonsson@oaklandnet.com

www.oaklandnet.com/planning

Please note: My last day is Wednesday, May 13, 2015. After that all inquiries about my projects should go to Mayrice Brenyah-Addow at mbrenyah@oaklandnet.com

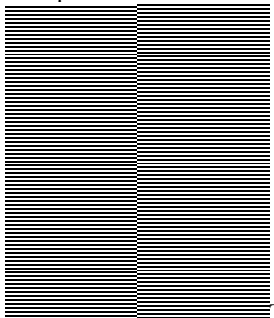
From: Ulla Jonsson <ulla-britt@att.net>
Sent: 5/12/2015 4:11:41 AM +0000
To: "Miller, Scott" <SMiller@oaklandnet.com>; "Jonsson, Ulla-Britt" <UJonsson@oaklandnet.com>
Subject: Suprema COAs cont.

Hi Scott,
after adding from the Compliance plan we now have the following draft (the format works ok on my flash drive):

PROJECT SPECIFIC CONDITIONS

1. No trucks associated with the business can idle at night on Lowell Street or near residential streets.
2. At applicant's expense the applicant shall coordinate with the Public Works Department for installation of appropriate signage regarding pedestrian crossings at 55th Street, and possibly Aileen Street, and Lowell Street to avoid pedestrian crossing on Suprema's western corners.
3. The applicant shall submit a plan for a new sidewalk and street trees on Lowell Street between 57th Street and Aileen Street opposite Suprema's building.
4. No washing of trucks shall occur on Suprema property across Lowell Street unless trucks are being hand-washed and appropriate permits have been obtained for draining of fluids into the sewer system.
5. As part of submittal of revised plans, the applicant shall propose landscaping to be installed adjacent to two-story building on Lowell Street.
6. As part of submittal of revised plans, the applicant shall propose screening material behind the gate and fence system on 57th Street.
7. Construction of a new loading facility for at least one delivery truck inside the existing warehouse building along Lowell Street (east elevation), and (d) related public Right-of-Way improvements along the property's Lowell Street frontage (from 57th Street to Aileen Street) as needed to accommodate unloading of big rig trucks (semi-tractor trailer trucks). These public improvements shall be designed to City standards and shall include a sidewalk, curb, gutter, catch basins, pavement grade adjustments and any drainage improvements as needed per and to the satisfaction of the City Engineer.
8. The Owner(s) agree to establish the following: (1) Suprema shall immediately discontinue all unloading of big rig trucks (semi-tractor trailer trucks) on 57th Street and Lowell Street between 9pm and 7am (daily).
9. No trucks owned by Suprema Meats Inc. shall park on the north or south sides of 57th Street west of Suprema's west property line.
10. Suprema will not load or unload any trucks within the 57th Street public Right-of-Way, except for the limited time period between the date that Suprema obtains a building permit to build the Lowell Street loading dock and the date that Suprema receives authorization from Building Inspections staff to use the Lowell Street loading dock.
11. Suprema shall use their best efforts in good faith to comply with those procedures to prevent delivery trucks traveling to and from Suprema from using 57th Street and other nearby local streets where truck traffic is prohibited, and to prevent all delivery trucks from parking on 57th Street when waiting to be unloaded.
12. Suprema shall advise each of its drivers that there can be no parking on the north side of 57th and any parking on the south side of 57th must be adjacent to 955 57th LLC's (Suprema's) property and cannot extend west of Suprema's west property line.
13. The Owner(s) agree to discontinue all delivery staging activities (i.e. movement of vehicles, equipment, and product into position for loading), vehicle loading and unloading activities, and vehicle & equipment maintenance activities at Suprema's 57th Street open loading facility

between the hours of 9 pm and 7 am (daily). The foregoing sentence excludes the movement of loaded vehicles leaving on delivery, which shall be limited as follows. The owner(s) agree to limit all delivery activity noise generated from Suprema's 57th Street open loading facility between 9pm and 7 am (daily) to two 3-minute windows of time during which a maximum of 3 pre-loaded delivery trucks can be started and can exit the property during one of the said 3-minute windows (maximum of 5 delivery truck exits total).

14. Owner(s) agree to phase out the use of all non-hybrid delivery trucks within Suprema's 57th Street open loading facility between 9pm and 7am within 3 years of the execution date of this Compliance Plan. This will be done by purchasing at least 2 hybrid delivery trucks per year as they become available for purchase, up to a minimum of five hybrid delivery trucks over the 3 year period. The size of the replacement hybrid delivery trucks shall be equivalent to the existing Suprema delivery trucks (i.e. Class 7). Upon purchase of each hybrid delivery truck, Owner(s) agree to remove one conventional truck from those available for use within Suprema's 57th Street open loading facility.
15. Not Later Than 60 days following planning permit approval date (or from the final decision by the City appeal procedure). The Owner(s) shall pay all fees and submit a complete application for construction permits to build all on-site and off-site property improvements including all unpermitted improvements and new improvements referenced in paragraph #3 above and as required by the Building Official and City Engineer.
16. Not Later Than 5 months from the date of construction permit issuance. The Owner(s) shall obtain all Rough Inspection approvals for the construction of all improvements referenced in paragraph #8 above.
17. Not Later Than 8 months from the date of construction permit issuance. Owner(s) shall obtain all Permit Final Inspection approvals for the construction of all permits referenced in paragraph #8 above.
18. Not Later Than 1 month from the date of Permit Final Inspection approvals. The Owner(s) shall submit to Planning & Building staff for review and approval, a post-construction Acoustical Report prepared by a qualified acoustical engineer that measures all noise coming from the Suprema Meats property (day and night) to determine the extent of noise reduction achieved by physical improvements to the facility and operational improvements established by the Compliance Plan.
19.  The Owner(s) shall conduct periodic post-construction noise monitoring and submit two Acoustical Reports to Building Services -Code Enforcement staff every 6 months for 1 year following the date of the initial post-construction Acoustical Report.
20. The City and The Owner(s) agree to work in good faith for the purpose of completing the improvements, repairs and rehabilitation of the property. The Owner(s) agrees to cooperate with the City and implement improvements and repairs as required by this Compliance Plan. City agrees that it will act in accordance with its ordinary custom and practice with respect to issuing planning approvals, building permits, inspection sign-off(s), time extensions, and other approvals in the administration of this Compliance Plan.
21. The Owner(s) retains the right to withdraw from any Conditional Use Permit (CUP) application, without such action constituting a breach of the Compliance Plan:
 - a. The Owner(s) have exhausted all administrative remedies, prior to filing an administrative writ or other court action to contest the terms of the CUP that alter the terms required by this Compliance Plan, and

- b. The request to withdraw from the CUP is made within 7 calendar days after a final CUP decision date (from the final decision by the City appeal procedure). The request to withdraw the CUP application must be given in writing to Zoning Division staff. The Owner(s) agree that any request to withdraw the CUP application will be done concurrently with application for a demolition permit to remove the unpermitted steel canopy structure and new loading dock improvements adjacent to 57th Street, that the 57th Street canopy and loading dock will be removed within 2 weeks of demolition permit issuance, and that use of the 57th Street canopy and loading dock must be discontinued as of that date. Owner(s) also agree that construction permit applications to legalize all unpermitted work identified in paragraph #3 above will be applied for not later than 2 weeks from the CUP withdrawal request date. Further, in the event that Owner(s) withdraw from the CUP, the City reserves the right to renew or bring any nuisance or other enforcement actions based on activities that this Compliance Plan is intended to address. If the City determines that the appeals of the CUP are based on non-material conditions, the City has the right to terminate this compliance plan with 7 days' notice to Owners, to require removal of the 57th Street canopy and loading dock, and to require discontinued use of the canopy and loading dock. The City reserves the right to renew or bring any nuisance or other enforcement actions based on activities that this Compliance Plan is intended to address.
1. The Owner(s) hereby agree that the conditions stated herein will be incorporated as terms of any agreement to lease, or sell the real property, any agreement to sell purchase and sale or transfer the business operating at the site that may be entered into between them and all potential lessee/purchaser for the Property or the business. Owner(s) further agree that their successors in interest, assigns, heirs and transferees will be bound by obligations on the Owners herein, and they likewise will attach and incorporate all conditions stated herein into any lease or purchase and sale agreement for the Property or the business.

Ulla-Britt

From: "Valeska, David" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/3D039B4A07F24183B51F9CE8EC4B3AA 7-VALESKA, DA>
Sent: 7/16/2015 8:36:13 PM +0000
To: "Miller, Scott" <SMiller@oaklandnet.com>
Subject: Suprema Conditions, 7-16-15 Draft for Director
Attachments: supremaconditionspostcandell.doc

Scott, attached are the Suprema conditions, prepared by Ulla, updated by me, Reviewed and edited by Chris Candell. After receiving your edits, I will get a Draft ready to e-mail to Rachel by mid-morning 7-17-15 before she leaves. We will also have the matrix you are reviewing; thanks.

Dave Valeska, Planner II | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2214 |Oakland, CA 94612 | Phone: (510)238-2075 | Fax: (510) 238-4730 | Email: dvaleska@oaklandnet.com | Website: www.oaklandnet.com/planning

ATTACHMENT B: CONDITIONS OF APPROVAL

The proposal is hereby approved subject to the following Conditions of Approval:

1. Approved Use

Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, letter, and the plans dated **insert date of final approved plans** and submitted on **insert "received" date of final approved plans**, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall be required prior written approval from the Director of City Planning or designee.
- b) This action by the Director of City Planning includes the approvals set forth below. This Approval includes:
 - I. Approval of a Minor Conditional Use permit for unpermitted canopies in rear property under Oakland Municipal Code Section 17.134;
 - II. Approval of a Minor Variance to reduce side yard setback where 5 feet is required and 0 feet is proposed under Oakland municipal Code Section 17.148; and
 - III. Approval of a Regular Design Review permit for unpermitted rear canopies, rear loading dock, entry sliding gate/fence. It includes new front entries for a new loading dock and exterior alterations to building **including 2800 square foot upper level addition** under Oakland Municipal Code Section 17.136.

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

Unless a different termination date is prescribed, this Approval shall expire **in one year** from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

3. Scope of This Approval; Major and Minor Changes

Ongoing

The project is approved pursuant to the Planning Code only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or

designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. **Conformance with other Requirements**

Prior to issuance of a demolition, grading, P-job, or other construction related permit

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval 3.
- b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

5. **Conformance to Approved Plans; Modification of Conditions or Revocation**

Ongoing

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, **Conditions** or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these **Conditions** if it is found that there is violation of any of the **Conditions** or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Conditions of Approval.

6. **Signed Copy of the Conditions**

With submittal of a demolition, grading, and building permit

A copy of the approval letter and **Conditions** shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

7. Indemnification

Ongoing

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

8. Compliance with Conditions of Approval

Ongoing

The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

9. Severability

Ongoing

Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified conditions, and if one or more of such conditions is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid conditions consistent with achieving the same purpose and intent of such Approval.

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval, shall be available for review at the job site at all times.

11. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management

Prior to issuance of a demolition, grading, and/or construction permit

The project applicant may be required to pay for on-call third-party special inspector(s)/inspections as needed during the times of extensive or specialized plancheck review or construction. The project applicant may also be required to cover the full costs of independent technical review and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

12. Dust Control

Prior to issuance of a demolition, grading or building permit

During construction, the project applicant shall require the construction contractor to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) basic and enhanced dust control procedures required for construction sites. These include:

- a) Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- d) Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.
- e) Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.
- f) Limit the amount of the disturbed area at any one time, where feasible.
- g) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- h) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- i) Replant vegetation in disturbed areas as quickly as feasible.
- j) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- k) Limit traffic speeds on unpaved roads to 15 miles per hour.
- l) Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.

- m) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- n) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the BAAQMD prior to the start of construction as well as posted on-site over the duration of construction.
- o) Install appropriate wind breaks at the construction site to minimize wind blown dust.

13. Construction Emissions

Prior to issuance of a demolition, grading or building permit

To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to:

- a) Demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.
- b) Perform low- NOx tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) shall be performed for such equipment used continuously during the construction period.

14. Days/Hours of Construction Operation

Ongoing throughout demolition, grading, and/or construction

The project applicant shall require construction contractors to limit standard construction activities as follows:

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.
- b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.
- c) Construction activity shall not occur on Saturdays, with the following possible exceptions:

- i. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.
- ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction activity shall take place on Sundays or Federal holidays.
- f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.
- g) Applicant shall use temporary power poles instead of generators where feasible.

15. Noise Control

Ongoing throughout demolition, grading, and/or construction

To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Planning and Zoning Division and the Building Services Division review and approval, which includes the following measures:

- a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).
- b) Except as provided herein, Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.
- c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.

- d) The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

16. Noise Complaint Procedures

Ongoing throughout demolition, grading, and/or construction

Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

- a) A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);
- b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);
- c) The designation of an on-site construction complaint and enforcement manager for the project;
- d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and
- e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

17. Interior Noise

Prior to issuance of a building permit and Certificate of Occupancy

If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls), and/or other appropriate features/measures, shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval prior to issuance of building permit. Final recommendations for sound-rated assemblies, and/or other appropriate features/measures, will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phases. Written confirmation by the acoustical consultant, HVAC or HERS specialist, shall be submitted for City review and approval, prior to Certificate of Occupancy (or equivalent) that:

- (a) Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; and
- (b) Demonstrates compliance with interior noise standards based upon performance testing of a sample unit.

- (c) Inclusion of a Statement of Disclosure Notice in the CC&R's on the lease or title to all new tenants or owners of the units acknowledging the noise generating activity and the single event noise occurrences. Potential features/measures to reduce interior noise could include, but are not limited to, the following:
 - i. Installation of an alternative form of ventilation in all units identified in the acoustical analysis as not being able to meet the interior noise requirements due to adjacency to a noise generating activity, filtration of ambient make-up air in each unit and analysis of ventilation noise if ventilation is included in the recommendations by the acoustical analysis.
 - ii. Prohibition of Z-duct construction.

18. Operational Noise-General

Ongoing.

Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

19. Construction Traffic and Parking

Prior to the issuance of a demolition, grading or building permit

The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements:

- a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.
- d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.
- e) Provision for accommodation of pedestrian flow.

20. Erosion and Sedimentation Control

Ongoing throughout demolition grading, and/or construction activities

The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. Plans demonstrating the Best Management Practices shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks.

21. Hazards Best Management Practices

Prior to commencement of demolition, grading, or construction

The project applicant and construction contractor shall ensure that construction of Best Management Practices (BMPs) are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

- a) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;
- b) Avoid overtopping construction equipment fuel gas tanks;
- c) During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d) Properly dispose of discarded containers of fuels and other chemicals.
- e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.
- f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

22. Waste Reduction and Recycling

The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.

Prior to issuance of demolition, grading, or building permit

Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the

methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.

Ongoing

The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.

23. Lighting Plan

Prior to the issuance of an electrical or building permit

The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.

24. Asbestos Removal in Structures

Prior to issuance of a demolition permit

If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolition and disposal, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.

25. Archaeological Resources

Ongoing throughout demolition, grading, and/or construction

- a) Pursuant to CEQA Guidelines section 15064.5 (f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be

subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.

- b) In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.
- c) Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measure measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.

26. Human Remains

Ongoing throughout demolition, grading, and/or construction

In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

27. Paleontological Resources

Ongoing throughout demolition, grading, and/or construction

In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the

discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

28. Site Review by the Fire Services Division

Prior to the issuance of demolition, grading or building permit

The project applicant shall submit plans for site review and approval to the Fire Prevention Bureau Hazardous Materials Unit. Property owner may be required to obtain or perform a Phase II hazard assessment.

29. Phase I and/or Phase II Reports

Prior to issuance of a demolition, grading, or building permit

Prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase I environmental site assessment report, and a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer.

30. Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment

Prior to issuance of any demolition, grading or building permit

The project applicant shall submit a comprehensive assessment report to the Fire Prevention Bureau, Hazardous Materials Unit, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.

31. Environmental Site Assessment Reports Remediation

Prior to issuance of a demolition, grading, or building permit

If the environmental site assessment reports recommend remedial action, the project applicant shall:

- a) Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps.
- b) Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency.

- c) Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans.

32. Lead-based Paint Remediation

Prior to issuance of any demolition, grading or building permit

If lead-based paint is present, the project applicant shall submit specifications to the Fire Prevention Bureau, Hazardous Materials Unit signed by a certified Lead Supervisor, Project Monitor, or Project Designer for the stabilization and/or removal of the identified lead paint in accordance with all applicable laws and regulations, including but not necessarily limited to: Cal/OSHA's Construction Lead Standard, 8 CCR1532.1 and DHS regulation 17 CCR Sections 35001 through 36100, as may be amended.

33. Other Materials Classified as Hazardous Waste

Prior to issuance of any demolition, grading or building permit

If other materials classified as hazardous waste by State or federal law are present, the project applicant shall submit written confirmation to Fire Prevention Bureau, Hazardous Materials Unit that all State and federal laws and regulations shall be followed when profiling, handling, treating, transporting and/or disposing of such materials.

34. Health and Safety Plan per Assessment

Prior to issuance of any demolition, grading or building permit

If the required lead-based paint/coatings, asbestos, or PCB assessment finds presence of such materials, the project applicant shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition, renovation of affected structures, and transport and disposal.

35. Best Management Practices for Soil and Groundwater Hazards

Ongoing throughout demolition, grading, and construction activities

The project applicant shall implement all of the following Best Management Practices (BMPs) regarding potential soil and groundwater hazards.

- a) Soil generated by construction activities shall be stockpiled onsite in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state and federal agencies laws, in particular, the Regional Water Quality Control Board (RWQCB) and/or the Alameda County Department of Environmental Health (ACDEH) and policies of the City of Oakland.
- b) Groundwater pumped from the subsurface shall be contained onsite in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies of the City of Oakland, the RWQCB and/or the ACDEH. Engineering controls shall be utilized, which include impermeable

barriers to prohibit groundwater and vapor intrusion into the building (pursuant to the Standard Condition of Approval regarding Radon or Vapor Intrusion from Soil and Groundwater Sources

- c) Prior to issuance of any demolition, grading, or building permit, the applicant shall submit for review and approval by the City of Oakland, written verification that the appropriate federal, state or county oversight authorities, including but not limited to the RWQCB and/or the ACDEH, have granted all required clearances and confirmed that the all applicable standards, regulations and conditions for all previous contamination at the site. The applicant also shall provide evidence from the City's Fire Department, Office of Emergency Services, indicating compliance with the Standard Condition of Approval requiring a Site Review by the Fire Services Division pursuant to City Ordinance No. 12323, and compliance with the Standard Condition of Approval requiring a Phase I and/or Phase II Reports.

36. Site Design Measures for Post-Construction Stormwater Management

Prior to issuance of building permit (or other construction-related permit)

The project drawings submitted for a building permit (or other construction-related permit) shall contain a final site plan to be reviewed and approved by Planning and Zoning. The final site plan shall incorporate appropriate site design measures to manage stormwater runoff and minimize impacts to water quality after the construction of the project. These measures may include, but are not limited to, the following:

- i. Minimize impervious surfaces, especially directly connected impervious surfaces;
- ii. Utilize permeable paving in place of impervious paving where appropriate;
- iii. Cluster buildings;
- iv. Preserve quality open space; and
- v. Establish vegetated buffer areas.

Ongoing

The approved plan shall be implemented and the site design measures shown on the plan shall be permanently maintained.

37. Source Control Measures to Limit Stormwater Pollution

Prior to issuance of building permit (or other construction-related permit)

The applicant shall implement and maintain all structural source control measures imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.

Ongoing

The applicant, or his or her successor, shall implement all operational Best Management Practices (BMPs) imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.

