

**Environmental Assessment  
Determinations and Compliance Findings  
for HUD-assisted Projects  
24 CFR Part 58**

**Project Information**

**Project Name:** Ephesian-Legacy-Court

**HEROS Number:** 900000010396579

**Start Date:** 05/04/2024

**Responsible Entity (RE):** BERKELEY, 2180 Milvia St Berkeley CA, 94704

**RE Preparer:** Asavari Devadiga

**State / Local Identifier:**

**Certifying Officer:** Scott Gilman, Director HHCS

**Grant Recipient (if different than Responsible Entity):** Berkeley Housing Authority

**PHA Code:**

**Point of Contact:** James Williams

**Consultant (if applicable):** BayDesert, Inc

**Point of Contact:** Eugene T Flannery

40 CFR 1506.5(b)(4): The lead agency or, where appropriate, a cooperating agency shall prepare a disclosure statement for the contractor's execution specifying that the contractor has no financial or other interest in the outcome of the action. Such statement need not include privileged or confidential trade secrets or other confidential business information.

By checking this box, I attest that as a preparer, I have no financial or other interest in the outcome of the undertaking assessed in this environmental review.

**Project Location:** 1708 Harmon St, Berkeley, CA 94703

**Additional Location Information:**

1708 Harmon Street, Berkeley

**Direct Comments to:** City of Berkeley, Health, Housing, and Community Services Department  
2180 Milvia Street, 2nd Floor, Berkeley, CA 94704  
HCSEnvironmentalReview@berkeleyca.gov

**Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:**

Community Housing Development Corporation (CHDC) of North Richmond (Project Sponsor) in partnership with Ephesian Church of God in Christ proposes to develop the Ephesian Legacy Court affordable housing project for seniors on a 1.05-acre site (APN 052-1533-001-03) at 1708 Harmon Street, Berkeley, Alameda County, California 94703. The 80-unit project will serve or be targeted towards low-income and very-low income seniors. The site currently includes one church, an annex building, and a parking lot. The proposed project would involve demolishing the annex building and removing the church parking lot and constructing a 5-story building with two wings on a newly created parcel. The first floor of the new building will contain a parking lot; the upper four floors will contain 80 residential units - 79 one-bedroom units and one two-bedroom unit. The project will provide independent living housing for low-income seniors and seniors experiencing homelessness and/or mental illness. The Project will target seniors earning 30% to 50% of area median income (AMI); 75% of the units will be affordable to residents earning less than or equal to 50% AMI and the remaining units will be targeted to seniors and/or homeless individuals at or below 30% AMI. The main building entry will be located on an entry plaza on the east on Ellis Street. Site amenities will include a community room, offices, laundry rooms, bike storage, trash rooms, and community garden/courtyard. A total of 61 parking spaces will be provided on-site. The Project will include offsite improvements such as public surface improvements (street work, curbs, gutters, and sidewalks); public utility improvements (water and sewer lines and connections); and drainage improvements.

**Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:**

Developing adequate affordable housing is a significant challenge for the San Francisco Bay Area due to scarce supply, rising population and escalating costs. The need for affordable senior housing is acute. The California Department of Housing and Community Development (HCD) and the Association of Bay Area Governments (ABAG) have identified the total housing need for the San Francisco Bay Area for an 8-year period (in the 2023 - 2031 cycle) and have allocated the need among Bay Area

