

Flynn, Rachel

From: [REDACTED] on behalf of Missy [REDACTED]
Sent: Thursday, July 02, 2015 2:17 PM
To: Weintraub, Max; Crosby, David, CDA; Clarke, Gregory M; Miles, David; Morris, William@CSLB; Low, Tim; Inspection Counter; Ordaz Salto, Karely; Flynn, Rachel
Cc: Kalb, Dan; Eric Rasmussen; [REDACTED] Taylor, Kevin; Sam Levin; [REDACTED] Hom, Donna; Taylor, Marie (Allene); Sean Coffey; Dillard, Ellen; Labayog, Edward; Flores, John; Flores-Medina, Arlette; Will Huntsberry; Bondi, James; Luby, Oliver; DIR CalOSHAAppealsBoard; Ranelletti, Darin; Miller, Scott; Rose, Aubrey; Merkamp, Robert
Subject: 374 41st Street Oakland - Tests of the dirt around the building showed ro levels of lead paint in the soil

Hello all (City of Oakland, Alameda County, EPA, OSHA, CSLB, MEDIA, and a few tenants and tenants rights organizations who have been BCC'ed)

Due to 374 41st Street Oakland, CA being red-tagged back in May 4, 2015 I am temporarily living in an apartment a few blocks away (but am still in Temescal)

I see that work has resumed at 374 41st Street Oakland, CA, but I was a bit shocked to see that the demolition continues to take place at this (and other) TP Partners LLC properties without proper protections for workers, residents, or neighbors.

Why does Oakland not require contractors to abide by Federal and State laws regarding disturbing Lead Paint?

Also, the contractor who performed much of the work at 374 41st Street is **NOT RRP Certified, and lead safe work practices have NOT been followed.**

Due to concerns for the health and safety of the residents after numerous demolitions were performed at a 1920s building, without proper protections put in place for tenants, workers or passerbys,

I hired a third party agency to perform a complete inspection of the building.

These soil samples were sent to an accredited testing facility, which found the soil around our building contained 3x the levels of lead paint dust that is considered TOXIC.

When I went by 374 41st Street on June 30th, I found that someone had demo'ed the back stairs of the building, including the windows. This construction debris was left in the parking lot, unprotected, and a few feet from the sidewalk.

When I went by 374 41st Street yesterday, I saw a large pile of dirt in the parking lot (I will assume this dirt came from the perimeter of the building). **This dirt was not tarped or protected in any way.**

When i went by 4203 Shafter Ave on numerous occassions over the past few weeks of demolition, I find it difficult to breathe. Windows have been removed from the building. The structurally unsound garage is covered in flaking lead paint.

Why does Oakland not require contractors to abide by Federal and State laws regarding disturbing Lead Paint?

The perimeter of the building is not protected, making it an attractive nuisance for neighbors, pets, and children.

Rubble from the demo of the front of the building is all over the sidewalk (the public right of way), and big piles of rubble sit, unprotected, just a few feet from the sidewalk.

Now I have serious concerns about the rest of the properties owned by the same investors, as renovations/demolitions have begun on their other properties.

39th and Opal - a cluster of three buildings right behind Hog's Apothecary

3931 Opal Street

3929 Opal Street

tenants have reported some work was done at this location prior to any permits being pulled

4203 Shafter Ave / 404 42nd Street

42nd and Shafter is being converted from a duplex to a single family home.

Rumors from other tenants is that the couple living in the front part of this ants in the front half of this property were displaced months ago)

Work is being done

450 42nd Street C

450 42nd Street A

450 42nd Street B

The permits that were pulled at this property are all related to items on the structural pest inspection list - why doesn't Oakland Bldg Dept list exactly what is being done?

374 41st Street

My old building. Why isn't Oakland putting a fence around this unsafe structure while foundation work is being done?

337 42nd Street

A tenant from this property reported that a contractor put a hole through her bedroom wall.

40th and Clarke Street

This is the corner lot which is used as a dumping ground. There appears to be some serious foundation issues along the sides of these buildings..

Quick Guide to Lead Regulations That May Affect You

Over the last decade a number of federal and state laws and regulations have been enacted. If you are a property owner, contractor, painter or maintenance worker, there are some particular regulations, described below, that are important to become familiar with in order to avoid fines and penalties. The rules were enacted to prevent lead exposures to occupants, neighbors and workers. Some general rules of thumb to help you comply with lead regulations are:

- Assume that paint on a home built before 1978 is lead-based.
- Maintain your property and keep the paint intact.
- If you are painting or remodeling, use lead-safe work practices including proper containment.
- Disclose lead hazards and provide the pamphlet "Protect Your Family From Lead in Your Home" to potential tenants and buyers.
- Review the table below and learn more about the regulations that apply to your situation.

If you are a:	This regulation may apply to you:
Contractor	<u>California Health & Safety Code, and Housing Law</u>
Painter	<u>Title X, TSCA 406(b)</u>
Maintenance worker	<u>Cal OSHA</u>

	<u>Lead Abatement Contractors: Title 17</u> <u>Lead-Based Paint Debris Disposal</u> <u>EPA Rule: Lead; Renovation, Repair, and Painting</u>
Owner Occupant Homeowner:	<u>Disclosure Rule: Title X Section 1018</u>
Conducting home improvements:	<u>California Health & Safety Code, Housing Law</u> <u>Title 17</u> <u>Cal OSHA (with hired workers)</u> <u>Lead-Based Paint Debris Disposal</u> <u>EPA Rule: Lead; Renovation, Repair, and Painting</u>
Rental Property Owner:	<u>Disclosure Rule: Title X Section 1018</u>
Conducting repairs:	<u>California Health & Safety Code, Housing Law</u> <u>Title 17</u> <u>Cal OSHA (with hired workers)</u> <u>Lead-Based Paint Debris Disposal</u>
Section 8 participant:	<u>EPA Rule: Lead; Renovation, Repair, and Painting</u> <u>Above regulations plus HUD Lead Safe Housing Rule</u>
Tenant	See above for rental property owner requirements
Concerned about schools	<u>Lead-Safe Schools Protection Act</u>
Medical Provider	<u>Childhood Lead Poisoning Prevention Act</u> <u>Lead Exposure Screening</u> <u>Reporting of Blood Lead Levels</u> <u>California Health & Safety Code</u> <u>Title 17</u>
Consumer	<u>Consumer Product Safety Commission Recalls</u> <u>Lead in Children's Toys</u>

California Health and Safety Code, and State Housing Law

State codes and laws now make existing lead hazards, or creating a lead hazard, a violation subject to fines and/or imprisonment. This means that pre-1978 homes should be maintained so that they are lead-safe, with the paint intact. It also means that if you are conducting activities that disturb painted surfaces on a pre-1978 building, you must take steps to contain the paint chips and dust. There are also some prohibited renovation activities.

For more complete information on California lead laws and regulations: <http://www.cdph.ca.gov/programs/CLPPB/Pages/AboutCLPPB.aspx#CAstatutes>

Assembly Bill 2861 (passed in 2006) increased the penalty for failing to cease an activity that creates a lead hazard after receiving an order of violation by establishing a fine of as much as \$5,000 or six months in jail or both for the second order of violation.

For more information see the complete text of AB 2861. (PDF - 46kB)

Cal-OSHA

The Lead-in-Construction Standard is in place to protect the health and safety of employees who engage in lead-related construction work, including construction, demolition, renovation and repair. Contractors disturbing more than 100 square feet or more than 100 linear feet of lead-containing materials must take steps to prevent worker exposures to lead and are required to notify the Department of Industrial Relations at least 24 hours prior to beginning work. For more information about Cal-OSHA Lead Regulations go to: <http://www.cdph.ca.gov/programs/olppp/Pages/Links.aspx>

California Code of Regulations, Title 17, Division 1, Chapter 8, § 35001 - 36100 Accreditation, Certification, and Work Practices for Lead-Based Paint and Lead Hazards

Title 17 requires that work on any structure built before January 1, 1978 must use lead-safe work practices including containment and clean the work area after the project is completed. The revised state law went into effect on April 30, 2008 and applies to everyone including contractors, painters, homeowners, renters, and maintenance staff. The regulations also cover accreditation of training providers and certification of individuals to perform lead abatement and sets work practice standards for lead hazard evaluations and the abatement of lead hazards.

Title 17 implements the mandates of the California Health and Safety Code regarding lead-based paint and lead hazards. Title 17 references its authority in applicable sections of the Health and Safety Code, Civil Code, Government Code, and Revenue and Taxation Code. For the complete text of the Title 17 regulation go to: Complete text of the Title 17 regulation *

Lead-Based Paint Debris Disposal

California EPA requires that presumed (pre-1978) lead-based paint chips and dust be disposed of as hazardous waste. Everyone who handles lead-based paint debris should follow several common sense measures:

- Collect paint chips, dust, dirt, and rubble in 6-mil plastic trash bags for disposal.
- Store larger lead-based painted building parts in containers until ready for disposal.

- If possible, use a covered, locked, mobile dumpster to store lead-based paint debris until the job is done. Alternatively, plastic-wrapped lead-based painted debris can be kept in a locked room or yard until the job is done and the waste is ready to be disposed.
- Contact the Alameda County Household Hazardous Waste Program for sites where lead-based paint debris can be disposed.

FEDERAL LEAD LAWS AND REGULATIONS

For more complete information see:

- Region 9 Status of Environmental Protection Agency (EPA) Regulations Mandated by Title 10
- The publications of the U.S. EPA Lead in Paint, Dust and Soil Rules and Regulations
- <http://www.hud.gov/offices/lead/enforcement/disclosure.cfm>
- Consumer Product Safety Commission

EPA Rule: Lead: Renovation, Repair and Painting Program

EPA has issued a rule that requires anyone who is conducting work for compensation that disturbs painted surfaces in a pre-1978 building to first obtain training in lead-safe work practices, to contain paint chips and dust, clean-up all work areas and become lead-safe certified by the EPA. This rule went into effect on April 22, 2010. The rule was most recently revised on July 15, 2011. For additional information, visit: <http://www.epa.gov/getleadsafe>. [Click here to watch a video](#) about how to become certified.

Disclosure Rule - Title X Section 1018 - Disclosure of information concerning lead-based paint upon sale or lease of pre-1978 residential property

The Lead Disclosure Rule requires owners of rental properties built before 1978, and those selling pre-1978 property, to provide a lead warning statement, results of any lead testing of the property and the pamphlet "Protect Your Family From Lead in Your Home" to the tenants and/or prospective buyer. For more information: <http://www.hud.gov/offices/lead/enforcement/disclosure.cfm>

Hazard Education Before Renovation - TSCA 406(a) and (b)

The final rule requires that renovators and remodelers notify the owner and occupants and distribute the pamphlet "Renovate Right" before beginning renovations. For more information: [Pre-Renovation Lead Education Rule 406\(b\) regulation*](#)

Lead-Safe Housing Rule for Federally-Assisted and Owned Housing

If you participate in a local housing authority Section 8 housing choice voucher program, (or other Federally-Assisted property) especially if your tenant has a child under six years old, the Title X Section 1012/1013 Lead Safe Housing Rule may apply to you. Under this rule you are required to fix peeling paint using lead-safe work practices in a pre-1978 building. For more information: <http://www.hud.gov/offices/lead/enforcement/lshr.cfm>

Alameda County Agencies that may be able to help with lead regulation and compliance issues<http://www.achhd.org/documents/resourceelist.pdf>

Tenant Resource

http://www.achhd.org/resources/info_for_tenants.htm

<http://www.achhd.org/documents/tenantguideenglish.pdf>

Laws and Regulations about Lead

<http://www.achhd.org/leadpoisoning/regs.htm>

California Laws

<http://www.achhd.org/leadpoisoning/regs.htm#CALaws>

<http://www.cdph.ca.gov/programs/CLPPB/Pages/AboutCLPPB.aspx#CAstatutes>

Federal Laws

<http://www.achhd.org/leadpoisoning/regs.htm#FEDLaws>

Resource List

<http://www.achhd.org/leadpoisoning/regs.htm#RESOURCELIST>

National Center for Healthy Housing

<http://www.nchh.org/Policy/NationalPolicy/EPAsRenovationRepairandPaintingRule/StatesAuthorizedbyEPATOManageTheRRPRule.aspx>

U.S Department of Labor, Occupational Safety, and Health Administration

- Lead Exposure in Construction; 29 CFR, Part 1926.62
- Lead Hazard Communication; 29 CFR 1926.59

California Department of Public Health

[http://www.cdph.ca.gov/programs/CLPPB/Documents/CLPPB-OccLead\(E\).pdf](http://www.cdph.ca.gov/programs/CLPPB/Documents/CLPPB-OccLead(E).pdf)

Learn about lead poisoning

[http://www.cdph.ca.gov/programs/CLPPB/Documents/CLPPB-LearnAboutLead\(E\).pdf](http://www.cdph.ca.gov/programs/CLPPB/Documents/CLPPB-LearnAboutLead(E).pdf)

[http://www.cdph.ca.gov/programs/CLPPB/Documents/CLPPB-PaintSoil\(E\).pdf](http://www.cdph.ca.gov/programs/CLPPB/Documents/CLPPB-PaintSoil(E).pdf)

Federal Healthy Housing Bills

<http://www.nchh.org/Policy/National-Policy/Federal-Healthy-Housing-Bills.aspx>

Healthy Housing "Vision" Bill: On October 2, 2008, Senator Jack Reed (D-RI) introduced Senate bill S. 3654 to improve the quality of housing in the United States. The bill emphasizes cost-effective approaches and market-based incentives to make homes healthier and safer without detracting from their affordability. Entitled the Research, Hazard Intervention, and National Outreach for Healthier Housing Act, the multi-faceted legislation aims to improve research, enhance the capacity of federal programs, and expand national outreach efforts.

On October 21, 2009, Representative Robert Brady (D-PA) introduced H.R. 3891, The Safe and Healthy Housing Act of 2009.

Key bill provisions include:

- Funding for existing federal housing programs, such as CDBG, HOME, and LIHEAP to add healthy homes components to their programs.
- Leveraging the private market interest in healthy homes by creating a voluntary "Healthy Homes Seal of Approval" modeled after the successful Energy Star program.
- Authorizing \$7,000,000 for each of the next five years for the National Institute of Environmental Health Science and the Centers for Disease Control and Prevention (CDC) to evaluate the health risks and human health effects of indoor exposure to chemical pollutants including carbon monoxide, chemical asthma triggers, and common household and garden pesticides.
- Authorizing \$6,000,000 for the Department of Housing and Urban Development (HUD) to study methods for the assessment and control of housing-related health hazards.
- Providing \$10,000,000 for HUD and CDC to study the indoor environmental quality of existing housing and to create a system for monitoring housing related hazards.

Resources

S. 290, Title X Amendments Act of 2013 [PDF]

S. 290, Title X Amendments Act Questions and Answers [PDF]

S. 291, Healthy Housing Council Act of 2013 [PDF]

S.1621, Livable Communities Act of 2011 [PDF]

S.1621, Livable Communities Act of 2011 Summary [PDF]

H.R. 3891, Safe and Healthy Housing Act of 2009 [PDF]

H.R. 1282, Title X Amendments Act of 2013 [PDF]

S.3654, Research, Hazard Intervention, and National Outreach for Healthier Homes Act of 2008 [PDF]

S.3654, Summary of Research, Hazard Intervention, and National Outreach for Healthier Homes Act of 2008 [PDF]

Federal Law Violations:

~~Tenants at 374 41st Street did not receive a copy of the Pre-Renovation Brochure and Disclosure Pamphlet (required for any/all renovations being done to pre-1978 rental housing) until March 23rd at 5pm.~~

There are two types of disclosures required in pre-1978 rental housing. One is required prior to the time a tenant takes possession of a rental unit and the second is required at the time specific property renovation is performed.

<http://www2.epa.gov/sites/production/files/documents/renovaterightbrochure.pdf>

Federal law requires “renovators” to provide a specific renovation pamphlet – Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools - to tenants (and/or to landlords) when they undertake specific renovation and remodeling at rental property. The brochure must accompany a disclosure form that describes the location and type of work to be done

The disclosure requirement applies when a renovator renovates six square feet or more of painted surfaces in a room for interior projects. It also applies when renovating more than twenty square feet for exterior projects.

And it also applies to window replacement, irrespective of the size of the window

When renovating tenant-occupied housing, a renovator is required to provide the brochure and disclosure to the owner (if applicable) and the tenant(s). This can be done in one of two ways

By mailing the pamphlet to the tenant and the property owner at least 7 days prior to the renovation and documenting it with a certificate of mailing.

By Delivering the pamphlet in person prior to renovation and obtaining confirmation of receipt. If the tenant or property owner is unwilling or unable to provide confirmation, “self certification” by the renovator is allowed. When a renovator performs work in the common areas of multi-family housing, the renovator is required to notify the owner as described above (mail or deliver). The tenants may also be notified as outlined above, or the renovator may post signs describing the renovation and include information about how the tenants can receive a copy of the pamphlet

Failure to comply with the EPA certification, training, and safe work practice requirements

Beginning, April 22, 2010, owners, managers, contractors, and other individuals who perform repairs, renovation, or painting on pre-1978 buildings must comply with the Environmental Protection Agency (EPA) certification, training, and safe work practice requirements. Renovation is broadly defined as any activity that disturbs painted surfaces and includes most repair, remodeling, and maintenance activities, including window replacement. The work can only be performed by an individual who has been trained and is either certified or supervised by someone who is. In order to receive certification, an individual must successfully complete an 8-hour course.

California Lead Safe Work Practice Requirements were not followed

Any person, (including owners and managers) who performs work that disturbs lead-based paint in residential rental property in California is required to use lead safe work practices to protect occupants against exposure. California law (added by Senate Bill 460, stats 2001) added lead hazards to the conditions that make premises uninhabitable and substandard. The law also prohibits an individual from disturbing more than a “de minimis” amount of lead-based paint without “containment” (a system, process, or barrier used to contain lead hazards inside a work area). While this is not as detailed a requirement as the federal Environmental Protection Agency (EPA) rules, discussed below, the purpose of both laws is to ensure that the work that disturbs lead-based paint is done in a way that does not create a hazard and to ensure that no hazards are left behind.

EMAIL SENT TO THE TEMESCAL YAHOO GROUPS EMAIL LIST:

Hi all,

I wanted to reach out and give a few updates to those of you who may have been wondering what is going on at 41st and Opal.

Tenants were given no notice before the scaffolding went up (March 5-6) and no notice before our building was covered with plastic sheeting (March 23), and the demolition of the front exterior of our building began. Keep in mind that we had just been subjected to a similar event on September 23, 2014, when the front balcony was removed/demolished with no notice to tenants.

My many complaints about the questionable safety of the structure finally resulted in a Fire Inspector coming out (April 23).

On May 01, 2015, the Fire Inspector sent an email to myself and the owner of the property,

The most notable quote in that email? **"We are not sure how or why there is major construction going on while tenants are still living there in an unsafe environment"**

<http://tenanttimeline.blogspot.com/2015/07/april-23-2015-fire-inspector-comes-to.html>

Pursuant to **OMC Sec.15.12**, an **Investigation Fire Inspection was conducted on 4/23/2015**, we found **374 41st Street Oakland, CA to be Non-Compliant with the City of Oakland Fire Regulations.**

As many of you know, our building was red-tagged by the City of Oakland on May 4, 2015. As an unsafe structure, tenants had to move out with very little notice. This was extremely expensive and stressful.

Our building had changed hands on August 29, 2014, and in less than 90 days the new owners had received **Three Stop Work Orders**

By May 4, 2015, they had received 4 Stop Work Orders, permits had been suspended at least 1x, and

<http://tenanttimeline.blogspot.com/2015/07/stop-work-order-4-march-31-2015.html>

<http://tenanttimeline.blogspot.com/2015/07/back-stairs-unsafe-restricted-use.html>

<http://tenanttimeline.blogspot.com/2015/07/stop-work-order-3-october-10-2014.html>

<http://tenanttimeline.blogspot.com/2015/07/stop-work-order-2-october-3-2014.html>

<http://tenanttimeline.blogspot.com/2015/07/stop-work-order-1-september-15-2014.html>

What is my point to all of this?

The recent balcony collapse in Berkeley has made me furious, especially considering how hard I had to fight to get City of Oakland Building Inspectors to **INSPECT** anything at my building.

Oakland Building Inspectors will not listen to me. One told my atty that they ignored my emails. My complaints are very rarely filed, even when related to serious habitability and safety issues.

Now I have serious concerns about the rest of the properties owned by the same investors, as renovations/demolitions have begun on their other properties.