PROJECT SPECIFIC CONDITIONS

38. Semi-truck Delivery Management Plan (operating hours)

Prior to issuance of building permit (or other construction-related permit)

The applicant shall schedule appointments to unload big-rig (semi-truck) deliveries one at a time to be at the new Lowell Street loading area between 7 am and 5 pm. No big-rig trucks delivering to Suprema may arrive anywhere on Lowell Street prior to 7:00 am. Additional or early-arrival trucks must be held in reserve outside the residential area until the loading area is clear. Trucks that are not being unloaded must remain at a lawful off-site location such as designated truck stops near the Port or freeways. The applicant shall post signs at locations to be determined by the Zoning Manager informing truck drivers of these regulations. The applicant shall install at least two traffic cameras at locations to be approved by the Zoning Manager, to monitor truck movements. The video tapes shall be made available to the Zoning Manager and Inspections Manager for review. If the tapes disclose violations of this or other conditions, the Zoning Manager shall require compliance and may begin revocation proceedings if more than 3 violations are verified in any 30-day period.

39. Lowell Street Improvements

Prior to issuance of building permit (or other construction-related permit)

The applicant shall submit a plan for a new sidewalk, curb and gutter and street trees on Lowell Street between 57th Street and Aileen Street opposite Suprema's building and parking area and shall install such improvements to City of Oakland standards pursuant to a public-improvements project, consistent with the following:

- a) 60 foot right of way, City improvements 2015-2017
- b) 42 foot right of way curb to curb; centerline to be adjusted by City
- c) 9 foot sidewalks to be installed with applicant assistance, including street trees
- d) Applicant utility poles to be relocated at applicant cost, in concert with utilities and City Public Works, unless condition 39-d is waived by Public Works
- e) Applicant to post signs, consistent with Condition 38, approved by City Public Works, regarding parking and unloading of trucks (time, place, manner) to minimize effects on neighbors; these signs are to be in the right-of-way on poles.

40. Washing Trucks

Ongoing

No washing of trucks shall occur on Suprema property including the property currently owned by Suprema located across Lowell Street from the warehouse. Truck washing shall occur at commercial truck washing facilities.

41. Streetscape Landscaping

Prior to issuance of building permit (or other construction-related permit)

The applicant shall coordinate with the Public Works Department as appropriate to determine suitable landscaping to be installed, such as street trees. As part of submittal of

revised plans, the applicant shall propose landscaping to be installed adjacent to two-story building on Lowell Street.

42. Gate Screening

Prior to issuance of building permit (or other construction-related permit)

As part of submittal of permit plans, the applicant shall propose screening material such as slats or solid materials with sound attenuating characteristics, behind the gate and fence system on 57th Street.

43. Street Improvements and Loading System

Prior to issuance of building permit (or other construction-related permit) and ongoing

Plans shall be revised to indicate a new loading facility for at least one Suprema delivery truck inside the existing warehouse building along Lowell Street (east elevation), and related public Right-of-Way improvements shall be made along the property's Lowell Street frontage (from 57th Street to Aileen Street) as needed to accommodate unloading of big rig trucks (semi-tractor trailer trucks). These public improvements shall be designed to City standards and shall include a sidewalk, curb, gutter, catch basins, pavement grade adjustments and any drainage improvements as needed per and to the satisfaction of the City Engineer (see COA #39). The construction of these improvements shall occur within 90 days of zoning approvals.

44. Truck Loading

Ongoing

The applicant shall not load/unload big rig trucks (semi-tractor trailer trucks) or any other trucks within the 57th Street right-of-way, except directly to the loading dock.

45. Truck Parking

Ongoing

No trucks owned by Suprema Meats Inc. shall park on 57th Street.

46. Truck Delivery Management

Ongoing

The applicant agrees to discontinue all delivery staging activities (i.e. movement of vehicles, equipment, and product into position for loading), vehicle loading and unloading activities, and vehicle & equipment maintenance activities at the 57th Street open loading facility between the hours of 8 pm and 7 am (daily). The foregoing sentence excludes the movement of loaded vehicles leaving on delivery, which shall be limited as follows. Suprema shall limit all delivery activity noise generated from Suprema's 57th Street open loading facility between 8pm and 7 am (daily) to two 3-minute windows of time during which a maximum of 3 pre-loaded delivery trucks can be started and can exit the property during each of the said 3-minute windows (maximum of 6 delivery truck exits total, if allowed under an amended compliance plan. Said 3-minute windows shall not occur before 4:30 am.

47. Types of Trucks

Commencing with occupancy reliant upon this permit and ongoing

Suprema agrees to phase out the use of all non-hybrid delivery trucks within Suprema's 57th Street open loading facility within 3 years of the execution date of the October 20, 2014 Compliance Plan. This will be done by purchasing at least 2 hybrid delivery trucks per year as they become available

for purchase, up to a minimum of five hybrid delivery trucks over the 3 year period. The size of the replacement hybrid delivery trucks shall be equivalent to the existing Suprema delivery trucks (i.e. Class 7). Upon purchase of each hybrid delivery truck, Owner(s) agree to remove one conventional truck from those available for use within Suprema's 57th Street open loading facility.

48. Construction Permit Applications

Not Later Than 60 days following planning permit approval date (or from the final decision by the City appeal procedure). Suprema shall pay all fees and submit a complete application for construction permits to build all on-site and off-site property improvements including all unpermitted improvements and new improvements referenced in paragraph #3 of the Compliance Plan and as required by the Building Official and City Engineer.

49. Construction Rough Inspections

Not Later Than 5 months from the date of construction permit issuance. Suprema shall obtain all Rough Inspection approvals for the construction of all improvements referenced in paragraph #8 of the Compliance Plan.

50. Construction Final Inspections

Not Later Than 8 months from the date of construction permit issuance. Suprema shall obtain all Permit Final Inspection approvals for the construction of all permits referenced in paragraph #8 of the Compliance Plan.

51. Construction Follow-up: Acoustical

Not Later Than 1 month from the date of Permit Final Inspection approvals. Suprema shall submit to Planning & Building staff for review and approval, a post-construction Acoustical Report prepared by a qualified acoustical engineer that measures all noise coming from the Suprema Meats property (day and night) to determine the extent of noise reduction achieved by physical improvements to the facility and operational improvements established by the Compliance Plan and these Conditions. Suprema shall conduct periodic post-construction noise monitoring and submit two Acoustical Reports to Building Services -Code Enforcement staff every 6 months for 1 year following the date of the initial post-construction Acoustical Report. The reports shall include vibration that would exceed City standards including Oakland Planning Code Section 17.120.

52. Acoustical Buffering and Noise Prevention

Prior to occupancy(again occupancy of what?)

The applicant shall install, with permits, acoustical buffering and baffling below metal shade structures to limit the extent of noise which bounces off the structure toward residential properties. The applicant shall follow the recommendations of the 2015 Wilson and Ihrig noise study on file with the Zoning Manager which are incorporated herein by reference, including but not limited to:

- a. Sound barrier walls around all existing rooftop refrigeration units
- b. Seal gaps between sound barrier walls and roofs
- c. Provide airfoil fan blades on condensers
- d. Install mufflers on compressors
- e. Box in cold-box, after relocation to under the main building overhang
- f. Remove the other cold-box.

Plans shall indicate removal of the canopy within the required 5 foot setback.

53. Compliance Plan Follow-up

Ongoing

The City and Suprema agree to work in good faith for the purpose of completing the improvements, repairs and rehabilitation of the property. Suprema agrees to cooperate with the City and implement improvements and repairs as required by the Compliance Plan and these conditions. City agrees that it will act in accordance with its ordinary custom and practice with respect to issuing planning approvals, building permits, inspection sign-off(s), time extensions, and other approvals in the administration of the Compliance Plan and these conditions.

54. Option to Withdraw from Conditional Use Permit

Suprema retains the right to withdraw from any Conditional Use Permit (CUP) application, without such action constituting a breach of the Compliance Plan.

- a) Suprema have exhausted all administrative remedies, prior to filing an administrative writ or other court action to contest the terms of the CUP that alter the terms of the Compliance plan, and
- b) The request to withdraw from the CUP is made within 7 calendar days after a final CUP decision date (from the final decision by the City appeal procedure). The request to withdraw the CUP application must be given in writing to Zoning Division staff. The Owner(s) agree that any request to withdraw the CUP application will be done concurrently with application for a demolition permit to remove the unpermitted steel canopy structure and new loading dock improvements adjacent to 57th Street, that the 57th Street canopy and loading dock will be removed within 2 weeks of demolition permit issuance, and that use of the 57th Street canopy and loading dock must be discontinued as of that date. Owner(s) also agree that construction permit applications to legalize all unpermitted work identified in paragraph #3 above will be applied for not later than 2 weeks from the CUP withdrawal request date. Further, in the event that Owner(s) withdraw from the CUP, the City reserves the right to renew or bring any nuisance or other enforcement actions based on activities that the Compliance Plan is intended to address. If the City determines that appeals of the CUP are based on non-material conditions, the city has the right to terminate this compliance plan with 7 days' notice to Owners, to require removal of the 57th Street canopy and loading dock, and to require discontinued use of the canopy and loading dock. The City reserves the right to renew or bring any nuisance or other enforcement actions based on activities that this compliance plan is intended to address.

55. Permit Binding on Successors

Suprema hereby agrees that the conditions stated herein will be incorporated as terms of any agreement to lease, or sell the real property, any agreement to sell purchase and sale or transfer the business operating at the site that may be entered into between them and all potential lessee/purchaser for the Property or the business. Suprema further agree that their successors in interest, assigns, heirs and transferees will be bound by obligations herein, and they likewise will attach and incorporate all conditions stated herein into any lease or purchase and sale agreement for the Property or the business.

From: "Valeska, David" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/3D039B4A07F24183B51F9CE8EC4B3AA7-VALESKA, DA>
Sent: 7/14/2015 4:53:05 PM +0000
To: "Miller, Scott" <SMiller@oaklandnet.com>; "Candell, Chris" <CCandell@oaklandnet.com>
Subject: Suprema Conditions Update, 955 57th St.-Please Review
Attachments: supremashortconditions.doc

After a 7-13-15 staff discussion at Rachel's, the attached version of site-specific non-boilerplate conditions

For Suprema Meats, 955 57th St. was redrafted, concentrating on street improvements, truck operations,

Noise control and hours.

Please review and comment so our draft conditions can move toward the final draft, thanks!

Dave Valeska, Planner II | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2214 |Oakland, CA 94612 | Phone: (510)238-2075 | Fax: (510) 238-4730 | Email: dvaleska@oaklandnet.com | Website: www.oaklandnet.com/planning

PROJECT SPECIFIC CONDITIONS

1. Semi-truck Delivery Management Plan

Prior to issuance of building permit (or other construction-related permit)

The applicant shall schedule appointments to unload big-rig (semi-truck) deliveries one at a time to be served on Lowell Street between 7 am and 5 pm. No big-rig trucks delivering to Suprema may arrive on Lowell Street prior to 7:00 am. Additional or early-arrival trucks must be held in reserve outside the residential area until this spot opens up, at a lawful off-site location such as designated truck stops near the Port or freeways. The applicant shall post signs at locations to be determined by the Zoning Manager informing truck drivers of these regulations. The applicant shall install at least two traffic cameras at locations to be approved by the Zoning Manager, to monitor truck movements. The video tapes shall be made available to the Zoning Manager and Inspections Manager for review. If the tapes disclose violations of this or other conditions, the Zoning Manager shall require compliance and may begin revocation proceedings if more than 3 violations are verified in any 30-day period.

2. Lowell Street Improvements

Prior to issuance of building permit (or other construction-related permit)

The applicant shall submit a plan for a new sidewalk, curb and gutter and street trees on Lowell Street between 57th Street and Aileen Street opposite Suprema's building and parking area and shall install such improvements to City of Oakland standards pursuant to a public-improvements project, consistent with the following:

- a) 60 foot right of way, City improvements 2015-2017
- b) 42 foot right of way curb to curb; centerline to be adjusted by City
- c) 9 foot sidewalks to be installed with applicant assistance, including street trees
- d) Applicant utility poles to be relocated at applicant cost, in concert with utilities and City Public Works, unless condition 2-d is waived by Public Works
- e) Applicant to post signs, consistent with Condition 1, approved by City Public Works, regarding parking and unloading of trucks (time, place, manner) to minimize effects on neighbors

3. Washing Trucks

Ongoing

No washing of trucks shall occur on Suprema property, including across Lowell Street unless trucks are being hand-washed and appropriate permits have been obtained for draining of fluids into the stormwater system. Truck washing shall occur at commercial truck washing facilities off-site.

4. Streetscape Landscaping

Prior to issuance of building permit (or other construction-related permit)

The applicant shall coordinate with the Public Works Department as appropriate to determine suitable landscaping to be installed, such as street trees. As part of submittal of

revised plans, the applicant shall propose landscaping to be installed adjacent to two-story building on Lowell Street.

5. Gate Screening

Prior to issuance of building permit (or other construction-related permit)

As part of submittal of permit plans, the applicant shall propose screening material such as semi-opaque fire-resistant cloth behind the gate and fence system on 57th Street.

6. Street Improvements and Loading System

Prior to issuance of building permit (or other construction-related permit) and ongoing

Plans shall be revised to indicate a new loading facility for at least one Suprema delivery truck inside the existing warehouse building along Lowell Street (east elevation), and related public Right-of-Way improvements shall be made along the property's Lowell Street frontage (from 57th Street to Aileen Street) as needed to accommodate unloading of big rig trucks (semi-tractor trailer trucks). These public improvements shall be designed to City standards and shall include a sidewalk, curb, gutter, catch basins, pavement grade adjustments and any drainage improvements as needed per and to the satisfaction of the City Engineer (see COA #39). The construction of these improvements shall occur within 90 days of zoning approvals.

7. Truck Loading

Ongoing

The applicant shall not unload big rig trucks (semi-tractor trailer trucks) or any other trucks on 57th Street.

8. Truck Parking

Ongoing

No trucks owned by Suprema Meats Inc. shall park on 57th Street.

9. Truck Delivery Management

Ongoing

The applicant agrees to discontinue all delivery staging activities (i.e. movement of vehicles, equipment, and product into position for loading), vehicle loading and unloading activities, and vehicle & equipment maintenance activities at the 57th Street open loading facility between the hours of 8 pm and 7 am (daily). The foregoing sentence excludes the movement of loaded vehicles leaving on delivery, which shall be limited as follows. Suprema shall limit all delivery activity noise generated from Suprema's 57th Street open loading facility between 8pm and 7 am (daily) to two 3-minute windows of time during which a maximum of 3 pre-loaded delivery trucks can be started and can exit the property during each of the said 3-minute windows (maximum of 6 delivery truck exits total, if allowed under an amended compliance plan. Said 3-minute windows shall not occur before 4:30 am.

10. Types of Trucks

Commencing with occupancy reliant upon this permit and ongoing

Suprema agrees to phase out the use of all non-hybrid delivery trucks within Suprema's 57th Street open loading facility within 3 years of the execution date of the October 20, 2014 Compliance Plan. This will be done by purchasing at least 2 hybrid delivery trucks per year as they become available for purchase, up to a minimum of five hybrid delivery trucks over the 3 year period. The size of the

replacement hybrid delivery trucks shall be equivalent to the existing Suprema delivery trucks (i.e. Class 7). Upon purchase of each hybrid delivery truck, Owner(s) agree to remove one conventional truck from those available for use within Suprema's 57th Street open loading facility.

11. Construction Permit Applications

Not Later Than 60 days following planning permit approval date (or from the final decision by the City appeal procedure). Suprema shall pay all fees and submit a complete application for construction permits to build all on-site and off-site property improvements including all unpermitted improvements and new improvements referenced in paragraph #3 of the Compliance Plan and as required by the Building Official and City Engineer.

12. Construction Rough Inspections

Not Later Than 5 months from the date of construction permit issuance. Suprema shall obtain all Rough Inspection approvals for the construction of all improvements referenced in paragraph #8 of the Compliance Plan.

13. Construction Final Inspections

Not Later Than 8 months from the date of construction permit issuance. Suprema shall obtain all Permit Final Inspection approvals for the construction of all permits referenced in paragraph #8 of the Compliance Plan.

14. Construction Followup: Acoustical

Not Later Than 1 month from the date of Permit Final Inspection approvals. Suprema shall submit to Planning & Building staff for review and approval, a post-construction Acoustical Report prepared by a qualified acoustical engineer that measures all noise coming from the Suprema Meats property (day and night) to determine the extent of noise reduction achieved by physical improvements to the facility and operational improvements established by the Compliance Plan and these Conditions. Suprema shall conduct periodic post-construction noise monitoring and submit two Acoustical Reports to Building Services -Code Enforcement staff every 6 months for 1 year following the date of the initial post-construction Acoustical Report. The reports shall include vibration that would exceed City standards including Oakland Planning Code Section 17.120.

15. Acoustical Buffering and Noise Prevention

Prior to occupancy

The applicant shall install, with permits, acoustical buffering and baffling below the metal shade structure to limit the extent of noise which bounces off the structure toward residential properties. The applicant shall follow the recommendations of the 2015 Wilson and Ihrig noise study on file with the Zoning Manager which are incorporated herein by reference, including but not limited to:

- a. Sound barrier walls around 3 rooftop refrigeration units
- b. Sealed gaps between sound barrier walls and roofs
- c. Provide airfoil fan blades on condensers
- d. Install mufflers on compressors
- e. Box in cold-box, after relocation to under the main building overhang
- f. Remove the other cold-box.

Plans shall indicate removal of the canopy within the required 5 foot setback.

16. Compliance Plan Followup

Ongoing

The City and Suprema agree to work in good faith for the purpose of completing the improvements, repairs and rehabilitation of the property. Suprema agrees to cooperate with the City and implement improvements and repairs as required by the Compliance Plan and these conditions. City agrees that it will act in accordance with its ordinary custom and practice with respect to issuing planning approvals, building permits, inspection sign-off(s), time extensions, and other approvals in the administration of the Compliance Plan and these conditions.

17. Option to Withdraw from Conditional Use Permit

Suprema retains the right to withdraw from any Conditional Use Permit (CUP) application, without such action constituting a breach of the Compliance Plan.

- a) Suprema have exhausted all administrative remedies, prior to filing an administrative writ or other court action to contest the terms of the CUP that alter the terms of the Compliance plan, and
- b) The request to withdraw from the CUP is made within 7 calendar days after a final CUP decision date (from the final decision by the City appeal procedure). The request to withdraw the CUP application must be given in writing to Zoning Division staff. The Owner(s) agree that any request to withdraw the CUP application will be done concurrently with application for a demolition permit to remove the unpermitted steel canopy structure and new loading dock improvements adjacent to 57th Street, that the 57th Street canopy and loading dock will be removed within 2 weeks of demolition permit issuance, and that use of the 57th Street canopy and loading dock must be discontinued as of that date. Owner(s) also agree that construction permit applications to legalize all unpermitted work identified in paragraph #3 above will be applied for not later than 2 weeks from the CUP withdrawal request date. Further, in the event that Owner(s) withdraw from the CUP, the City reserves the right to renew or bring any nuisance or other enforcement actions based on activities that the Compliance Plan is intended to address. If the City determines that appeals of the CUP are based on non-material conditions, the city has the right to terminate this compliance plan with 7 days' notice to Owners, to require removal of the 57th Street canopy and loading dock, and to require discontinued use of the canopy and loading dock. The City reserves the right to renew or bring any nuisance or other enforcement actions based on activities that this compliance plan is intended to address.

17. Permit Binding on Successors

Suprema hereby agrees that the conditions stated herein will be incorporated as terms of any agreement to lease, or sell the real property, any agreement to sell purchase and sale or transfer the business operating at the site that may be entered into between them and all potential lessee/purchaser for the Property or the business. Suprema further agree that their successors in interest, assigns, heirs and transferees will be bound by obligations herein, and they likewise will attach and incorporate all conditions stated herein into any lease or purchase and sale agreement for the Property or the business.