jurisdictions. The Regional Housing Needs Allocation (RHNA) for the City of Berkeley requires that land be made available for a total of 8,934 new units between 2023 and 2031. The total number of housing units and the distribution by income category requires the City to make sure there are adequate housing sites and programs to address a variety of housing choices, types and densities. The City of Berkeley General Plan policies call for increased development of affordable housing. The General Plan Policies and Housing Element Objectives are discussed further in "Conformance with Plans" of the Environmental Assessment Factor Section of this EA. Berkeley's population grew by 9 percent from 2010 to 2020, to 122,580 people. ABAG projects that the City will grow 15 percent by 2040, to 140,935, which is an additional 18,355 people. Seniors ages 65 to 74 are the fastest growing age group in the City, and now comprise 9.2 percent of the population (compared to 6.5 percent in 2010). The accelerated rate of growth in the senior population indicates an increasing need for appropriate housing for seniors in the community. Under California law seniors are a "special needs" group along with, persons with disabilities, female-headed households with children, persons experiencing homelessness, farmworkers, and extremely-low income households. These groups are at a greater risk of experiencing housing-related issues, such as overcrowding or cost burden (expending greater than 30 percent of household income on housing expenses). The limited supply of affordable housing -affordable to persons on public assistance, accessible housing for persons with disabilities, and senior citizens - is a recognized constraint on access to housing and is being addressed by the City through the development of projects such as the Ephesian Legacy Court as reflected in Policy H-26 of the General Plan: Senior Housing -Support housing programs that increase the ability of senior households to remain in their homes or neighborhoods, and to offer other suitable affordable housing options. The Ephesian Legacy Court senior housing development presents a unique opportunity to build affordable housing in a desirable Berkeley neighborhood. The project is consistent with the goals and policies articulated in the both the City of Berkeley General Plan and the Housing Element. The proposed project would accommodate a portion of the citywide demand for new housing that is near transit, jobs, retail services, and regional transportation. The project would provide 80 units of affordable senior housing, which would satisfy a portion of identified affordable housing allocation for Berkeley. Sources (1) (2)

**Existing Conditions and Trends [24 CFR 58.40(a)]:**

The site is located in South Berkeley along the southern side of Harmon Street, between King and Ellis streets. The site is relatively level and T-shaped with a total area of 168,000 square feet. Currently, the site is occupied by two church buildings, one at the intersection of Alcatraz and King Streets (Church proper) and one at the intersection of Harmon and King streets, (Annex) and an asphalt-paved parking lot. The southeastern corner of the site was formerly occupied by a small apartment building that burned down and has been demolished. According to the United States

2020 Census the median household income for Berkeley (in 2022 dollars) for 2018-2022 was \$104,716. Per capita income for the past twelve months was \$63,310. Despite these income levels 17.7% of Berkeley residents live in poverty. The average household in the United States spends \$61,334 a year on expenses. On average, 34.9% of spending, or roughly \$1,784 a month, is dedicated to housing and housing-related costs. The median price of a single-family home in the United States is \$273,992. Nationwide, the average rent for a two-bedroom apartment runs \$1,154 a month. California has the nation's third-highest cost of living index at 142. 2. Housing in California is twice the national average, with a typical single-family home priced at \$683,996. The average rent for a two-bedroom apartment in California is \$1,884. Costs run much higher in major metropolitan areas, such as the San Francisco Bay Area. Berkeley's housing expenses are 198% higher than the national average and the utility prices are 30% higher than the national average. Transportation expenses like bus fares and gas prices are 34% higher than the national average. The site is situated in Block Group 4, Census Tract 4240.01 Alameda County. The tract has an estimated population of 911. Characteristics of the Block Group are as follows: Vacant housing units (%): 11.7; Renter-occupied housing units (%): 73.8; Adults who are not high-school graduates (%): 7.6; Population with income below 150 percent of poverty level (%): 35.0; Households without broadband (%) 8.1. The site is located in Berkeley Council District 3. Racial data for Voting District 3 indicates that Latinos comprise 15.1% of the population, Asians 13.4%, and Blacks 14.7%. Sources: (3) (4)

**Maps, photographs, and other documentation of project location and description:**

[Map 1708 Harmon Street.pdf](#)

[Map Harmon Street Regional.pdf](#)

[3247 King St - Google Maps.pdf](#)

[1708 Harmon St - Google Maps.pdf](#)

[- Ephesian Legacy Court Photos.pdf](#)

**Determination:**

✓	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
	Finding of Significant Impact

**Approval Documents:**

[Ephesian EA Signature Page Signed.pdf](#)