Here is a partial list of the other TP Partners LLC properties in the neighborhood. I know that permits are being pulled for some of the work that is being done, but these tenants are your neighbors. Please support them in making sure that any work being done is performed LEGALLY and SAFELY and meets building code requirements

To all of my neighbors who have reached out and supported me and the other tenants from 374 41st Street Oakland, **THANK YOU..**

I am still in the neighborhood, albeit temporarily. You may see me in the street and/or sidewalk taking photos of 41st and Opal (and the other properties)

39th and Opal - a cluster of three buildings right behind Hog's Apothecary

3931 Opal Street

3929 Opal Street

tenants have reported some work was done at this location prior to any permits being pulled

4203 Shafter Ave / 404 42nd Street

42nd and Shafter is being converted from a duplex to a single family home.

Rumors from other tenants is that the couple living in the front part of this ants in the front half of this property were displaced months ago)

450 42nd Street C

450 42nd Street A

450 42nd Street B

The permits that were pulled at this property are all related to items on the structural pest inspection list - why doesn't Oakland Bldg Dept list exactly what is being done?

374 41st Street

My old building. Why isn't Oakland putting a fence around this unsafe structure while foundation work is being done?

337 42nd Street

A tenant from this property reported that a contractor put a hole through her bedroom wall.

40th and Clarke Street

This is the corner lot which is used as a dumping ground. There appears to be some serious foundation issues along the sides of these buildings..

This is the list of permits that have been pulled by **Kevin Gillikin of Gillikin Siding and Framing**

<https://aca.accela.com/oakland/>

File Date	Status	Record Number	Record Type	Address	Description
[]	06/15/2015	Permit Issued	<u>RB1502507</u>	Residential Building - Repair	3931 OPAL ST,

					#3929, Oakland CA 94609	
[]	06/15/2015	Permit Issued	<u>RB1502504</u>	Residential Building - Repair	3927 OPAL ST, Oakland CA 94609	
[]	06/15/2015	Permit Issued	<u>RB1502505</u>	Residential Building - Repair	3931 OPAL ST, Oakland CA 94609	
[]	06/01/2015	Permit Issued	<u>RB1502309</u>	Residential Building - Alteration	4203 SHAFTER AVE, Oakland CA 94609	
[]	06/01/2015	Permit Issued	<u>RB1502310</u>	Residential Building - Repair	450 42ND ST, C, Oakland CA 94609	
[]	06/01/2015	Permit Issued	<u>RB1502311</u>	Residential Building - Repair	450 42ND ST, A&B, Oakland CA 94609	
[]	06/01/2015	Permit Issued	<u>RM1500910</u>	Residential Mechanical - Alteration	4203 SHAFTER AVE, Oakland CA 94609	
[]	06/01/2015	Permit Issued	<u>RE1501771</u>	Residential Electrical - Alteration	4203 SHAFTER AVE, Oakland CA 94609	
[]	06/01/2015	Permit Issued	<u>RB1502308</u>	Residential Building - Alteration	4203 SHAFTER AVE, Oakland CA 94609	
[]	06/01/2015	Permit Issued	<u>RP1501397</u>	Residential Plumbing - Alteration	4203 SHAFTER AVE, Oakland CA 94609	
[]	06/01/2015	Permit Issued	<u>RB1502312</u>	Residential Building - Repair	450 42ND ST, D, Oakland CA 94609	
[]	05/08/2015	Issued - With Revision(s)	<u>RB1501975</u>	Residential Building - Repair	374 41ST ST, Oakland CA 94609	
[]	07/01/2014	Permit Issued	<u>RB1401944</u>	Residential Building - Alteration	664 VERNON ST, Oakland CA 94610	
[]	04/15/2013	Final	<u>RB1301379</u>	Building/Residential/Building/Alteration	662 25TH ST, OAKLAND CA	
[]	04/15/2013	Cancelled	<u>RE1301112</u>	Building/Residential/Electrical/Alteration	662 25TH ST, OAKLAND CA	NO ELECTRICAL WORK PER PERMITTEE
[]	12/03/2012	Final	<u>RE1203364</u>	Building/Residential/Electrical/Alteration	2335 MARKET ST, OAKLAND CA	
[]	08/08/2012	Final	<u>RP1201707</u>	Building/Residential/Plumbing/Alteration	2335 MARKET ST, OAKLAND CA	
[]	08/08/2012	Expired	<u>RB1202684</u>	Building/Residential/Building/Repair	2335 MARKET ST, #C, OAKLAND CA	
[]	08/08/2012	Final	<u>RB1202681</u>	Building/Residential/Building/Alteration	2335 MARKET ST, OAKLAND CA	
[]	04/17/2012	Final	<u>RB1201233</u>	Building/Residential/Building/Alteration	6570 DAWES ST, OAKLAND CA	

Flynn, Rachel

From: Hom, Donna
Sent: Wednesday, July 08, 2015 3:37 PM
To: Flynn, Rachel; DeVries, Joe; Deloach Reed, Teresa
Cc: Landreth, Sabrina
Subject: FW: Hazardous Substance Report for 374 41st Street Oakland, CA - Survey conducted on April 25, 2015

Hi, Rachel, Joe, and Chief Reed:
I forward this to include Joe and Chief Reed in case it is beyond Rachel's shop.

Joe:
Would you please monitor the status and keep Sabrina and this group posted? Thank you.

Donna Hom
Donna Hom
Interim Assistant City Administrator
1 Frank Ogawa Plaza #301
Oakland, CA 94612
(510) 238-2038 (Phone)

From: M Hennings [REDACTED]
Sent: Wednesday, July 08, 2015 3:10 PM
To: Weintraub, Max; Crosby, David, CDA; Clarke, Gregory M; Miles, David; Morris, William@CSLB; Low, Tim; Inspection Counter; Ordaz Salto, Karely; Flynn, Rachel
Cc: Kalb, Dan; Eric Rasmussen; [REDACTED] Taylor, Kevin; Sam Levin; [REDACTED] Hom, Donna; Taylor, Marie (Allene); Sean Coffey; Dillard, Ellen; Labayog, Edward; Flores, John; Flores-Medina, Arlette; Will Huntsberry; Bondi, James; Luby, Oliver; DIR CalOSHAAppealsBoard; Ranelletti, Darin; Miller, Scott; Rose, Aubrey; Merkamp, Robert
Subject: Hazardous Substance Report for 374 41st Street Oakland, CA - Survey conducted on April 25, 2015

As demolition continues at 374 41st Street Oakland, CA without proper containment procedures, I'm giving my neighbors a heads up on what was found when the soil was tested at this building.

The same soil that is currently covering the sidewalks around the perimeter of this property, endangering pets and neighborhood children who pass by:

On April 25, 2015 a limited sampling survey was conducted by a California Certified Asbestos Consultant (CAC) Lead Sample Technician and Environmental Inspector

Each of the three available apartment units were sampled via PCM.
One exterior or out-of-doors sample was collected for baseline information
All samples were uniquely identified and were recorded on an unbroken chain of custody for hand-delivery to EMSL Analytical Laboratory in San Leandro, California, for analysis.

Flynn, Rachel

From: Taylor, Marie (Allene)
Sent: Wednesday, July 08, 2015 3:52 PM
To: Flynn, Rachel; Low, Tim
Cc: Labayog, Edward
Subject: RE: 374 41st Street

I went by the site last week. The building is completely down to the framing members and has some temporary ply-wood around the outside. There is temporary ply-wood acting as a temporary fence around part of the building, the dirt which has been removed around the foundation for the foundation replacement is in a pile at the rear of the property. It didn't appear at the time I was there that dirt was all over the sidewalk. There could possibly be some housekeeping items on-site we could ask them to do. The permits and plans for the work currently being performed have all been updated and approved for the work which is currently happening on the site.

From: Flynn, Rachel
Sent: Wednesday, July 08, 2015 3:40 PM
To: Low, Tim
Cc: Taylor, Marie (Allene); Labayog, Edward
Subject: 374 41st Street

From: M Hennings [REDACTED]
Sent: Wednesday, July 08, 2015 3:10 PM
To: Weintraub, Max; Crosby, David, CDA; Clarke, Gregory M; Miles, David; Morris, William@CSLB; Low, Tim; Inspection Counter; Ordaz Salto, Karely; Flynn, Rachel
Cc: Kalb, Dan; Eric Rasmussen; [REDACTED] Taylor, Kevin; Sam Levin; [REDACTED] Hom, Donna; Taylor, Marie (Allene); Sean Coffey; Dillard, Ellen; Labayog, Edward; Flores, John; Flores-Medina, Arlette; Will Huntsberry; Bondi, James; Luby, Oliver; DIR CalOSHAAppealsBoard; Ranelletti, Darin; Miller, Scott; Rose, Aubrey; Merkamp, Robert
Subject: Hazardous Substance Report for 374 41st Street Oakland, CA - Survey conducted on April 25, 2015

As demolition continues at 374 41st Street Oakland, CA without proper containment procedures, I'm giving my neighbors a heads up on what was found when the soil was tested at this building.

The same soil that is currently covering the sidewalks around the perimeter of this property, endangering pets and neighborhood children who pass by:

On April 25, 2015 a limited sampling survey was conducted by a California Certified Asbestos Consultant (CAC) Lead Sample Technician and Environmental Inspector

Each of the three available apartment units were sampled via PCM.
One exterior or out-of-doors sample was collected for baseline information
All samples were uniquely identified and were recorded on an unbroken chain of custody for hand-delivery to EMSL Analytical Laboratory in San Leandro, California, for analysis.

LEAD

Current regulations (HUD, CCR 17, etc) hold that any building constructed before January 1, 1987 must be presumed to contain lead-based paint.

374 41st Street Oakland, CA was built in the 1920s.

Concern of Lead Paint Disturbance at this building was caused by the fact that the entire bldg was stripped of its painted siding and stucco surfaces without adequate containment efforts.

Tenants report that the siding and stucco finishes were removed without the use of protective plastic sheeting or personal protection equipment for workers engaged in the removal and hauling-off of painted siding from this property.

Lead is a hazardous element that is regulated by multiple agencies and legislation (NEHSAPS, HUD,CCR17,OSHA,etc).

Lead paint is not generally a hazard unless disturbed or caused to be damaged.

Flaking paint is considered “damaged” and is a means by which paint can become available for up-take.

Lead can be released from paint by right of friction or rubbing of painted surfaces. Windows are a prime source of friction-released lead dust.

Initial environmental sampling included the observation that paint was peeling from the ceiling in the kitchen of unit 4. This was directly over the cooking stove for this unit.

This paint tested at 29% by weight for lead (290,000 ppm). This paint is not “intact” and is pulling away from the ceiling. This is a remarkable condition and should be reviewed by building owner or Health Department officials.

Dust wipe sample at the window sill of unit 3 indicated a level of 380 micrograms per sq.ft. The EPA (see 40CFR 746) defines “Lead-Dust Hazard” as being greater than 250 micrograms per sq. f

The White window trim paint from Unit #1 returned at 2.4% by weight. The paint sample taken from a piece of stucco finish at the front of this subject building, gave us a reading of 2.7% by dry weight of lead.

The Federal EPA and California Department of Public Health define “Lead Based Paint” as that paint with a lead content of 0.5% lead (by dry weight

SOIL

Soil sampled at the front of the building, in an area of bare soil next to the house revealed a value of 2,900 parts per million.

Please note that there were no children present in the population of occupants of this building at the time of this sampling.

Further, there were no readily identifiable play areas for children.

Soil lead level thresholds differ between playground areas and planter/bare soil areas.

The definition for "Lead Contaminated Soil" as per 17CCR35036 is **400 parts per million in children's play area and 1,000 parts per million for bare soil in all other areas.**

The bare soil in the landscaping area immediately in front of 374 41st Street Oakland, CA building returned a value of **2,900 parts per million of lead in that soil.**

One thousand parts per million of lead, or more, in soil, is considered "hazardous"

SUGGESTIONS:

There appears to be sufficient lead disturbance at this location to warrant further scrutiny.

All Lead Samples have returned from analysis as exceeding regulatory levels.

Further review of this location relative to lead is indicated. It is suggested that the owner of the building retain the services of a Lead Risk Assessor for further guidance.

Lead Response Action: A certified Lead Risk Assessor would be required to design a response action to the conditions found at this site.

This report is not construed or held-out to be a part of that level of response. It is recommended that the owners of this property retain the services of a fully certified Lead Risk Assessor.

Similarly, if this building were to receive interior renovation activities that will disturb sheet rock or other friable building materials, it is advised that pre-demolition survey that looks more completely at the entire building be conducted, in order to identify asbestos or to confirm its absence.

This should be performed by Certified Asbestos Consultant (CAC)

I'm going to pass these findings to the media and the neighborhood list serves. I'll let all of you explain why Oakland is ignoring Federal and Environmental laws.

4203 Shafter Ave is in mid-demo, while covered in flaking lead based paint. Same contractors. Same owner

On Thu, Jul 2, 2015 at 2:16 PM, Missy <girlhouse@sbcglobal.net> wrote:

Hello all (City of Oakland, Alameda County, EPA, OSHA, CSLB, MEDIA, and a few tenants and tenants rights organizations who have been BCC'ed)

Due to 374 41st Street Oakland, CA being red-tagged back in May 4, 2015 I am temporarily living in an apartment a few blocks away (but am still in Temescal)

I see that work has resumed at 374 41st Street Oakland, CA, but I was a bit shocked to see that the demolition continues to take place at this (and other) TP Partners LLC properties without proper protections for workers, residents, or neighbors.

Why does Oakland not require contractors to abide by Federal and State laws regarding disturbing Lead Paint?

Also, the contractor who performed much of the work at 374 41st Street is **NOT RRP Certified, and lead safe work practices have NOT been followed.**

Due to concerns for the health and safety of the residents after numerous demolitions were performed at a 1920s building, without proper protections put in place for tenants, workers or passerbys, I hired a third party agency to perform a complete inspection of the building. **These soil samples were sent to an accredited testing facility, which found the soil around our building contained 3x the levels of lead paint dust that is considered TOXIC.**

When I went by 374 41st Street on June 30th, I found that someone had demo'ed the back stairs of the building, including the windows. This construction debris was left in the parking lot, unprotected, and a few feet from the sidewalk.

When I went by 374 41st Street yesterday, I saw a large pile of dirt in the parking lot (I will assume this dirt came from the perimeter of the building). **This dirt was not tarped or protected in any way.**

When i went by 4203 Shafter Ave on numerous occassions over the past few weeks of demolition, I find it difficult to breathe. Windows have been removed from the building. The structurally unsound garage is covered in flaking lead paint.

Why does Oakland not require contractors to abide by Federal and State laws regarding disturbing Lead Paint?

The perimeter of the building is not protected, making it an attractive nuisance for neighbors, pets, and children.

Rubble from the demo of the front of the building is all over the sidewalk (the public right of way), and big piles of rubble sit, unprotected, just a few feet from the sidewalk.

Now I have serious concerns about the rest of the properties owned by the same investors, as renovations/demolitions have begun on their other properties.

39th and Opal - a cluster of three buildings right behind Hog's Apothecary

3931 Opal Street

3929 Opal Street

tenants have reported some work was done at this location prior to any permits being pulled

4203 Shafter Ave / 404 42nd Street

42nd and Shafter is being converted from a duplex to a single family home.

Rumors from other tenants is that the couple living in the front part of this ants in the front half of this property were displaced months ago)

Work is being done

450 42nd Street C

450 42nd Street A

450 42nd Street B

The permits that were pulled at this property are all related to items on the structural pest inspection list - why doesn't Oakland Bldg Dept list exactly what is being done?

374 41st Street

My old building. Why isn't Oakland putting a fence around this unsafe structure while foundation work is being done?

337 42nd Street

A tenant from this property reported that a contractor put a hole through her bedroom wall.

40th and Clarke Street

This is the corner lot which is used as a dumping ground. There appears to be some serious foundation issues along the sides of these buildings..

Quick Guide to Lead Regulations That May Affect You

Over the last decade a number of federal and state laws and regulations have been enacted. If you are a property owner, contractor, painter or maintenance worker, there are some particular regulations, described below, that are important to become familiar with in order to avoid fines and penalties. The rules were enacted to prevent lead exposures to occupants, neighbors and workers. Some general rules of thumb to help you comply with lead regulations are:

- Assume that paint on a home built before 1978 is lead-based.
- Maintain your property and keep the paint intact.
- If you are painting or remodeling, use lead-safe work practices including proper containment.
- Disclose lead hazards and provide the pamphlet "Protect Your Family From Lead in Your Home" to potential tenants and buyers.
- Review the table below and learn more about the regulations that apply to your situation.

If you are a:	This regulation may apply to you:
Contractor Painter Maintenance worker	<u>California Health & Safety Code, and Housing Law</u> <u>Title X, TSCA 406(b)</u> <u>Cal OSHA</u> <u>Lead Abatement Contractors: Title 17</u> <u>Lead-Based Paint Debris Disposal</u> <u>EPA Rule: Lead; Renovation, Repair, and Painting</u>
Owner Occupant Homeowner: Conducting home improvements:	<u>Disclosure Rule: Title X Section 1018</u> <u>California Health & Safety Code, Housing Law</u> <u>Title 17</u> <u>Cal OSHA (with hired workers)</u> <u>Lead-Based Paint Debris Disposal EPA Rule: Lead; Renovation, Repair, and Painting</u>
Rental Property Owner: Conducting repairs:	<u>Disclosure Rule: Title X Section 1018</u> <u>California Health & Safety Code, Housing Law</u> <u>Title 17</u> <u>Cal OSHA (with hired workers)</u> <u>Lead-Based Paint Debris Disposal</u>
Section 8 participant:	<u>EPA Rule: Lead; Renovation, Repair, and Painting</u> <u>Above regulations plus HUD Lead Safe Housing Rule</u>
Tenant	See above for rental property owner requirements
Concerned about schools	<u>Lead-Safe Schools Protection Act</u>
Medical Provider	<u>Childhood Lead Poisoning Prevention Act</u> <u>Lead Exposure Screening</u> <u>Reporting of Blood Lead Levels</u> <u>California Health & Safety Code</u> <u>Title 17</u>
Consumer	<u>Consumer Product Safety Commission Recalls</u> <u>Lead in Children's Toys</u>

California Health and Safety Code, and State Housing Law

State codes and laws now make existing lead hazards, or creating a lead hazard, a violation subject to fines and/or imprisonment. This means that pre-1978 homes should be maintained so that they are lead-safe, with the paint intact. It also

means that if you are conducting activities that disturb painted surfaces on a pre-1978 building, you must take steps to contain the paint chips and dust. There are also some prohibited renovation activities.

For more complete information on California lead laws and regulations: <http://www.cdph.ca.gov/programs/CLPPB/Pages/AboutCLPPB.aspx#CAstatutes>

Assembly Bill 2861 (passed in 2006) increased the penalty for failing to cease an activity that creates a lead hazard after receiving an order of violation by establishing a fine of as much as \$5,000 or six months in jail or both for the second order of violation.

For more information see the complete text of [AB 2861](#). (PDF - 46kB)

Cal-OSHA

The Lead-in-Construction Standard is in place to protect the health and safety of employees who engage in lead-related construction work, including construction, demolition, renovation and repair. Contractors disturbing more than 100 square feet or more than 100 linear feet of lead-containing materials must take steps to prevent worker exposures to lead and are required to notify the Department of Industrial Relations at least 24 hours prior to beginning work. For more information about Cal-OSHA Lead Regulations go to: <http://www.cdph.ca.gov/programs/olppp/Pages/Links.aspx>

California Code of Regulations, Title 17, Division 1, Chapter 8, § 35001 - 36100 Accreditation, Certification, and Work Practices for Lead-Based Paint and Lead Hazards

Title 17 requires that work on any structure built before January 1, 1978 must use lead-safe work practices including containment and clean the work area after the project is completed. The revised state law went into effect on April 30, 2008 and applies to everyone including contractors, painters, homeowners, renters, and maintenance staff. The regulations also cover accreditation of training providers and certification of individuals to perform lead abatement and sets work practice standards for lead hazard evaluations and the abatement of lead hazards.

Title 17 implements the mandates of the California Health and Safety Code regarding lead-based paint and lead hazards. Title 17 references its authority in applicable sections of the Health and Safety Code, Civil Code, Government Code, and Revenue and Taxation Code. For the complete text of the Title 17 regulation go to: [Complete text of the Title 17 regulation](#) *

Lead-Based Paint Debris Disposal

California EPA requires that presumed (pre-1978) lead-based paint chips and dust be disposed of as hazardous waste.

Everyone who handles lead-based paint debris should follow several common sense measures:

- Collect paint chips, dust, dirt, and rubble in 6-mil plastic trash bags for disposal.
- Store larger lead-based painted building parts in containers until ready for disposal.
- If possible, use a covered, locked, mobile dumpster to store lead-based paint debris until the job is done. Alternatively, plastic-wrapped lead-based painted debris can be kept in a locked room or yard until the job is done and the waste is ready to be disposed.
- Contact the [Alameda County Household Hazardous Waste Program](#) for sites where lead-based paint debris can be disposed.