Applicant and/or Contractor Statement

I have read and accept responsibility for the Conditions of Approval, as approved by the Zoning Manager. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant: _____ (date)

Signature of Contractor _____ (date)

From: "Flynn, Rachel" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/C9E87BD049D74A6E8F5A2932242E7792-FLYNN, RACH>
Sent: 7/15/2015 3:34:36 PM +0000
To: "Valeska, David" <DValeska@oaklandnet.com>
CC: "Miller, Scott" <SMiller@oaklandnet.com>; "Brenyah-Addow, Maurice" <Brenyah-Addow@oaklandnet.com>; "Ranelletti, Darin" <DRanelletti@oaklandnet.com>
Subject: Suprema CUP
Attachments: supremajulyconditions.doc

Dave,

When we met on Monday to review the Suprema case, I asked you to incorporate the Lowell Street improvements (attached) into the Conditions of Approval document that we will be reviewing with Suprema. Has that been completed?

If not, I need this document completed by Friday.

In addition, I need to see a comparison of the following:

The advantages and disadvantages of the CUP and the associated conditions v.

The advantages and disadvantages of no CUP and no Compliance Plan.

Please send these to me by Friday as well. Thanks, Rachel

From: Valeska, David
Sent: Monday, July 13, 2015 2:45 PM
To: Flynn, Rachel; Miller, Scott
Cc: Ranelletti, Darin; Brenyah-Addow, Maurice
Subject: RE: Lowell Street Plan from 56th St to Stanford Ave

Maurice is coming. The draft condition to incorporate Peter's comments is attached.

Dave Valeska, Planner II | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2214 | Oakland, CA 94612 | Phone: (510)238-2075 | Fax: (510) 238-4730 | Email: dvaleska@oaklandnet.com | Website:

www.oaklandnet.com/planning

From: Flynn, Rachel
Sent: Monday, July 13, 2015 2:28 PM
To: Valeska, David; Miller, Scott
Cc: Ranelletti, Darin; Brenyah-Addow, Maurice
Subject: RE: Lowell Street Plan from 56th St to Standford Ave

The Condition for Lowell improvements was to be augmented upon completion of Peter's roadway analysis. In Peter's e-mail of June 30th, he indicates that "for City Planning and Building, the information I sent should be adequate".

Therefore, someone in Planning needs to read the information that Peter sent in June and incorporate that information into the Lowell Street condition.

Let me know if that's clear.

Given that Scott is out, can you check to see if Maurice is available at 3:00 today (or even 2:45)?

From: Valeska, David
Sent: Monday, July 13, 2015 1:08 PM
To: Flynn, Rachel; Miller, Scott
Cc: Ranelletti, Darin
Subject: RE: Lowell Street Plan from 56th St to Standford Ave

Scott is out ill. I will meet with you as needed. My notes show

Peter Chun's June 17 e-mail seems to address Lowell improvements. The Planning draft

Conditions of June 18 (#2) refer to Lowell with a note that it will be augmented upon

Completion of Peter's roadway analysis.

Condition 9 has a note, whether we want to not allow Suprema trucks to depart
Prior to 5/5:30 am (the new delivery closing time is 8 pm in that condition.

Dave Valeska, Planner II | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2214 |Oakland, CA 94612 | Phone: (510)238-2075 | Fax: (510) 238-4730 | Email: dvalueska@oaklandnet.com | Website: www.oaklandnet.com/planning

From: Flynn, Rachel
Sent: Monday, July 13, 2015 11:33 AM
To: Miller, Scott
Cc: Ranelletti, Darin; Valeska, David
Subject: RE: Lowell Street Plan from 56th St to Standford Ave

Scott – What is the status of the Conditions of Approval.

I'd like to discuss this at our 3:00 today (with David Valeska there too).

If both of you are available at 2:45, that would be even better. Thanks, Rachel

From: Flynn, Rachel
Sent: Tuesday, June 30, 2015 9:26 AM
To: Chun, Peter; Miller, Scott
Cc: Wang, Joe; Ranelletti, Darin; Valeska, David; Mog, David
Subject: RE: Lowell Street Plan from 56th St to Standford Ave

Scott and David, Please incorporate Peter's directives into the conditions.

From: Chun, Peter
Sent: Tuesday, June 30, 2015 9:22 AM
To: Flynn, Rachel; Miller, Scott
Cc: Wang, Joe; Ranelletti, Darin; Valeska, David; Mog, David
Subject: RE: Lowell Street Plan from 56th St to Standford Ave

Rachel,

For City Planning and Building the information I sent should be adequate. I was hoping to give [REDACTED] a response sooner but that obviously did not happen. She noted potential traffic safety concerns in her email to me and during our site visit. I need to frame my response with regard to traffic safety and I have not had time to put that element together. I will see if I can send a response this week. Let me know if there are questions you have about Suprema's development of the right of way that is not answered below. The big item for Mr. Jara will be redesigning his Lowell Street plan to operate unloading from the street and the utilities next to his parking lot on the opposite side. We do not recommend that the poles stay in place where they would be in the roadway. Building Services deals with this issue frequently and can further respond on how the utilities should be dealt with.

Thanks,

Peter Chun, TE

Transportation Engineer

Transportation Services Division | Bureau of Engineering and Construction

City of Oakland | Oakland Public Works Department | APWA Accredited Agency

250 Frank Ogawa Plaza Suite 4344 | Oakland, CA 94612-2033

(510) 238-7774 | (510) 238-3415 Fax

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www.oaklandpw.com | pwacallcenter@oaklandnet.com | **Mobile app:** [SeeClickFix](#)

From: Flynn, Rachel

Sent: Monday, June 29, 2015 7:53 PM

To: Chun, Peter; Miller, Scott

Cc: Wang, Joe; Ranelletti, Darin; Valeska, David

Subject: RE: Lowell Street Plan from 56th St to Standford Ave

Hi Peter, Do you know when you'll have your recommendations/requirements for the Lowell Street design (between 57th and Aileen)? We're getting ready to meet with Suprema to review their CUP application.

Thanks, Rachel

From: Chun, Peter
Sent: Thursday, June 18, 2015 9:47 AM
To: Flynn, Rachel; Miller, Scott
Cc: Wang, Joe
Subject: RE: Lowell Street Plan from 56th St to Stanford Ave

Rachel,

I plan to respond to [REDACTED] about the traffic concerns and questions she has raised about Lowell Street and the current conditions. This will include the plan to adjust the current center line for a wider southbound lane. I will also let her know the planned roadway scheme as properties along Lowell Street develop curbs and sidewalks. And, I will provide her a copy of the Lowell Street survey although it seems that she is already aware of it. She understands every detail of the information we provide her. (Too much so.) I would like to frame our response on the traffic concerns in a manner that does not keep opening up more questions.

Thanks,

Peter Chun, TE

Transportation Engineer

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From: Flynn, Rachel
Sent: Wednesday, June 17, 2015 7:45 PM

To: Chun, Peter; Miller, Scott
Cc: Candell, Chris; Valeska, David; Quesada, Bill; Low, Tim; Wang, Joe; Hayes, Gil
Subject: RE: Lowell Street Plan from 56th St to Stanford Ave

Peter, Would it be possible to prepare a simple street section (or plan view) with dimensions? We could forward that to [REDACTED] so she better understands what is intended. Thanks, Rachel

From: Chun, Peter
Sent: Wednesday, June 17, 2015 3:30 PM
To: Flynn, Rachel; Miller, Scott
Cc: Candell, Chris; Valeska, David; Quesada, Bill; Low, Tim; Wang, Joe; Hayes, Gil
Subject: Lowell Street Plan from 56th St to Stanford Ave

Rachel and Scott,

We completed our assessment of the right of way (R/W) along Lowell Street. Attached is a reduced version of the survey conducted by Gil Hayes of the City Survey Section. As you noted in a prior email the Lowell Street R/W is generally 60 ft. wide from Adeline Street to Stanford Avenue except the one block between 56th Street and Aileen Street. Sixty feet is adequate width to provide for a shoulder/sidewalk on each side of Lowell Street and a roadway width to accommodate the parking of trucks and two full travel lanes. The minimum sidewalk recommended by Public Works is 6 feet. We do not however recommend developing streets based on the minimum requirement. The minimum roadway width (curb to curb) that will accommodate commercial vehicle parking two travel lanes is 40 ft. Therefore the widest sidewalk you would want on Lowell Street is 10 ft.

Our recommendation is a curb line (along the 60 ft. wide portions of Lowell Street) at 9 ft. from the property line and creating a 42 ft. curb to curb roadway. This will accommodate the parking of the widest allowable vehicle on State roads (102 in. or 8 ½ ft.), an 11 ft. wide travel lanes, and 1 ½ ft. of cushion between a parked vehicle and the curb line and/or the parked vehicle and the travel lane; a total of 21 ft. per direction of travel. We do not recommend a curb line less than 8 ft. from the PL or more than 10 ft. from the PL for the reason above. An 8 ft. sidewalk is just wide enough to just accommodate a sidewalk with minimal enhancements; signs, planters, trees, and a minimum 48 in. clear area of sidewalk for a continuous accessible path.

The condition of Lowell Street is very poor as you know. Looking at the attached survey most of the corridor is undeveloped with properties that have pushed their presence into the R/W. There are existing curbs and sidewalks on Lowell Street

from Adeline Street to 55th Street. These areas are about 6 ft. in width, the City minimum. They should be widened to allow for sign poles, hydrants, and tree planters while maintaining an accessible sidewalk (free of obstructions) width 4 to 5 ft. There are also curb and sidewalk on westerly side of Lowell Street between Stanford and Grace Ave. The sidewalk is approximately 10' 6". The developer of the property on this block was present when we conducted our site review and he noted that he was rebuilding sidewalk but maintaining the existing curb and gutter. Any development on the opposite side of Lowell Street should consider establishing a curb line no more than 9 ft. from the property line (PL) into the R/W to maintain a roadway of 40 ft. or more.

The block of Lowell Street between 56th Street and Aileen Street has a R/W of only 38 ½ ft. Gil Hayes indicated that the property owner confirmed the deed to the portion of Lowell Street that extends from their building by about 15 ft. I assume this was the old railroad track that was taken over by this property. We do not have a recommendation for this block.

On the easterly side of Lowell Street there are utility poles and encroachments into the R/W. Development of sidewalks on this side of the street will require the relocation the power poles behind the curb line or underground and the encroachments will need to be removed. The expanded roadway section that the sidewalks would create will require a full depth roadway construction. Example, the edge of pavement on the easterly side of Lowell Street next to Suprema Meats parking lot is 15 ft. from the property line. The City would want the roadway between the new curb (9ft. from the PL) to a point past the edge of pavement where the existing roadway is in good condition. If this were 5 ft. from the edge of pavement we are talking a 11 ft. wide section that would need to be built up to accommodate truck traffic.

The City will be repaving Lowell Street very soon. To better accommodate the above plan we will recommend the center line stripe on Lowell Street be repainted at or very close to the center line of the roadway. This may seem straight forward but it is not. The exiting center line accommodates the current roadway conditions and moves back and from 53rd Street starts west of the center line moves to center and then slightly east of center at 56th Street. It then moves to a few feet west of center at 57th Street and back to center at Stanford. The revised painted centerline will create a wider space for southbound traffic to parking and pass. The northbound will not be able to park so that they block the northbound travel lane but it appears that most of the vehicles on the easterly side of Lowell St already park on the shoulder area off of the travel lane.

I will probably forward the immediate plan to adjust the centerline as part of the paving work on to Ms. Lucas and Mr. Jara. Let me know if you have any questions or require more information.

Thanks,

Peter Chun, TE

Transportation Engineer

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PROJECT SPECIFIC CONDITIONS

2. Lowell Street Improvements

Prior to issuance of building permit (or other construction-related permit)

The applicant shall submit a plan for a new sidewalk, curb and gutter and street trees on Lowell Street between 57th Street and Aileen Street opposite Suprema's building and parking area and shall install such improvements to City of Oakland standards pursuant to a public-improvements project as follows:

- a) 60 foot right of way, City improvements 2015-2017
- b) 42 foot right of way curb to curb; centerline to be adjusted by City
- c) 9 foot sidewalks to be installed with applicant assistance, including street trees
- d) Applicant utility poles to be relocated at applicant cost, in concert with utilities and City Public Works
- e) Applicant to post signs, approved by City Public Works, regarding parking and unloading of trucks (time, place, manner) to minimize effects on neighbors

From: "Flynn, Rachel" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/C9E87BD049D74A6E8F5A2932242E7792-FLYNN, RACH>
Sent: 5/20/2015 4:36:15 PM +0000
To: "Valeska, David" <DValeska@oaklandnet.com>
CC: "Ranelletti, Darin" <DRanelletti@oaklandnet.com>; "Miller, Scott" <SMiller@oaklandnet.com>; "Brenyah-Addow, Maurice" <Brenyah-Addow@oaklandnet.com>
Subject: Suprema Meats

Dave, Are you in on Friday. I'd like to review the Suprema Meats case that was assigned to you due to Ulla's retirement. This is a complex and contentious case. You and I will have to work closely on it to reach resolution.
Thanks, Rachel

From: Steve Hassing <sjh@hassinglaw.com>
Sent: 4/24/2015 9:06:31 PM +0000
To: "Miller, Scott" <SMiller@oaklandnet.com>; "Minor, Gregory" <GMinor@oaklandnet.com>
CC: Marcela Jara <mmjara@comcast.net>
Subject: Suprema Meats

Mr. Miller,

On behalf of Suprema Meats I am extending an invitation to you to join us on a walk-through of Suprema's facility prior to your decision in this matter. We would like the opportunity to show you what has been done and to explain why as well as explaining the effect on the neighbors. We would also like to show you exactly—on site—what Suprema wants to do and explain why it will benefit the entire area. We would like you to bring Mr. Minor with you. By continuous emails and phone calls, as well as last night's meeting, you have been provided with the neighbor's views. We would like to present our side of the story in an atmosphere devoid of the giggling and argument witnessed last night.

Let's talk further about scheduling the meeting.

Thanks

sjh

LAW OFFICES
OF
STEVEN J. HASSING

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TRIAL LAWYER | BUSINESS LITIGATION

From: "Jonsson, Ulla-Britt" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/D59BE527293A4EB29C7EF3FA993E5F99-JONSSON, UL>
Sent: 4/7/2015 5:49:06 PM +0000
To: "Jonsson, Ulla-Britt" <UJonsson@oaklandnet.com>
CC: "Miller, Scott" <SMiller@oaklandnet.com>
Subject: Suprema Meats application, meeting with neighbors

Dear neighbors of Suprema Meats, 955 57th Street,

This is to let you know that there will be a meeting with Suprema Meats neighbors at Oakland City Hall, Hearing Room 3, ground floor, on Thursday, April 23, 2015, 6:00-8:00 p.m.

The room is wheelchair accessible from the 14th Street entrance.

Ulla-Britt

Ulla-Britt Jonsson, Planner

City of Oakland Bureau of Planning

250 Frank H. Ogawa Plaza, Oakland, CA 94612

Direct: (510) 238-3322 | Fax: (510) 238-4730

ujonsson@oaklandnet.com | www.oaklandnet.com/planning

From: "Flynn, Rachel" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/C9E87BD049D74A6E8F5A2932242E7792-FLYNN, RACH>
Sent: 6/3/2015 4:15:16 AM +0000
To: [REDACTED]
CC: "Quesada, Bill" <BQuesada@oaklandnet.com>; [REDACTED]; "Minor, Gregory" <GMinor@oaklandnet.com>; "Candell, Chris" <CCandell@oaklandnet.com>; [REDACTED], Tim" <TLow@oaklandnet.com>; "Kalb, Dan" <DKalb@oaklandnet.com>; [REDACTED]; "Miller, Scott" <SMiller@oaklandnet.com>; "Chun, Peter" <PChun@oaklandnet.com>; "Valeska, David" <DValeska@oaklandnet.com>; "Kalb, Dan" <DKalb@oaklandnet.com>; "Brenyah-Addow, Maurice" <Brenyah-Addow@oaklandnet.com>
Subject: Suprema Meats Complaints and CUP

Hi [REDACTED]

Sorry for taking so long to get back to you. We've certainly not forgotten about your concerns and have been investigating them over the last few weeks.

To address your concerns about noise (Items 1 & 2) – I issued a Request for Proposals (RFP) to Acoustical Engineering firms last month. The RFP closed yesterday and it will take me at least 2-3 weeks to hire a firm and get a signed contract.

Our goal is to obtain expert assessments on the noise/vibrations issues that you and other neighbors have complained about.

Chris Candell's sound monitoring has indicated that Suprema has not been in violation during the times he has conducted on-site visits/tests. He just went out this morning between 4:15 and 7:30.

However, we understand that you believe the noise/vibration levels are unacceptable at certain times. Since we cannot be there 24/7 to observe and measure all activity, I'd like to see if the Acoustical Engineer we hire can perform ongoing monitoring.

In regards to Item 3, Bill Quesada indicated in a previous e-mail that he was unaware of any City code that addresses the commercial truck washing issues you cite. Of course, we can have the selected acoustical firm test for any noise issues, and I will check with Public Works regarding waste in storm drains. I will also check again with Bill Quesada as to how we could possibly monitor/enforce spray and odor issues.

Regarding Item 4, the previous Planner, Ulla-Britt Jonsson, investigated this complaint and was

not able to confirm any violations. Therefore, I will check with our Code Enforcement staff, to see if they can address this complaint. Do you have the address of the property affected?

I will be in touch when we have hired the Acoustical Engineering firm. In the meantime, Scott Miller and Dave Valeska are working on the CUP application and the conditions we will require. They are backlogged with several other projects and don't know when they can get to this case. They are aware of everyone's desire to see the CUP finalized.

Thanks, Rachel

Rachel Flynn AIA

Director | Planning & Building Department

City of Oakland

510 . 238 . 2229

From: [REDACTED]
Sent: Monday, June 01, 2015 12:23 PM
To: Flynn, Rachel
Cc: Quesada, Bill; [REDACTED] Minor, Gregory; Candell, Chris; Low, Tim; Kalb, Dan; [REDACTED] Miller, Scott; Chun, Peter; Hunt, Michael; Valeska, David
Subject: Re: compliance plan violations

Hi Rachel,

Can you please respond, or designate someone else to respond, regarding the status of these open complaints?

An inspector was assigned to #4 but for nearly 2 months now, despite repeated calls from the home owner, has failed to conduct an inspection.

- 1) refrigeration / rooftop equipment humming noise and vibration
- 2) daytime noise from loading and unloading activities in the open facility and in the

streets

3) commercial truck washing in the parking lot on the east side of Lowell St that is sending spray and odors into residences and waste into the storm drains

4) liquid running from rooftop equipment down warehouse wall into neighboring residential property on the west side of the open facility

Thanks, [REDACTED]

On Mon, May 18, 2015 at 11:26 AM, [REDACTED] wrote:

Thank you Rachel.

Can you please update us on the Suprema Meats inspection that occurred Friday afternoon and on the April 30 inspection Bill Quesada mentioned that Tim Low ordered in his email of the same day?