**7015.15 certified by Certifying Officer**  
on:

**7015.16 certified by Authorizing Officer**  
on:

**Funding Information**

Grant / Project Identification Number	HUD Program	Program Name	Funding Amount
TBD	Public Housing	Project-Based Voucher Program	\$17,193,600.00

**Estimated Total HUD Funded, Assisted or Insured Amount:** \$17,193,600.00

**Estimated Total Project Cost [24 CFR 58.2 (a) (5)]:** \$72,472,933.00

**Compliance with 24 CFR §50.4, §58.5 and §58.6 Laws and Authorities**

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.6</b>		
<b>Airport Hazards</b> Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is not located in an airport land use plan area; the nearest public airport is Oakland International Airport, approximately 12 miles south of the project site. The project site does not lie within any airport clear zone or accident potential zone. The project site is located several miles outside of the 60 dBA and 65 dBA Community Noise Equivalent Level airport noise contours. The project complies with Airport Hazards requirements. Source Documents: (5) (6)
<b>Coastal Barrier Resources Act</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	There are no Coastal Barrier Resource System (CBRS) Units or CBRS buffer zones, as defined under the Coastal

<p>Improvement Act of 1990 [16 USC 3501]</p>		<p>Barrier Resources Act of 1982 (PL 97-348), as amended by the Coastal Barrier Improvement Act of 1990 (PL 101-591) located within California. The project site is therefore not located within a CBRS Unit or CBRS buffer zone. Therefore, this project is in compliance with the Coastal Barrier Resources Act. Source Document: (7)</p>
<p><b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project site is shown on the FEMA Map as being within Zone X, "Area of Minimal Flood Hazard." The project site is not located in a Flood Zone. The flood map for the selected area is number 06001C0057G, effective 08/03/2009. Flood insurance is not required. Source Document: (8)</p>
<p><b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.5</b></p>		
<p><b>Air Quality</b> Clean Air Act, as amended, particularly section 176(c) &amp; (d); 40 CFR Parts 6, 51, 93</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project's county or air quality management district is in non-attainment status for the following: Ozone, Particulate Matter, &lt;2.5 microns, Particulate Matter, &lt;10 microns. This project does not exceed de minimis emissions levels or the screening level established by the state or air quality management district for the pollutant(s) identified above. The project is in compliance with the Clean Air Act. See attached Air Quality Discussion for information regarding fugitive dust, toxic air contaminants, and Stationary and Mobile sources of hazardous pollutants. Fugitive Dust and Toxic Air Contaminants from both construction and stationary and mobile sources are discussed in the Hazards section of this EA. Greenhouse Gas Emissions (GHG) are discussed in the Greenhouse Gas Section of this EA. Sources: (9) (10) (11) (12) (13) (14)</p>
<p><b>Coastal Zone Management Act</b> Coastal Zone Management Act, sections 307(c) &amp; (d)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project site is inland of the Coastal Zone boundary. The project is 9,300 feet east of the coastal area. A consistency determination is not required. The</p>

		<p>project is in compliance with the Coastal Zone Management Act. Source Document: (15)</p>
<p><b>Contamination and Toxic Substances</b> 24 CFR 50.3(i) &amp; 58.5(i)(2)]</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Site contamination was evaluated as follows: ASTM Phase I ESA. On-site or nearby toxic, hazardous, or radioactive substances were found that could affect the health and safety of project occupants or conflict with the intended use of the property. Radon analysis indicated elevated levels of radon or consideration of radon will occur following construction. Adverse environmental impacts can be mitigated. With mitigation, identified in the mitigation section of this review, the project will be in compliance with contamination and toxic substances requirements. The following RECs were identified: The operation of Village Cleaners at 1721 Alcatraz Avenue between 1955 and 1970 represents a REC due to the potential use of chlorinated solvents, such as tetrachloroethylene (PCE) and trichloroethylene (TCE). There is a potential for releases of these hazardous substances to the environment through spills, leaks from storage tanks, or improper waste disposal practices warranting further investigation to evaluate potential impacts. The proximity of this dry cleaner to the Site raises concerns about soil and groundwater contamination as well as the potential for vapor intrusion into structures. Since PCE and TCE are persistent in the subsurface and can migrate via groundwater flow or soil vapor, the former presence of this facility increases the likelihood of contamination affecting the Site. The presence of a printing company at 3240 Ellis Street from at least 1928 through 1938 is identified as a REC due to the potential use of hazardous chemicals</p>