FEDERAL LEAD LAWS AND REGULATIONS

For more complete information see:

- [Region 9 Status of Environmental Protection Agency \(EPA\) Regulations Mandated by Title 10](#)
- [The publications of the U.S. EPA Lead in Paint, Dust and Soil Rules and Regulations](#)
- <http://www.hud.gov/offices/lead/enforcement/disclosure.cfm>
- [Consumer Product Safety Commission](#)

EPA Rule: Lead: Renovation, Repair and Painting Program

EPA has issued a rule that requires anyone who is conducting work for compensation that disturbs painted surfaces in a pre-1978 building to first obtain training in lead-safe work practices, to contain paint chips and dust, clean-up all work areas and become lead-safe certified by the EPA. This rule went into effect on April 22, 2010. The rule was most recently revised on July 15, 2011. For additional information, visit: <http://www.epa.gov/getleadsafe>. [Click here to watch a video](#) about how to become certified.

Disclosure Rule - Title X Section 1018 - Disclosure of information concerning lead-based paint upon sale or lease of pre-1978 residential property

The Lead Disclosure Rule requires owners of rental properties built before 1978, and those selling pre-1978 property, to provide a lead warning statement, results of any lead testing of the property and the pamphlet "Protect Your Family From Lead in Your Home" to the tenants and/or prospective buyer. For more information: <http://www.hud.gov/offices/lead/enforcement/disclosure.cfm>

Hazard Education Before Renovation - TSCA 406(a) and (b)

The final rule requires that renovators and remodelers notify the owner and occupants and distribute the pamphlet "Renovate Right" before beginning renovations. For more information: [Pre-Renovation Lead Education Rule 406\(b\) regulation](#)*

Lead-Safe Housing Rule for Federally-Assisted and Owned Housing

If you participate in a local housing authority Section 8 housing choice voucher program, (or other Federally-Assisted property) especially if your tenant has a child under six years old, the Title X Section 1012/1013 Lead Safe Housing Rule may apply to

you. Under this rule you are required to fix peeling paint using lead-safe work practices in a pre-1978 building. For more information: <http://www.hud.gov/offices/lead/enforcement/lshr.cfm>

Alameda County Agencies that may be able to help with lead regulation and compliance issues
<http://www.achhd.org/documents/resourcelist.pdf>

Tenant Resource

http://www.achhd.org/resources/info_for_tenants.htm
<http://www.achhd.org/documents/tenantguideenglish.pdf>

Laws and Regulations about Lead

<http://www.achhd.org/leadpoisoning/regs.htm>

California Laws

<http://www.achhd.org/leadpoisoning/regs.htm#CALaws>
<http://www.cdph.ca.gov/programs/CLPPB/Pages/AboutCLPPB.aspx#CAstatutes>

Federal Laws

<http://www.achhd.org/leadpoisoning/regs.htm#FEDlaws>

Resource List

<http://www.achhd.org/leadpoisoning/regs.htm#RESOURCELIST>

National Center for Healthy Housing

<http://www.nchh.org/Policy/NationalPolicy/EPAsRenovationRepairandPaintingRule/StatesAuthorizedbyEPAToManagetheRRPRule.aspx>

U.S Department of Labor, Occupational Safety, and Health Administration

- Lead Exposure in Construction; 29 CFR, Part 1926.62
- Lead Hazard Communication; 29 CFR 1926.59

California Department of Public Health

[http://www.cdph.ca.gov/programs/CLPPB/Documents/CLPPB-OccLead\(E\).pdf](http://www.cdph.ca.gov/programs/CLPPB/Documents/CLPPB-OccLead(E).pdf)

Learn about lead poisoning

[http://www.cdph.ca.gov/programs/CLPPB/Documents/CLPPB-LearnAboutLead\(E\).pdf](http://www.cdph.ca.gov/programs/CLPPB/Documents/CLPPB-LearnAboutLead(E).pdf)
[http://www.cdph.ca.gov/programs/CLPPB/Documents/CLPPB-PaintSoil\(E\).pdf](http://www.cdph.ca.gov/programs/CLPPB/Documents/CLPPB-PaintSoil(E).pdf)

Federal Healthy Housing Bills

<http://www.nchh.org/Policy/National-Policy/Federal-Healthy-Housing-Bills.aspx>

Healthy Housing "Vision" Bill: On October 2, 2008, Senator Jack Reed (D-RI) introduced Senate bill S. 3654 to improve the quality of housing in the United States. The bill emphasizes cost-effective approaches and market-based incentives to make homes healthier and safer without detracting from their affordability. Entitled the Research, Hazard Intervention, and National Outreach for Healthier Housing

Act, the multi-faceted legislation aims to improve research, enhance the capacity of federal programs, and expand national outreach efforts.

On October 21, 2009, Representative Robert Brady (D-PA) introduced H.R. 3891, The Safe and Healthy Housing Act of 2009.

Key bill provisions include:

- Funding for existing federal housing programs, such as CDBG, HOME, and LIHEAP to add healthy homes components to their programs.
- Leveraging the private market interest in healthy homes by creating a voluntary "Healthy Homes Seal of Approval" modeled after the successful Energy Star program.
- Authorizing \$7,000,000 for each of the next five years for the National Institute of Environmental Health Science and the Centers for Disease Control and Prevention (CDC) to evaluate the health risks and human health effects of indoor exposure to chemical pollutants including carbon monoxide, chemical asthma triggers, and common household and garden pesticides.
- Authorizing \$6,000,000 for the Department of Housing and Urban Development (HUD) to study methods for the assessment and control of housing-related health hazards.
- Providing \$10,000,000 for HUD and CDC to study the indoor environmental quality of existing housing and to create a system for monitoring housing related hazards.

Resources

S. 290, Title X Amendments Act of 2013 [PDF]

S. 290, Title X Amendments Act Questions and Answers [PDF]

S. 291, Healthy Housing Council Act of 2013 [PDF]

S.1621, Livable Communities Act of 2011 [PDF]

S.1621, Livable Communities Act of 2011 Summary [PDF]

H.R. 3891, Safe and Healthy Housing Act of 2009 [PDF]

H.R. 1282, Title X Amendments Act of 2013 [PDF]

S.3654, Research, Hazard Intervention, and National Outreach for Healthier Homes Act of 2008 [PDF]

S.3654, Summary of Research, Hazard Intervention, and National Outreach for Healthier Homes Act of 2008[PDF]

Flynn, Rachel

From: Flynn, Rachel

Sent: Monday, July 13, 2015 11:15 AM

To: 'M Hennings'; 'Willis, Sherri, Public Health, OOD'; 'Crosby, David, CDA'; Kalb, Dan; 'Weintraub, Max'; Schaaf, Libby; Hom, Donna; Taylor, Kevin; 'Morris, William@CSLB'; [REDACTED]; Luby, Oliver; [REDACTED]

Cc: Gallo, Noel; Brooks, Desley; McElhaney, Lynette; Reid, Larry

Subject: RE: 374 41st Street

Tim, Marie, and Ed – FYI.

From: Morris, William@CSLB [REDACTED]

Sent: Monday, July 13, 2015 11:09 AM

To: Flynn, Rachel

Subject: RE: 374 41st Street

I have been out to this job site several times regarding multiple complaints by M. Hennings. I found no violations in my investigations. If you see something where I can assist you, please contact me.

William Morris, Investigator

Contractors State License Board

Statewide Investigative Fraud Team (SWIFT)

100 Paseo De San Antonio, Rm 103

San Jose, Ca 95113

(408) 277-9729 desk

[REDACTED] cell

Flynn, Rachel

From: Flynn, Rachel
Sent: Monday, July 13, 2015 12:31 PM
To: 'M Hennings'
Cc: Willis, Sherri, Public Health, OOD; Crosby, David, CDA; Kalb, Dan; Weintraub, Max; Schaaf, Libby; Hom, Donna; Taylor, Kevin; Morris, William@CSLB; [REDACTED]
Luby, Oliver; [REDACTED]
[REDACTED] Gallo, Noel; Brooks, Desley; McElhaney, Lynette; Reid, Larry
Subject: RE: 374 41st Street

Tim, Marie, and Ed – FYI. Rachel

From: M Hennings [REDACTED]
Sent: Monday, July 13, 2015 11:31 AM
To: Flynn, Rachel
Cc: Willis, Sherri, Public Health, OOD; Crosby, David, CDA; Kalb, Dan; Weintraub, Max; Schaaf, Libby; Hom, Donna; Taylor, Kevin; Morris, William@CSLB; [REDACTED] Luby, Oliver; [REDACTED]
[REDACTED] Gallo, Noel; Brooks, Desley; McElhaney, Lynette; Reid, Larry
Subject: Re: 374 41st Street

And this was sent on March 31, 2015

From: Patrick Burger [REDACTED]
Sent: Tuesday, March 31, 2015 1:29 PM
To: Permits; Office of the Mayor; City Administrator's Office; [REDACTED]
Cc: Low, Tim; Isaac Wilson; Miles, David; Inspection Counter; [REDACTED] Max Weintraub; Flores, John; Hom, Donna; Luby, Oliver; CDA Crosby David; [REDACTED]
Subject: 374 41st Street Oakland

To Whom It May Concern:

There have been numerous, serious issues with proper permits, defective contractor work, failure to implement EPA required RR&P standards, endangering inhabitants, and life safety issues, surrounding the subject 'project'. This ongoing disaster clearly underlines the dysfunction of our governmental bodies to date.

Owners want tenants out, and are trying to 'upgrade' building, to capitalize on the market. Problem is, they are only doing 'cosmetic' fixes (and quite poorly at that) and are NOT addressing key structural, decay and other habitability issues.

I was retained by one of the tenants (Unit # 4 - Melissa Hennings), to perform an assessment of the conditions at the subject property. On January 10, 2015 I visited the site and examined the various components of the building. I issued a Letter Of Findings on February 10, 2015.

I have attached a copy of this LOF for your review. Whether it is ignoring the RR&P requirements of the EPA, violating permit requirements and/or doing portions of work without a permit, failure to do work that meets MINIMUM standards of the industry, exposing building occupants to dangerous life safety conditions, etc.

The fact that this work continues in such an improper and illegal fashion - while the City fails to stop such work - is an abomination. I urge someone with the City of Oakland step up to the plate and do what is right.

In my estimation, all work should be stopped, and elements of my report relative to foundation problems, framing problems, and other serious life safety issues should be carefully reviewed by some building official. The City of Oakland has the power to require the Owners of the subject property, provide an engineer and/or architects report as to necessary repairs required to first make the structure safe.

The CSLB and The EPA share in this problem. The contractor of record - Gillikins Construction - did not have a valid RR&P certification, and another involved contractor - Synergy - who does have an RR&P certification, however, the ongoing work has not followed any of the EPA protocols. I did notify and file a complaint with the EPA re: Gillikins, but have not yet received a response.

I'm hopeful that someone at City Hall and/or Building/Planning can step up and do what is right, what is necessary and what is required by our laws governing these issues. With my original Letter Of Findings, I've included the complete photo index, and some of the photos. All photos are available if you like.

Without enforcement of our existing laws, rules and regulations...the citizens are left unprotected. This subject building, and its myriad life safety issues, the environment in which the tenants must live, and the manner in which work is allowed to continue - does not speak well of the City of Oakland.

I do projects throughout the bay area, and most if not all of the other building departments I've worked with, would have already dealt with this matter in a responsible fashion - e.g. shut down the work and require an engineers analysis be performed, and their recommendations - stamped and signed - enacted. I've not seen that to date...from the City of Oakland.

The contractors state license board is remiss, when it allows such an entity as Gillikin's to cut into a building without regard to proper and lawful procedures.

It seems that the work has been allowed to continue, despite the tenants continuing complaints, and in that sense makes this entire matter so frustrating. I've not seen such blatant construction deficiencies, missing/no permits, and human endangerment issues ignored for so long.

So...EPA.....CSLB....City of Oakland....how about enforcing our laws?

Best regards,

Patrick J. Burger

Architect, General Contractor

Certified ICC, CREIA & ASHI Inspector

President, San Francisco-Peninsula Chapter CREIA

On Mon, Jul 13, 2015 at 11:28 AM, M Hennings [REDACTED] wrote:
Patrick Burger was hired to inspect 374 41st Street Oakland in January 2014

<http://tenanttimeline.blogspot.com/2015/07/architect-contacts-city-of-oakland.html>

From: Patrick Burger <[REDACTED]>
Date: April 2, 2015 at 9:57:23 PM PDT
To: "Ordaz Salto, Karely" <KMOOrdazSalto@oaklandnet.com>
Cc: M Hennings [REDACTED]
Subject: Re: FW: 374 41st Street Oakland

Hello Karely,

Thank you for your response. I'm surprised by Aubrey Rose's response. It shows that she didn't take the time to investigate the recent permit/no permit history for this property - ongoing issues since October of 2014 - and/or the Bldg Dept is not keeping an accurate record of all complaints received.

The facts are.....the tenants, represented by Melissa Hennings (the tenant in Unit # 4), have been contacting the City of Oakland Building Department on almost a weekly basis since late 2014. The protests Ms Hennings initiates on a regular basis, all relate

to work being done without a permit and/or the proper permit, or work being performed in violation of building codes and standards, life safety violations involving defective stairways, and many other issues of import - which are all outlined in my report, which was an original attachment to my email. The tenants are very frustrated being subject to hazardous conditions, and when pointing out problems with the work to a City Inspector on site, are given the run-around.

One major issue the building department was made aware of was the issue of lead toxins from the demolition. Such work requires an Repair, Renovation and Painting Certification from the EPA, and any contractor performing demolition/repairs to a building built before 1978 is required to follow the proper removal and disposal procedures. I pointed out in my Letter Of Finding that the contractor did not have such certification and in any event was not performing the removal and disposal work as prescribed by the EPA. I notified the EPA of this issue and they recently responded, informing me that they will be following up and investigating this matter.

My Letter Of Finding also points out that the structure is in extremely poor structural condition, with portions of the foundation and foundation framing missing, deteriorated or otherwise compromised. The siding boards are falling off, and siding and framing members have been cut during the recent work (October 2014 to current). Decay at framing members is prevalent, and again, as I noted in my LOF, The risk of collapse - in even a mild seismic event - is quite possible, unless appropriate remedial measures are put in place, in a timely fashion.

I did, and still do, recommend that all work be stopped until such time as the City of Oakland receives a valid (third party) Architect and/or Engineers inspection and detailed report on the condition of the structure, along with recommendations for remedial measures to be undertaken, and that the City only issue a permit when the appropriate drawings, calculations and specifications that encompasses such work are presented for permit issuance.

Many other municipalities that I work with throughout the bay area would promptly - and without any hesitation - stop work and insist on the inspection and documentation noted above. The City of Oakland would do well to follow their example.

Thank you for your time and I hope effort, to get this terrible situation righted.

Best regards,

Patrick J. Burger
Architect, General Contractor
Certified ICC, CREIA & ASHI Inspector
President, San Francisco-Peninsula Chapter CREIA

On Mon, Jul 13, 2015 at 11:00 AM, Flynn, Rachel <RFlynn@oaklandnet.com> wrote:

Tim, Marie, and Ed, Can you please follow up on this? Thanks, Rachel

From: M Hennings [REDACTED]
Sent: Saturday, July 11, 2015 5:26 PM
To: Willis, Sherri, Public Health, OOD; Crosby, David, CDA; Kalb, Dan; Weintraub, Max; Schaaf, Libby; Hom, Donna; Flynn, Rachel; Taylor, Kevin; Morris, William@CSLB; [REDACTED] Luby, Oliver; [REDACTED]

Cc: [REDACTED] Sam Levin; [REDACTED] Eric Rasmussen; Will Huntsberry; [REDACTED] At Large; Gallo, Noel; Brooks, Desley; McElhaney, Lynette; Pat Kernighan; Reid, Larry; [REDACTED]
Subject: Why is Oakland allowing contractors to violate Title 17, Title 8, SB460 and the RRP Rules? Lead Hazards are being created, jeopardizing the health and safety of its citizens

The owners of the building that I was forced to leave due to health/safety concerns, continue to do construction and demolition work in the Temescal neighborhood in violation of local, state, and federal laws.

In my experience:

They fail to pull permits (for large and small projects)

When permits were pulled, they have exceeded the scope of these permits (repeatedly)

Lead safe work practices are not used, even when the evidence of lead paint is overwhelming.

Construction debris is dumped around the property. Dust escapes the work area. Workers and residents are not properly protected.

In less than 90 days, my building received **3 Stop Work Orders** due to

- Demolition without a permit (Unit 2, the front balcony, the back stairs)
- Exceeding the scope of the existing permit (unit 2)

By May 5, 2015 (less than 1 year after purchasing the property)

- **4 Stop Work Orders** had been issued
- Permits were suspended at least 2 times
- 2 Tenants ended up in the hospital (1 injured on the 'repaired' back stairs, the other could not breathe due to inhaling demolition dust for 8+ hours, after the stucco was demo'ed)
- The back stairs were Unsafe/Restricted use (and this was AFTER they were 'repaired')
- Fire Inspectors finally came out and issued a warning for fire code violations
- The entire building was red-tagged, **forcing all tenants out with NO NOTICE.**

Even worse than any of the above?

All of the buildings are pre 1978, which means they fall under RRP Rules, Title 17, and OSHA Rules

Oakland is allowing them to ignore local, state, and federal laws concerning lead hazards.

- Title 17, CCR, Div 1, Ch 8, Accreditation, Certification and Work Practices for Lead-Based Paint and Lead Hazards
- SB 460, the Cal/OSHA Lead in Construction Standard
- Title 8 https://www.dir.ca.gov/title8/1532_1.html
- EPA's Lead Renovation, Repair and Painting Rule (RRP Rule)

This will not make Oakland a better place for current or future residents.

This makes a small group of investors and contractors a bunch of quick cash, as they race in to flip substandard properties, without following laws meant to protect the health/safety of workers and the community. This type of work contaminates the soil, the air, and our drinking water.

<http://www.achhd.org/leadpoisoning/regs.htm>

The owner of these properties is:

TP Partners LLC

1565 Madison Street

Oakland, CA 94609

Martin Higgins

<https://sites.google.com/site/oaklandtenantsunited/bay-apartment-advisors/investors-owners-and-managers/tp-partners-llc---the-owner-of-our-bldg>

Contractor #1

Kevin Gillikin - Gillikin Siding and Framing

License # 751009

not RRP Certified

currently FTB Forfeited

<http://tenanttimeline.blogspot.com/2015/07/july-5-2015-gillikin-construction-inc.html>

Contractor #2

Louis Cherry - American Precision Builders

Not RRP Certified.

Currently FTB/SOS Forfeited

<https://sites.google.com/site/oaklandtenantsunited/bay-apartment-advisors/contractors-and-subcontractors/american-precision-builders---louis-cherry>

Property: 374 41st Street Oakland, CA

Demolition debris includes; concrete (front porch), stucco (tested positive for lead paint: 2.7% by weight), interior paint (tested positive: 29% by weight), Window framing (tested positive: 2.7% by weight), Bare Soil (tested positive: 2900ppm)

Some examples of the state of this construction site (for the past week)

<http://tenanttimeline.blogspot.com/2015/07/july-1-2015.html>

<http://tenanttimeline.blogspot.com/2015/07/july-2-2015-view-from-front.html>

<http://tenanttimeline.blogspot.com/2015/07/july-02-2015-creating-lead-hazard-is.html>

<http://tenanttimeline.blogspot.com/2015/07/july-08-2015-more-lead-hazards-on.html>

<http://tenanttimeline.blogspot.com/2015/07/july-08-2015-lead-contaminated-soil-at.html>

<http://tenanttimeline.blogspot.com/2015/07/july-10-2015-demolitions-and-debris.html>

An indication of the volume of lead paint that has been disturbed, and is still being disturbed

<http://tenanttimeline.blogspot.com/2015/07/2011-and-2014-374-41st-street.html>

Prior demolitions performed with zero containment

<http://tenanttimeline.blogspot.com/2015/04/september-23-2014-108pm-second-floor.html>

Property: 4203 Shafter Ave Oakland, CA

Demolition debris includes: stucco, roofing materials, interior paint, wood, etc. This site has not been tested for lead paint, but the building is pre 1978, and lead safe work practices (including the removing and disposal of debris) are not being followed

Lead hazards and debris

<http://tenanttimeline.blogspot.com/2015/07/july-10-2015-ongoing-lead-hazards-at.html>

<http://tenanttimeline.blogspot.com/2015/07/july-2-10-2015-meanwhile-at-4203.html>

Property (Cluster of 3 bldgs)

3927 Opal Street Oakland

3929 Opal Street Oakland

3931 Opal Street Oakland

Debris from construction left in front yard. (Some of it has spilled onto the sidewalk)

<http://tenanttimeline.blogspot.com/2015/07/3927-3929-3931-opal-street-3-more-tp.html>

Newly 'repaired' stairs have a minimum of 3 code violations, making them Unsafe for tenants to use

<http://tenanttimeline.blogspot.com/2015/07/july-02-2015-recently-repaired-stairs.html>

- Risers vary in height by several inches
- The handrail is not grippable (it is too wide)
- The handrail does not extend the full length of the stairs.