We also need to know the progress on these other open complaint cases involving Suprema Meats:

1) refrigeration / rooftop equipment humming noise and vibration

2) daytime noise from loading and unloading activities in the open facility and in the streets

3) commercial truck washing in the parking lot on the east side of Lowell St that is sending spray and odors into residences and waste into the storm drains

4) liquid running from rooftop equipment down warehouse wall into neighboring residential property on the west side of the open facility

Thanks, [REDACTED]

On Thu, May 14, 2015 at 2:39 PM, Flynn, Rachel <RFlynn@oaklandnet.com> wrote:

[REDACTED] We will send out an inspector this afternoon. Thanks for letting us know. Rachel

From: [REDACTED]

Sent: Thursday, May 14, 2015 1:18 PM

To: Quesada, Bill

Cc: [REDACTED] Minor, Gregory; Candell, Chris; Low, Tim; Flynn, Rachel; Kalb, Dan; [REDACTED]
[REDACTED] Miller, Scott; Jonsson, Ulla-Britt; Chun, Peter [REDACTED] Hunt, Michael

Subject: Re: compliance plan violations

Hi Rachel, Bill, Tim, and Greg,

My next door neighbor right across the street from suprema witnessed further construction along the wall on the western residential property line this morning, I closing welding and onstallation of hoses. When he went out at 9:15 am and asked if they have permits they quickly said they "have one in" and then quickly put everything away and the welder left on his truck. Just now they have resumed the work.

I left voice messages for Tim Low, Bill Quesada. And David Miles. My neighbor has tried the code and blight line but apparently everyone's out.

I believe this work is all related to work I've reported beginning in April related to freezer and rooftop equipment.

Whatever they are doing has caused the freezer hum to increase in noise level. There is also a high pitched constant tone and increased vibration in my home. I am no longer able to sleep and neither are my next door neighbors who are also being woken up by the humming and vibration in the middle of the night in addition to the forklifts moving around.

Can you please make Suprema stop the construction?

Can you please update us on the progress if open cases for loading noise during the day, freezer and rooftop mechanical noise, and commercial truck washing?

Thank you.

[REDACTED]

On May 4, 2015, at 12:36 PM, [REDACTED] wrote:

Hi Greg,

Yet another big rig arriving too early, at 6:20 am today.

[REDACTED]

On Sun, May 3, 2015 at 11:00 AM, [REDACTED]
wrote:

Hi Greg,

Last night at 7:40 pm I went out to talk with a big rig driver from Carrier

Logistics in Kansas (see photos) on the east side of Lowell between 57th and Aileen with his main engine and refer engine running. I informed the driver that he can't run the engines or stay overnight and that Suprema doesn't open until 7 am. He immediately became belligerent, insisting he can park and idle within 15 feet of homes. I told him that Suprema should have told him about their agreement with the City and where he should park overnight but he wasn't having any of it. I then told him about the CA Air Resources Board law that prohibits idling for more than 5 minutes and took photos of the DOT, MC numbers and license plate which are needed to report the violation to the state. As I was taking a picture of the license plate on the front of the truck he blasted me with his horn and started yelling at me.

I got back in my car and called OPD. The dispatcher told me commercial vehicles are allowed to idle wherever they like for 5 hours. I insisted she tell me the exact chapter and section of OMC where she's getting that from. It turned out to be code that applies to trucks under one ton and not to big rigs. She finally agreed to place a request for service given the aggressive behavior of the driver. The incident number is 773 for May 2. I don't know if OPD came out but the big rig was gone when I came home later last night.

We are growing very tired of investigating and reporting the big rigs. This is not sustainable and we shouldn't have to spend the time it takes to do this and place ourselves in uncomfortable and potentially dangerous circumstances month after month. Suprema's Memos to their carriers are simply not working. There are too many of them and the message is not filtering down to the drivers.

Thanks,

[REDACTED]

On Thu, Apr 30, 2015 at 2:27 PM, [REDACTED] wrote:

Thanks Bill.

Chris and Greg -- according to Craig Pon in public works the commercial truck washing violates the code prohibiting anything except rain water going into the storm drain, even if it's Downey. I don't recall the

chapter. Chapter 17 noise standards are probably being violated with the generators and compressors and power spray wand. Chapter 17 odor and sprays section is being violated with the soap/chemical liquid being sprayed onto residential property and into sidewalks and streets. Craig Pon said that he would do an inspection and potentially have the fire dept participate because the fire dept is actually contracted for storm drain inspections.

If you could coordinate with Craig you could also follow up on the liquid being pumped out from under the unpermitted loading dock into the storm drain, and consider having a fire sept inspector participate.

Thanks,

[REDACTED]

On Apr 30, 2015, at 9:13 AM, "Quesada, Bill"
<BQuesada@oaklandnet.com> wrote:

[REDACTED]

Following our conversation I spoke with the Inspections Manager (Tim Low, 238-6315) and I understand he sent a code enforcement inspector to Suprema to investigate. I did not call Mr. Jara ahead of that surprise visit. Your complaint of continuing work without permit related to new refrigeration hoses being installed in the side yard plus compressors was also communicated to him at the same time.

At this time, I don't know which Oakland municipal codes if any are being violated by power washing trucks with compressors during the day. Chris C and Greg M have discussed this already and we can see what they have concluded.

Bill Quesada

238-6345

From: [REDACTED]
Sent: Wednesday, April 29, 2015 8:35 PM
To: [REDACTED]
Cc: Minor, Gregory; Candell, Chris; Low, Tim; Quesada, Bill; Flynn, Rachel; Kalb, Dan; [REDACTED] Miller, Scott; Jonsson, Ulla-Britt;

Chun, Peter

Subject: Re: compliance plan violations

Hi Chris, Bill and Greg,

Bill - thanks for talking with me this morning about the **loud grinding noise coming from Suprema's yard**. Were you able to find out from Mr. Jara what work they were doing today?

And were you able to find out about the **work over the last few weeks related to freezer equipment on the roof and installation of hoses and possibly compressors to pipe freezer air across the yard into trucks** as they're being loaded?

Related to the recent work associated with the freezers and rooftop mechanical equipment, **the humming noise has become much worse**. There is a high pitched hum that gets louder as you approach my house and my closest neighbors homes on both sides of 57th St. This humming noise is especially bad at night and it's waking us all up in the wee hours.

Today my neighbor [REDACTED] right across the street from Suprema's yard, told me he **witnessed a mobile compressor and power sprayer being used to wash trucks in the open yard on 57th St**. I don't think this is a legal or acceptable alternative to the commercial truck washing that is going on every Sunday morning in the parking lot on the east side of Lowell. Can you please follow up on that too?

CHRIS - Bill said that he would look into you doing more frequent 4 - 7 am unannounced visits to observe first hand the activity occurring Mon-Fri in violation of the compliance plan. The current schedule and activities I'm capturing on my camera are: approx. 4:30 am 4 trucks leave the yard, 5th and 6th trucks leave around 5 after which blue curtain is drawn, **after 5 am a forklift is brought out from the storage area behind the first floor office, the forklift drives behind the blue curtain where staging is occurring that is waking the neighbors**. Here are examples of the videos I've uploaded to dropbox. I'm hoping that this gives you a sense of the time frame that you need to do your inspections to observe first

hand the forklift activity:

4-28-15 5:34 am forklift travels in yard
3-13-15 6:53 am forklift travels through yard
3-13-15 5:55 am forklift traveling in yard
3-12-15 4:58 am forklift travels through yard
3-10-15 6:46 fork lift travelling in yard
3-9-15 5:26 am forklift travels in yard
3-6-15 5:24 am pallet jack & forklift in yard
3-5-15 5:27 am forklift in yard
3-4-15 6:14 am forklift drives in yard
2-25-15 5:45 am equipment-pallet jack moves in yard
2-17-15 4:45 am forklift driving banging in yard

You get the idea... anywhere between 5 am when the blue curtain is drawn up to 6 am or later forklifts are travelling through the yard and all this has been happening even after Greg Minor issued the Feb 17 \$8000 citation.

GREG, Bill says that code compliance cannot accept our video evidence and that our best bet is therefore enforcement from your office. At this point we want to talk seriously about getting the City Attorney involved to pursue a public nuisance case. Can you please help us with this???

Thanks,

[REDACTED]

On Tue, Apr 28, 2015 at 10:54 AM, [REDACTED]
[REDACTED] wrote:

I actually can't believe that no one has been injured yet

(that we know of). I noticed yesterday that the stop sign on the northeast corner of Aileen and Lowell is again bent over at a 25 degree angle.

The big rig driver we spoke with at length last night says there's no way a big rig unloading area can be built on Lowell St without taking up half of the southbound lane. It is physically impossible.

Has anyone been out to measure the streets? We really need a traffic study and street measurements.

Bringing Peter Chun into this thread.

Thanks,

██████████

On Apr 28, 2015, at 10:09 AM, ██████████

██████████ wrote:

Hi everyone,

About 25 minutes ago I watched a Suprema-bound semi truck heading northbound on Lowell Street:

1. blow through the stop sign at Lowell and 56th; then
2. execute a 3-point turn by a) turning left onto 57th; b) blindly backing up *through* the intersection with Lowell while blasting its horn; and c) turning left to point southbound on Lowell to be unloaded.

I wasn't carrying my phone or a camera, so unfortunately I can't provide any photos or video... but I'm providing this description to give

you a better sense for what we're dealing with here.

The 3-point turns in particular are hazardous to drivers, bikers, and pedestrians, since they involve trucks blindly backing up across Lowell Street. We often see the same maneuver at the intersection of Lowell and Aileen, when trucks change from a southbound to northbound orientation.

There is no safe way for semi trucks to turn around on Lowell Street -- a fact that should be taken into consideration with respect to Suprema's proposed loading facility on Lowell.

thanks,

[REDACTED]

On Tue, Apr 28, 2015 at 8:12 AM, [REDACTED]
[REDACTED] wrote:

Hi Greg and Chris,

Please review my email to you below with the latest batch of almost daily compliance plan violations. I can guarantee you there are more and they will be coming your way.

In addition to the big rig (Decker Trucking) that arrived at 8 pm last night and parked on Lowell, another one arrived at 6:11 this morning. Around the same time an unknown smaller truck arrived via west 57th St and parked in the yellow loading zone. A forklift was also travelling through the yard before 6 am, likely engaged in the product staging that Suprema's architect admitted at the community meeting last Thursday evening, that they are doing (in

violation of the compliance plan) without even discussing it with the City.

cc'ing Scott and Ulla so they have some idea of the ongoing compliance plan violations. Suprema shouldn't be awarded with permits when they cannot comply with their agreement with the City signed in October.

Thanks,

[REDACTED]

----- Forwarded message -----

From: [REDACTED]

Date: Thu, Apr 9, 2015 at 11:31 PM

Subject: Re: compliance plan violations

To: "Minor, Gregory"

<GMinor@oaklandnet.com>, "Illgen, Richard"

<RIllgen@oaklandcityattorney.org>, "Candell,

Chris" <CCandell@oaklandnet.com>, "Low, Tim"

<TLow@oaklandnet.com>

Cc: [REDACTED]

[REDACTED]

Hi Greg and Chris,

Besides me, my new neighbors next door (directly across from Suprema' unpermitted loading dock) and [REDACTED] and extended family (directly next door) are stating that they are still hearing forklifts moving around, beeping, shouting, etc starting at 4 in the morning, disturbing all of our sleep.

There's a clear pattern of blatant compliance plan violations with 4 - 7 am activity including more than 3 trucks leaving at once, more than 5 trucks total leaving, forklifts moving through the yard (all of this daily Mon-Fri) as well as trucks being moved from the Lowell St lot into the loading dock and loaded before 7 am, big rigs arriving and parking too early, and unloading on

Lowell (intermittent).

Apparently the \$8000 fine for just 8 days of violations has been no deterrent.

Here's another installment of violations since I last provided documentation covering February 18 to March 4, after the initial fines issued February 17. Video documentation of each violation has been uploaded to dropbox.

March 5 - 4:47 am 4 trucks leave yard; 4:57 am 5th and 6th trucks leave; 5:03 am blue curtain drawn; 5:27 forklift travelling in yard, 5:56 am truck arrives from N Lowell onto 57th St and is turned around by staff

March 6 - 4:40 am 4 trucks leave yard; 4:57 am 5th and 6th trucks leave; 5:03 blue curtain drawn; 5:24 pallet jack and forklift travelling in yard; 6:52 am truck moved from Lowell lot into loading dock and loaded; 6:58 am another truck moved from Lowell lot into yard

March 9 - 4:49 am 4 trucks leave yard; 4:54 am big rig arrives too early; 5:22 am 5th and 6th trucks leave and blue curtain drawn; 5:26 am forklift travels in yard

March 10 - 4:41 am 4 trucks leave yard; 4:52 am 5th and 6th trucks leave yard; 5:01 am blue curtain drawn: 6:46 am forklift travels in yard

March 12 - 4:39 am 4 trucks leave yard; 4:52 am 5th and 6th trucks leave and blue curtain drawn; 4:58 am forklift travels through yard

March 13 - 4:40 am 4 trucks leave yard; 4:50 staff pushes dolly with product to Lowell St; 5:01 am 5th and 6th trucks leave; 5:55 am forklift

travels through yard; 6:51 am blue curtain opened; 6:53 am forklift travels through yard; 6:55 am truck moved from Lowell lot and loaded in 57th St dock; 6:58 am truck loaded in dock while forklift leaves and brings product from truck parked on Lowell

March 16 - 4:44 am 4 trucks leave yard; 5:22 am blue curtain drawn; 5:57 big rig arrive too early, 6:57 am forklift goes out to Lowell and truck moved from Lowell lot into loading dock

March 22 - power washing delivery trucks in open parking lot on east side of Lowell between 57th and Aileen. (Weren't they warned not to do this in the notice with the \$8000 fine?)

March 23 - 4:38 am big rig arrives on Lowell; 4:45 am 4 trucks leave yard; 5:05 am 5th truck leaves; 5:07 am 6th truck leaves; 5:10 am blue curtain drawn; 6:55 am truck moved from Lowell lot into loading dock and loaded

April 5 - 6:40 am big rig arrives before receiving hours; 10:50 am big rig (unknown carrier) arrives from west on 57th St

These activities have been going on in blatant violation of the compliance plan since Nov 20. Please let us know when further enforcement action is taken.

Thanks,

██████████

on Fri, Mar 13, 2015 at 12:02 AM, ██████████

██████████ wrote:

Hi Greg,

The violations continue. As usual, photos/videos uploaded to dropbox.

Mar 4: big rig on 57th - Knight Refrigerated

Mar 5: 4 trucks left at once around 4:30 am, another 2 later, 5:04 blue curtain drawn; 5:27 forklift driving in the yard; 5:55 suprema truck arrives on 57th from N Lowell and is about to come in the yard when workers come out and turn him around

[REDACTED] who live [REDACTED]
[REDACTED]
[REDACTED] who had the [REDACTED]
[REDACTED] told me today that they are still being woken up every morning at 3:30 and that forklifts are driving in the yard and inside the warehouse, horns are beeping, and workers are talking loudly. They believe trucks are still being loaded in the back of the yard. When staff arrive they turn the harsh lights back on which shine into their three bedrooms. They are still inundated with the HVAC humming noise which they say gets louder at night and also disturbs their sleep.

In addition to the early am violations, [REDACTED] showed me pictures of a pallet jack loading customers pick up trucks in front of their home on the side walk late in February. And, as if all this isn't bad enough, the roof top equipment from the huge unpermitted freezers is causing [REDACTED]
[REDACTED]. This family has had enough. It's difficult for them to defend themselves and navigate the system [REDACTED]
[REDACTED]

I can guarantee that the compliance plan

violations have been happening every day Mon-Fri since Nov 20 until today and I can back that up with video evidence. [REDACTED] also have endless photos and videos that support the ever increasing public nuisance occurring on Suprema's property and in the streets.

Thanks,

[REDACTED]

On Tue, Mar 10, 2015 at 10:29 PM, [REDACTED]
[REDACTED] wrote:

Hi Greg and Chris,

Evidence of the following compliance plan violations AFTER the letter you sent Suprema have been uploaded to dropbox .

Feb 18: 4 trucks left at once, 6 trucks total, big rig arrives on Lowell at 5:35 am

Feb 19: 4 trucks left at once, 6 trucks total, blue curtain drawn at 5 am

Feb 20: trucks left in 3 intervals, 6 trucks total, blue curtain drawn at 4:40 am

Feb 23: trucks left in 3 intervals, 6 trucks total, blue curtain drawn at 5:10

Feb 24: 5 trucks left at once, 6 trucks total, blue curtain drawn at 4:50

Feb 25: 6 trucks left at once, 6 trucks total, pallet jack moves through yard at 5:45 am

Feb 26: 6 trucks left at once, 6 trucks total, big

rig arrives on Lowell at 6:20 am

Feb 27: 5 trucks left at once, 6 trucks total, blue curtain drawn at 4:40 am

Mar 4: 4 trucks left at once, 6 trucks total, forklift driving through yard at 6:15 am

Thanks,

██████████

On Sun, Feb 22, 2015 at 8:14 PM, ██████████
██████████ wrote:

Hi Greg and Chris,

Last night just after midnight at big rig arrived from the west on 57th St and turned south on Lowell. I went out to find ██████████, the driver, settling for the night with his refer running. I explained the situation. The company is ██████████ ██████████ has been here before and says he can't stand delivering to suprema because he gets lost on small streets, there's no loading dock, and no unloading schedule resulting in long wait times. ██████████ hone number is ██████████. He says he's happy to talk with anyone at the City to explain the frustration.

██████████ are photos of the truck and of the ██████████ order which states to deliver to 955 57th. He received no instructions for the new address, not to drive on 57th, and not to park overnight.

██████████

On Wed, Feb 18, 2015 at 8:52 PM, ██████████
██████████ wrote:

Before I forget, mid to late in the afternoons Suprema is now moving trucks into the loading dock one after another (2 or 3 trucks) to preload them for the 4-5 am deliveries. For 10-15

minutes while each truck is pre-loaded, the refer engine is running. The other day I witnessed a big black plume of smoke presumably from starting the refer. In addition to the excessive noise and vibration, the smoke and diesel fumes are being emitted very close to windows of the neighboring residential property where two children and two elderly people and three adults live.

On Wed, Feb 18, 2015 at 8:31 PM, [REDACTED]
[REDACTED] wrote:

Hi Chris and Greg,

A couple updates...

Yesterday (Tuesday Feb 18) I was up from 4 am until after 5. I took some time stamped video with audio on my cell phone using a new app. The footage is unfortunately darker than in other video we've provided, but it does document forklift movement in the yard and noise from activity behind the blue curtain which was drawn as usual just before 5 pm. Four trucks left at about 4:40 (only three should be leaving at once).

Also, as of the last 2 to 3 days the HVAC units / compressors have been adjusted again and there is now a completely new hum which is like a constant single note accompanied by another sound like a buzzing electrical wire. It might not exceed allowable limits but it's close and it's extremely annoying. I can just hear this constant single pitch hum through closed windows. It seems to me that amateur adjustments are probably being made to squeak past the ordinance. If there was real concern on Suprema's part to make this right, they would hire an acoustical engineer to advise on correct mitigation of this nuisance noise.

Thanks,

On Wed, Feb 4, 2015 at 9:13 PM [REDACTED]
[REDACTED] wrote:

Hi Chris,

The 4 am activity continues. I don't know if you're finished your review of compliance plan violations thus far, but from this morning, uploaded more photos and videos to drop box in new folder: Photos & Videos\Compliance Plan violations night yard.

Feb 4 - violations: moving of trucks into position for loading, loading, movement of equipment behind curtain, more than 5 trucks leaving, trucks leaving during more than two 3-minute intervals.

- 4:18 am suprema truck moved from Lowell lot to 57th St dock for loading
- 4:40 am 2 trucks including one moved from Lowell leave dock and yard
- 4:41 am 3rd and 4th trucks leave from rear of yard
- 4:47 blue curtain drawn - can see flashing / movement of equipment
- 5:05 curtain opens and 5th and 6th trucks leave from rear of yard
- 5:22 curtain repositioned toward rear yard
- 5:28 big rig arrives from N Lowell and jockeys into position at SW corner

On Fri, Jan 30, 2015 at 6:39 PM, [REDACTED]
[REDACTED] wrote:

Thanks Chris.