		<p>commonly associated with historical printing operations. Printing businesses during that era frequently used solvents, inks, and heavy metals (such as lead, cadmium, and chromium) in their processes, which could have resulted in soil and groundwater contamination through spills, improper disposal, or leaks from storage tanks. Additionally, the Site history included multiple fires. These fires may have resulted in the release of ash, char, and potentially hazardous combustion byproducts, such as polyaromatic hydrocarbons, dioxins and metals, which could be present in the Site soils warranting further investigation</p>
<p><b>Endangered Species Act</b> Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project will have No Effect on listed species because there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act. The property has not been identified as containing species identified as candidate sensitive, or special status in any local or regional plans, policies, or regulations by the U.S. Fish and Wildlife Service. The site is not a critical habitat. Therefore, no impact would occur. The project site and its vicinity are not part of any draft or adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan. The proposed project would not conflict with the provisions of any adopted conservation plan. Due to the urbanized nature of the area surrounding the project site and the lack of a major water body the project site does not support habitat for native resident or migratory species or contain native nurseries. The proposed project would not interfere with wildlife movement or impede the use of native</p>

		wildlife nursery sites and no impact would occur. Project implementation will not impact wetland or riparian habitats as defined by the California Department of Fish & Wildlife or the United States Army Corps of Engineers. There are no areas of surface water (ponds, pits, lagoons), wetlands or riparian habitats within the property boundaries. The U.S. Fish and Wildlife was contacted for a list of Threatened and Endangered species that may occur within the boundary of the proposed project and/or may be affected by the proposed project. The list of species is attached. Site development will not result in impacts to listed federal wildlife species. Source: (22) (23)
<b>Explosive and Flammable Hazards Above-Ground Tanks</b> [24 CFR Part 51 Subpart C	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	There is a current or planned stationary aboveground storage container of concern within 1 mile of the project site. The Separation Distance from the project is acceptable. The project is in compliance with explosive and flammable hazard requirements. Source Documents: 16, 17, 26
<b>Farmlands Protection</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The site is characterized as an Urban Area by the United States Census Bureau. This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. Source Documents: (21), (27)
<b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not occur in the FFRMS floodplain. The project is in compliance with Executive Orders 11988 and 13690.
<b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Based on Section 106 consultation the project will have No Adverse Effect on historic properties. Conditions: None. Upon satisfactory implementation of the conditions, which should be monitored, the project is in compliance with Section 106. With the mitigation

		<p>measures associated with cultural resources received from the tribal agency and included in the mitigation section of this EA, the project will not have an adverse effect.</p>
<p><b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>A Noise Assessment was conducted. The noise level was acceptable: 55.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation. HUD-supported projects located in an area with a day-night average sound level of 65 db or below are acceptable for development in accordance with HUD standards. (see Standards in 24 CFR Part 51.103). HUD has set an interior noise goal of 45 db or below for HUD-assisted projects. Bay Desert, Inc. used the HUD Day/Night Noise Level Calculator, an electronic assessment tool, to calculate the Ambient Day/Night Noise Level (DNL) from roadway and railway traffic. The site is located on a local street (Harmon) which has minor levels of traffic. It lies 275 feet north of Alcatraz Avenue which is classified by the City of Berkeley as a major arterial road. The average daily traffic volume for the relevant section of Alcatraz Avenue is 15,066. Trucks over 7 tons are prohibited from using Alcatraz Avenue. The assessed noise level measured 55.0 dB and is acceptable under HUD standards. Compliance with State and local building standards will ensure that the interior noise level will be below 45 decibels and meet the HUD goal. See noise analysis. The project is in compliance with HUD's Noise regulation. The project would increase the density of residential uses on the project site resulting in an incremental increase in traffic volumes. The project would also generate short-term noise during construction. Operations will not generate noise levels that would be adverse in terms of</p>