Tenants have reported an unsafe balcony, and exposed electric wires during the winter months.

Property: 40th and Clarke Street - No work started yet, but the foundation issues are visible.

<http://tenanttimeline.blogspot.com/2015/06/40th-and-clarke-street.html>

Property: 450 42nd Street Oakland, CA (3 buildings)

Debris included: stucco, roofing materials, insulation, interior paint, exterior paint, and wood scraps.

Property: 337 42nd Street Oakland, CA

Debris included: stucco, roofing materials, insulation, interior paint, exterior paint, and wood scraps.

Workers performed 'dry rot repair' and were standing on scaffolding without any protective headgear or gloves.

Insulation was exposed for at least 1 week, and pieces were seen blowing around

Small children were observed sitting on the front steps of the neighboring property while this work was being done.

Construction debris was left in large piles in the back of the property (not proper containment)

Some permits were pulled, but I have questions on items that were not listed for:

<http://tenanttimeline.blogspot.com/2015/05/april-18-2015-337-42nd-street-another.html>

<http://tenanttimeline.blogspot.com/2015/05/april-18-2015-337-42nd-street-another.html>

<http://tenanttimeline.blogspot.com/2015/05/april-31-2015-337-42nd-street-has-new.html>

Property: 3388 Piedmont Ave Oakland - SOLD (renovated - no permits)

Bought on August 29, 2014, sold in December 2014

Listing said 'recently renovated' A tenant confirmed that at least one unit had been renovated.

No permits on record

<http://tenanttimeline.blogspot.com/2015/05/3388-piedmont-avenue-tp-partners-llc.html>

Property: 12 Croxton Street Oakland - FOR SALE mls-40703406 (renovated - not all permits appear to be complete)

Property list 'renovations' and 'new stairs'

Have these stairs been inspected? Someone should do that.

http://www.michaelfadeeff.com/idx/mls-40703406-12_croxton_avenue_oakland_ca_94611

Built in 1908, the Croxton Apartments are located in the Piedmont Avenue neighborhood of Oakland. Recent interior and exterior upgrades include three unit renovations, exterior paint, new exterior staircases and landscaping.

Months of attempts to get Oakland to enforce Health/Safety issues:

<http://tenanttimeline.blogspot.com/2015/05/september-23-2014-housing-and.html>

<http://tenanttimeline.blogspot.com/2015/05/september-29-2014-1223pm-ignored-by.html>

<http://tenanttimeline.blogspot.com/2015/05/october-06-2014-234pm-requesting-stop.html>

<http://tenanttimeline.blogspot.com/2015/05/october-07-2014-1148am-emails-to-city.html>

<http://tenanttimeline.blogspot.com/2015/05/october-07-2014-1206pm-unit-2-permits.htm>

<http://tenanttimeline.blogspot.com/2015/05/october-10-2014-0529am-email-to-city-of.html>

<http://tenanttimeline.blogspot.com/2015/05/december-23-2014-248pm-email-to-cslb.html>

<http://tenanttimeline.blogspot.com/2015/05/january-30-2015-1058am-email-to-city-of.htm>

<http://tenanttimeline.blogspot.com/2015/05/february-09-2015-1007am-email-to-oliver.html>

<http://tenanttimeline.blogspot.com/2015/05/from-management-managementbayaptadvisors.html>

<http://tenanttimeline.blogspot.com/2015/05/march-26-2015-943am-email-to-city-of.html>

<http://tenanttimeline.blogspot.com/2015/05/march-26-2015-958pm-informing-city-of.html>

<http://tenanttimeline.blogspot.com/2015/07/open-letter-to-city-of-oakland-alameda.html>

<http://tenanttimeline.blogspot.com/2015/05/april-26-2015-unit-3-violations-of.html>

On Thu, Jul 9, 2015 at 5:04 PM, M Hennings [REDACTED] wrote:

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

From: Willis, Sherri, Public Health, OOD [REDACTED]
Date: Thu, Jul 9, 2015 at 4:30 PM
Subject: RE: ACPHD Contact Form Submission - Lead Hazards
To: [REDACTED]

Thank you for your email. Our Environmental Health, Hazardous Materials staff (510/ 567-6700) will follow up.

From: Hugo, Susan, Env. Health
Sent: Thursday, July 09, 2015 3:48 PM
To: Willis, Sherri, Public Health, OOD; Browder, Ronald, Env. Health
Cc: Foster, Maricela, CDA; Weiss, Karen, Env. Health; Mendoza, Aileen, Env. Health
Subject: RE: ACPHD Contact Form Submission - Lead Hazards

CUPA HazMat will follow up.

Thanks.

Susan

From: Browder, Ronald, Env. Health
Sent: Thursday, July 9, 2015 2:53 PM
To: Willis, Sherri, Public Health, OOD; Hugo, Susan, Env. Health
Cc: Foster, Maricela, CDA; Weiss, Karen, Env. Health
Subject: RE: ACPHD Contact Form Submission - Lead Hazards

Thanks Sherri. Susan's shop will address. I am also copying Maricela Foster, Director of the Healthy Homes Program within CDA for her input. Thanks ALL

From: Willis, Sherri, Public Health, OOD
Sent: Thursday, July 09, 2015 2:32 PM
To: Browder, Ronald, Env. Health; Hugo, Susan, Env. Health
Subject: FW: ACPHD Contact Form Submission - Lead Hazards

I'm not sure who to send this to.

Please advise.

From: noreply@acphd.org [mailto:noreply@acphd.org]
Sent: Thursday, July 09, 2015 11:53 AM
To: Willis, Sherri, Public Health, OOD
Cc: Wong, Linda, Public Health, IS
Subject: ACPHD Contact Form Submission

A General Contact Us form was submitted to <http://www.acphd.org>

REQUESTOR INFORMATION

First Name: Melissa
Last Name: Hennings
Organization:
Title:
Email: [REDACTED]
Phone: [REDACTED]

NATURE OF INQUIRY

Lead Hazards being created at residential construction sites in North Oakland / Temescal
374 41st Street Oakland, CA Test performed on a bare soil sample obtained from the front
of 374 41st Street Oakland, CA Results: 2,900 parts per million Soil from this site is now
being spread across the sidewalk 4203 Shafter Ave Oakland, CA Construction being done at
this site is in violation of RRP and LDP Rules Owner of these properties: TP Partners LLC
1565 Madison Street Oakland, CA Contractor creating the lead hazard: Gillikin Siding and
Framing

Flynn, Rachel

From: Flynn, Rachel
Sent: Monday, July 13, 2015 12:34 PM
To: 'M Hennings'
Cc: Willis, Sherri, Public Health, OOD; Crosby, David, CDA; Kalb, Dan; Weintraub, Max; Schaaf, Libby; Hom, Donna; Taylor, Kevin; Morris, William@CSLB; [REDACTED]; Luby, Oliver; SHSB@dir.ca.gov; Gallo, Noel; Brooks, Desley; McElhaney, Lynette; Reid, Larry; Low, Tim; Taylor, Marie (Allene); Labayog, Edward
Subject: RE: 374 41st Street

Tim, Marie, and Ed – FYI. Rachel

From: M Hennings [REDACTED]
Sent: Monday, July 13, 2015 11:29 AM
To: Flynn, Rachel
Cc: Willis, Sherri, Public Health, OOD; Crosby, David, CDA; Kalb, Dan; Weintraub, Max; Schaaf, Libby; Hom, Donna; Taylor, Kevin; Morris, William@CSLB; helpline@arb.ca.gov; Luby, Oliver; Brady@cslb.ca.gov; ACRU@dir.ca.gov; eberg@dir.ca.gov; LETF@dir.ca.gov; SHSB@dir.ca.gov; Gallo, Noel; Brooks, Desley; McElhaney, Lynette; Reid, Larry
Subject: Re: 374 41st Street

Patrick Burger was hired to inspect 374 41st Street Oakland in January 2014

<http://tenanttimeline.blogspot.com/2015/07/architect-contacts-city-of-oakland.html>

From: Patrick Burger <patrick@architectinspect.com>
Date: April 2, 2015 at 9:57:23 PM PDT
To: "Ordaz Salto, Karely" <KMOrdazSalto@oaklandnet.com>
Cc: M Hennings <melissa.hennings@gmail.com>,
Subject: Re: FW: 374 41st Street Oakland

Hello Karely,

Thank you for your response. I'm surprised by Aubrey Rose's response. It shows that she didn't take the time to investigate the recent permit/no permit history for this property - ongoing issues since October of 2014 - and/or the Bldg Dept is not keeping an accurate record of all complaints received.

The facts are.....the tenants, represented by Melissa Hennings (the tenant in Unit # 4), have been contacting the City of Oakland Building Department on almost a weekly basis since late 2014. The protests Ms Hennings initiates on a regular basis, all relate to work being done without a permit and/or the proper permit, or work being performed in violation of building codes and standards, life safety violations involving defective stairways, and many other issues of import - which are all outlined in my report, which was an original attachment to my email. The tenants are very frustrated being subject to hazardous conditions, and when pointing out problems with the work to a City Inspector on site, are given the run-around.

One major issue the building department was made aware of was the issue of lead toxins from the demolition. Such work requires an Repair, Renovation and Painting Certification from the EPA, and any contractor performing demolition/repairs to a building built before 1978 is required to follow the proper removal and disposal procedures. I pointed out in my Letter Of

Finding that the contractor did not have such certification and in any event was not performing the removal and disposal work as prescribed by the EPA. I notified the EPA of this issue and they recently responded, informing me that they will be following up and investigating this matter.

My Letter Of Finding also points out that the structure is in extremely poor structural condition, with portions of the foundation and foundation framing missing, deteriorated or otherwise compromised. The siding boards are falling off, and siding and framing members have been cut during the recent work (October 2014 to current). Decay at framing members is prevalent, and again, as I noted in my LOF, The risk of collapse - in even a mild seismic event - is quite possible, unless appropriate remedial measures are put in place, in a timely fashion.

I did, and still do, recommend that all work be stopped until such time as the City of Oakland receives a valid (third party) Architect and/or Engineers inspection and detailed report on the condition of the structure, along with recommendations for remedial measures to be undertaken, and that the City only issue a permit when the appropriate drawings, calculations and specifications that encompasses such work are presented for permit issuance.

Many other municipalities that I work with throughout the bay area would promptly - and without any hesitation - stop work and insist on the inspection and documentation noted above. The City of Oakland would do well to follow their example.

Thank you for your time and I hope effort, to get this terrible situation righted.

Best regards,

Patrick J. Burger
Architect, General Contractor
Certified ICC, CREIA & ASHI Inspector
President, San Francisco-Peninsula Chapter CREIA

On Mon, Jul 13, 2015 at 11:00 AM, Flynn, Rachel <RFlynn@oaklandnet.com> wrote:

Tim, Marie, and Ed, Can you please follow up on this? Thanks, Rachel

From: M Hennings [REDACTED]
Sent: Saturday, July 11, 2015 5:26 PM
To: Willis, Sherri, Public Health, OOD; Crosby, David, CDA; Kalb, Dan; Weintraub, Max; Schaaf, Libby; Hom, Donna; Flynn, Rachel; Taylor, Kevin; Morris, William@CSLB; [REDACTED] Luby, Oliver; [REDACTED]
Cc: [REDACTED] Jam Levin; [REDACTED] Eric Rasmussen; Will Huntsberry; [REDACTED] At Large; Gallo, Noel; Brooks, Desley; McElhaney, Lynette; Pat Kernighan; Reid, Larry; [REDACTED]
Subject: Why is Oakland allowing contractors to violate Title 17, Title 8, SB460 and the RRP Rules? Lead Hazards are being created, jeopardizing the health and safety of its citizens

The owners of the building that I was forced to leave due to health/safety concerns, continue to do construction and demolition work in the Temescal neighborhood in violation of local, state, and federal laws.

In my experience:

They fail to pull permits (for large and small projects)

When permits were pulled, they have exceeded the scope of these permits (repeatedly)

Lead safe work practices are not used, even when the evidence of lead paint is overwhelming.

Construction debris is dumped around the property. Dust escapes the work area. Workers and residents are not properly protected.

In less than 90 days, my building received **3 Stop Work Orders** due to

- Demolition without a permit (Unit 2, the front balcony, the back stairs)
- Exceeding the scope of the existing permit (unit 2)

By May 5, 2015 (less than 1 year after purchasing the property)

- **4 Stop Work Orders** had been issued
- Permits were suspended at least 2 times
- 2 Tenants ended up in the hospital (1 injured on the 'repaired' back stairs, the other could not breathe due to inhaling demolition dust for 8+ hours, after the stucco was demo'ed)
- The back stairs were Unsafe/Restricted use (and this was AFTER they were 'repaired')
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- The entire building was red-tagged, **forcing all tenants out with NO NOTICE.**

Even worse than any of the above?

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This will not make Oakland a better place for current or future residents.

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Contractor #1

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License # 751009

not RRP Certified

currently FTB Forfeited

<http://tenanttimeline.blogspot.com/2015/07/july-5-2015-gillikin-construction-inc.html>

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Not RRP Certified.

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Demolition debris includes: stucco, roofing materials, interior paint, wood, etc. This site has not been tested for lead paint, but the building is pre 1978, and lead safe work practices (including the removing and disposal of debris) are not being followed

Lead hazards and debris

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Debris from construction left in front yard. (Some of it has spilled onto the sidewalk

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Property: 3388 Piedmont Ave Oakland - SOLD (renovated - no permits)

Bought on August 29, 2014, sold in December 2014

Listing said 'recently renovated' A tenant confirmed that at least one unit had been renovated.

No permits on record

<http://tenanttimeline.blogspot.com/2015/05/3388-piedmont-avenue-tp-partners-llc.html>

Property: 12 Croxton Street Oakland - FOR SALE mls-40703406 (renovated - not all permits appear to be complete)

Property list 'renovations' and 'new stairs'

Have these stairs been inspected? Someone should do that.

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On Thu, Jul 9, 2015 at 5:04 PM, M Hennings <[REDACTED]> wrote:

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Date: Thu, Jul 9, 2015 at 4:30 PM
Subject: RE: ACPHD Contact Form Submission - Lead Hazards
To: [REDACTED]

Thank you for your email. Our Environmental Health, Hazardous Materials staff (510/ 567-6700) will follow up.

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Cc: Foster, Maricela, CDA; Weiss, Karen, Env. Health; Mendoza, Aileen, Env. Health
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Cc: Foster, Maricela, CDA; Weiss, Karen, Env. Health
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Thanks Sherri. Susan's shop will address. I am also copying Maricela Foster, Director of the Healthy Homes Program within CDA for her input. Thanks ALL

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To: Willis, Sherri, Public Health, OOD

Cc: Wong, Linda, Public Health, IS

Subject: ACPHD Contact Form Submission

A General Contact Us form was submitted to <http://www.acphd.org>

REQUESTOR INFORMATION

First Name: Melissa

Last Name: Hennings

Organization:

Title:

Email: [REDACTED]

Phone: [REDACTED]

NATURE OF INQUIRY

Lead Hazards being created at residential construction sites in North Oakland / Temescal 374 41st Street Oakland, CA Test performed on a bare soil sample obtained from the front of 374 41st Street Oakland, CA Results: 2,900 parts per million Soil from this site is now being spread across the sidewalk 4203 Shafter Ave Oakland, CA Construction being done at this site is in violation of RRP and LDP Rules Owner of these properties: TP Partners LLC 1565 Madison Street Oakland, CA Contractor creating the lead hazard: Gillikin Siding and Framing

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From: Flynn, Rachel
Sent: Monday, July 13, 2015 2:32 PM
To: 'M Hennings'; 'Willis, Sherri, Public Health, OOD'; 'Crosby, David, CDA'; Kalb, Dan; 'Weintraub, Max'; Schaaf, Libby; Hom, Donna; Taylor, Kevin; 'Morris, William@CSLB'; [REDACTED]; Luby, Oliver; [REDACTED]
Cc: Gallo, Noel; Brooks, Desley; McElhaney, Lynette; Reid, Larry
Subject: 374 41st Street

Melissa, Please see Marie Taylor's e-mail below. Feel free to contact her directly if you still have questions about the status of this building. Thanks, Rachel

Rachel Flynn AIA
Director | Planning & Building Department
City of Oakland
510 . 238 . 2229

From: Taylor, Marie (Allene)
Sent: Monday, July 13, 2015 2:11 PM
To: Flynn, Rachel; Low, Tim; Labayog, Edward
Subject: 374 41st Street

Rachel,

Construction on that site was stopped for about 45 days. The owner was working with the engineer to provide a plan to us to encompass all the work being done on the project.

Alain and I met with the owner and the engineer to get this project on track. The structural drawings and revised permit were issued 6-24-15. The project is being monitored and they still have architectural drawings to submit to planning and building for window replacement and exterior finishes. At the present time they are working on the foundation.

I was out at the site last week based on a complaint and the job site was clean. The exterior siding and stairway are completely removed and off-site. The building is basically exterior framing with temporary plywood on the outside, while they replace the foundation. I will have an inspector in the area continue to monitor the site, but beyond that they are working in their scope of permit.

Marie Taylor
Building Services Manager
City of Oakland
510-238-3669

From: Flynn, Rachel
Sent: Monday, July 13, 2015 11:00 AM
To: 'M Hennings'; Willis, Sherri, Public Health, OOD; Crosby, David, CDA; Kalb, Dan; Weintraub, Max; Schaaf, Libby; Hom, Donna; Taylor, Kevin; Morris, William@CSLB; [REDACTED]; Luby, Oliver; [REDACTED]
Cc: Gallo, Noel; Brooks, Desley; McElhaney, Lynette; Reid, Larry
Subject: 374 41st Street

Tim, Marie, and Ed, Can you please follow up on this? Thanks, Rachel

From: M Hennings [REDACTED]

Sent: Saturday, July 11, 2015 5:26 PM

To: Willis, Sherri, Public Health, OOD; Crosby, David, CDA; Kalb, Dan; Weintraub, Max; Schaaf, Libby; Horn, Donna; Flynn, Rachel; Taylor, Kevin; Morris, William@CSLB; [REDACTED]; Luby, Oliver; Brady@cslb.ca.gov;

Cc: [REDACTED] Sam Levin, [REDACTED]; Eric Rasmussen; Will Huntsberry; [REDACTED] At Large; Gallo, Noel; Brooks, Desley; McElhaney, Lynette; Pat Kernighan; Reid, Larry; [REDACTED]

Subject: Why is Oakland allowing contractors to violate Title 17, Title 8, SB460 and the RRP Rules? Lead Hazards are being created, jeopardizing the health and safety of its citizens

The owners of the building that I was forced to leave due to health/safety concerns, continue to do construction and demolition work in the Temescal neighborhood in violation of local, state, and federal laws.

In my experience:

They fail to pull permits (for large and small projects)

When permits were pulled, they have exceeded the scope of these permits (repeatedly)

Lead safe work practices are not used, even when the evidence of lead paint is overwhelming.

Construction debris is dumped around the property. Dust escapes the work area. Workers and residents are not properly protected.

In less than 90 days, my building received **3 Stop Work Orders** due to

- Demolition without a permit (Unit 2, the front balcony, the back stairs)
- Exceeding the scope of the existing permit (unit 2)

By May 5, 2015 (less than 1 year after purchasing the property)

- **4 Stop Work Orders** had been issued
- Permits were suspended at least 2 times
- 2 Tenants ended up in the hospital (1 injured on the 'repaired' back stairs, the other could not breathe due to inhaling demolition dust for 8+ hours, after the stucco was demo'ed)
- The back stairs were Unsafe/Restricted use (and this was AFTER they were 'repaired')
- Fire Inspectors finally came out and issued a warning for fire code violations
- The entire building was red-tagged, **forcing all tenants out with NO NOTICE.**

Even worse than any of the above?

All of the buildings are pre 1978, which means they fall under RRP Rules, Title 17, and OSHA Rules

Oakland is allowing them to ignore local, state, and federal laws concerning lead hazards.