I want you all to know that the 4-7 am activity in the yard is still going on every day Mon to Fri. It includes loading in the loading dock, activity

including movement of forklifts concealed behind the blue curtain which is opened and closed repeatedly, more than 5 total trucks leaving, sometimes 4 trucks leaving at once at 4:35 followed by random trucks leaving until just after 5 am, loading suprema trucks on Lowell St or in the parking lot on the east side of Lowell, occasional forklifts in the street.

I highly recommend that you do another inspection between 4 and 5:30 am to see and hear first hand the bulk of what's going on. There's a lull between 5:30 and 7 when the big rigs arrive so if you come then you will have missed the violations occurring in the yard behind the blue curtain as well as the first 5 or 6 trucks to leave the yard.

[REDACTED]

On Fri, Jan 30, 2015 at 4:56 PM, Candell, Chris <CCandell@oaklandnet.com> wrote:

I just received material from SMC in response to my request for him to document various compliance items. We will respond next week.

From: [REDACTED]
Sent: Friday, January 30, 2015 11:35 AM
To: Candell, Chris

Subject: Re: compliance plan violations

Hi Chris,

They're under Photos & Video\Videos. Shooting you another direct link now.

The morning activity is pretty consistent and the vast majority of it happens between 4 and 5:30. Then it gets pretty quiet until 7 when the big rigs start unloading and more delivery trucks are loaded in the dock. The office opens at 3:30 sharp. Usually a truck is loaded in the loading dock at 4. Around 4:30 3 or 4 trucks leave in the first batch. Activity occurs behind the curtain, including (I believe) loading of trucks that leave a bit later from the back of the yard randomly through 5 or 5:30. I have seen forklifts in the streets loading trucks on Lowell. I didn't see where the forklift I saw yesterday morning heading south on Lowell came from, but assumed it was heading to the truck that was pulled out of the east parking lot and parked on Lowell. Technically speaking the plan prohibits movement of people, product, equipment, and loading activity in the yard, so it doesn't surprise me that Miguel would think it's okay to load on the street instead, producing the noise and nuisance the plan was meant to stop.

Last night around 11 pm, I listened to the freezer hum for a while and took one decibel reading. The humming was the typical humming that we've listened to all year except now it is quieter, although not by much. He's figured out a way to reduce it to ~55-58 dBA. The much higher pitched fan noise could be heard along with the humming and seemed to be coming from a slightly different location on the roof. A quiet fan like whirr.

When are you submitting the plan violations summary to Bill so he can provide a response to the community email to Rachel Flynn and Richard Illgen?

Ulla says the public notice for the permits and CUP and variance application is going out next Friday which is Feb 6 coincidentally the one year anniversary of the NOV you issued for the loading noise...

[REDACTED]

On Fri, Jan 30, 2015 at 8:46 AM, Candell, Chris
<CCandell@oaklandnet.com> wrote:

[REDACTED] I don't see these when I open the drop box site, is it under shared videos? I can see the photo of the truck coming down 57th turning on Lowell. I was there for my January inspection yesterday. I arrived at 5:00 AM so I missed the truck drive aways. However, I did observe the final one, a 7th truck parked on Lowell drove away at 5:15 just after I did a quick walk around the block looking for activity. That is not covered by the agreement. Technically there is one violation of the extra truck and drive away.

I can see next time I will have to get there at 4:00 which means getting up at about 3:00! I saw one employee arrive at about 6:00 and Miguel close up and shut off the lights at 6:15. Then he drove around the block and headed off NB on Lowell. I wanted to stay until 7:00 but could not. Since I left at about 6:20 I just missed the forklift activity. Do you know what the forklift did?

From: [REDACTED]
Sent: Thursday, January 29, 2015 11:50 PM
To: Candell, Chris; Minor, Gregory; Angela Gennino
Subject: Re: compliance plan violations

Hi Chris,

I'm attaching another big rig on 57th St photo from last Sunday. Arrived from Adeline to Lowell along 57th. Also, on Sunday a big rig arrived before 7 am and at least 3 others including the one that arrived on 57th St were queued along Lowell by 7:50 in the morning, including one

with engine and/or refer running. There were at least 12 or 13 big rigs unloaded on Sunday, more than I've ever seen. Non-stop forklifts in the streets until 4 in the afternoon. Truck washing was also going on in the parking lot starting around 9.

I also added 3 videos from this morning to the drop box site:

1-29-15 435 am 3 trucks leave yard

1-29-15 440 am curtain closes-4th truck leaves

1-29-15 457 am 5th and 6th trucks leave

Here's a run down of the activity this morning, just like any other morning... more than 5 trucks left, trucks were not restricted to two 3-minute intervals, and activity was occurring behind the curtain.

4:35 am - 3 trucks leave yard

4:40 - blue curtain closes, 4th truck leaves yard

4:51 - truck moves from E Lowell parking lot to park on SE corner of Lowell

4:52 - blue curtain opens

4:57 - 5th and 6th trucks yard from behind curtain

5:07 - curtain closes again

6:29 - forklift drives south on Lowell crossing 57th

Thanks,

██████

On Tue, Jan 20, 2015 at 2:27 PM, [REDACTED]
[REDACTED] wrote:

Hi Chris,

I just forwarded you the letter we sent to Rachel Flynn summarizing compliance plan violations which focused mainly on the 4-7 am noise.

Below is a little more detailed info on the big rig issue. Miguel Jara said in an email a few weeks ago that he noticed all carriers of his new address and not to drive on 57th St, but his evidence was a message pasted into his email, so we don't know how or when it went out or what companies it went to. I have been going out to talk to big rig drivers late in the evening recently to find out if they received any such message which should have included that they can't park overnight. None of the drivers I've talked with received any notice. One of the drivers I talked to said his instructions were to arrive and park overnight on Lowell St and another driver told me his instructions were to or to arrive good and early well before 7 am due to long queues at suprema. One stayed and ran his refer all night while others have agreed to leave in search of a place to spend the night.

- Big rigs continue to arrive via 57th St from both east and west and via other small streets (e.g., Los Angeles). Often unable to see the carrier name, but violating carriers include Central, Big Red, PLM Trailer Leasing, Swift Premium, and Waymore

<5-4-15 623 am big rig arrive too early Lowell.JPG>

From: "Flynn, Rachel" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/C9E87BD049D74A6E8F5A2932242E7792-FLYNN, RACH>
Sent: 7/14/2015 3:37:43 AM +0000
To: [REDACTED]
CC: "Quesada, Bill" <BQuesada@oaklandnet.com>; [REDACTED]; "Minor, Gregory" <GMinor@oaklandnet.com>; "Candell, Chris" <CCandell@oaklandnet.com>; [REDACTED], Tim" <TLow@oaklandnet.com>; "Kalb, Dan" <DKalb@oaklandnet.com>; [REDACTED]; "Miller, Scott" [REDACTED] "Chun, Peter" <PChun@oaklandnet.com>; "Valeska, David" <DValeska@oaklandnet.com>; "Brenyah-Addow, Maurice" <Brenyah-Addow@oaklandnet.com>; "Hunt, Michael" <MHunt@oaklandnet.com>; "Ranelletti, Darin" <DRanelletti@oaklandnet.com>
Subject: Suprema Meats Complaints and CUP
Attachments: Suprema Administrative Appeal of Alleged Compliance Plan Violations.pdf; Suprema appeal of alleged Compliance Plan violation page 2.pdf

Hi Kim, See my responses in RED. Thanks, Rachel

From: [REDACTED]
Sent: Monday, July 13, 2015 4:24 PM
To: Flynn, Rachel
Cc: Quesada, Bill; [REDACTED]; Minor, Gregory; Candell, Chris; Low, Tim; Kalb, Dan; [REDACTED]; Miller, Scott; Chun, Peter; Valeska, David; Brenyah-Addow, Maurice; Hunt, Michael
Subject: Re: Suprema Meats Complaints and CUP

Hi Rachel,

Can you please provide updates on the following? Next week will mark the 2 year anniversary since Suprema boarded up their windows and Oct 4 will be the 2 year anniversary of the start of the unpermitted major construction. Progress on the permits and all of the other nuisance violation complaints that remain open become more urgent with every passing day that Suprema continues to use their unpermitted facilities and continues to violate the compliance plan every day, Mon to Fri. The City cited Suprema on June 23, 2015 for the forklift activity, etc. you reported. We fined them \$11,5000. Suprema has appealed our citation (see attached). We'll let you know when the hearing is scheduled in City Hall before a City-designated Hearing Officer.

1) Status of the CUP, variance, and other permit applications. Has Suprema turned in revised plans that include an enclosed loading dock for at least one delivery truck and sidewalks on Lowell as required in the compliance plan? What is the timeline for complying with section 3 of the plan? We've been waiting since Oct 20 for an application that meets the requirements. Scott Miller is overseeing this effort and is still working on the Conditions of Approval. He will be informing Suprema that they

need to show an enclosed loading dock (on Lowell) for at least one delivery truck and that they need to add sidewalks on Lowell Street on both sides of the street. I don't know Scott's timeline.

2) Status of hiring an acoustical engineer. Can we please meet with the engineer to recommend noise sources and measurement times and locations? We have selected an acoustical engineer and are finalizing the contract with him. Once we have a signed contract, he wants to meet with you all regarding noise sources and measurement times and locations.

3) Status of the determination of business expansion. Based on the information you provided, it is apparent that Suprema's business volume has expanded. However, I am still not clear as to what the zoning code ramifications are. The Zoning Manager, Scott Miller will have to make that determination.

4) Status of the Lowell St ROW survey and repaving and conclusions of the survey with respect to improvements and sidewalks that will be required in the permit application. I measured the street several weeks ago and then Peter Chun had it surveyed. Our two reviews confirm that the ROW is 60 feet (from building face to chain link fence), which allows ample room for sidewalks (8-9 feet each +/-), on-street parking on the east side of the street (8 feet wide), a truck loading lane on the west side of the street (8-10 feet wide), and two travel lanes at about 11 feet each. This information is being included in the Conditions of Approval that Scott Miller is sending Suprema at some future date.

Thanks,

[REDACTED]

On Fri, Jun 12, 2015 at 5:21 PM, [REDACTED] wrote:

Hi Rachel,

Thank you for all of these updates. It's very important to the community that every provision of the compliance plan is adhered to, including the enclosed loading dock for one Suprema truck and the sidewalks on Lowell.

We also appreciate that the question of business expansion is being looked into, as the open facility and the unpermitted loading dock abutting the sidewalk on 57th St are causing major noise and nuisance issues for all of us within a few houses of Suprema.

Related to expansion and unpermitted construction, I wanted to be sure you, Scott and David are aware of the approximately 2800 square foot elevation that was built on top of the warehouse that's directly south of the residential property at 963-965 57th St. The attached google maps images from 2011 and 2015 show the warehouse with and without this elevation. The .jpg photo shows it from the side from the residential property. Suprema's architectural drawings, on P7, show it as a thick lined box labelled WAREHOUSE. The drawing appears to show the elevation set back from the residential property line while the google maps photos clearly show it touching the edge of the warehouse wall that sits on the residential property line. This structure was built over a 2 week period late 2012 or early 2013 while the neighbor was out of the country.

I showed these pictures to Ulla and she said she would look into the discrepancy with the architectural drawings, but I didn't hear back. I'm wondering what this structure is, whether (if permitted) it would be legal to build it straight up without a setback on the residential property line, and whether this structure should have been included in the planning permit application.

Thanks,

██████████

On Wed, Jun 10, 2015 at 8:26 PM, Flynn, Rachel <RFlynn@oaklandnet.com> wrote:

██████████ I met with Scott Miller, Dave Valeska, Maurice Brenyah-Addow (Dave's supervisor), Peter Chun, Chris Candell, and Greg Minor.

I agree with you that the loading dock needs to be shown on the drawings as part of their planning application. I am reviewing all of the conditions with staff on Monday and this will be one of the requirements.

Regarding the public right-of-way, I would have to disagree with you that "the street is too narrow to include a big rig unloading area without taking up public right of way."

I measured Lowell Street about three weeks ago, upon your request, and the overall width from the face of Suprema's building to the chain link fence is 59'. Peter Chun believes the actual right of way to be 60' (City norm) – and that will be confirmed shortly when the survey work is completed.

Assuming the **ROW is about 59'**, here is a synopsis of possible street/sidewalk dimensions (but Peter Chun will have to confirm):

1. Travel lanes in Oakland are typically 10' – 11' wide. Cars are 6' in width (on average) and big rigs are no more than 8' wide (per highway standards).

Therefore each travel lane would probably be 11' wide (at the most) for a **total of 22'**. I actually prefer 10' lanes because vehicles travel more slowly on narrower lanes. But that will be Peter's call.

2. Parking/loading lanes in Oakland are typically 7'-8' wide. In the case of Suprema, it could be increased to 10' or 11' to allow drivers to get in and out of trucks. So far as I know, loading is done out of the back of the big rigs and/or the right side only.

Therefore, the southbound parking/loading lane would probably be 10'-11' max and the northbound parking lane @ 8' since no loading is done there. IF loading is done there, this could be increased to 11'. That makes a **total of 18' to 22' max**.

3. Sidewalks in Oakland vary from 4' to 8' depending on available ROW, retail frontage, etc. With the remaining 15' to 19' (depending on the northbound parking lane width), we can have **each sidewalk at 9.5' or each at 7.5'**.

Again, Peter Chun will obviously make the final decisions on the street/sidewalk layout after the survey is completed, but those are some of the preliminary discussions we have had.

Regarding the question of whether Suprema has expanded over the years, I really appreciate all of the information you provided. You clearly did a lot of research and put a lot of time into this effort. *Thank you.*

We are still reviewing this "expansion issue" with the City Attorney's Office and implications regarding code enforcement, etc. I wish I had quick and easy answers for you, but I just don't. I'm sorry about that.

And finally, I'm still working on wrapping up the contract for the hiring of an acoustical engineering firm. Hopefully, we can start that effort in July.

Thanks for your patience with all of this. Rachel

From: [REDACTED]
Sent: Sunday, June 07, 2015 6:02 PM
To: Flynn, Rachel
Cc: Quesada, Bill; [REDACTED] Minor, Gregory; Candell, Chris; Low, Tim; Kalb, Dan; [REDACTED] Miller, Scott; Chun, Peter; Valeska, David; Brenyah-Addow, Maurice
Subject: Re: Suprema Meats Complaints and CUP

Rachel,

You mentioned that Scott Miller and David Valeska will eventually (no timeline given) get back to working on Suprema's CUP application and the conditions they will apply.

Can you please respond specifically to my email below from over a month ago? Will Suprema be required to go back to the drawing board and actually submit a permit application package that meets the requirements of Section 3 of the Compliance Plan? Will the City carry out a determination of expansion so that your staff can actually know what zoning and performance standards codes to consider and enforce?

Thanks,

[REDACTED]

On Mon, May 4, 2015 at 1:51 PM, [REDACTED] wrote:

Dear Rachel,

We need to urgently request that Suprema Meats' multi-permit application decisions be suspended until the following two critical issues are addressed.

(1) The permit application does not meet the requirements of the Compliance Plan (attached). Two provisions in Section 3 (c and d) are not being fulfilled with the architectural plans that are currently under review by Scott Miller and Ulla-Britt Jonsson. This is a huge oversight on the part of Planning. How can Planning even consider permits that are in direct conflict with this legally binding agreement? This is especially troubling given what residents have had to endure since Suprema embarked on their illegal construction in 2013 and given

Suprema's ongoing Mon-Fri daily violations of the Compliance Plan.

Section 3 reads: *The full scope of the required private and public improvements to be included in all required planning and building permit applications shall include...*

3(c): construction of a new loading facility for at least one delivery truck inside the existing warehouse building along Lowell Street (east elevation). It appears that Suprema initially submitted drawings that complied with 3(c) but then somehow was able to submit final drawings that replaced the loading dock with a utility area / ramp. The purpose of this requirement was to try to have the loading be done more internally and have trucks leave on that side before 7 am to mitigate some of the open facility noise violations occurring from use of the unpermitted 57th St loading dock.

3(d): related public Right-of-Way improvements along the property's Lowell Street frontage (from 57th St to Aileen St) ... These public improvements shall ... include a sidewalk, curb, gutter, ... There is no plan for a sidewalk on Lowell St. The street is too narrow to include a big rig unloading area without taking up public right of way. Suprema is apparently proposing taking over public property where a side walk should be.

(2) Determination of expansion and applicable performance standards.

Suprema claims that the business has had zero growth in the past 10 years. Residents have experienced and provided evidence to the contrary, of significant growth. **When we met with you and your staff on Oct 1, 2014, you said that even anecdotal evidence of expansion would be helpful to determine which performance standards and noise ordinance apply to Suprema for Planning design review.** In addition to the attached evidence which we prepared at your request, Suprema's taxes paid increased from \$4,613 in 2013 to \$6,828 in 2014 (see business license account details report attached to Mr. Hassing's July 24, 2014 meeting memorandum), the truck fleet nearly doubled in 2012-13, and the hours of operation have increased with big rig unloading starting at 7 am (previously 8 or 9) and now going until 6 pm most days and until 9 pm Thursdays (previously finished early afternoon). We are therefore urging you to do an independent determination of expansion (e.g., business volume, activity, hours, operational space, freezer capacity (including the raised elevation allowing taller stacks of product), number of pallets/week. The City can compel Suprema to provide all relevant records/books and we believe we have provided enough evidence contrary to Suprema's claim to justify this City action.

We look forward to your timely response, BEFORE the Planning Dept makes decisions or approves any of Suprema's permits.

Thank you,



On Tue, Jun 2, 2015 at 9:15 PM, Flynn, Rachel <RFlynn@oaklandnet.com> wrote:

Hi 

Sorry for taking so long to get back to you. We've certainly not forgotten about your concerns and have been investigating them over the last few weeks.

To address your concerns about noise (Items 1 & 2) – I issued a Request for Proposals (RFP) to Acoustical Engineering firms last month. The RFP closed yesterday and it will take me at least 2-3 weeks to hire a firm and get a signed contract.

Our goal is to obtain expert assessments on the noise/vibrations issues that you and other neighbors have complained about.

Chris Candell's sound monitoring has indicated that Suprema has not been in violation during the times he has conducted on-site visits/tests. He just went out this morning between 4:15 and 7:30.

However, we understand that you believe the noise/vibration levels are unacceptable at certain times. Since we cannot be there 24/7 to observe and measure all activity, I'd like to see if the Acoustical Engineer we hire can perform ongoing monitoring.

In regards to Item 3, Bill Quesada indicated in a previous e-mail that he was unaware of any City code that addresses the commercial truck washing issues you cite. Of course, we can have the selected acoustical firm test for any noise issues, and I will check with Public Works regarding waste in storm drains. I will also check again with Bill Quesada as to how we could possibly monitor/enforce spray and odor issues.

Regarding Item 4, the previous Planner, Ulla-Britt Jonsson, investigated this complaint and was not able to confirm any violations. Therefore, I will check with our Code Enforcement staff, to see if they can address this complaint. Do you have the address of the property affected?

I will be in touch when we have hired the Acoustical Engineering firm. In the meantime, Scott Miller and Dave Valeska are working on the CUP application and the conditions we will require. They are backlogged with several other projects and don't know when they can get to this case. They are aware of everyone's desire to see the CUP finalized.

Thanks, Rachel

Rachel Flynn AIA

Director | Planning & Building Department

City of Oakland

510 . 238 . 2229

From: [REDACTED]
Sent: Monday, June 01, 2015 12:23 PM
To: Flynn, Rachel
Cc: Quesada, Bill; [REDACTED]; Minor, Gregory; Candell, Chris; Low, Tim; Kalb, Dan; [REDACTED] Miller, Scott; Chun, Peter; Hunt, Michael; Valeska, David
Subject: Re: compliance plan violations

Hi Rachel,

Can you please respond, or designate someone else to respond, regarding the status of these open complaints?