		<p>existing or future noise levels in the area. Operational noise generated by the proposed project would mostly be related to vehicles traveling to and from the site and the project rooftop heating, ventilation, and air conditioning (HVAC) equipment. Future noise levels in the project vicinity are anticipated to be mostly from local transportation related noise sources. Traffic noise and construction noise including vibration are discussed in the Hazards section of this EA. Source Document(s): (9) (29) (30) (31) (32)</p>
<p><b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. The project site is 55 miles northeast of the nearest Sole Source Aquifer. Source Document: (33)</p>
<p><b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. Source Document: (34)</p>
<p><b>Wild and Scenic Rivers Act</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. The project site is approximately 75 miles southwest of the nearest river designated as wild or scenic by the National Park System. Source Document: (35)</p>
<p><b>HUD HOUSING ENVIRONMENTAL STANDARDS</b></p>		
<p><b>ENVIRONMENTAL JUSTICE</b></p>		
<p><b>Environmental Justice</b> Executive Order 12898</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Adverse environmental impacts are not disproportionately high for low-income and/or minority communities. The project is in compliance with Executive Order 12898. An environmental justice population is considered to be a local community with a higher representation of people either below the poverty line or with a higher representation of ethnic minorities compared to a reference population, which is often the</p>

		<p>population of the local jurisdiction performing the review. For the purpose of this analysis, the local population is considered to be the future residents of the project site, while the regional population is the represented by the City of Berkeley as a whole. In order to assess the most current status of the project site, the following data is based on 2020 Census information. The 2020 United States Census reported that Berkeley had a population of 122,580. The racial makeup of Berkeley was 53.3% White, 14.05% African American, 7.01% Native American, 20.033% Asian, 1.06% Pacific Islander, 6.03% from other races, and 1.3% from two or more races. Hispanic or Latino of any race comprised 10.8% of the population. According to the CalEnviroScreen the area is not a disadvantaged community that is burdened by adverse effects from pollution. CalEnviroScreen evaluates the burden of pollution from multiple sources in communities while accounting for potential vulnerability from the adverse effects of pollution. CalEnviroScreen ranks census tracts in California based on potential exposures to pollutants, adverse environmental conditions, socioeconomic factors, and prevalence of certain health conditions. Data used in the CalEnviroScreen model comes from national and state sources. Because the project would introduce an environmental justice population to the area through the development of affordable housing, this analysis further considered project impacts and their potential to disproportionately affect the project's residents. The project will not raise environmental justice issues and has no potential for new or continued disproportionately high and adverse human health and</p>
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		environmental effects on minority or low-income populations. The project is suitable for its proposed use. Source Document(s): (3) (36)
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**Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]**

**Impact Codes:** An impact code from the following list has been used to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement.

<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>	<b>Mitigation</b>
<b>LAND DEVELOPMENT</b>			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	The General Plan, Zoning and Adeline Corridor Specific Plan boundary amendments serve the public interest by encouraging the development of new affordable housing either by permitting development at intensities that are not currently allowed under previous zoning or by providing a streamlined approval process. The proposed changes ensure consistent land use regulation by incorporating isolated properties into the Adeline Corridor Mixed Use General Plan land use classification and C-AC zoning. The project is consistent with Berkeley's long-range goals and policies as articulated in the General Plan and the Adeline Corridor Specific Plan. The site is in the C-AC Adeline Corridor Commercial Zoning District. This District permits a variety of uses	