- Title 17, CCR, Div 1, Ch 8, Accreditation, Certification and Work Practices for Lead-Based Paint and Lead Hazards
- SB 460, the Cal/OSHA Lead in Construction Standard
- Title 8 https://www.dir.ca.gov/title8/1532_1.html
- EPA's Lead Renovation, Repair and Painting Rule (RRP Rule)

This will not make Oakland a better place for current or future residents.

This makes a small group of investors and contractors a bunch of quick cash, as they race in to flip substandard properties, without following laws meant to protect the health/safety of workers and the community. This type of work contaminates the soil, the air, and our drinking water.

<http://www.achhd.org/leadpoisoning/regs.htm>

The owner of these properties is:

TP Partners LLC

1565 Madison Street

Oakland, CA 94609

Martin Higgins

<https://sites.google.com/site/oaklandtenantsunited/bay-apartment-advisors/investors-owners-and-managers/tp-partners-llc---the-owner-of-our-bldg>

Contractor #1

Kevin Gillikin - Gillikin Siding and Framing

License # 751009

not RRP Certified

currently FTB Forfeited

<http://tenanttimeline.blogspot.com/2015/07/july-5-2015-gillikin-construction-inc.html>

Contractor #2

Louis Cherry - American Precision Builders

Not RRP Certified.

Currently FTB/SOS Forfeited

<https://sites.google.com/site/oaklandtenantsunited/bay-apartment-advisors/contractors-and-subcontractors/american-precision-builders---louis-cherry>

Property: 374 41st Street Oakland, CA

Demolition debris includes; concrete (front porch), stucco (tested positive for lead paint: 2.7% by weight), interior paint (tested positive: 29% by weight), Window framing (tested positive: 2.7% by weight), Bare Soil (tested positive: 2900ppm)

Some examples of the state of this construction site (for the past week)

<http://tenanttimeline.blogspot.com/2015/07/july-1-2015.html>

<http://tenanttimeline.blogspot.com/2015/07/july-2-2015-view-from-front.html>

<http://tenanttimeline.blogspot.com/2015/07/july-02-2015-creating-lead-hazard-is.html>

<http://tenanttimeline.blogspot.com/2015/07/july-08-2015-more-lead-hazards-on.html>

<http://tenanttimeline.blogspot.com/2015/07/july-08-2015-lead-contaminated-soil-at.html>

<http://tenanttimeline.blogspot.com/2015/07/july-10-2015-demolitions-and-debris.html>

An indication of the volume of lead paint that has been disturbed, and is still being disturbed

<http://tenanttimeline.blogspot.com/2015/07/2011-and-2014-374-41st-street.html>

Prior demolitions performed with zero containment

<http://tenanttimeline.blogspot.com/2015/04/september-23-2014-108pm-second-floor.html>

<http://tenanttimeline.blogspot.com/2015/04/september-19-2014-plastic-chairs-being.html>

Property: 4203 Shafter Ave Oakland, CA

Demolition debris includes: stucco, roofing materials, interior paint, wood, etc. This site has not been tested for lead paint, but the building is pre 1978, and lead safe work practices (including the removing and disposal of debris) are not being followed

Lead hazards and debris

<http://tenanttimeline.blogspot.com/2015/07/july-10-2015-ongoing-lead-hazards-at.html>

<http://tenanttimeline.blogspot.com/2015/07/july-2-10-2015-meanwhile-at-4203.html>

Property (Cluster of 3 bldgs)

3927 Opal Street Oakland

3929 Opal Street Oakland

3931 Opal Street Oakland

Debris from construction left in front yard. (Some of it has spilled onto the sidewalk

<http://tenanttimeline.blogspot.com/2015/07/3927-3929-3931-opal-street-3-more-tp.html>

Newly 'repaired' stairs have a minimum of 3 code violations, making them Unsafe for tenants to use

<http://tenanttimeline.blogspot.com/2015/07/july-02-2015-recently-repaired-stairs.html>

- Risers vary in height by several inches
- The handrail is not grippable (it is too wide)
- The handrail does not extend the full length of the stairs.

Tenants have reported an unsafe balcony, and exposed electric wires during the winter months.

Property: 40th and Clarke Street - No work started yet, but the foundation issues are visible.

<http://tenanttimeline.blogspot.com/2015/06/40th-and-clarke-street.html>

Property: 450 42nd Street Oakland, CA (3 buildings)

Debris included: stucco, roofing materials, insulation, interior paint, exterior paint, and wood scraps.

Property: 337 42nd Street Oakland, CA

Debris included: stucco, roofing materials, insulation, interior paint, exterior paint, and wood scraps.

Workers performed 'dry rot repair' and were standing on scaffolding without any protective headgear or gloves.

Insulation was exposed for at least 1 week, and pieces were seen blowing around

Small children were observed sitting on the front steps of the neighboring property while this work was being done.

Construction debris was left in large piles in the back of the property (not proper containment)

Some permits were pulled, but I have questions on items that were not listed for:

<http://tenanttimeline.blogspot.com/2015/05/april-18-2015-337-42nd-street-another.html>

<http://tenanttimeline.blogspot.com/2015/05/april-18-2015-337-42nd-street-another.html>

<http://tenanttimeline.blogspot.com/2015/05/april-31-2015-337-42nd-street-has-new.html>

Property: 3388 Piedmont Ave Oakland - SOLD (renovated - no permits)

Bought on August 29, 2014, sold in December 2014

Listing said 'recently renovated' A tenant confirmed that at least one unit had been renovated.

No permits on record

<http://tenanttimeline.blogspot.com/2015/05/3388-piedmont-avenue-tp-partners-llc.html>

Property: 12 Croxton Street Oakland - FOR SALE mls-40703406 (renovated - not all permits appear to be complete)

Property list 'renovations' and 'new stairs'

Have these stairs been inspected? Someone should do that.

http://www.michaelfadeeff.com/idx/mls-40703406-12_croxton_avenue_oakland_ca_94611

Built in 1908, the Croxton Apartments are located in the Piedmont Avenue neighborhood of Oakland. Recent interior and exterior upgrades include three unit renovations, exterior paint, new exterior staircases and landscaping.

Months of attempts to get Oakland to enforce Health/Safety issues:

<http://tenanttimeline.blogspot.com/2015/05/september-23-2014-housing-and.html>

<http://tenanttimeline.blogspot.com/2015/05/september-29-2014-1223pm-ignored-by.html>

<http://tenanttimeline.blogspot.com/2015/05/october-06-2014-234pm-requesting-stop.html>

<http://tenanttimeline.blogspot.com/2015/05/october-07-2014-1148am-emails-to-city.html>

<http://tenanttimeline.blogspot.com/2015/05/october-07-2014-1206pm-unit-2-permits.htm>

<http://tenanttimeline.blogspot.com/2015/05/october-10-2014-0529am-email-to-city-of.html>

<http://tenanttimeline.blogspot.com/2015/05/december-23-2014-248pm-email-to-cslb.html>

<http://tenanttimeline.blogspot.com/2015/05/january-30-2015-1058am-email-to-city-of.htm>

<http://tenanttimeline.blogspot.com/2015/05/february-09-2015-1007am-email-to-oliver.html>

<http://tenanttimeline.blogspot.com/2015/05/from-management-managementbayaptadvisors.html>

<http://tenanttimeline.blogspot.com/2015/05/march-26-2015-943am-email-to-city-of.html>

<http://tenanttimeline.blogspot.com/2015/05/march-26-2015-958pm-informing-city-of.html>

<http://tenanttimeline.blogspot.com/2015/07/open-letter-to-city-of-oakland-alameda.html>

<http://tenanttimeline.blogspot.com/2015/05/april-26-2015-unit-3-violations-of.html>

On Thu, Jul 9, 2015 at 5:04 PM, M Hennings [REDACTED] wrote:

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

From: Willis, Sherri, Public Health, OOD [REDACTED]
Date: Thu, Jul 9, 2015 at 4:30 PM
Subject: RE: ACPHD Contact Form Submission - Lead Hazards
To: [REDACTED]

Thank you for your email. Our Environmental Health, Hazardous Materials staff (510/ 567-6700) will follow up.

From: Hugo, Susan, Env. Health
Sent: Thursday, July 09, 2015 3:48 PM
To: Willis, Sherri, Public Health, OOD; Browder, Ronald, Env. Health
Cc: Foster, Maricela, CDA; Weiss, Karen, Env. Health; Mendoza, Aileen, Env. Health
Subject: RE: ACPHD Contact Form Submission - Lead Hazards

CUPA HazMat will follow up.

Thanks.

Susan

From: Browder, Ronald, Env. Health
Sent: Thursday, July 9, 2015 2:53 PM
To: Willis, Sherri, Public Health, OOD; Hugo, Susan, Env. Health
Cc: Foster, Maricela, CDA; Weiss, Karen, Env. Health
Subject: RE: ACPHD Contact Form Submission - Lead Hazards

Thanks Sherri. Susan's shop will address. I am also copying Maricela Foster, Director of the Healthy Homes Program within CDA for her input. Thanks ALL

From: Willis, Sherri, Public Health, OOD
Sent: Thursday, July 09, 2015 2:32 PM
To: Browder, Ronald, Env. Health; Hugo, Susan, Env. Health
Subject: FW: ACPHD Contact Form Submission - Lead Hazards

I'm not sure who to send this to.

Please advise.

From: noreply@acphd.org [mailto:noreply@acphd.org]

Sent: Thursday, July 09, 2015 11:53 AM

To: Willis, Sherri, Public Health, OOD

Cc: Wong, Linda, Public Health, IS

Subject: ACPHD Contact Form Submission

A General Contact Us form was submitted to <http://www.acphd.org>

REQUESTOR INFORMATION

First Name: Melissa

Last Name: Hennings

Organization:

Title:

Email:

Phone:

NATURE OF INQUIRY

Lead Hazards being created at residential construction sites in North Oakland / Temescal
374 41st Street Oakland, CA Test performed on a bare soil sample obtained from the front
of 374 41st Street Oakland, CA Results: 2,900 parts per million Soil from this site is now
being spread across the sidewalk 4203 Shafter Ave Oakland, CA Construction being done at
this site is in violation of RRP and LDP Rules Owner of these properties: TP Partners LLC
1565 Madison Street Oakland, CA Contractor creating the lead hazard: Gillikin Siding and
Framing

Flynn, Rachel

Subject:

FW: 374 41st Street

From: M Hennings [REDACTED]

Sent: Tuesday, July 14, 2015 1:35 PM

To: Flynn, Rachel

Cc: McElhaney, Lynette; Willis, Sherri, Public Health, OOD; Crosby, David, CDA; Kalb, Dan; Weintraub, Max; Schaaf, Libby; Hom, Donna; Taylor, Kevin; Morris, William@CSLB; [REDACTED] Luby, Oliver; [REDACTED]; Gallo, Noel; Brooks, Desley; Reid, Larry; Eric Rasmussen; Sam Levin; [REDACTED] Landreth, Sabrina; Low, Tim; Taylor, Marie (Allene); Labayog, Edward; Minor, Gregory

Subject: Re: 374 41st Street

I have no idea why I'm having to explain State and Federal laws regarding construction to the Oakland Building Department:

Title 17 - California LBP Work Practice Requirements AND the EPA RRP regulations
must be followed

<http://www.homesafetraining.com/pdfs/CAregsHandOut.pdf>

<http://www.achhd.org/leadpoisoning/regs.htm>

Lead-based Paint Work Practices in California

This handout is designed to help contractors understand California's lead-based paint (LBP) work practice requirements.

These regulations are separate from EPA's RRP Rule and have been in effect for a number of years.

Flynn, Rachel

From: M Hennings [REDACTED]
Sent: Tuesday, July 14, 2015 2:37 PM
To: Flynn, Rachel
Cc: McElhaney, Lynette; Willis, Sherri, Public Health, OOD; Crosby, David, CDA; Kalb, Dan; Weintraub, Max; Schaaf, Libby; Hom, Donna; Taylor, Kevin; Morris, William@CSLB; Luby, Oliver; [REDACTED] Gallo, Noel; Brooks, Desley; Reid, Larry; Eric Rasmussen; Sam Levin; [REDACTED] Landreth, Sabrina; Low, Tim; Taylor, Marie (Allene); Labayog, Edward; Minor, Gregory; Kaplan, Rebecca
Subject: Re: 374 41st Street

What was done without permits at 374 41st Street?

09/05/2014 - (ongoing) Unit 2 Demo - no permit / stop work order / permit suspended and revoked
09/23 and 09/24/2014 Front Balcony Demo - no permit - stop work order
09/26 and 09/29/2014 Back Stairs 'repair/replace' - no permit - stairs are now restricted use/unsafe
09/30/2014 Installation of vent for Unit 2 - no permit
09/30/2014 Installation of gas furnace for Unit 2 - no permit
10/2/2014 Chunks of stucco removed from front of building - no permit
10/9/2014 Tenant injured on back stairs
10/10/2014 Stop work orders issued for entire building
10/10/2014 Back stairs marked as restricted use/ unsafe
10/27/2014 Unit 2 permits suspended/revoked
01/28/2015 Unit 2 Floors are sanded, Polyurethane is used on the floors. Windows and doors are closed (allowing off-gassing to the rest of the units)
03/05 and 03/06/2015 Scaffolding placed around the building - no notice to tenants
03/25/2015 Tenant sent to emergency room after sleeping in a room filled with construction dust

Inconsistency with the permits being issued

- Wrong apartment
 - Wrong owner
 - No contractor listed
 - Scope of work is incorrect (even though Dennis was on site)
- <http://tenanttimeline.blogspot.com/2015/05/september-17-2014-900pm-email-to-ed.html>

September 11, 2014 - Record ID: 1403349

I reported 3 things:

1. Rear stairs are a code and safety violation
2. Balcony is rotting and attracting vermin (also unsafe)
3. Construction in lower unit being done without a permit

Dennis Foster came to the site on Friday, September 12th.

He went inside and cited the construction without a permit, but did not look at the balcony or the staircase.
I called and asked him about this, and he told me that his only job was to look into the construction without a permit.
I asked him to please return for the safety issues, and he refused.
My emails which included photos were also ignored.

Dennis Foster's response to complaints:

<http://tenanttimeline.blogspot.com/2015/05/september-16-2014-214pm-email-to-dennis.html>
<http://tenanttimeline.blogspot.com/2015/05/september-17-2014-300pm-dennis-foster.html>

Dennis Foster (Oakland Building Dept) re: work being done

<http://tenanttimeline.blogspot.com/2015/05/september-29-2014-1223pm-recap-of-my.html>

Called the city inspector to ask them to return, and he is telling me his hands are tied.

He also will not come out to inspect the other work that was done on the property by the previous landlord (also done without a permit).

Ed Labayog's response: 'Dennis?'

<http://tenanttimeline.blogspot.com/2015/05/september-17-2014-1058am-email-to-ed.html>

Balcony Demolition - No permits/ no notice

<http://tenanttimeline.blogspot.com/2015/05/september-23-2014-balcony-demolition.html>

Emails to multiple Oakland Building Dept employees regarding the back stairs being repaired/replaced without a permit

Isaac Wilson, edillard@oaklandnet.com, aflores@oaklandcityattorney.org, mmayberry@oaklandnet.com,
jbondi@oaklandnet.com, rkaplan@oaklandnet.com

<http://tenanttimeline.blogspot.com/2015/05/september-29-2014-916am-email-to-city.html>

Emails to Maurice Early (Oakland Building Dept) asking why no contractor name is listed on the existing permits . I had also reported the back stairs replace/repair without a permit

<http://tenanttimeline.blogspot.com/2015/05/september-26-2014-1102am-email-to.html>

Asking building manager how we are supposed to access our apartments during the stairway replace/repair

<http://tenanttimeline.blogspot.com/2015/05/september-23-2014-536pm-email-to-vickie.html>

Back Stairs 'replaced/repared' without a permit. This is tenants only means of egress from the 2nd floor. Workers leave tools everywhere

<http://tenanttimeline.blogspot.com/2015/05/september-26-2014-1100am-power-tools.html>

<http://tenanttimeline.blogspot.com/2015/05/september-26-2014-1104am-email-to.html>

Complaint filed with CSLB

<http://tenanttimeline.blogspot.com/2015/05/september-28-2014-154pm-email-to-cslb.html>

Contractor threatens another neighbor, while creating a lead hazard/performing a demo without a permit.

<http://tenanttimeline.blogspot.com/2015/05/september-27-2014-432pm-tracy-neighbor.html>

Permit for Unit 2 was labeled 'Unit 1' and it was originally puled as a 'minor bathroom remodel'

<http://tenanttimeline.blogspot.com/2015/05/september-26-2014-unit-2-minor-bath.html>

<http://tenanttimeline.blogspot.com/2015/05/september-26-2014-unit-2-gas-furnace.htm>

Emails to Tim Low, Isaac Wilson, and OSHA re: Unit 2 'Minor Bath Remodel' involving the kitchen

<http://tenanttimeline.blogspot.com/2015/05/september-20-2014-955am-email-to-isaac.html>

Asking Dept of Oakland Building Inspectors, "shouldn't a lead paint inspection be performed? "

<http://tenanttimeline.blogspot.com/2015/05/september-19-2014-441pm-email-to-isaac.html>

Timeline of work being done, sent to Isaac Wilson - Oakland Building Department

<http://tenanttimeline.blogspot.com/2015/05/september-19-2014-245pm-email-to-isaac.html>

Asking Isaac Wilson and Dennis Foster when code violations will be addressed

<http://tenanttimeline.blogspot.com/2015/05/september-19-2014-214pm-email-to-dennis.html>

<http://tenanttimeline.blogspot.com/2015/05/september-18-2014-1102am-email-to.html>

<http://tenanttimeline.blogspot.com/2015/05/september-18-2014-email-conversation.html>

Email to Rich Fielding - Oakland Building Department

<http://tenanttimeline.blogspot.com/2015/05/september-18-2014-1144am-email-to-rich.html>

September 23, 2014 - 5:28pm - response from Vickie Corley - "I should have notified you about the balcony prior to demolition"

<http://tenanttimeline.blogspot.com/2015/05/september-23-2014-528pm-response-from.html>

Zoning Worksheet is not a permit

<http://tenanttimeline.blogspot.com/2015/05/september-23-2014-1100am-balcony-demo.html>

From: Sandercock, Deborah

Sent: Friday, October 03, 2014 2:15 PM

To: Foster, Dennis

Cc: Low, Tim

Subject: RE: 374 41st - no notice and no rights

Dennis,

Please also notify Vickie Corley and copy Melissa Hennings that a permit is definitely required to "repair and replace" the stairs. In her email below, Ms. Corley states that a permit is not required.

Also, please visit the site as soon as possible to ascertain the full scope of the work that is being performed without permits and issue a Stop Work Notice.

Thank you,

Deborah

On Mon, Oct 6, 2014 at 2:09 PM, Foster, Dennis <FDennis@oaklandnet.com> wrote:

Deborah, I spoke directly with Vicky Corley today- 10/06/14. She is aware of the need to obtain any and all permits to move forward with renovations at 374 41st St, including the stairs. The work for which permits have been issued in the lower apartment is moving forward.

From: M Hennings [REDACTED]

Sent: Monday, October 06, 2014 2:34 PM

To: Foster, Dennis

Cc: Sandercock, Deborah; Wilson, Isaac

Subject: Re: 374 41st - no notice and no rights

The only stop work order that was posted was specific to the Balcony. Can I please get a second one for these stairs?

On Mon, Oct 6, 2014 at 2:32 PM, M Hennings [REDACTED] wrote:

Dennis,

You spoke with Vickie in person on 09/24 at approximately 11:00am about these stairs, but 2 days later workers came out and 'repaired' rather than replaced.

I have no idea why nobody is willing to look at these stairs. Who do I call for code enforcement? This work is being done by a licensed contractor, who should know better.

Kevin M Gillikin

Gillikin Siding & Framing

566 Tennent Avenue

Pinole, CA 94564

Phone: (510) 367-0994

- The stairs were repaired, but are not up to code. The workers removed multiple steps during repair (these stairs are the top 2 floors only way of entering their apartments) There is no landing. 2 of these steps have cracked in half (a police officer cracked one by simply stepping down) the rest have not been weather proofed and there is no slip guard. (as required). Our railing was left unattached for several days.

- Work has begun inside of the building's entryway (no permit), and there are now plans to start work inside of my unit (#4).

- The balcony was ripped down, and then someone started ripping down the stucco on the front of the building. (The scope of the stop work order was the balcony. Can someone please explain if this includes what they have been doing to the front of the building?)