An inspector was assigned to #4 but for nearly 2 months now, despite repeated calls from the home owner, has failed to conduct an inspection.

- 1) refrigeration / rooftop equipment humming noise and vibration
- 2) daytime noise from loading and unloading activities in the open facility and in the streets
- 3) commercial truck washing in the parking lot on the east side of Lowell St that is sending spray and odors into residences and waste into the storm drains
- 4) liquid running from rooftop equipment down warehouse wall into neighboring residential property on the west side of the open facility

Thanks, [REDACTED]

On Mon, May 18, 2015 at 11:26 AM, [REDACTED] wrote:

Thank you Rachel.

Can you please update us on the Suprema Meats inspection that occurred Friday afternoon and on the April 30 inspection Bill Quesada mentioned that Tim Low ordered in his email of the same day?

We also need to know the progress on these other open complaint cases involving Suprema Meats:

- 1) refrigeration / rooftop equipment humming noise and vibration
- 2) daytime noise from loading and unloading activities in the open facility and in the streets
- 3) commercial truck washing in the parking lot on the east side of Lowell St that is sending spray and odors into residences and waste into the storm drains
- 4) liquid running from rooftop equipment down warehouse wall into neighboring residential property on the west side of the open facility

Thanks, [REDACTED]

On Thu, May 14, 2015 at 2:39 PM, Flynn, Rachel <RFlynn@oaklandnet.com>

On Sun, May 3, 2015 at 11:00 AM, [REDACTED]

[REDACTED] wrote:

Hi Greg,

Last night at 7:40 pm I went out to talk with a big rig driver from Carrier Logistics in Kansas (see photos) on the east side of Lowell between 57th and Aileen with his main engine and refer engine running. I informed the driver that he can't run the engines or stay overnight and that Suprema doesn't open until 7 am. He immediately became belligerent, insisting he can park and idle within 15 feet of homes. I told him that Suprema should have told him about their agreement with the City and where he should park overnight but he wasn't having any of it. I then told him about the CA Air Resources Board law that prohibits idling for more than 5 minutes and took photos of the DOT, MC numbers and license plate which are needed to report the violation to the state. As I was taking a picture of the license plate on the front of the truck he blasted me with his horn and started yelling at me.

I got back in my car and called OPD. The dispatcher told me commercial vehicles are allowed to idle wherever they like for 5 hours. I insisted she tell me the exact chapter and section of OMC where she's getting that from. It turned out to be code that applies to trucks under one ton and not to big rigs. She finally agreed to place a request for service given the aggressive behavior of the driver. The incident number is 773 for May 2. I don't know if OPD came out but the big rig was gone when I came home later last night.

We are growing very tired of investigating and reporting the big rigs. This is not sustainable and we shouldn't have to spend the time it takes to do this and place ourselves in uncomfortable and potentially dangerous circumstances month after month. Suprema's Memos to their carriers are simply not working. There are too many of them and the message is not filtering down to the drivers.

Thanks,

[REDACTED]

On Thu, Apr 30, 2015 at 2:27 PM, [REDACTED]
[REDACTED] wrote:

Thanks Bill.

Chris and Greg -- according to Craig Pon in public works the commercial truck washing violates the code prohibiting anything except rain water going into the storm drain, even if it's Downey. I don't recall the chapter. Chapter 17 noise standards are probably being violated with the generators and compressors and power spray wand. Chapter 17 odor and sprays section is being violated with the soap/chemical liquid being sprayed onto residential property and into sidewalks and streets. Craig Pon said that he would do an inspection and potentially have the fire dept participate because the fire dept is actually contracted for storm drain inspections.

If you could coordinate with Craig you could also follow up on the liquid being pumped out from under the unpermitted loading dock into the storm drain, and consider having a fire sept inspector participate.

Thanks,

[REDACTED]

On Apr 30, 2015, at 9:13 AM, "Quesada, Bill"
<BQuesada@oaklandnet.com> wrote:

[REDACTED]

Following our conversation I spoke with the Inspections Manager (Tim Low, 238-6315) and I understand he sent a code enforcement inspector to Suprema to investigate. I did not call Mr. Jara ahead of that surprise visit. Your complaint of continuing work without permit related to new refrigeration hoses being installed in the side yard plus compressors was also communicated to him at the same time.

At this time, I don't know which Oakland municipal codes if any are being violated by power washing trucks with compressors during the day. Chris C and Greg M have discussed this already

and we can see what they have concluded.

Bill Quesada

238-6345

From: [REDACTED]
Sent:
To: [REDACTED]
Cc: Minor, Gregory; Candell, Chris; Low, Tim; Quesada, Bill; Flynn, Rachel; Kalb, Dan; [REDACTED] Miller, Scott; Jonsson, Ulla-Britt; Chun, Peter
Subject: Re: compliance plan violations

Hi Chris, Bill and Greg,

Bill - thanks for talking with me this morning about the **loud grinding noise coming from Suprema's yard**. Were you able to find out from Mr. Jara what work they were doing today?

And were you able to find out about the **work over the last few weeks related to freezer equipment on the roof and installation of hoses and possibly compressors to pipe freezer air across the yard into trucks** as they're being loaded?

Related to the recent work associated with the freezers and rooftop mechanical equipment, **the humming noise has become much worse**. There is a high pitched hum that gets louder as you approach my house and my closest neighbors homes on both sides of 57th St. This humming noise is especially bad at night and it's waking us all up in the wee hours.

Today my neighbor [REDACTED], right across the street from Suprema's yard, told me he **witnessed a mobile compressor and power sprayer being used to wash trucks in the open yard on 57th St**. I don't think this is a legal or acceptable alternative to the commercial truck washing that is going on every Sunday morning in the

parking lot on the east side of Lowell. Can you please follow up on that too?

CHRIS - Bill said that he would look into you doing more frequent 4 - 7 am unannounced visits to observe first hand the activity occurring Mon-Fri in violation of the compliance plan. The current schedule and activities I'm capturing on my camera are: approx. 4:30 am 4 trucks leave the yard, 5th and 6th trucks leave around 5 after which blue curtain is drawn, **after 5 am a forklift is brought out from the storage area behind the first floor office, the forklift drives behind the blue curtain where staging is occurring that is waking the neighbors.** Here are examples of the videos I've uploaded to dropbox. I'm hoping that this gives you a sense of the time frame that you need to do your inspections to observe first hand the forklift activity:

4-28-15 5:34 am forklift travels in yard

3-13-15 6:53 am forklift travels through yard

3-13-15 5:55 am forklift traveling in yard

3-12-15 4:58 am forklift travels through yard

3-10-15 6:46 fork lift travelling in yard

3-9-15 5:26 am forklift travels in yard

3-6-15 5:24 am pallet jack & forklift in yard

3-5-15 5:27 am forklift in yard

3-4-15 6:14 am forklift drives in yard

2-25-15 5:45 am equipment-pallet jack moves in yard

2-17-15 4:45 am forklift driving banging in yard

You get the idea... anywhere between 5 am when the blue curtain is drawn up to 6 am or later forklifts are travelling through the yard and all this has been happening even after Greg Minor issued the Feb 17 \$8000 citation.

GREG, Bill says that code compliance cannot accept our video evidence and that our best bet is therefore

enforcement from your office. At this point we want to talk seriously about getting the City Attorney involved to pursue a public nuisance case. Can you please help us with this???

Thanks,

[REDACTED]

On Tue, Apr 28, 2015 at 10:54 AM, [REDACTED]
[REDACTED] wrote:

I actually can't believe that no one has been injured yet (that we know of). I noticed yesterday that the stop sign on the northeast corner of Aileen and Lowell is again bent over at a 25 degree angle.

The big rig driver we spoke with at length last night says there's no way a big rig unloading area can be built on Lowell St without taking up half of the southbound lane. It is physically impossible.

Has anyone been out to measure the streets? We really need a traffic study and street measurements.

Bringing Peter Chun into this thread.

Thanks,

[REDACTED]

On Apr 28, 2015, at 10:09 AM, [REDACTED]
[REDACTED] wrote:

Hi everyone,

About 25 minutes ago I watched a Suprema-

bound semi truck heading northbound on Lowell Street:

1. blow through the stop sign at Lowell and 56th; then
2. execute a 3-point turn by a) turning left onto 57th; b) blindly backing up *through* the intersection with Lowell while blasting its horn; and c) turning left to point southbound on Lowell to be unloaded.

I wasn't carrying my phone or a camera, so unfortunately I can't provide any photos or video... but I'm providing this description to give you a better sense for what we're dealing with here.

The 3-point turns in particular are hazardous to drivers, bikers, and pedestrians, since they involve trucks blindly backing up across Lowell Street. We often see the same maneuver at the intersection of Lowell and Aileen, when trucks change from a southbound to northbound orientation.

There is no safe way for semi trucks to turn around on Lowell Street -- a fact that should be taken into consideration with respect to Suprema's proposed loading facility on Lowell.

thanks,

██████████

On Tue, Apr 28, 2015 at 8:12 AM, ██████████

[REDACTED] wrote:

Hi Greg and Chris,

Please review my email to you below with the latest batch of almost daily compliance plan violations. I can guarantee you there are more and they will be coming your way.

In addition to the big rig (Decker Trucking) that arrived at 8 pm last night and parked on Lowell, another one arrived at 6:11 this morning. Around the same time an unknown smaller truck arrived via west 57th St and parked in the yellow loading zone. A forklift was also travelling through the yard before 6 am, likely engaged in the product staging that Suprema's architect admitted at the community meeting last Thursday evening, that they are doing (in violation of the compliance plan) without even discussing it with the City.

cc'ing Scott and Ulla so they have some idea of the ongoing compliance plan violations. Suprema shouldn't be awarded with permits when they cannot comply with their agreement with the City signed in October.

Thanks,

[REDACTED]

----- Forwarded message -----

From: [REDACTED]
Date: Thu, Apr 9, 2015 at 11:31 PM
Subject: Re: compliance plan violations

To: "Minor, Gregory"
<GMinor@oaklandnet.com>, "Illgen, Richard"
<RIllgen@oaklandcityattorney.org>, "Candell,
Chris" <CCandell@oaklandnet.com>, "Low,
Tim" <TLow@oaklandnet.com>
Cc: [REDACTED]

[REDACTED]

Hi Greg and Chris,

Besides me, my new neighbors next door (directly across from Suprema's unpermitted loading dock) and Manny and extended family (directly next door) are stating that they are still hearing forklifts moving around, beeping, shouting, etc starting at 4 in the morning, disturbing all of our sleep.

There's a clear pattern of blatant compliance plan violations with 4 - 7 am activity including more than 3 trucks leaving at once, more than 5 trucks total leaving, forklifts moving through the yard (all of this daily Mon-Fri) as well as trucks being moved from the Lowell St lot into the loading dock and loaded before 7 am, big rigs arriving and parking too early, and unloading on Lowell (intermittent).

Apparently the \$8000 fine for just 8 days of violations has been no deterrent.

Here's another installment of violations since I last provided documentation covering February 18 to March 4, after the initial fines issued February 17. Video documentation of each violation has been uploaded to dropbox.

March 5 - 4:47 am 4 trucks leave yard; 4:57 am 5th and 6th trucks leave; 5:03 am blue curtain drawn; 5:27 forklift travelling in yard, 5:56 am truck arrives from N Lowell onto 57th St and is turned around by staff

March 6 - 4:40 am 4 trucks leave yard; 4:57 am 5th and 6th trucks leave; 5:03 blue curtain drawn; 5:24 pallet jack and forklift travelling in yard; 6:52 am truck moved from Lowell lot into loading dock and loaded; 6:58 am another truck moved from Lowell lot into

yard

March 9 - 4:49 am 4 trucks leave yard; 4:54 am big rig arrives too early; 5:22 am 5th and 6th trucks leave and blue curtain drawn; 5:26 am forklift travels in yard

March 10 - 4:41 am 4 trucks leave yard; 4:52 am 5th and 6th trucks leave yard; 5:01 am blue curtain drawn; 6:46 am forklift travels in yard

March 12 - 4:39 am 4 trucks leave yard; 4:52 am 5th and 6th trucks leave and blue curtain drawn; 4:58 am forklift travels through yard

March 13 - 4:40 am 4 trucks leave yard; 4:50 staff pushes dolly with product to Lowell St; 5:01 am 5th and 6th trucks leave; 5:55 am forklift travels through yard; 6:51 am blue curtain opened; 6:53 am forklift travels through yard; 6:55 am truck moved from Lowell lot and loaded in 57th St dock; 6:58 am truck loaded in dock while forklift leaves and brings product from truck parked on Lowell

March 16 - 4:44 am 4 trucks leave yard; 5:22 am blue curtain drawn; 5:57 big rig arrive too early, 6:57 am forklift goes out to Lowell and truck moved from Lowell lot into loading dock

March 22 - power washing delivery trucks in open parking lot on east side of Lowell between 57th and Aileen. (Weren't they warned not to do this in the notice with the \$8000 fine?)

March 23 - 4:38 am big rig arrives on Lowell; 4:45 am 4 trucks leave yard; 5:05 am 5th truck leaves; 5:07 am 6th truck leaves; 5:10

am blue curtain drawn; 6:55 am truck moved from Lowell lot into loading dock and loaded

April 5 - 6:40 am big rig arrives before receiving hours; 10:50 am big rig (unknown carrier) arrives from west on 57th St

These activities have been going on in blatant violation of the compliance plan since Nov 20. Please let us know when further enforcement action is taken.

Thanks,

[REDACTED]

On Fri, Mar 13, 2015 at 12:02 AM, [REDACTED]

[REDACTED] wrote:

Hi Greg,

The violations continue. As usual, photos/videos uploaded to dropbox.

Mar 4: big rig on 57th - Knight Refrigerated

Mar 5: 4 trucks left at once around 4:30 am, another 2 later, 5:04 blue curtain drawn; 5:27 forklift driving in the yard: 5:55 suprema truck arrives on 57th from N Lowell and is about to come in the yard when workers come out and turn him around

[REDACTED] who live [REDACTED]

[REDACTED] who had the

[REDACTED], told me

today that they are still being woken up every

morning at 3:30 and that forklifts are driving in the yard and inside the warehouse, horns are beeping, and workers are talking loudly. They believe trucks are still being loaded in the back of the yard. When staff arrive they turn the harsh lights back on which shine [REDACTED]. They are still inundated with the HVAC humming noise which they say gets louder at night and also disturbs their sleep.

In addition to the early am violations, [REDACTED] showed me pictures of a pallet jack loading customers pick up trucks in front of their home on the side walk late in February. And, as if all this isn't bad enough, the roof top equipment from the huge unpermitted freezers is causing [REDACTED]. This family has had enough. It's difficult for them to defend themselves and navigate the system [REDACTED].

I can guarantee that the compliance plan violations have been happening every day Mon-Fri since Nov 20 until today and I can back that up with video evidence. Mandip and Mandeep also have endless photos and videos that support the ever increasing public nuisance occurring on Suprema's property and in the streets.

Thanks,

[REDACTED]

On Tue, Mar 10, 2015 at 10:29 PM, [REDACTED]

[REDACTED] wrote:

Hi Greg and Chris,

Evidence of the following compliance plan violations AFTER the letter you sent Suprema have been uploaded to dropbox .

Feb 18: 4 trucks left at once, 6 trucks total, big rig arrives on Lowell at 5:35 am

Feb 19: 4 trucks left at once, 6 trucks total, blue curtain drawn at 5 am

Feb 20: trucks left in 3 intervals, 6 trucks total, blue curtain drawn at 4:40 am

Feb 23: trucks left in 3 intervals, 6 trucks total, blue curtain drawn at 5:10

Feb 24: 5 trucks left at once, 6 trucks total, blue curtain drawn at 4:50

Feb 25: 6 trucks left at once, 6 trucks total, pallet jack moves through yard at 5:45 am

Feb 26: 6 trucks left at once, 6 trucks total, big rig arrives on Lowell at 6:20 am

Feb 27: 5 trucks left at once, 6 trucks total, blue curtain drawn at 4:40 am

Mar 4: 4 trucks left at once, 6 trucks total, forklift driving through yard at 6:15 am

Thanks,

[REDACTED]

On Sun, Feb 22, 2015 at 8:14 PM, [REDACTED]

[REDACTED] wrote:

Hi Greg and Chris,

Last night just after midnight at big rig arrived from the west on 57th St and turned

south on Lowell. I went out to find [REDACTED] the driver, settling for the night with his refer running. I [REDACTED] the situation. The company is [REDACTED] [REDACTED] has been here before and says he can't stand delivering to suprema because he gets lost on small streets, there's no loading dock, and no unloading schedule resulting in long wait times. [REDACTED] phone number is [REDACTED] He says he's happy to talk with anyone at the City to explain the frustration.

Attached are photos of the truck and of the [REDACTED] order which states to deliver to 955 57th. He received no instructions for the new address, not to drive on 57th, and not to park overnight.

[REDACTED]

On Wed, Feb 18, 2015 at 8:52 PM, [REDACTED]
[REDACTED] wrote:

Before I forget, mid to late in the afternoons Suprema is now moving trucks into the loading dock one after another (2 or 3 trucks) to preload them for the 4-5 am deliveries. For 10-15 minutes while each truck is pre-loaded, the refer engine is running. The other day I witnessed a big black plume of smoke presumably from starting the refer. In addition to the excessive noise and vibration, the smoke and diesel fumes are being emitted very close to windows of the neighboring residential property where two children and two elderly people and three adults live.

On Wed, Feb 18, 2015 at 8:31 PM, [REDACTED]
[REDACTED] wrote:

Hi Chris and Greg,

A couple updates...

Yesterday (Tuesday Feb 18) I was up from 4 am until after 5. I took some time stamped video with audio on my cell phone using a new app. The footage is unfortunately darker than in other video we've provided, but it does document forklift movement in the yard and noise from activity behind the blue curtain which was drawn as usual just before 5 pm. Four trucks left at about 4:40 (only three should be leaving at once).

Also, as of the last 2 to 3 days the HVAC units / compressors have been adjusted again and there is now a completely new hum which is like a constant single note accompanied by another sound like a buzzing electrical wire. It might not exceed allowable limits but it's close and it's extremely annoying. I can just hear this constant single pitch hum through closed windows. It seems to me that amateur adjustments are probably being made to squeak past the ordinance. If there was real concern on Suprema's part to make this right, they would hire an acoustical engineer to advise on correct mitigation of this nuisance noise.

Thanks,

[REDACTED]

On Wed, Feb 4, 2015 at 9:13 PM, [REDACTED]
[REDACTED] wrote:

Hi Chris,

The 4 am activity continues. I don't know if you're finished your review of compliance plan violations thus far, but from this morning, uploaded more photos and videos to drop box in new folder: Photos & Videos\Compliance Plan violations night yard.

Feb 4 - violations: moving of trucks into position for loading, loading, movement of equipment behind curtain, more than 5 trucks leaving, trucks leaving during more than two 3-minute intervals.

- 4:18 am suprema truck moved from Lowell lot to 57th St dock for loading
- 4:40 am 2 trucks including one moved from Lowell leave dock and yard
- 4:41 am 3rd and 4th trucks leave from rear of yard
- 4:47 blue curtain drawn - can see flashing / movement of equipment
- 5:05 curtain opens and 5th and 6th trucks leave from rear of yard
- 5:22 curtain repositioned toward rear yard
- 5:28 big rig arrives from N Lowell and jockeys into position at SW corner

On Fri, Jan 30, 2015 at 6:39 PM, [REDACTED] wrote:

Thanks Chris.