<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>	<b>Mitigation</b>
		<p>including retail businesses, offices, restaurants, and residential development. The General Plan land use designation for the site is "Adeline Corridor Mixed Use," which is characterized by a "pedestrian-oriented commercial development and multi-family residential structures." The proposed project is comprised of 100% multi-family residential uses. The threshold for this land use designation for residential uses is 66.6%, which the project exceeds. The project has a base density of 38 units and is eligible for a 42-unit density increase under California law as well as four concessions: lot coverage, front/side setbacks, and Floor Area Ratio (FAR). The Specific Plan allows for increased heights and densities for projects that provide high levels of on-site affordable housing, up to a maximum of 6 stories and 200 dwelling units per acre for the North Adeline and South Adeline sub-areas for projects that provide at least 50% of the base density standard as affordable units (provided at 50% low-income and 50% very-low income units). Policy LU-23 of the General Plan encourages transit-oriented development that includes allows greater residential density and reduced residential parking requirements in areas with</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>above-average transit service such as the Ashby BART area. The project has a proposed density of 126.9 dwelling units per acre and will limit parking to 69 spaces. Policy LU-25 encourages development of affordable housing in transit-oriented locations. The project is 100 percent affordable and is within walking distance of the Ashby BART station. The project conforms to the City's Design Standards having been subject to review by the Planning Department. Review included but was not limited to ground floor frontages, usable open space, landscaping, height, setbacks, lighting and fenestration. The project will be developed in such a way that it implements measures that further HUD's Policy goals regarding greenhouse gas emissions and climate impact. These topics are discussed in detail in the sections devoted to Climate Change and Greenhouse Gas Emissions. Source Document(s): (2) (32) (37) (38)</p>	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	3	<p>Soil Suitability: Rockridge Geotechnical conducted a geotechnical investigation of the project site in 2023 and found that no major geotechnical issues preclude its development as proposed. The primary geotechnical concern is the presence of moderately to highly expansive near-surface soil at the site. The proposed</p>	<p>Mitigation Measure Geo-1. The recommendations presented in the Geotechnical Report prepared by Rockridge Geotechnical (Project No. 23-2525) are incorporated into the project plans and specifications and are to be implemented during construction. The</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>buildings can be supported on shallow foundations consisting of either spread footings or mat foundations bearing stiff native soil and/or engineered fill. The site can be developed as planned, provided the recommendations presented in the Geotechnical Report are incorporated into the project plans and specifications and implemented during construction. Erosion Control: The project site is flat. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season, the project sponsor is to obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. Stormwater Runoff: The project area lies within the expanded Adeline Specific Plan Area and is limited to five developed parcels that are covered with impervious surfaces. Project development will not substantially alter the drainage pattern of the area and increases in stormwater runoff will not occur. The project is not located on or near a historic creek trace or in a flood hazard area. Project impacts related to water quality and hydrology would not be significant. The project sponsor is required to demonstrate compliance with the requirements of the City's</p>	<p>recommendations for site preparation and grading, foundation design, and other geotechnical aspects of the project are presented in section 7.2 of the Geotechnical Report.</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The City has imposed conditions on the project which require identification of Best Management Practices to limit discharge of pollutants, requirements for trash enclosures and recycling areas; drain connections; landscaping; design, location and maintenance requirements for stormwater quality treatment structural controls and review of those controls by the Public Works Department for assessment of adequacy before a Building Permit is issued. Construction must comply with the State-wide general permit conditions requiring notification to the State Water Resources Control Board, preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for each phase of the project and monitoring the SWPPP's effectiveness. As these matters are local permitting conditions, except for the Geotechnical Recommendations, they are considered baseline conditions not included as mitigation measures. Mitigation Required: Measure Measure Geo-1 Source Documents: (32) (39) (40)</p>	
Hazards and Nuisances	2	Use of the Bay Area Air Quality Management District's	Mitigation Measure Haz-1. BAAQMD's Best