- The address on the approved permit is incorrect. Unit 2 is being renovated (not 1), and there has obviously been a full kitchen and bathroom remodel (not just the bathroom). The heater in the living room has also been replaced. (wires have been sticking out of outside wall for over a week)

The Apartment Group LLC appears to be nothing more than an investment company who are 'managing' a number of properties in Oakland

Forgetting to pull permits prior to starting work seems to be a common theme. If they purchased all of these buildings with the intent of renovating, I would think they would be pulling permits in advance for all of them:

<http://www.theapartmentgroupinc.com/>

You should expect to be hearing from the following properties shortly, as they are next in line for major renovations:

374 41st Street

40th and Clarke (Temescal)

42nd and Shafter (Temescal)

42nd and Emerald

And I'm sure you've heard from this one many times.

1565 Madison Street

How many instances of 'forgetting to pull a permit' are tolerated?

Flynn, Rachel

From: M Hennings [REDACTED]
Sent: Tuesday, July 14, 2015 1:36 PM
To: Flynn, Rachel
Cc: McElhaney, Lynette; Willis, Sherri, Public Health, OOD; Crosby, David, CDA; Kalb, Dan; Weintraub, Max; Schaaf, Libby; Hom, Donna; Taylor, Kevin; Morris, William@CSLB; [REDACTED] Gallo, Noel; Brooks, Desley; Reid, Larry; Eric Rasmussen; Sam Levin; [REDACTED] Landreth, Sabrina; Low, Tim; Taylor, Marie (Allene); Labayog, Edward; Minor, Gregory
Subject: Re: 374 41st Street

https://www.dir.ca.gov/title8/1532_1.html
<https://www.osha.gov/SLTC/residential/>

Lead Fact Sheet

https://www.dir.ca.gov/dosh/dosh_publications/lead-fct-sheet-rev.pdf

Title 8. Industrial Relations

Division 1. Department of Industrial Relations

Chapter 4. Division of Industrial Safety

Subchapter 4. Construction Safety Orders

Article 4. Dusts, Fumes, Mists, Vapors, and Gases (Refs & Annos)

https://www.dir.ca.gov/title8/1532_1.html

Title 17, California Code Of Regulations, Division 1, Chapter 8

Accreditation, Certification, and Work Practices

For Lead-Based Paint and Lead Hazards

<http://www.cdph.ca.gov/programs/clppb/documents/title17.pdf>

§35016. Containment.

“Containment” means a system, process, or barrier used to contain lead hazards inside a work area such as described in “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing,” U.S. Department of Housing and Urban Development, June 1995, Chapter 8, “Containment and Barrier Systems,” Table 8.1, Table 8.2, and Table 8.3, or “Guide for Containing Surface Preparation Debris Generated During Paint Removal Operations,” Society for Protective Coatings, Technology Guide 6, October 1, 2004.

Note: Authority cited: Sections 105250(a) and (b), 124160 (b) and 131200, Health and Safety Code. Reference: Sections 105250(a) and (b), 124160 (b) and 131051, Health and Safety Code.

§35021. Department.

“Department” means the California Department of Public Health (CDPH).

Note: Authority cited: Sections 105250, 124160 and 131200, Health and Safety Code. Reference: Sections 105250, 124160 and 131051, Health and Safety Code.

§35022. Deteriorated Lead-Based Paint.

“Deteriorated lead-based paint” means lead-based paint or presumed lead-based paint that is cracking, chalking, flaking, chipping, peeling, non-intact, failed, or otherwise separating from a component.

Note: Authority cited: Sections 105250(a) and (b), 124160 (b) and 131200, Health and Safety Code. Reference: Sections 105250(a) and (b), 124160 (b) and 131051, Health and Safety Code.

§35032. Lead Activities.

“Lead activities” means abatement, lead hazard evaluation, lead-related construction work, or any activity which disturbs lead-based paint, presumed lead-based paint, or creates a lead hazard.

Note: Authority cited: Sections 105250, 124160 and 131200, Health and Safety Code. Reference: Sections 105250, 124160 and 131051, Health and Safety Code.

§35033. Lead-Based Paint.

“Lead-based paint” means paint or other surface coatings that contain an amount of lead equal to, or in excess of:

- (a) one milligram per square centimeter (1.0 mg/cm²); or
- (b) half of one percent (0.5%) by weight.

Note: Authority cited: Sections 105250, 124160 and 131200, Health and Safety Code. Reference: Sections 105250, 124160 and 131051, Health and Safety Code

§35035. Lead-Contaminated Dust.

“Lead-contaminated dust” means dust that contains an amount of lead equal to, or in excess of:

- (a) forty micrograms per square foot (40 µg/ft²) for interior floor surfaces; or
- (b) two hundred and fifty micrograms per square foot (250 µg/ft²) for interior horizontal surfaces; or
- (c) four hundred micrograms per square foot (400 µg/ft²) for exterior floor and exterior horizontal surfaces.

Note: Authority cited: Sections 105250(a) and (b), 124160 (b) and 131200, Health and Safety Code. Reference: Sections 105250(a) and (b), 124160 (b) and 131051, Health and Safety Code.

§35036. Lead-Contaminated Soil.

“Lead-contaminated soil” means bare soil that contains an amount of lead equal to, or in excess of, four hundred parts per million (400 ppm) in children’s play areas and one thousand parts per million (1000 ppm) in all other areas.

Note: Authority cited: Sections 105250(a) and (b), 124160 (b) and 131200, Health and Safety Code. Reference: Sections 105250(a) and (b), 124160 (b) and 131051, Health and Safety Code.

§35037. Lead Hazard.

“Lead hazard” means deteriorated lead-based paint, lead contaminated dust, lead contaminated soil, disturbing lead-based paint or presumed lead-based paint without containment, or any other nuisance which may result in persistent and quantifiable lead exposure.

Note: Authority cited: Sections 105250 (a) and (b), 124160 (b), 124165 and 131200, Health and Safety Code. Reference: Sections 17920 (l), 17920.3 (c) and (k), 105250 (a) and (b), 105280 (g), 124160 (b), 124165 and 131051, Health and Safety Code; Sections 1941, 3479, 3480

§35038. Lead Hazard Evaluation.

“Lead hazard evaluation” means the on-site investigation, for compensation, of lead-based paint or lead hazards for public and residential buildings, but does not include:

- (a) activities intended to determine adequacy of containment; or
- (b) air monitoring for lead, as specified in Title 8, California Code of Regulations, section 1532.1, and Title 17, California Code of Regulations, sections 70100 and 70200; or
- (c) testing components removed from a residential or public building for lead to determine the applicability of hazardous waste requirements specified in Title 22, California Code of Regulations, Division 4.5, Chapters 10, 11, 12, 13, and 18, and California Health and Safety Code, section 25163, subdivision (c).

Note: Authority cited: Sections 105250(a) and (b), 124160 (b) and 131200, Health and Safety Code. Reference: Sections 105250(a) and (b), 124160 (b) and 131051, Health and Safety Code.

§35039. Lead Inspection.

“Lead inspection” means a surface by surface investigation to determine the presence of lead-based paint as described in Chapter 7: Lead-Based Paint Inspection, “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing,” U.S. Department of Housing and Urban Development, 1997 Revision.

Note: Authority cited: Sections 105250(a) and (b), 124160 (b) and 131200, Health and Safety Code. Reference: Sections 105250(a) and (b), 124160 (b) and 131051, Health and Safety Code.

§35040. Lead-Related Construction Work.

“Lead-related construction work” means any construction, alteration, painting, demolition, salvage, renovation, repair, or maintenance of any residential or public building, including preparation and cleanup, that, by using or disturbing lead-containing material or soil, may result in significant exposure of adults or children to lead.

Note: Authority cited: Sections 105250, 124160 and 131200, Health and Safety Code. Reference: Sections 105250, 124160 and 131051, Health and Safety Code.

§35043. Presumed Lead-Based Paint.

“Presumed lead-based paint” means paint or surface coating affixed to a component in or on a structure constructed prior to January 1, 1978. “Presumed lead-based paint” does not include paint or surface coating that has been tested and found to contain an amount of lead less than one milligram per square centimeter (1.0 mg/cm²) or less than half of one percent (0.5%) by weight.

Note: Authority cited: Sections 105250(a) and (b), 124160 (b) and 131200, Health and Safety Code. Reference: Sections 105250(a) and (b), 124160 (b) and 131051, Health and Safety Code.

On Tue, Jul 14, 2015 at 1:34 PM, M Hennings [REDACTED] wrote:

I have no idea why I'm having to explain State and Federal laws regarding construction to the Oakland Building Department:

Title 17 - California LBP Work Practice Requirements AND the EPA RRP regulations must be followed

<http://www.homesafetraining.com/pdfs/CAregsHandOut.pdf>

<http://www.achhd.org/leadpoisoning/regs.htm>

Lead-based Paint Work Practices in California

This handout is designed to help contractors understand California's lead-based paint (LBP) work practice requirements.

These regulations are separate from EPA's RRP Rule and have been in effect for a number of years.

References:

- Title 17, CCR, Div 1, Ch 8, Accreditation, Certification and Work Practices for Lead-Based Paint and Lead Hazards
- SB 460, the Cal/OSHA Lead in Construction Standard)
- 1. **You must presume that any untested surface coating in all pre-78 structures is LBP**
This applies to everyone in the state - not just contractors - and covers all structures - not just Target Housing and Child-Occupied Facilities. So, any time you work in a pre-78 structure in CA that has not been tested, you must presume all surfaces are covered with lead-based paint.(HSI)
- 2. **If you disturb ANY AMOUNT of known lead-based paint or presumed lead-based paint in a structure in California, you must:**
 - contain the work area
 - use lead safe work practices
 - make sure there is no visible dust or debris at the end of your project
 - demonstrate compliance with containment and lead safe work practices if asked by the California Department of Public Health or a local enforcement agency**This applies to all structures, no matter how small the job. It also applies even if there is no compensation involved**
- “**Containment**” means a system, process, or barrier used to contain lead hazards inside a work area such as described in “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing”, US Department of Housing and Urban Development, June 1995, Chapter 8, Containment and Barrier Systems, Tables 8.1, 8.2, 8.3, or “Guide for Preparing Surface Preparation Debris Generated During Paint Removal Operations”, Society for Protective Coatings, Technology Guide 6, October 1, 2004.
- 3. **It is ILLEGAL to have or create a lead hazard in California**
You can't create a lead hazard, no matter what. A lead hazard is any amount of deteriorated lead based paint, lead-contaminated dust, lead-contaminated soil, or disturbing lead-based paint or presumed lead-based paint without containment

“**Lead Contaminated Dust**” Dust on inside floors is “lead-contaminated” when there are 40 micrograms of lead per square foot of surface. On other horizontal surfaces inside, the level is 250 micrograms per square foot. All outside levels are hazardous at 400 micrograms per square foot.

“**Lead Contaminated Soil**” Soil is “lead-contaminated” in play areas - or areas children are likely to be - when it contains 400 ppm of lead. In all other areas, soil is “lead contaminated” at 1000 ppm.

California considers lead hazard in a residence “substandard housing.”

4. **California Contractors may NOT test paint for lead.** Only California-certified Lead Inspector/Risk Assessors may take lead paint, dust or soil samples in public or residential buildings if compensation is involved. RRP contractors may NOT test paint in California. They must assume it is lead-based. (See #1 above) However, testing components removed from residential or public buildings to determine if hazardous waste requirements apply IS allowed. (HSI) This exemption only applies to building materials that are already removed from a structure and awaiting disposal.
5. **Contractors with employees must follow the Cal/OSHA Lead in Construction Standard**
The Lead in Construction Standard (SB 460) covers all employees who might be exposed to any amount of lead in a construction setting, including construction, demolition, alteration and maintenance. The California standard is almost identical to the Federal rules.

Employers are required to test the air to see how much lead dust workers are exposed to. The more lead there is, the more the employer must protect his workers. If air tests have NOT been done, the employer must assume the amount of lead in the air is unsafe, and put his workers in suits and respirators (HSI).

Employers are also required to have hand washing facilities and HEPA vacuums at all jobs. So, employers must:

- test the air
- provide hand washing facilities
- use a HEPA vacuum

If workers perform a Trigger Task, the employer must do more. Trigger Task are things like sanding, scraping and manual demolition. If Trigger Tasks are performed, the employer must also:

- have a worker's blood tested when the worker is hired
- establish a "regulated area" with limited access and signs
- train employees about the Lead in Construction Standard
- notify Cal/OSHA 24 hours in advance of jobs that disturb more than 100 square or linear feet.

On Tue, Jul 14, 2015 at 1:33 PM, M Hennings [REDACTED] > wrote:

Title 17 - Lead-based Paint Work Practices in California - It is illegal to have or create a lead hazard in California

Lead-based Paint Work Practices in California

(References: Title 17, CCR, Div 1, Ch 8, Accreditation, Certification and Work Practices for Lead-Based Paint and Lead Hazards and SB 460, the Cal/OSHA Lead in Construction Standard)

CALIFORNIA

In every structure built prior to 1978:

- Assume untested paint is lead-tested
- OR
- Have paint tested by a State-Certified Lead Inspector/Risk Assessor

In every structure built prior to 1978, if any untested paint will be disturbed:

- Use containment
 - Use Lead Safe Work Practices
 - Be able to demonstrate compliance
- For all construction employees who might be exposed to ANY amount of lead**
- Employer tests air to determine level of worker protection
Until air tests are taken, workers must be in suits and respirators
 - Hand washing facilities provided
 - Use HEPA vacuum
- For all employees doing a Trigger Task (sanding, scraping, demolition)**
- Blood test when hired
 - Regulated area at every job

- Trained about Lead in Construction Standard
- Cal/OSHA must be notified if job over 100 square or linear feet

FEDERAL

In Target Housing and Child-Occupied Facilities (if compensation & disturbing more than 6 square feet)

- Give client 'Renovate Right' before beginning job (get a signed receipt)
- Work for an EPA-certified RRP firm
- Become individually certified renovator
- Use containment, lead safe work practices
- Train all non-certified workers (HSI)
- Do cleaning verification at end of job, or have clearance test

On Tue, Jul 14, 2015 at 11:18 AM, Flynn, Rachel <RFlynn@oaklandnet.com> wrote:

Tim, Marie, and Ed – Please see Councilmember McElhaney's e-mail below. Can we start to impose fines for the reported violations, i.e., soil on the sidewalks, sidewalk obstructions (apparently without permits), and window frames removed that have lead paint. The reference to "lead abatement" in Melissa's e-mail, I believe refers to lead paint being removed (scraped) from a painted object. If the entire object, i.e., a window, is being removed, then I believe that is permitted.

Please check on any applicable laws that might apply to the removal of an object covered in lead paint.

Also, is it true that that began work without permits? If so, did we double-charge them for their permit fees, which is the allowable fine for work without permits? Thanks, Rachel

From: McElhaney, Lynette
Sent: Tuesday, July 14, 2015 8:44 AM
To: Melissa Hennings
Cc: Flynn, Rachel; Willis, Sherri, Public Health, OOD; Crosby, David, CDA; Kalb, Dan; Weintraub, Max; Schaaf, Libby; Horn, Donna; Taylor, Kevin; Morris, William@CSLB; [REDACTED] Luby, Oliver; [REDACTED] Gallo, Noel; Brooks, Desley; Reid, Larry; Eric Rasmussen; Sam Levin; [REDACTED] Landreth, Sabrina
Subject: Re: 374 41st Street

Rachel,

Please provide a comprehensive assessment and response to the Council and the constituent. While the staff speaks to the work they've done to bring a non-compliant contractor into compliance, there is no mention of how the environmental harms are being addressed nor any mention of fines being imposed for work that initially began unpermitted. Although this is in District 1, we have found similar projects happening in District 3 where contractors are allowed to proceed without proper permit, without finaling demo permits, without obtaining

obstruction permits, without testing and/or remediation of lead etc. It appears that there is no penalty for not complying with applicable law and those who proceed are rewarded by getting staff's investment of time and expertise without penalty. We need to correct this.

I have cc'd Sabrina to bring her into this chain. It is important to figure out how to address the concerns on this site as well as how to improve our ability to respond to future incidents.

Thanks much for your attention to this matter. Kind regards, Lynette

Sent by Council President Lynette Gibson McElhaney from my iPad. Please excuse any typos or errors.

On Jul 14, 2015, at 8:20 AM, Melissa Hennings [REDACTED] wrote:

Lead-Safe Housing and Lead Hazards

(California Civil Code 1941.1; California Health & Safety Code 17961, 17980, 124130, 17920.10, 105251 to 105257)

Deems a building to be in violation of the State Housing Law if it contains lead hazards, and requires local enforcement agencies to enforce provisions related to lead hazards. Makes it a crime for a person to engage in specified acts related to lead hazard evaluation, abatement, and lead-related constructions courses, unless certified or accredited by the Department. Permits local enforcement agencies to order the abatement of lead hazards or issue a cease and desist order in response to lead hazards.

On Jul 14, 2015, at 8:08 AM, Melissa Hennings [REDACTED] wrote:

There is soil from that job site that is covering the sidewalk

The workers have repeatedly obstructed the sidewalk without obstruction permits

Materials being removed include window frames, and other items that tested positive for high levels of lead paint

This building was built in 1920.

I had this building tested for lead paint

Bare soil samples tested at 2900 ppm

1000 ppm is considered a lead hazard

Why is Oakland ignoring multiple state and federal laws

Regarding lead paint? The signs are hanging in your building. I've seen them

California Health and Safety Code, and State Housing Law

State codes and laws now make existing lead hazards, or creating a lead hazard, a violation subject to fines and/or imprisonment. This means that pre-1978 homes should be maintained so that they are lead-safe, with the paint intact. It also means that if you are conducting activities that disturb painted surfaces on a pre-1978 building, you must take steps to contain the paint chips and dust. There are also some prohibited renovation activities. Alameda County Lead Poisoning Prevention Program offers classes in lead-safe work practices for property owners and contractors.

For more complete information on California lead laws and regulations: <http://www.cdph.ca.gov/programs/CLPPB/Pages/AboutCLPPB.aspx#CAstatutes>

Assembly Bill 2861 (passed in 2006) increased the penalty for failing to cease an activity that creates a lead hazard after receiving an order of violation by establishing a fine of as much as \$5,000 or six months in jail or both for the second order of violation.

If you are a:	This regulation may apply to you:
Contractor Painter Maintenance worker	<u>California Health & Safety Code, and Housing Law</u> <u>Title X, TSCA 406(b)</u> <u>Cal OSHA</u> <u>Lead Abatement Contractors: Title 17</u> <u>Lead-Based Paint Debris Disposal</u> <u>EPA Rule: Lead; Renovation, Repair, and Painting</u>
Owner Occupant Homeowner:	<u>Disclosure Rule: Title X Section 1018</u>
Conducting home improvements:	<u>California Health & Safety Code, Housing Law</u> <u>Title 17</u> <u>Cal OSHA (with hired workers)</u> <u>Lead-Based Paint Debris Disposal</u> <u>EPA Rule: Lead; Renovation, Repair, and Painting</u>
Rental Property Owner:	<u>Disclosure Rule: Title X Section 1018</u>
Conducting repairs:	<u>California Health & Safety Code, Housing Law</u>

	<u>Title 17</u>
	<u>Cal OSHA (with hired workers)</u>
	<u>Lead-Based Paint Debris Disposal</u>
Section 8 participant:	

California Lead Poisoning Prevention Regulations

Title 17

California Code of Regulations, Title 17, Section 35001 et seq (PDF)

For more information, see the Lead-Related Construction pages.
Requirements for lead hazard evaluation and abatement activities, accreditation of training providers, and certification of individuals engaged in lead-based paint activities.

Title 8

California Code of Regulations, Title 8, Section 1532.1 et seq

Worker protection requirements for employees conducting lead-related construction activities.

Lead-Safe Housing and Lead Hazards(California Civil Code 1941.1; California Health & Safety Code 17961, 17980, 124130, 17920.10, 105251 to 105257)

Deems a building to be in violation of the State Housing Law if it contains lead hazards, and requires local enforcement agencies to enforce provisions related to lead hazards. Makes it a crime for a person to engage in specified acts related to lead hazard evaluation, abatement, and lead-related constructions courses, unless certified or accredited by the Department. Permits local enforcement agencies to order the abatement of lead hazards or issue a cease and desist order in response to lead hazards.

Lead-Related Activities in Construction Work **(California Labor Code 6716 to 6717)**

Provides for the establishment of standards that protect the health and safety of employees who engage in lead-related construction work, including construction, demolition, renovation and repair.

Lead in Plumbing(California Health & Safety Code 116875 to 116880)Requires the use of lead-free pipes and fixtures in any installation or repair of a public water system or in a facility where water is provided for human consumption.