I want you all to know that the 4-7 am activity in the yard is still going on every day Mon to Fri. It includes loading in the loading dock, activity including movement of forklifts concealed behind the blue curtain which is opened and closed repeatedly, more than 5 total trucks leaving, sometimes 4 trucks leaving at once at 4:35 followed by random trucks leaving until just after 5 am, loading suprema trucks on Lowell St or in the parking lot on the east side of Lowell, occasional forklifts in the street.

I highly recommend that you do another inspection between 4 and 5:30 am to see and hear first hand the bulk of what's going on. There's a lull between 5:30 and 7 when the big rigs arrive so if you come then you will have missed the violations occurring in the yard behind the blue curtain as well as the

first 5 or 6 trucks to leave the yard.

[REDACTED]

On Fri, Jan 30, 2015 at 4:56 PM, Candell, Chris <CCandell@oaklandnet.com> wrote:

I just received material from SMC in response to my request for him to document various compliance items. We will respond next week.

From: [REDACTED]
Sent: Friday, January 30, 2015 11:35 AM
To: Candell, Chris

Subject: Re: compliance plan violations

Hi Chris,

They're under Photos & Video\Videos.
Shooting you another direct link now.

The morning activity is pretty consistent and the vast majority of it happens between 4 and 5:30. Then it gets pretty quiet until 7 when the big rigs start unloading and more delivery trucks are loaded in the dock. The office opens at 3:30 sharp. Usually a truck is loaded in the loading dock at 4. Around 4:30 3 or 4 trucks leave in the first batch. Activity occurs behind the curtain, including (I believe) loading of trucks that leave a bit later from the back of the yard randomly through 5 or 5:30. I have seen forklifts in the streets loading trucks on Lowell. I didn't see where the forklift I saw yesterday morning heading south on Lowell came from, but assumed it was heading to the truck that was pulled out of the east parking lot and parked on Lowell. Technically speaking the plan prohibits

movement of people, product, equipment, and loading activity in the yard, so it doesn't surprise me that Miguel would think it's okay to load on the street instead, producing the noise and nuisance the plan was meant to stop.

Last night around 11 pm, I listened to the freezer hum for a while and took one decibel reading. The humming was the typical humming that we've listened to all year except now it is quieter, although not by much. He's figured out a way to reduce it to ~55-58 dBA. The much higher pitched fan noise could be heard along with the humming and seemed to be coming from a slightly different location on the roof. A quiet fan like whirr.

When are you submitting the plan violations summary to Bill so he can provide a response to the community email to Rachel Flynn and Richard Illgen?

Ulla says the public notice for the permits and CUP and variance application is going out next Friday which is Feb 6 coincidentally the one year anniversary of the NOV you issued for the loading noise...

████████

On Fri, Jan 30, 2015 at 8:46 AM, Candell, Chris <CCandell@oaklandnet.com> wrote:

████████ I don't see these when I open the drop box site, is it under shared videos? I can see the photo of the truck coming down 57th turning on Lowell. I was there for my January inspection yesterday. I arrived at 5:00 AM so I missed the truck drive

aways. However, I did observe the final one, a 7th truck parked on Lowell drove away at 5:15 just after I did a quick walk around the block looking for activity. That is not covered by the agreement. Technically there is one violation of the extra truck and drive away.

I can see next time I will have to get there at 4:00 which means getting up at about 3:00! I saw one employee arrive at about 6:00 and Miguel close up and shut off the lights at 6:15. Then he drove around the block and headed off NB on Lowell. I wanted to stay until 7:00 but could not. Since I left at about 6:20 I just missed the forklift activity. Do you know what the forklift did?

From: [REDACTED]
Sent: Thursday, January 29, 2015 11:50 PM
To: Candell, Chris; Minor, Gregory; [REDACTED]
Subject: Re: compliance plan violations

Hi Chris,

I'm attaching another big rig on 57th St photo from last Sunday. Arrived from Adeline to Lowell along 57th. Also, on Sunday a big rig arrived before 7 am and at least 3 others including the one that arrived on 57th St were queued along Lowell by 7:50 in the morning, including one with engine and/or refer running. There were at least 12 or 13 big rigs unloaded on Sunday, more than I've ever seen. Non-stop forklifts in the streets until 4 in the afternoon. Truck washing was also going on in the parking lot starting around 9.

I also added 3 videos from this morning to the drop box site:

1-29-15 435 am 3 trucks leave yard

1-29-15 440 am curtain closes-4th truck leaves

1-29-15 457 am 5th and 6th trucks leave

Here's a run down of the activity this morning, just like any other morning... more than 5 trucks left, trucks were not restricted to two 3-minute intervals, and activity was occurring behind the curtain.

4:35 am - 3 trucks leave yard

4:40 - blue curtain closes, 4th truck leaves yard

4:51 - truck moves from E Lowell parking lot to park on SE corner of Lowell

4:52 - blue curtain opens

4:57 - 5th and 6th trucks yard from behind curtain

5:07 - curtain closes again

6:29 - forklift drives south on Lowell crossing 57th

Thanks,

████████

On Tue, Jan 20, 2015 at 2:27 PM, ██████████

[REDACTED] wrote:

Hi Chris,

I just forwarded you the letter we sent to Rachel Flynn summarizing compliance plan violations which focused mainly on the 4-7 am noise.

Below is a little more detailed info on the big rig issue. Miguel Jara said in an email a few weeks ago that he noticed all carriers of his new address and not to drive on 57th St, but his evidence was a message pasted into his email, so we don't know how or when it went out or what companies it went to. I have been going out to talk to big rig drivers late in the evening recently to find out if they received any such message which should have included that they can't park overnight. None of the drivers I've talked with received any notice. One of the drivers I talked to said his instructions were to arrive and park overnight on Lowell St and another driver told me his instructions were to arrive good and early well before 7 am due to long queues at suprema. One stayed and ran his refer all night while others have agreed to leave in search of a place to spend the night.

- Big rigs continue to arrive via 57th St from both east and west and via other small streets (e.g., Los Angeles). Often unable to see the carrier name, but violating carriers include Central, Big Red, PLM Trailer Leasing, Swift Premium, and Waymore

<5-4-15 623 am big rig arrive too early Lowell.JPG>



CITY of OAKLAND

CITY HALL • 1 FRANK H. OGAWA PLAZA • 11th Floor • OAKLAND, CALIFORNIA 94612

Nuisance Abatement Division

Greg Minor, Assistant to the City Administrator

TTY/TDD (510) 238-2007
Main FAX (510) 238-7084
Voicemail ((510) 238-6370

**ADMINISTRATIVE APPEAL
DECLARATION OF PUBLIC NUISANCE
NUISANCE ACTIVITY
ADMINISTRATIVE PENALTY**

PROPERTY ADDRESS 955 57th (5655 Lowell St.)

NON-REFUNDABLE FILING FEE \$67.50

COMPLAINT _____ STATION _____ CERTIFIED MAIL _____ DATE _____

[] PUBLIC NUISANCE - SUBSTANDARD
[] ADMINISTRATIVE PENALTY

[] UNSAFE OCCUPY
[] IMMINENT HAZARD

PARCEL NO. 015-1298-009-00

APPELLANT Suprema Meats, Inc.

PROPERTY OWNER 955 57th LLC

ADDRESS 5655 Lowell Street

ADDRESS 5655 Lowell Street

CITY/STATE Oakland, CA 94608

CITY/STATE Oakland, CA 94608

TELEPHONE (916) 677-1776

TELEPHONE (916) 677-1776

CONDITIONS FOR FILING AN ADMINISTRATIVE APPEAL

THE MUNICIPAL CODE PROVIDES FOR ADMINISTRATIVE ADJUDICATION BY AN INDEPENDENT HEARING EXAMINER OF THE ENFORCEMENT ACTIONS INDICATED ABOVE FOR APPELLANTS HAVING RECORD TITLE INTEREST IN THE PROPERTY. AN APPEAL MUST BE SUBMITTED IN WRITING WITH A FILING FEE. IF THE APPEAL AND FEE ARE NOT RECEIVED BY OUR OFFICE WITHIN 14 CALENDAR DAYS OF THE MAILING DATE OF THE NOTIFICATION OF THE ENFORCEMENT ACTION, OR IF THE APPELLANT FAILS TO IDENTIFY FACTS WHICH SUPPORT A CONTENTION THAT THE CITY HAS ERRED OR ABUSED ITS DISCRETION, THE APPEAL WILL BE DENIED WITHOUT AN ADMINISTRATIVE HEARING. THE INITIAL REVIEW TO DETERMINE IF SUFFICIENT FACTS WERE STATED WILL BE CONDUCTED BY THE CITY'S ADMINISTRATIVE HEARING OFFICER (AHO). THE ONLY OTHER REDRESS AVAILABLE TO AN APPELLANT WILL BE JUDICIAL ACTION (CIVIL PROCEDURE 1094.6, etc.).

- ☐ BRIEFLY IDENTIFY YOUR LEGAL INTEREST IN THE BUILDING OR PROPERTY:
Suprema is Lessee of the property
- ☐ BRIEFLY IDENTIFY WHICH OF THE ENFORCEMENT ACTIONS BY THE CITY YOU ARE APPEALING:
1-4, 6&7
- ☐ BRIEFLY IDENTIFY HOW THE CITY HAS ERRED OR ABUSED ITS DISCRETION IN BRINGING THIS ACTION:
See Attached
- ☐ BRIEFLY IDENTIFY HOW YOU WANT THE CITY TO RESOLVE YOUR APPEAL:
Withdraw the penalties

I DECLARE UNDER PENALTY OF PERJURY THAT THE INFORMATION GIVEN HERewith IS IN ALL RESPECTS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

APPELLANT'S SIGNATURE
AGENT MUST PROVIDE NOTARIZED AUTHORIZATION

7/2/15
DATE

ADDENDUM TO
SUPREMA MEATS, INC'S ADMINISTRATIVE APPEAL
(PUBLIC NUISANCE)

BRIEFLY IDENTIFY HOW THE CITY HAS ERRED OR ABUSED ITS DISCRETION IN BRINGING THIS ACTION.

RESPONSE:

As to the alleged violations 1-4, 6 & 7 related to "Forklift Activity", the City's Notice of Violation indicates "Forklift Activity in Violation of Paragraph 6 [of the Compliance Plan]". However, the Compliance Plan does not prohibit any and all forklift activity. Paragraph 6 of the Compliance Plan only prohibits *"all delivery staging activities, vehicle loading and unloading, and vehicle & equipment maintenance activities in the open loading facility between 9 p.m. and 7 a.m. daily"*.

"Delivery Staging Activities" is defined as **"movement of vehicles, equipment, and product into position for loading."**

Suprema did not;

(1). Use a forklift to move product into position for loading on the dates or during the times indicated in the Notice of Violation.

(2). Use any forklift for the purpose of loading or unloading product on the dates or during the times indicated in the Notice of Violation.

(3). Move any forklift for the purpose of a maintenance activity on the dates or during the times indicated in the Notice of Violation.

(4). Use or move any forklift for any proscribed activity "in the open loading facility", (an undefined term), on the dates or during the times indicated in the Notice of Violation.

In addition, the penalties issued for each of the alleged violations is unreasonable, excessive, arbitrary and ambiguous and is therefore, by definition, an abuse of discretion.

CITY of OAKLAND
City Administrator's Office



CITY HALL • 1 Frank H. Ogawa Plaza • 11th FLOOR • OAKLAND, CALIFORNIA 94612

Nuisance Abatement Division

Greg Minor, Assistant to the City Administrator

TTY/TDD (510) 238-2007
Main FAX (510) 238-7084
Main (510) 238-3301
Voicemail (510) 238-6370

NOTICE OF COMPLIANCE PLAN VIOLATIONS

June 23, 2015

Miguel Jara
Suprema Meats, Inc.
955 57th Street
Oakland, CA 94608-2843

Subject Property: 955 57th Street
APN: 015-1298-009-00

Dear Mr. Jara:

Our office has learned of additional violations to the Compliance Plan between Suprema Meats, Inc. (Suprema) and the City Of Oakland. Accordingly, pursuant to paragraph one of the Compliance Plan, the City Of Oakland hereby assesses penalties for the following violations:

PENALTIES:

3/4/15-3/6/15	9pm-7am Forklift Activity in Violation of Paragraph 6	\$3,000.00
3/10/15	9pm-7am Forklift Activity in Violation of Paragraph 6	\$1,000.00
3/12/15-3/13/15	9pm-7am Forklift Activity in Violation of Paragraph 6	\$2,000.00
6/2/15	9pm-7am Forklift Activity in Violation of Paragraph 6	\$1,000.00
6/12/15	Unloading of Truck in 57 th St Public Right of Way in Violation of Paragraph 5	\$500.00
6/17/15-6/19/15	9pm-7am Forklift Activity in Violation of Paragraph 6	\$3,000.00
6/22/15	9pm-7am Forklift Activity in Violation of Paragraph 6	\$1,000.00

TOTAL AMOUNT DUE: \$ 11,500.00

As to the alleged violation 5 related to “Unloading of Truck”, the Notice indicates that Suprema violated Paragraph 5 of the Compliance Plan. Paragraph 5 subpart (3) of the Compliance Plan prohibits the unloading of “trucks within the 57th Street public Right-of-Way...”.

Suprema did not;

(1). Unload a truck within the 57th Street public Right-of-Way.

In addition, the penalty issued for the alleged violation is unreasonable, excessive, arbitrary and ambiguous and is therefore, by definition, an abuse of discretion.

From: [REDACTED]
Sent: 5/23/2015 7:19:46 PM +0000
To: "Flynn, Rachel" <RFlynn@oaklandnet.com>; "Minor, Gregory" <GMinor@oaklandnet.com>
CC: "Quesada, Bill" <BQuesada@oaklandnet.com>; "Candell, Chris" <CCandell@oaklandnet.com>; "Low, Tim" <TLow@oaklandnet.com>; "Miller, Scott" <SMiller@oaklandnet.com>; "Pon, Craig" <cpon@oaklandnet.com>; "Illgen, Richard" <RIllgen@oaklandcityattorney.org>; "Hunt, Michael" <MHunt@oaklandnet.com>; [REDACTED]
Subject: Suprema Meats servicing trucks on-site today (Saturday)
Rachel and Greg,

Suprema is having work done on their trucks today in the open facility starting around 10:30 this morning.

The noise from the power tools and the dark cloud rising from the metal grinding out in the open facility next to homes is probably violating at least a few codes around noise, particulate matter, and construction schedules.

Automotive servicing / repair is not a permitted activity in HBX-1.

At a minimum this activity is a public nuisance. We count on Saturday as our one day of peace when we can try to enjoy our homes and have friends and family visit us.

Over and over again, Mr. Jara has carried out construction and other activity without permits or warning or consideration of his neighbors on Saturdays and Sundays.

Is there anything that the City can do to stop Suprema's construction and servicing and washing of their commercial vehicles in violation of HBX-1 and other codes (chapters 13 and 17) on Saturdays and Sundays?

Thanks,
[REDACTED]

From: "Flynn, Rachel" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/C9E87BD049D74A6E8F5A2932242E7792-FLYNN, RACH>
Sent: 5/21/2015 6:49:02 PM +0000
To: "Miller, Scott" <SMiller@oaklandnet.com>; "Valeska, David" <DValeska@oaklandnet.com>; "Brenyah-Addow, Maurice" <Brenyah-Addow@oaklandnet.com>
CC: "Ranelletti, Darin" <DRanelletti@oaklandnet.com>; "Minor, Gregory" <GMinor@oaklandnet.com>; "Candell, Chris" <CCandell@oaklandnet.com>; "Chun, Peter" <PChun@oaklandnet.com>
Subject: Suprema Meats

Can we meet in Sunnyside at 2:00 (for the truck routing issues) and then start the land use portion of the meeting at 2:30?

-----Original Message-----

From: Miller, Scott
Sent: Thursday, May 21, 2015 9:04 AM
To: Valeska, David; Flynn, Rachel; Brenyah-Addow, Maurice
Cc: Ranelletti, Darin
Subject: RE: Suprema Meats

To clarify the time for the Suprema truck route meeting, it is at 2:00 to 2:30, as per my email below.

Scott

Scott Miller, Zoning Manager | Bureau of Planning | 250 Frank H. Ogawa Plaza, Suite 2114 | Oakland, CA 94612 | Phone: (510) 238-2235 | Fax: (510) 238-4730 | Email: smiller@oaklandnet.com | Website: www.oaklandnet.com/planning

-----Original Message-----

From: Valeska, David
Sent: Wednesday, May 20, 2015 1:58 PM
To: Flynn, Rachel; Miller, Scott; Brenyah-Addow, Maurice
Cc: Ranelletti, Darin
Subject: RE: Suprema Meats

I am marking down 2:30 and 3:00-4:00 for the meetings and am available at 1-2 if you want To consult; I think Maurice is available at 1 also; thanks. I have several pages of notes, plus Ulla's files and have been through Bill Quesada's files.

Dave Valeska, Planner II | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2214 |Oakland, CA 94612 | Phone: (510)238-2075 | Fax: (510) 238-4730 | Email: dvalueska@oaklandnet.com | Website: www.oaklandnet.com/planning

-----Original Message-----

From: Flynn, Rachel
Sent: Wednesday, May 20, 2015 1:36 PM
To: Miller, Scott; Brenyah-Addow, Maurice; Valeska, David
Cc: Ranelletti, Darin
Subject: RE: Suprema Meats

Where is the 2:30 meeting with Peter Chun? Dave should attend that, if he is available.

Let's meet at 3:00 for the planning-related issues. Dave, are you available then?

-----Original Message-----

From: Miller, Scott
Sent: Wednesday, May 20, 2015 1:34 PM
To: Brenyah-Addow, Maurice; Flynn, Rachel; Valeska, David
Cc: Ranelletti, Darin
Subject: RE: Suprema Meats

No, the truck route meeting is on a very specific element and involves Public Works (traffic). They do not need to be there for the overall Suprema issues meeting.

Scott

Scott Miller, Zoning Manager | Bureau of Planning | 250 Frank H. Ogawa Plaza, Suite 2114 | Oakland, CA 94612 | Phone: (510) 238-2235 | Fax: (510) 238-4730 | Email: smiller@oaklandnet.com | Website: www.oaklandnet.com/planning

-----Original Message-----

From: Brenyah-Addow, Maurice
Sent: Wednesday, May 20, 2015 1:24 PM
To: Miller, Scott; Flynn, Rachel; Valeska, David
Cc: Ranelletti, Darin
Subject: RE: Suprema Meats

Am only available between 1 and 2 and after 3pm. Why don't we combine the Suprema Truck route meeting at 2:30 with this meeting?

-M

Maurice Brenyah-Addow, MBA Planner III | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6342 | Fax: (510) 238-4730 | Email: mbrenyah@oaklandnet.com | Website: www.oaklandnet.com/planning

-----Original Message-----

From: Miller, Scott
Sent: Wednesday, May 20, 2015 12:08 PM
To: Flynn, Rachel; Valeska, David
Cc: Ranelletti, Darin; Brenyah-Addow, Maurice
Subject: RE: Suprema Meats

I can be available between 9-4:30, except for a 2:00-2:30 on Suprema truck routes discussion with Peter Chun and Greg Minor that Dave should also attend.

Scott

Scott Miller, Zoning Manager | Bureau of Planning | 250 Frank H. Ogawa Plaza, Suite 2114 | Oakland, CA 94612 | Phone: (510) 238-2235 | Fax: (510) 238-4730 | Email: smiller@oaklandnet.com | Website: www.oaklandnet.com/planning

-----Original Message-----

From: Flynn, Rachel
Sent: Wednesday, May 20, 2015 11:51 AM
To: Valeska, David
Cc: Ranelletti, Darin; Miller, Scott; Brenyah-Addow, Maurice
Subject: Re: Suprema Meats

Thanks Dave. What times are you available on Friday?