Occupational Lead Poisoning Prevention

(California Health & Safety Code 105185 to 105197) Establishes an occupational lead poisoning prevention program to register and monitor laboratory reports of adult lead toxicity cases, monitor reported cases of occupational lead poisoning to ascertain lead poisoning sources, conduct investigations of take-home exposure cases, train employees and health professionals regarding occupational lead poisoning prevention, and recommended means for lead poisoning prevention.

On Jul 13, 2015, at 2:32 PM, Flynn, Rachel <RFlynn@oaklandnet.com> wrote:

Melissa, Please see Marie Taylor's e-mail below. Feel free to contact her directly if you still have questions about the status of this building. Thanks, Rachel

Rachel Flynn AIA

Director | Planning & Building Department

City of Oakland

510 . 238 . 2229

From: Taylor, Marie (Allene)
Sent: Monday, July 13, 2015 2:11 PM
To: Flynn, Rachel; Low, Tim; Labayog, Edward
Subject: 374 41st Street

Rachel,

Construction on that site was stopped for about 45 days. The owner was working with the engineer to provide a plan to us to encompass all the work being done on the project.

Alain and I met with the owner and the engineer to get this project on track. The structural drawings and revised permit were issued 6-24-15. The project is being monitored and they still have architectural drawings to submit to planning and building for window replacement and exterior finishes. At the present time they are working on the foundation.

I was out at the site last week based on a complaint and the job site was clean. The exterior siding and stairway are completely removed and off-site. The building is basically exterior framing with temporary plywood on the outside, while they replace the foundation. I will have an inspector in the area continue to monitor the site, but beyond that they are working in their scope of permit.

Marie Taylor

Building Services Manager

City of Oakland

510-238-3669

From: Flynn, Rachel

Sent: Monday, July 13, 2015 11:00 AM

To: 'M Hennings'; Willis, Sherri, Public Health, OOD; Crosby, David, CDA; Kalb, Dan; Weintraub, Max; Schaaf, Libby; Hom, Donna; Taylor, Kevin; Morris, William@CSLB; [REDACTED] Luby, Oliver;

Cc: Gallo, Noel; Brooks, Desley; McElhaney, Lynette; Reid, Larry

Subject: 374 41st Street

Tim, Marie, and Ed, Can you please follow up on this? Thanks, Rachel

From: M Hennings; [REDACTED]

Sent: Saturday, July 11, 2015 5:26 PM

To: Willis, Sherri, Public Health, OOD; Crosby, David, CDA; Kalb, Dan; Weintraub, Max; Schaaf, Libby; Hom, Donna; Flynn, Rachel; Taylor, Kevin; Morris, William@CSLB; [REDACTED] Luby, Oliver;

Cc: [REDACTED] Sam Levin; [REDACTED] Eric Rasmussen; Will Huntsberry; [REDACTED] At Large; Gallo, Noel; Brooks, Desley; McElhaney, Lynette; Pat Kernighan; Reid, Larry;

Subject: Why is Oakland allowing contractors to violate Title 17, Title 8, SB460 and the RRP Rules? Lead Hazards are being created, jeopardizing the health and safety of its citizens

The owners of the building that I was forced to leave due to health/safety concerns, continue to do construction and demolition work in the Temescal neighborhood in violation of local, state, and federal laws.

In my experience:

They fail to pull permits (for large and small projects)

When permits were pulled, they have exceeded the scope of these permits (repeatedly)

Lead safe work practices are not used, even when the evidence of lead paint is overwhelming.

Construction debris is dumped around the property. Dust escapes the work area. Workers and residents are not properly protected.

In less than 90 days, my building received **3 Stop Work Orders** due to

- Demolition without a permit (Unit 2, the front balcony, the back stairs)
- Exceeding the scope of the existing permit (unit 2)

By May 5, 2015 (less than 1 year after purchasing the property)

- **4 Stop Work Orders** had been issued
- Permits were suspended at least 2 times
- 2 Tenants ended up in the hospital (1 injured on the 'repaired' back stairs, the other could not breathe due to inhaling demolition dust for 8+ hours, after the stucco was demo'ed)
- The back stairs were Unsafe/Restricted use (and this was AFTER they were 'repaired')
- Fire Inspectors finally came out and issued a warning for fire code violations
- The entire building was red-tagged, **forcing all tenants out with NO NOTICE.**

Even worse than any of the above?

All of the buildings are pre 1978, which means they fall under RRP Rules, Title 17, and OSHA Rules

Oakland is allowing them to ignore local, state, and federal laws concerning lead hazards.

Title 17, CCR, Div 1, Ch 8, Accreditation, Certification and Work Practices for Lead-Based Paint and Lead Hazards

SB 460, the Cal/OSHA Lead in Construction Standard

Title 8 https://www.dir.ca.gov/title8/1532_1.html

EPA's Lead Renovation, Repair and Painting Rule (RRP Rule)

This will not make Oakland a better place for current or future residents.

This makes a small group of investors and contractors a bunch of quick cash, as they race in to flip substandard properties, without following laws meant to protect the health/safety of workers and the community. This type of work contaminates the soil, the air, and our drinking water.

<http://www.achhd.org/leadpoisoning/regs.htm>

The owner of these properties is:

TP Partners LLC

1565 Madison Street

Oakland, CA 94609

Martin Higgins

<https://sites.google.com/site/oaklandtenantsunited/bay-apartment-advisors/investors-owners-and-managers/tp-partners-llc---the-owner-of-our-bldg>

Contractor #1

Kevin Gillikin - Gillikin Siding and Framing

License # 751009

not RRP Certified

currently FTB Forfeited

<http://tenanttimeline.blogspot.com/2015/07/july-5-2015-gillikin-construction-inc.html>

Contractor #2

Louis Cherry - American Precision Builders

Not RRP Certified.

Currently FTB/SOS Forfeited

<https://sites.google.com/site/oaklandtenantsunited/bay-apartment-advisors/contractors-and-subcontractors/american-precision-builders---louis-cherry>

Property: 374 41st Street Oakland, CA

Demolition debris includes; concrete (front porch), stucco (tested positive for lead paint: **2.7%** by weight), interior paint (tested positive: **29%** by weight), Window framing (tested positive: **2.7%** by weight), Bare Soil (tested positive: **2900ppm**)

Some examples of the state of this construction site (for the past week)

<http://tenanttimeline.blogspot.com/2015/07/july-1-2015.html>

<http://tenanttimeline.blogspot.com/2015/07/july-2-2015-view-from-front.html>

<http://tenanttimeline.blogspot.com/2015/07/july-02-2015-creating-lead-hazard-is.html>

<http://tenanttimeline.blogspot.com/2015/07/july-08-2015-more-lead-hazards-on.html>

<http://tenanttimeline.blogspot.com/2015/07/july-08-2015-lead-contaminated-soil-at.html>

<http://tenanttimeline.blogspot.com/2015/07/july-10-2015-demolitions-and-debris.html>

An indication of the volume of lead paint that has been disturbed, and is still being disturbed

<http://tenanttimeline.blogspot.com/2015/07/2011-and-2014-374-41st-street.html>

Prior demolitions performed with zero containment

<http://tenanttimeline.blogspot.com/2015/04/september-23-2014-108pm-second-floor.html>

<http://tenanttimeline.blogspot.com/2015/04/september-19-2014-plastic-chairs-being.html>

Property: 4203 Shafter Ave Oakland, CA

Demolition debris includes: stucco, roofing materials, interior paint, wood, etc. This site has not been tested for lead paint, but the building is pre 1978, and lead safe work practices (including the removing and disposal of debris) are not being followed

Lead hazards and debris

<http://tenanttimeline.blogspot.com/2015/07/july-10-2015-ongoing-lead-hazards-at.html>

<http://tenanttimeline.blogspot.com/2015/07/july-2-10-2015-meanwhile-at-4203.html>

Property (Cluster of 3 bldgs)

3927 Opal Street Oakland

3929 Opal Street Oakland

3931 Opal Street Oakland

Debris from construction left in front yard. (Some of it has spilled onto the sidewalk)

<http://tenanttimeline.blogspot.com/2015/07/3927-3929-3931-opal-street-3-more-tp.html>

Newly 'repaired' stairs have a minimum of 3 code violations, making them Unsafe for tenants to use

<http://tenanttimeline.blogspot.com/2015/07/july-02-2015-recently-repaired-stairs.html>

- Risers vary in height by several inches
- The handrail is not grippable (it is too wide)
- The handrail does not extend the full length of the stairs.

Tenants have reported an unsafe balcony, and exposed electric wires during the winter months.

Property: 40th and Clarke Street - No work started yet, but the foundation issues are visible.

<http://tenanttimeline.blogspot.com/2015/06/40th-and-clarke-street.html>

Property: 450 42nd Street Oakland, CA (3 buildings)

Debris included: stucco, roofing materials, insulation, interior paint, exterior paint, and wood scraps.

Property: 337 42nd Street Oakland, CA

Debris included: stucco, roofing materials, insulation, interior paint, exterior paint, and wood scraps.

Workers performed 'dry rot repair' and were standing on scaffolding without any protective headgear or gloves.

Insulation was exposed for at least 1 week, and pieces were seen blowing around

Small children were observed sitting on the front steps of the neighboring property while this work was being done.

Construction debris was left in large piles in the back of the property (not proper containment)

Some permits were pulled, but I have questions on items that were not listed for:

<http://tenanttimeline.blogspot.com/2015/05/april-18-2015-337-42nd-street-another.html>

<http://tenanttimeline.blogspot.com/2015/05/april-18-2015-337-42nd-street-another.html>

<http://tenanttimeline.blogspot.com/2015/05/april-31-2015-337-42nd-street-has-new.html>

Property: 3388 Piedmont Ave Oakland - SOLD (renovated - no permits)

Bought on August 29, 2014, sold in December 2014

Listing said 'recently renovated' A tenant confirmed that at least one unit had been renovated.

No permits on record

<http://tenanttimeline.blogspot.com/2015/05/3388-piedmont-avenue-tp-partners-llc.html>

Property: 12 Croxton Street Oakland - FOR SALE mls-40703406 (renovated - not all permits appear to be complete)

Property list 'renovations' and 'new stairs'

Have these stairs been inspected? Someone should do that.

http://www.michaelfadeeff.com/idx/mls-40703406-12_croxton_avenue_oakland_ca_94611

Built in 1908, the Croxton Apartments are located in the Piedmont Avenue neighborhood of Oakland. Recent interior and exterior upgrades include three unit renovations, exterior paint, new exterior staircases and landscaping.

Months of attempts to get Oakland to enforce Health/Safety issues:

<http://tenanttimeline.blogspot.com/2015/05/september-23-2014-housing-and.html>

<http://tenanttimeline.blogspot.com/2015/05/september-29-2014-1223pm-ignored-by.html>

<http://tenanttimeline.blogspot.com/2015/05/october-06-2014-234pm-requesting-stop.html>

<http://tenanttimeline.blogspot.com/2015/05/october-07-2014-1148am-emails-to-city.html>

<http://tenanttimeline.blogspot.com/2015/05/october-07-2014-1206pm-unit-2-permits.htm>

<http://tenanttimeline.blogspot.com/2015/05/october-10-2014-0529am-email-to-city-of.html>

<http://tenanttimeline.blogspot.com/2015/05/december-23-2014-248pm-email-to-cslb.html>

<http://tenanttimeline.blogspot.com/2015/05/january-30-2015-1058am-email-to-city-of.htm>

<http://tenanttimeline.blogspot.com/2015/05/february-09-2015-1007am-email-to-oliver.html>

<http://tenanttimeline.blogspot.com/2015/05/from-management-managementbayaptadvisors.html>

<http://tenanttimeline.blogspot.com/2015/05/march-26-2015-943am-email-to-city-of.html>

<http://tenanttimeline.blogspot.com/2015/05/march-26-2015-958pm-informing-city-of.html>

<http://tenanttimeline.blogspot.com/2015/07/open-letter-to-city-of-oakland-alameda.html>

<http://tenanttimeline.blogspot.com/2015/05/april-26-2015-unit-3-violations-of.html>

On Thu, Jul 9, 2015 at 5:04 PM, M Hennings

[REDACTED] wrote:

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

From: Willis, Sherri, Public Health, OOD

[REDACTED]

Date: Thu, Jul 9, 2015 at 4:30 PM

Subject: RE: ACPHD Contact Form Submission - Lead Hazards

To: [REDACTED]
[REDACTED]

Thank you for your email. Our Environmental Health,
Hazardous Materials staff (510/ 567-6700) will follow up.

From: Hugo, Susan, Env. Health

Sent: Thursday, July 09, 2015 3:48 PM

To: Willis, Sherri, Public Health, OOD; Browder, Ronald, Env. Health

Cc: Foster, Maricela, CDA; Weiss, Karen, Env. Health; Mendoza, Aileen,
Env. Health

Subject: RE: ACPHD Contact Form Submission - Lead Hazards

CUPA HazMat will follow up.

Thanks.

Susan

From: Browder, Ronald, Env. Health

Sent: Thursday, July 9, 2015 2:53 PM

To: Willis, Sherri, Public Health, OOD; Hugo, Susan, Env. Health

Cc: Foster, Maricela, CDA; Weiss, Karen, Env. Health

Subject: RE: ACPHD Contact Form Submission - Lead Hazards

Thanks Sherri. Susan's shop will address. I am also copying Maricela
Foster, Director of the Healthy Homes Program within CDA for her
input. Thanks ALL

From: Willis, Sherri, Public Health, OOD

Sent: Thursday, July 09, 2015 2:32 PM

To: Browder, Ronald, Env. Health; Hugo, Susan, Env. Health
Subject: FW: ACPHD Contact Form Submission - Lead Hazards



I'm not sure who to send this to.

Please advise.

From: noreply@acphd.org [mailto:noreply@acphd.org]
Sent: Thursday, July 09, 2015 11:53 AM
To: Willis, Sherri, Public Health, OOD
Cc: Wong, Linda, Public Health, IS
Subject: ACPHD Contact Form Submission

A General Contact Us form was submitted to <http://www.acphd.org>

REQUESTOR INFORMATION

First Name: Melissa
Last Name: Hennings
Organization:
Title:
Email: 
Phone: 

NATURE OF INQUIRY

Lead Hazards being created at residential construction sites in North Oakland / Temescal
374 41st Street Oakland, CA Test performed on a bare soil sample obtained from the front
of 374 41st Street Oakland, CA Results: 2,900 parts per million Soil from this site is now
being spread across the sidewalk 4203 Shafter Ave Oakland, CA Construction being done at
this site is in violation of RRP and LDP Rules Owner of these properties: TP Partners LLC
1565 Madison Street Oakland, CA Contractor creating the lead hazard: Gillikin Siding and
Framing

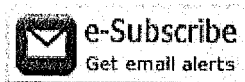
Flynn, Rachel

From: Brooks, Larry, CDA [REDACTED]
Sent: Tuesday, July 14, 2015 4:39 PM
To: Flynn, Rachel; M Hennings [REDACTED]
Cc: Crosby, David, CDA
Subject: RE: 374 41st Street

Hi there
We will get on it right away.
Larry

Larry Brooks, Director of Operations
Alameda County Healthy Homes Department
2000 Embarcadero, Suite 300
Oakland, CA 94606
510-567-8282 Fax: 510-567-8272
<http://www.achhd.org/>

The Alameda County Healthy Homes Department– provides innovative, multi-disciplinary programs that offer consultations, case management, technical assistance, and services to prevent lead poisoning and promote health and safety in the home.



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From: Flynn, Rachel [mailto:RFlynn@oaklandnet.com]
Sent: Tuesday, July 14, 2015 3:49 PM
To: M Hennings [REDACTED]
Cc: Brooks, Larry, CDA
Subject: 374 41st Street

Larry, Can you please respond to Melissa Hennings' complaints about the removal of windows at 374 41st Street? They apparently are covered with lead paint. Thanks, Rachel

From: M Hennings [REDACTED]
Sent: Tuesday, July 14, 2015 1:33 PM
To: Flynn, Rachel
Cc: McElhaney, Lynette; Willis, Sherri, Public Health, OOD; Crosby, David, CDA; Kalb, Dan; Weintraub, Max; Schaaf, Libby; Hom, Donna; Taylor, Kevin; Morris, William@CSLB; [REDACTED]; Luby, Oliver; [REDACTED]; Gallo, Noel; Brooks, Desley; Reid, Larry; Eric Rasmussen; Sam Levin; [REDACTED] Landreth, Sabrina; Low, Tim; Taylor, Marie (Allene); Labayog, Edward; Minor, Gregory
Subject: Re: 374 41st Street

Title 17 - Lead-based Paint Work Practices in California - It is illegal to have or create a lead hazard in California

Lead-based Paint Work Practices in California

(References: Title 17, CCR, Div 1, Ch 8, Accreditation, Certification and Work Practices for Lead-Based Paint and Lead Hazards and SB 460, the Cal/OSHA Lead in Construction Standard)

CALIFORNIA

In every structure built prior to 1978:

- Assume untested paint is lead-tested
- OR
- Have paint tested by a State-Certified Lead Inspector/Risk Assessor

In every structure built prior to 1978, if any untested paint will be disturbed:

- Use containment
- Use Lead Safe Work Practices
- Be able to demonstrate compliance
- **For all construction employees who might be exposed to ANY amount of lead**
- Employer tests air to determine level of worker protection
- Until air tests are taken, workers must be in suits and respirators
- Hand washing facilities provided
- Use HEPA vacuum
- **For all employees doing a Trigger Task** (sanding, scraping, demolition)
- Blood test when hired
- Regulated area at every job
- Trained about Lead in Construction Standard
- Cal/OSHA must be notified if job over 100 square or linear feet

FEDERAL

In Target Housing and Child-Occupied Facilities (if compensation & disturbing more than 6 square feet)

- Give client 'Renovate Right' before beginning job (get a signed receipt)
- Work for an EPA-certified RRP firm
- Become individually certified renovator
- Use containment, lead safe work practices
- Train all non-certified workers (HSI)
- Do cleaning verification at end of job, or have clearance test

On Tue, Jul 14, 2015 at 11:18 AM, Flynn, Rachel <RFlynn@oaklandnet.com> wrote:

Tim, Marie, and Ed – Please see Councilmember McElhaney's e-mail below. Can we start to impose fines for the reported violations, i.e., soil on the sidewalks, sidewalk obstructions (apparently without permits), and window frames removed that have lead paint. The reference to "lead abatement" in Melissa's e-mail, I believe refers to lead paint being removed (scraped) from a painted object. If the entire object, i.e., a window, is being removed, then I believe that is permitted.

Please check on any applicable laws that might apply to the removal of an object covered in lead paint.

Also, is it true that that began work without permits? If so, did we double-charge them for their permit fees, which is the allowable fine for work without permits? Thanks, Rachel

From: McElhaney, Lynette
Sent: Tuesday, July 14, 2015 8:44 AM
To: Melissa Hennings
Cc: Flynn, Rachel; Willis, Sherri, Public Health, OOD; Crosby, David, CDA; Kalb, Dan; Weintraub, Max; Schaaf, Libby; Hom, Donna; Taylor, Kevin; Morris, William@CSLB; [REDACTED] Luby, Oliver; [REDACTED] Gallo, Noel; Brooks, Desley; Reid, Larry; Eric Rasmussen; Sam Levin; [REDACTED] Landreth, Sabrina
Subject: Re: 374 41st Street

Rachel,

Please provide a comprehensive assessment and response to the Council and the constituent. While the staff speaks to the work they've done to bring a non-compliant contractor into compliance, there is no mention of how the environmental harms are being addressed nor any mention of fines being imposed for work that initially began unpermitted. Although this is in District 1, we have found similar projects happening in District 3 where contractors are allowed to proceed without proper permit, without finaling demo permits, without obtaining obstruction permits, without testing and/or remediation of lead etc. It appears that there is no penalty for not complying with applicable law and those who proceed are rewarded by getting staff's investment of time and expertise without penalty. We need to correct this.

I have cc'd Sabrina to bring her into this chain. It is important to figure out how to address the concerns on this site as well as how to improve our ability to respond to future incidents.

Thanks much for your attention to this matter. Kind regards, Lynette

Sent by Council President Lynette Gibson McElhaney from my iPad. Please excuse any typos or errors.

On Jul 14, 2015, at 8:20 AM, Melissa Hennings [REDACTED] wrote:

Lead-Safe Housing and Lead Hazards

(California Civil Code 1941.1; California Health & Safety Code 17961, 17980, 124130, 17920.10, 105251 to 105257)

Deems a building to be in violation of the State Housing Law if it contains lead hazards, and requires local enforcement agencies to enforce provisions related to lead hazards. Makes it a crime for a person to engage in specified acts related to lead hazard evaluation, abatement, and lead-related constructions courses, unless certified or accredited by the Department. Permits

local enforcement agencies to order the abatement of lead hazards or issue a cease and desist order in response to lead hazards.

On Jul 14, 2015, at 8:08 AM, Melissa Hennings [REDACTED] wrote:

There is soil from that job site that is covering the sidewalk

The workers have repeatedly obstructed the sidewalk without obstruction permits

Materials being removed include window frames, and other items that tested positive for high levels of lead paint

This building was built in 1920.

I had this building tested for lead paint

Bare soil samples tested at 2900 ppm

1000 ppm is considered a lead hazard

Why is Oakland ignoring multiple state and federal laws

Regarding lead paint? The signs are hanging in your building. I've seen them

California Health and Safety Code, and State Housing Law

State codes and laws now make existing lead hazards, or creating a lead hazard, a violation subject to fines and/or imprisonment. This means that pre-1978 homes should be maintained so that they are lead-safe, with the paint intact. It also means that if you are conducting activities that disturb painted surfaces on a pre-1978 building, you must take steps to contain the paint chips and dust. There are also some prohibited renovation activities. Alameda County Lead Poisoning Prevention Program offers classes in lead-safe work practices for property owners and contractors.

For more complete information on California lead laws and regulations: <http://www.cdph.ca.gov/programs/CLPPB/Pages/AboutCLPPB.aspx#CAstatutes>

Assembly Bill 2861 (passed in 2006) increased the penalty for failing to cease an activity that creates a lead hazard after receiving an order of violation by establishing a fine of as much as \$5,000 or six months in jail or both for the second order of violation.

If you are a:	This regulation may apply to you:
Contractor Painter Maintenance worker	<u>California Health & Safety Code, and Housing Law</u> <u>Title X, TSCA 406(b)</u> <u>Cal OSHA</u> <u>Lead Abatement Contractors: Title 17</u> <u>Lead-Based Paint Debris Disposal</u> <u>EPA Rule: Lead; Renovation, Repair, and Painting</u>
Owner Occupant Homeowner:	<u>Disclosure Rule: Title X Section 1018</u>
Conducting home improvements:	<u>California Health & Safety Code, Housing Law</u> <u>Title 17</u> <u>Cal OSHA (with hired workers)</u> <u>Lead-Based Paint Debris Disposal</u> <u>EPA Rule: Lead; Renovation, Repair, and Painting</u>
Rental Property Owner:	<u>Disclosure Rule: Title X Section 1018</u>
Conducting repairs:	<u>California Health & Safety Code, Housing Law</u> <u>Title 17</u> <u>Cal OSHA (with hired workers)</u> <u>Lead-Based Paint Debris Disposal</u>
Section 8 participant:	

California Lead Poisoning Prevention Regulations

Title 17

California Code of Regulations, Title 17, Section 35001 et seq (PDF)

For more information, see the Lead-Related Construction pages.
Requirements for lead hazard evaluation and abatement activities, accreditation of training providers, and certification of individuals engaged in lead-based paint activities.

Title 8

California Code of Regulations, Title 8, Section 1532.1 et seq

Worker protection requirements for employees conducting lead-related construction activities.

Lead-Safe Housing and Lead Hazards(California Civil Code 1941.1; California Health & Safety Code 17961, 17980, 124130, 17920.10, 105251 to 105257)

Deems a building to be in violation of the State Housing Law if it contains lead hazards, and requires local enforcement agencies to enforce provisions related to lead hazards. Makes it a crime for a person to engage in specified acts related to lead hazard evaluation, abatement, and lead-related constructions courses, unless certified or accredited by the Department. Permits local enforcement agencies to order the abatement of lead hazards or issue a cease and desist order in response to lead hazards.

Lead-Related Activities in Construction Work

(California Labor Code 6716 to 6717)

Provides for the establishment of standards that protect the health and safety of employees who engage in lead-related construction work, including construction, demolition, renovation and repair.

Lead in Plumbing(California Health & Safety Code 116875 to 116880)Requires the use of lead-free pipes and fixtures in any installation or repair of a public water system or in a facility where water is provided for human consumption.

Occupational Lead Poisoning Prevention

(California Health & Safety Code 105185 to 105197) Establishes an occupational lead poisoning prevention program to register and monitor laboratory reports of adult lead toxicity cases, monitor reported cases of occupational lead poisoning to ascertain lead poisoning sources, conduct investigations of take-home exposure cases, train employees and health professionals regarding occupational lead poisoning prevention, and recommended means for lead poisoning prevention.

On Jul 13, 2015, at 2:32 PM, Flynn, Rachel <RFlynn@oaklandnet.com> wrote:

Melissa, Please see Marie Taylor's e-mail below. Feel free to contact her directly if you still have questions about the status of this building. Thanks, Rachel

Rachel Flynn AIA

Director | Planning & Building Department

City of Oakland

510 . 238 . 2229

From: Taylor, Marie (Allene)
Sent: Monday, July 13, 2015 2:11 PM
To: Flynn, Rachel; Low, Tim; Labayog, Edward
Subject: 374 41st Street

Rachel,

Construction on that site was stopped for about 45 days. The owner was working with the engineer to provide a plan to us to encompass all the work being done on the project.

Alain and I met with the owner and the engineer to get this project on track. The structural drawings and revised permit were issued 6-24-15. The project is being monitored and they still have architectural drawings to submit to planning and building for window replacement and exterior finishes. At the present time they are working on the foundation.

I was out at the site last week based on a complaint and the job site was clean. The exterior siding and stairway are completely removed and off-site. The building is basically exterior framing with temporary plywood on the outside, while they replace the foundation. I will have an inspector in the area continue to monitor the site, but beyond that they are working in their scope of permit.

Marie Taylor

Building Services Manager

City of Oakland

510-238-3669

From: Flynn, Rachel
Sent: Monday, July 13, 2015 11:00 AM
To: 'M Hennings'; Willis, Sherri, Public Health, OOD; Crosby, David, CDA; Kalb, Dan; Weintraub, Max; Schaaf, Libby; Hom, Donna; Taylor, Kevin; Morris, William@CSLB; [REDACTED]; Luby, Oliver;
[REDACTED];

Cc: Gallo, Noel; Brooks, Desley; McElhaney, Lynette; Reid, Larry
Subject: 374 41st Street

Tim, Marie, and Ed, Can you please follow up on this? Thanks, Rachel

From: M Hennings [REDACTED]
Sent: Saturday, July 11, 2015 5:26 PM
To: Willis, Sherri, Public Health, OOD; Crosby, David, CDA; Kalb, Dan; Weintraub, Max; Schaaf, Libby; Hom, Donna; Flynn, Rachel; Taylor, Kevin; Morris, William@CSLB; [REDACTED] Luby, Oliver; [REDACTED]
Cc: [REDACTED] Sam Levin; [REDACTED] Eric Rasmussen; Will Huntsberry; [REDACTED] At Large; Gallo, Noel; Brooks, Desley; McElhaney, Lynette; Pat Kernighan; Reid, Larry; [REDACTED]
Subject: Why is Oakland allowing contractors to violate Title 17, Title 8, SB460 and the RRP Rules? Lead Hazards are being created, jeopardizing the health and safety of its citizens

The owners of the building that I was forced to leave due to health/safety concerns, continue to do construction and demolition work in the Temescal neighborhood in violation of local, state, and federal laws.

In my experience:

They fail to pull permits (for large and small projects)

When permits were pulled, they have exceeded the scope of these permits (repeatedly)

Lead safe work practices are not used, even when the evidence of lead paint is overwhelming.

Construction debris is dumped around the property. Dust escapes the work area. Workers and residents are not properly protected.

In less than 90 days, my building received **3 Stop Work Orders** due to

- Demolition without a permit (Unit 2, the front balcony, the back stairs)

- Exceeding the scope of the existing permit (unit 2)
-

By May 5, 2015 (less than 1 year after purchasing the property)

- **4 Stop Work Orders** had been issued
- Permits were suspended at least 2 times
- 2 Tenants ended up in the hospital (1 injured on the 'repaired' back stairs, the other could not breathe due to inhaling demolition dust for 8+ hours, after the stucco was demo'ed)
- The back stairs were Unsafe/Restricted use (and this was AFTER they were 'repaired')
- Fire Inspectors finally came out and issued a warning for fire code violations
- The entire building was red-tagged, **forcing all tenants out with NO NOTICE.**

Even worse than any of the above?

All of the buildings are pre 1978, which means they fall under RRP Rules, Title 17, and OSHA Rules

Oakland is allowing them to ignore local, state, and federal laws concerning lead hazards.

Title 17, CCR, Div 1, Ch 8, Accreditation, Certification and Work Practices for Lead-Based Paint and Lead Hazards

SB 460, the Cal/OSHA Lead in Construction Standard

Title 8 https://www.dir.ca.gov/title8/1532_1.html

EPA's Lead Renovation, Repair and Painting Rule (RRP Rule)

This will not make Oakland a better place for current or future residents.

This makes a small group of investors and contractors a bunch of quick cash, as they race in to flip substandard properties, without

following laws meant to protect the health/safety of workers and the community. This type of work contaminates the soil, the air, and our drinking water.

<http://www.achhd.org/leadpoisoning/regs.htm>

The owner of these properties is:

TP Partners LLC

1565 Madison Street

Oakland, CA 94609

Martin Higgins

<https://sites.google.com/site/oaklandtenantsunited/bay-apartment-advisors/investors-owners-and-managers/tp-partners-llc---the-owner-of-our-bldg>

Contractor #1

Kevin Gillikin - Gillikin Siding and Framing

License # 751009

not RRP Certified

currently FTB Forfeited

<http://tenanttimeline.blogspot.com/2015/07/july-5-2015-gillikin-construction-inc.html>

Contractor #2

Louis Cherry - American Precision Builders

Not RRP Certified.

Currently FTB/SOS Forfeited

<https://sites.google.com/site/oaklandtenantsunited/bay-apartment-advisors/contractors-and-subcontractors/american-precision-builders---louis-cherry>

Property: 374 41st Street Oakland, CA

Demolition debris includes; concrete (front porch), stucco (tested positive for lead paint: **2.7%** by weight), interior paint (tested positive: **29%** by weight), Window framing (tested positive: **2.7%** by weight), Bare Soil (tested positive: **2900ppm**)

Some examples of the state of this construction site (for the past week)

<http://tenanttimeline.blogspot.com/2015/07/july-1-2015.html>

<http://tenanttimeline.blogspot.com/2015/07/july-2-2015-view-from-front.html>

<http://tenanttimeline.blogspot.com/2015/07/july-02-2015-creating-lead-hazard-is.html>

<http://tenanttimeline.blogspot.com/2015/07/july-08-2015-more-lead-hazards-on.html>

<http://tenanttimeline.blogspot.com/2015/07/july-08-2015-lead-contaminated-soil-at.html>

<http://tenanttimeline.blogspot.com/2015/07/july-10-2015-demolitions-and-debris.html>

An indication of the volume of lead paint that has been disturbed, and is still being disturbed

<http://tenanttimeline.blogspot.com/2015/07/2011-and-2014-374-41st-street.html>

Prior demolitions performed with zero containment

<http://tenanttimeline.blogspot.com/2015/04/september-23-2014-108pm-second-floor.html>

<http://tenanttimeline.blogspot.com/2015/04/september-19-2014-plastic-chairs-being.html>

Property: 4203 Shafter Ave Oakland, CA

Demolition debris includes: stucco, roofing materials, interior paint, wood, etc. This site has not been tested for lead paint, but the building is pre 1978, and lead safe work practices (including the removing and disposal of debris) are not being followed

Lead hazards and debris

<http://tenanttimeline.blogspot.com/2015/07/july-10-2015-ongoing-lead-hazards-at.html>

<http://tenanttimeline.blogspot.com/2015/07/july-2-10-2015-meanwhile-at-4203.html>

Property (Cluster of 3 bldgs)

3927 Opal Street Oakland

3929 Opal Street Oakland

3931 Opal Street Oakland

Debris from construction left in front yard. (Some of it has spilled onto the sidewalk)

<http://tenanttimeline.blogspot.com/2015/07/3927-3929-3931-opal-street-3-more-tp.html>

Newly 'repaired' stairs have a minimum of 3 code violations, making them Unsafe for tenants to use

<http://tenanttimeline.blogspot.com/2015/07/july-02-2015-recently-repaired-stairs.html>

- Risers vary in height by several inches
- The handrail is not grippable (it is too wide)
- The handrail does not extend the full length of the stairs.

Tenants have reported an unsafe balcony, and exposed electric wires during the winter months.

Property: 40th and Clarke Street - No work started yet, but the foundation issues are visible.

<http://tenanttimeline.blogspot.com/2015/06/40th-and-clarke-street.html>

Property: 450 42nd Street Oakland, CA (3 buildings)

Debris included: stucco, roofing materials, insulation, interior paint, exterior paint, and wood scraps.

Property: 337 42nd Street Oakland, CA

Debris included: stucco, roofing materials, insulation, interior paint, exterior paint, and wood scraps.

Workers performed 'dry rot repair' and were standing on scaffolding without any protective headgear or gloves.

Insulation was exposed for at least 1 week, and pieces were seen blowing around

Small children were observed sitting on the front steps of the neighboring property while this work was being done.

Construction debris was left in large piles in the back of the property (not proper containment)

Some permits were pulled, but I have questions on items that were not listed for:

<http://tenanttimeline.blogspot.com/2015/05/april-18-2015-337-42nd-street-another.html>

<http://tenanttimeline.blogspot.com/2015/05/april-18-2015-337-42nd-street-another.html>

<http://tenanttimeline.blogspot.com/2015/05/april-31-2015-337-42nd-street-has-new.html>

Property: 3388 Piedmont Ave Oakland - SOLD (renovated - no permits)

Bought on August 29, 2014, sold in December 2014

Listing said 'recently renovated' A tenant confirmed that at least one unit had been renovated.

No permits on record

<http://tenanttimeline.blogspot.com/2015/05/3388-piedmont-avenue-tp-partners-llc.html>

**Property: 12 Croxton Street Oakland - FOR SALE mls-40703406 (renovated
- not all permits appear to be complete)**

Property list 'renovations' and 'new stairs'

Have these stairs been inspected? Someone should do that.

[http://www.michaelfadeeff.com/idx/mls-40703406-
12_croxton_avenue_oakland_ca_94611](http://www.michaelfadeeff.com/idx/mls-40703406-12_croxton_avenue_oakland_ca_94611)

Built in 1908, the Croxton Apartments are located in the Piedmont Avenue neighborhood of Oakland. Recent interior and exterior upgrades include three unit renovations, exterior paint, new exterior staircases and landscaping.

Months of attempts to get Oakland to enforce Health/Safety issues:

<http://tenanttimeline.blogspot.com/2015/05/september-23-2014-housing-and.html>

[http://tenanttimeline.blogspot.com/2015/05/september-29-2014-1223pm-ignored-
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[http://tenanttimeline.blogspot.com/2015/05/october-07-2014-1148am-emails-to-
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[http://tenanttimeline.blogspot.com/2015/05/october-07-2014-1206pm-unit-2-
permits.htm](http://tenanttimeline.blogspot.com/2015/05/october-07-2014-1206pm-unit-2-permits.htm)

[http://tenanttimeline.blogspot.com/2015/05/october-10-2014-0529am-email-to-city-
of.html](http://tenanttimeline.blogspot.com/2015/05/october-10-2014-0529am-email-to-city-of.html)

[http://tenanttimeline.blogspot.com/2015/05/december-23-2014-
248pm-email-to-cslb.html](http://tenanttimeline.blogspot.com/2015/05/december-23-2014-248pm-email-to-cslb.html)

[http://tenanttimeline.blogspot.com/2015/05/january-30-2015-1058am-email-to-city-
of.htm](http://tenanttimeline.blogspot.com/2015/05/january-30-2015-1058am-email-to-city-of.htm)

[http://tenanttimeline.blogspot.com/2015/05/february-09-2015-1007am-email-to-
oliver.html](http://tenanttimeline.blogspot.com/2015/05/february-09-2015-1007am-email-to-oliver.html)

[http://tenanttimeline.blogspot.com/2015/05/from-management-
managementbayaptadvisors.html](http://tenanttimeline.blogspot.com/2015/05/from-management-managementbayaptadvisors.html)

<http://tenanttimeline.blogspot.com/2015/05/march-26-2015-943am-email-to-city-of.html>

<http://tenanttimeline.blogspot.com/2015/05/march-26-2015-958pm-informing-city-of.html>

<http://tenanttimeline.blogspot.com/2015/07/open-letter-to-city-of-oakland-alameda.html>

<http://tenanttimeline.blogspot.com/2015/05/april-26-2015-unit-3-violations-of.html>

On Thu, Jul 9, 2015 at 5:04 PM, M Hennings
[REDACTED] wrote:

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

From: Willis, Sherri, Public Health, OOD
[REDACTED]

Date: Thu, Jul 9, 2015 at 4:30 PM

Subject: RE: ACPHD Contact Form Submission - Lead Hazards

To: [REDACTED]
[REDACTED]

Thank you for your email. Our Environmental Health,
Hazardous Materials staff ([510/ 567-6700](tel:5105676700)) will follow up.

From: Hugo, Susan, Env. Health

Sent: Thursday, July 09, 2015 3:48 PM

To: Willis, Sherri, Public Health, OOD; Browder, Ronald, Env. Health

Cc: Foster, Maricela, CDA; Weiss, Karen, Env. Health; Mendoza, Aileen,
Env. Health

Subject: RE: ACPHD Contact Form Submission - Lead Hazards

CUPA HazMat will follow up.

Thanks.

Susan

From: Browder, Ronald, Env. Health
Sent: Thursday, July 9, 2015 2:53 PM
To: Willis, Sherri, Public Health, OOD; Hugo, Susan, Env. Health
Cc: Foster, Maricela, CDA; Weiss, Karen, Env. Health
Subject: RE: ACPHD Contact Form Submission - Lead Hazards

Thanks Sherri. Susan's shop will address. I am also copying Maricela Foster, Director of the Healthy Homes Program within CDA for her input. Thanks ALL

From: Willis, Sherri, Public Health, OOD
Sent: Thursday, July 09, 2015 2:32 PM
To: Browder, Ronald, Env. Health; Hugo, Susan, Env. Health
Subject: FW: ACPHD Contact Form Submission - Lead Hazards



I'm not sure who to send this to.

Please advise.

From: noreply@acphd.org [<mailto:noreply@acphd.org>]
Sent: Thursday, July 09, 2015 11:53 AM
To: Willis, Sherri, Public Health, OOD
Cc: Wong, Linda, Public Health, IS
Subject: ACPHD Contact Form Submission

A General Contact Us form was submitted to <http://www.acphd.org>

REQUESTOR INFORMATION

First Name: Melissa
Last Name: Hennings
Organization:
Title:
Email: 
Phone: 

NATURE OF INQUIRY

Lead Hazards being created at residential construction sites in North Oakland / Temescal 374 41st Street Oakland, CA Test performed on a bare soil sample obtained from the front of 374 41st Street Oakland, CA Results: 2,900 parts per million Soil from this site is now being spread across the sidewalk 4203 Shafter Ave Oakland, CA Construction being done at this site is in violation of RRP and LDP Rules Owner of these properties: TP Partners LLC 1565 Madison Street Oakland, CA Contractor creating the lead hazard: Gillikin Siding and Framing

Flynn, Rachel

From: Low, Tim

Sent: Tuesday, July 14, 2015 4:57 PM

To: Brooks, Larry, CDA

Cc: Flynn, Rachel; Taylor, Marie (Allene); Candell, Chris

Subject: RE: 374 41st Street & 4203 Shafter Ave

Inspector Christ Candell responded to Melissa's complaint at 4203 Shafter Ave (with the same owner) today and did not find any violation.

I will contact you soon to discuss requiring individuals to sign a "RRP acknowledgement" form when obtaining building permits.

Menu ▾

Reports ▾

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Summary

Record

Activities (0)

Activity Summary (5)

Address (1)

App Sp

File Date: 07/11/2015Case Status: No Violation FoundCase Detail: DetailCase Type: Zoning ComplaintAddress: 4203 SHAFTER AVE. Oakland, CA 94609Owner Name: TP PARTNERS LLCOwner Address: 1565 MADISON ST. B. OAKLAND, CA 94612

Case Name:

Violator Name: Please see the Case Summary page for a complete list of violators.

Parcel No: 013 110201200

Contact Info: Name

Organization Name

Co

Licensed Professionals Info: Primary

License Number

License Type

Case Description: Major construction taking place at this address is encroaching into the p
includes lead paint chips) is littering the perimeter of this building. Why t
Certification and Work Practices for Lead-Based Paint and Lead Hazard
Do you need to park construction vehicles, moving vans, or dumpsters ;
permit.

IF THIS IS A PRIORITY LIEN, REFER TO LIEN BALANCE BELOW