No doubt that Scott and Maurice should attend as well. Scott mentioned that he didn't know if he would have time to schedule a meeting or attend one this week - given his tight schedule.

Since I know the full history of the case and am receiving the bulk of n'hood complaints, I need to meet with you ASAP and get you up to speed.

See you Friday. Rachel

> On May 20, 2015, at 10:47 AM, "Valeska, David" <DValeska@oaklandnet.com> wrote:

>

> Rachel, I am available Friday (pull me away from counter if needed);

> it would probably help to have Scott and/or Maurice there since they

> may have more history with this case. Chris Candell in code

> enforcement also has been involved. I just started with the project May 19 After Ulla left; hope that helps.

>

> Dave Valeska, Planner II | City of Oakland | Bureau of Planning | 250

> Frank H. Ogawa, Suite 2214 | Oakland, CA 94612 | Phone: (510)238-2075 |

> Fax: (510) 238-4730 | Email: dvalueska@oaklandnet.com | Website:

> www.oaklandnet.com/planning

>

>

> -----Original Message-----

> From: Flynn, Rachel
> Sent: Wednesday, May 20, 2015 9:36 AM
> To: Valeska, David
> Cc: Ranelletti, Darin; Miller, Scott; Brenyah-Addow, Maurice
> Subject: Suprema Meats
>
> Dave, Are you in on Friday. I'd like to review the Suprema Meats case that was assigned to you due to Ulla's retirement.
> This is a complex and contentious case. You and I will have to work closely on it to reach resolution.
> Thanks, Rachel

From: "Flynn, Rachel" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/C9E87BD049D74A6E8F5A2932242E7792-FLYNN, RACH>
Sent: 5/6/2015 5:44:55 PM +0000
To: "Minor, Gregory" <GMinor@oaklandnet.com>; "Miller, Scott" <SMiller@oaklandnet.com>; "Jonsson, Ulla-Britt" <UJonsson@oaklandnet.com>; "Quesada, Bill" <BQuesada@oaklandnet.com>; "Candell, Chris" <CCandell@oaklandnet.com>
Subject: Suprema Meeting

Hello all – I'd like to schedule a meeting before Ulla leaves so that we can discuss the many issues that [REDACTED] has raised.

Are you available on Tuesday, May 12th between 9:00 and 11:00? Thanks, Rachel

Rachel Flynn AIA

Director | Planning & Building Department

City of Oakland

510 . 238 . 2229

From: "Valeska, David" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/3D039B4A07F24183B51F9CE8EC4B3AA7-VALESKA, DA>
Sent: 6/18/2015 5:26:31 PM +0000
To: "Miller, Scott" <SMiller@oaklandnet.com>
Subject: Suprema Revised Conditions
Attachments: supremashortconditions.doc

Scott, here are the Suprema site-specific conditions edited per your comments in

Case you want to forward to Rachel, thanks.

Dave Valeska, Planner II | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2214 |Oakland, CA 94612 | Phone: (510)238-2075 | Fax: (510) 238-4730 | Email: dvaleska@oaklandnet.com | Website: www.oaklandnet.com/planning

Meeting Title: Suprema routes
From: "Minor, Gregory" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/5A6EF2B6CFFD4FB294099918818B73F7-MINOR, GREG>
Sent: 5/22/2015 12:41:10 AM +0000
To: "Miller, Scott" <SMiller@oaklandnet.com>; "Quesada, Bill" <BQuesada@oaklandnet.com>; "Brenyah-Addow, Maurice" <Brenyah-Addow@oaklandnet.com>; "Chun, Peter" <PChun@oaklandnet.com>
CC: "Candell, Chris" <CCandell@oaklandnet.com>; "Valeska, David" <DValeska@oaklandnet.com>
Attendees: Miller, Scott; Quesada, Bill; Brenyah-Addow, Maurice; Chun, Peter; Candell, Chris; Valeska, David
Location: Sunnyside
Start Time: 5/22/2015 9:00:00 PM +0000
End Time: 5/22/2015 9:30:00 PM +0000
Duration: 30 minutes
Reminder Time: 5/22/2015 9:00:00 PM +0000
Is Recurring: false
Recurrence Type: Not
Response Status: 5
Busy Status: Tentative

From: "Candell, Chris" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/8CAE3958B12D48D587883AC590E74344-CANDELL, CH>
Sent: 5/1/2015 11:24:10 PM +0000
To: "Jonsson, Ulla-Britt" <UJonsson@oaklandnet.com>; "Miller, Scott" <SMiller@oaklandnet.com>
Subject: Suprema summary of observations/violations
Attachments: Compliance with compliance plan comparing conditions to observationsBversion5 1 15.docx

This is my ongoing table of compliance with the compliance plan, this does not cover other items such as noise. As far as I am concerned operational noise from machinery is a non-issue as of the last time I was out. Given that SMC does random things it is possible that the machinery on any given day may be out of compliance. As to the unloading noise, beyond my initial readings showing that the noise is loud when across the street I also demonstrated that the noise level as heard around the corner is consistent with that allowed in the HBX zone and for the most part would comply with the noise ordinance in the residential zone during the day **after 7:00 AM and before 10:00 PM**. However, a strict interpretation of the ordinance might make compliance difficult for loud spikes occurring during the day meaning at sometimes there may be exceedances but only for short times. My observations are borne out by the professional noise study done by the applicant.

From: [REDACTED]
Sent: 4/28/2015 6:08:20 PM +0000
To: "Candell, Chris" <CCandell@oaklandnet.com>; "Minor, Gregory" <GMinor@oaklandnet.com>
CC: "Low, Tim" <TLow@oaklandnet.com>; "Quesada, Bill" <BQuesada@oaklandnet.com>; "Chun, Peter" <PChun@oaklandnet.com>; "Flynn, Rachel" <RFlynn@oaklandnet.com>; "Miller, Scott" <SMiller@oaklandnet.com>; "Jonsson, Ulla-Britt" <UJonsson@oaklandnet.com>; "Kalb, Dan" <DKalb@oaklandnet.com>; [REDACTED]
Subject: Suprema takeover of Lowell St
Attachments: photo.JPG; ATT00001.txt

Hello All,

I took this photo looking south on Lowell through the intersection of 57th. Suprema "reserves" additional big rig parking and queuing in the street taking up most of the southbound lane by placing their orange barriers every morning when the first workers arrive at 3:30 am.

Suprema regularly unloads 2 or 3 big rigs simultaneously with forlifts making dangerous blind turns from both north and south Lowell on both sides of the street. That is, currently suprema is monopolizing 2 blocks of Lowell as though the street is one giant loading dock.

Greg, you previously told me this is a public nuisance for which enforcement action can be taken by your office and I believe you gave suprema ample warning in your Feb 17 citation.

Thanks,
[REDACTED]

From: Marcela Jara <mmjara@comcast.net>
Sent: 5/18/2015 7:21:35 AM +00:00
To: "Jonsson, Ulla-Britt" <UJonsson@oaklandnet.com>
Craig <cmiers@mierscottarchitects.com>; "Candell, Chris"
<CCandell@oaklandnet.com>; "Minor, Gregory"
CC: <GMinor@oaklandnet.com>; "Quesada, Bill"
<BQuesada@oaklandnet.com>; "Miller, Scott"
<SMiller@oaklandnet.com>; Steve Hassing <sjh@hassinglaw.com>
Subject: Suprema's Dock
Attachments : IMG_0647.JPG; IMG_0648.JPG

Hi Ulla

I was driving around the neighborhood last week when I stumbled upon two warehouse's that had a lot of things in common with Suprema. They are only a couple of blocks away from 57th St. One is on 60th St. and the other is on 61st St. both corner with Lowell St.

They both have driveways on residential streets and they both have an open dock. They seem to be even more exposed than our dock, to residential homes all around them.

From the very beginning we explained to the City ,that the 57th St. dock was not going to create "extra" activity. If any, it will help us cut down on truck movements and on pallet handling.

Since I need to leave all trucks loaded a day before (three trucks parked in the back part of the driveway and another three trucks parked in the front part of the driveway) Not having the dock would force me to load up the front trucks first, forcing me to drive them out, to make space to drive in the other 3 trucks that need to be loaded. This would be the only way I could leave all trucks park and loaded on my driveway a day before.

With the dock, I can load up the first three trucks without having the need to move them again, then I would use the dock to load up the next three. leaving them park in the front. This way it will minimize all truck movements.

I think you should also understand that it is not possible to load any trucks on the front part of the driveway because the driveway is not even, it has a steep decline that makes loading and unloading impossible. All trucks would have to be park on the flat surface of the driveway to be able to load them.

From the meeting we had with the neighbors, it was clear to me that they don't want a dock on 57th St. I did not have a chance to explained that the dock has always had limited usage during the day and that it has not been use before 7:00a in the last 5 months.

The usage is so limited that we really only use it to load up 3 trucks after 7:00a and we load up another 3 around 4:30p. In between this hours we unload an average of 3 bobtails trucks per day. To be clear, this bobtail trucks are my own trucks that are coming back from their route with product that they pick up while making their deliveries.

The last thing I would hope to end up with, is not being able to unload any bobtail trucks because the Lowell dock is block by an 18 wheeler that is parked unloading. I think is better for everybody that I can handle all deliveries swiftly and I can station

all my bobtails in the driveway as they arrive to keep the streets open.

You are welcome to come by Suprema if you would like me to explain everything to you on the premises. I think it is very important that you understand how the dock helps me minimize our foot print i the neiborhood.

Thanks

Mj

From: "Flynn, Rachel" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/C9E87BD049D74A6E8F5A2932242E7792-FLYNN, RACH>
Sent: 6/3/2015 4:38:46 AM +0000
To: "Miller, Scott" <SMiller@oaklandnet.com>; "Valeska, David" <DValeska@oaklandnet.com>
CC: "Ranelletti, Darin" <DRanelletti@oaklandnet.com>; "Brenyah-Addow, Maurice" <Brenyah-Addow@oaklandnet.com>
Subject: Suprema

Does anyone have these conditions of approval?

From: Kalb, Dan
Sent: Sunday, May 31, 2015 1:11 PM
To: Flynn, Rachel
Subject: Fwd: conditions of approval

Hi Rachel, Can U let me know what your thoughts are about their specific suggestions.

Thanks, Dan

From: [REDACTED]
Date: May 27, 2015 at 10:55:28 AM PDT
To: Dan Kalb <DKalb@oaklandnet.com>
Cc: [REDACTED]
Subject: Fwd: conditions of approval

Dan,

Here are the community's conditions of approval that we've been respectfully and repeatedly asking Rachel's team to address for 1.5 years. We're now getting more answers but still not others. There is no excuse for ignoring any of our points/questions at any time in the process, especially now.

Please read the attached closely and ask Rachel for clear answers on all points. Whether we like them or not, we still have a right to know what they are, as do you, our elected rep.

The mayor's office is now involved, again. It's insane how many hours City staff have spent on not solving this case.

[REDACTED]

From: [REDACTED]
Date: May 26, 2015 at 11:58:18 PM PDT
To: "Miller, Scott" <SMiller@oaklandnet.com> ,

dvaleska@oaklandnet.com

Cc: "Minor, Gregory" <GMinor@oaklandnet.com>, [REDACTED]

Subject: conditions of approval

Hi Scott and David,

Thanks Scott for filling me in today on the status of Suprema's permit applications.

As promised, here are some community recommended conditions of approval, run by the 100+ residents who submitted public comments. We still oppose all of the permits for reasons given in those comments. That said, this list is our brainstorming of the best mitigation possible should permits be approved.

I will also send you and Greg Minor a link to a folder on dropbox with a few videos with audio of loading trucks in the 57th St loading dock. I don't think you've ever witnessed this but it's really important that you see and hear the extent of the nuisance -- e.g., trucks extending out of the dock taking up 2/3 of the sidewalk, loading and engine noise, multipoint turns in 57th St including up onto the curb across the street, damage to the curbs and street itself.

We're looking forward to hearing from you in the next couple weeks on the City's position, and next steps (including timeline) the Planning Dept will take to ensure Suprema's application meets compliance plan for an requirements for an internal Suprema truck loading area and sidewalks on Lowell St. We also look forward to the results of Peter Chun's measurements and assessment of the capacity of Lowell St to accommodate big rigs and sidewalks.

Thanks,

[REDACTED]

From: "Valeska, David" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/3D039B4A07F24183B51F9CE8EC4B3AA7-VALESKA, DA>
Sent: 7/15/2015 6:11:46 PM +0000
To: "Miller, Scott" <SMiller@oaklandnet.com>
Subject: Table for Suprema Choices: CUP vs Non-CUP
Attachments: suprematable1.docx

Scott, please look at this in-work draft of the Suprema table.

Dave Valeska, Planner II | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2214 |Oakland, CA 94612 | Phone: (510)238-2075 | Fax: (510) 238-4730 | Email: dvaleska@oaklandnet.com | Website: www.oaklandnet.com/planning

From: "Minor, Gregory" <EXCHANGELABS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/5A6EF2B6CFFD4FB294099918818B73F7-MINOR, GREG>
Sent: 6/4/2015 11:09:41 PM +0000
To: Marcela Jara <mmjara@comcast.net>; Steve Hassing <sjh@hassinglaw.com>
CC: "Flynn, Rachel" <RFlynn@oaklandnet.com>; "Candell, Chris" <CCandell@oaklandnet.com>; "Miller, Scott" <SMiller@oaklandnet.com>
Subject: truck washing

Mr. Jara and Mr. Hassing-

Our office has continued to receive complaints about the washing of trucks on and around Suprema's properties. This discharge of non-storm water amounts to a violation of Oakland's storm water regulations, OMC 13.16 et seq., a portion of which I have pasted below for your convenience. I encourage Suprema to find commercial truck facilities where this activity can be done legally; I will also reach out to colleagues that work directly on storm water issues and pass along any recommendations they may have. In the meantime, the washing of trucks at and around Suprema needs to stop and if not Suprema will be cited.

Thank you in advance for your cooperation.

Best,

Greg Minor

Assistant to the City Administrator

Nuisance Abatement/Special Activity Permits Division

1 Frank H. Ogawa Plaza, 11th Floor

Oakland, CA 94612

Phone: (510)238-6370

Fax: (510) 238-7084

gminor@oaklandnet.com

O.M.C. 13.16.070 - Discharge of pollutants.

A.

Non-storm-water discharges or increase in flow to the city storm sewer system is prohibited. All discharges of material other than storm water must be in compliance with a NPDES permit issued for the discharge (other than NPDES Permit No. CA0029831).

B.

The following non-storm-water discharges are exempt from the prohibition set forth in subsection A of this section:

1.

Non-storm-water discharges regulated under an NPDES permit issued to the discharger and administered by the state of California under authority of the U.S. Environmental Protection Agency; provided, that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations.

2.

Non-storm-water discharges from the following activities will not be considered a source of pollutants to waters of the United States when properly managed: water line flushing and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising ground waters, infiltration to separate storm drains, less than one thousand (1,000) gallons per day of uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washings, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges or flows from fire fighting, and accordingly are not subject to the prohibition on non-storm-water discharges.

From: Steve Hassing <sjh@hassinglaw.com>
Sent: 5/6/2015 5:54:14 PM +0000
To: "Miller, Scott" <SMiller@oaklandnet.com>; "Minor, Gregory" <GMinor@oaklandnet.com>
CC: Marcela Jara <mmjara@comcast.net>
Subject: two emails sent by [REDACTED] to residents
Attachments: Suprema January 1, 2014 email from [REDACTED]
Suprema Jan 17, 2014 email from [REDACTED]

Scott and Greg,

Attached please find copies of two of the emails we discussed at the recent walk-through.

The sales information will also be sent to you today.

Thanks,

sjh

LAW OFFICES
OF
STEVEN J. HASSING

Steve Hassing

(916) 677-1776 Office

(916) 677-1770 Fax

sjh@hassinglaw.com

www.hassinglaw.com

TRIAL LAWYER | BUSINESS LITIGATION

From: [REDACTED]
Date: January 1, 2014 at 1:30:31 PM PST
To: [REDACTED]

Cc: [REDACTED]
Subject: We need your help dealing with Suprema
Reply-To: [REDACTED]

Everyone,
It's time. Most of you have surely noticed the dramatic increase in the noise and traffic from Suprema's expanding operations, particularly between 3:30 am and 7 am. Since they purchased the property last March, more and more big rigs are delivering the meat that Suprema distributes during those wee hours, while on their off hours (Sat. mornings) they've been making an unbelievable racket building out their internal work area *without permits*.
Needless to say, the people living nearest to ground zero are suffering the most and not just from the outrageous noise and street blockages. We're also being harassed by Suprema management when we're spotted taking photos, video, or sound readings. As Suprema's expansion continues, losing sleep is a daily torture, while our properties are losing value and in some cases, really good renters. We are working with the City right now on all of the above issues. **However, it is critical that we turn up the heat by calling in noise or other complaints between 10pm and 7am when the allowable operating noise is supposed to be lower -- not higher -- than between 7am and 10p**
[REDACTED] is the lead on this initiative and is doing an incredible job on tracking and documentation. Our goal is to:

- Identify *all* violations Suprema is committing re: codes for commercial operations, noise, traffic, construction, harassment, damage to/appropriation of residential property, etc.
- Work with the appropriate City staff to cite, fine, and freeze, and dismantle noncompliant activities and structures.
- Build an air-tight case to sue for damages. Should it come to that, it won't be for peanuts.

Our case becomes more valid to the City and a judge the more of us act. So, please help build this case by:

1. Calling in noise or other complaints, especially on **Monday mornings between 4am and 7am**, during Suprema's busiest time of the week, to the nonemergency OPD number: **777-3333**
2. You don't have to give your name to the dispatcher or wait around for an officer to show up, unless you want to.
3. Request **an incident number**, so we can be sure there is a record of the complaint.
4. Please keep us all posted on your incident numbers, if possible, so we can track complaint volume.

For more info: See one of [REDACTED] recent updates below to get some idea of the level we're working at. The good news is that we really do finally have a great case as long as we keep it up. Let me know if you have any questions.

Thanks,
[REDACTED]

 Yahoo Mail for Mobile

 Send Feedback

From: [REDACTED]
Date: January 17, 2014 at 4:02:15 PM PST
To: [REDACTED]
Subject: Suprema's nuisance issues and actions -- important
Reply-To: [REDACTED]

[REDACTED]
The public nuisances from Suprema's activities are now completely off the charts, and getting even worse by the day. Kim Lucas and her husband Chris, who bought 968 57th just a few months ago, are being driven totally mad by the loading racket starting at 4 am.

Sound readings *inside* Kim's house reach 90 decibels on most mornings, especially Mondays, Suprema's busiest day. How bad is 90db? According to federal regs, the 45db level considered *unlivable*. I can't imagine what it's like inside 962 and 960 -- which are even closer to ground zero.

Here's where you come in: we need your account of how Suprema has impacted the quality of life for 962 and for 960 residents. We're spending 100s of hours working all the code compliance angles with City before we can consider litigation.

We're hoping to get short letters this weekend from neighbors describing their issues with Suprema (see mail below). Please let me know if you can contribute a letter. To make it easier for you two, I can talk to you by phone and write up your letter based on your comments. If this works please let me know

From: [REDACTED]
Date: January 1, 2014 at 1:30:31 PM PST
To: [REDACTED]

Cc: [REDACTED]
Subject: **We need your help dealing with Suprema**
Reply-To: [REDACTED]

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For more info: See one of Kim's recent updates below to get some idea of the level we're working at. The good news is that we really do finally have a great case as long as we keep it up. Let me know if you have any questions.

Thanks,
[REDACTED]