<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>	<b>Mitigation</b>
including Site Safety and Site-Generated Noise		<p>(BAAQMD) Best Management Practices (BMPs) for controlling fugitive dust during soil disturbing activities would control construction-related fugitive dust, such that there would be no adverse impacts.</p> <p>Toxic Air Contaminants (TACs): To reduce the exposure of nearby residents to TACs Diesel Particulate Matter (DPM), the use of construction equipment with Tier 2 or higher engines or equipment which operates with the most effective Verified Diesel Emission Control Strategies (VDECS) as certified by the California Air Resources Board is required. The generation of TAC emissions from construction activity would be temporary.</p> <p>Concentrations of mobile source DPM emissions are typically reduced by 70% at a distance of 500 feet.</p> <p>Implementation of the Basic Construction Mitigation Measures would also reduce DPM exhaust emissions. The City requires the implementation of DPM controls, which are required by the Conditions of Approval (COA): Air Quality - Diesel Particulate Matter Controls During Construction to reduce potential health risks to sensitive receptors. These conditions are outlined in BMC Section 23.406.040.E. The project does not include any stationary permitted TAC</p>	<p>Management Practices (BMPs) for controlling fugitive dust during soil disturbing activities are to be implemented to control construction related fugitive dust. Implement measures required and as listed in the conditions of approval for the project and measures in the Adeline Corridor Specific Plan environmental impact report. This mitigation measure is part of the Conditions of Approval issued by the City of Berkeley Department of Planning and Development and required for the project.</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>sources. The BAAQMD Stationary Source Screening Map was consulted to determine cancer and hazard risks. There are no stationary sources within a 1,000-foot radius that are permitted by the BAAQMD. The project lies 275 feet north of Alcatraz Street, which has an Average Daily Traffic (ADT) volume of 5,000 vehicles. According to BAAQMD Surface Street Screening Tables no analysis is necessary because both the Cancer risk and PM2.5 are below the BAAQMD Thresholds. Vehicle trips are estimated to be 33 per day and would not result in substantial increases of traffic volume on nearby roads and would not result in substantial increases in TAC concentrations. Traffic Noise: In the Adeline Corridor Specific Plan Environmental Impact Report (Specific Plan EIR) noise impacts from traffic were evaluated using Federal Transit Administration (FTA) recommended standards. In light of the ambient noise level in the vicinity, an increase of at least 1 dBA Leq (Equivalent Continuous Sound Level in A-weighted decibels) would be significant according to FTA criteria. The proposed project would generate an estimated 33 additional trips during the weekday PM peak hour. The additional 33 trips would cause less than a 0.4 dBA Leq increase</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>which is below the 1 dBA threshold set by the FTA. The Project would have a less than significant impact related to traffic noise. Vibration: Construction activities may result in vibration that exposes sensitive land uses to vibration levels in excess of vibration thresholds established by the FTA for disturbance of people and buildings. Measures have been identified by the City and set forth in the Specific Plan EIR and the Conditions of Approval in the SB 35 Zoning Certificate (#PLN2022-0099) for the Project to mitigate these effects. Faulting and Seismicity: The probability of at least one Mw &gt;= 6.7 (Moment Magnitude) earthquake occurring in the area during a 30-year period (starting in 2014) is 72%. Based on its investigations and tests Rockridge determined that strong to very strong ground shaking could occur at the site during a large earthquake; the probability of fault offset at the site is very low; the potential for liquefaction and liquefaction-induced ground failures is very low; and the potential for ground surface settlement resulting from cyclic densification at the site is very low. Wildfire: The project consists of infill development, and the area is served by existing roads, emergency water sources, power lines, and</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		utilities. The project would not result in the installation of infrastructure that could exacerbate fire risk. Mitigation Required: Haz-1, Geo-1 (discussed in Soil Suitability) Source Document(s) (32) (40) (41) (42)	
<b>SOCIOECONOMIC</b>			
Employment and Income Patterns	2	The project is not expected to significantly affect employment opportunities as the primary use of the project site would be residential. Commercial space on the ground floor will be occupied by church offices and managerial offices for service to residents. This will not significantly change employment patterns. Construction of the project site would result in temporary construction job growth at the project site. It is expected that construction work and operational work at the project would be accommodated by the existing employment pool. No adverse impact is anticipated from the project on employment and income within the project area. Source Document: (21) (45)	
Demographic Character Changes / Displacement	2	Demographics The proposed project would not induce substantial population growth that would not otherwise have occurred. No impact is expected because of the project, as it represents no significant change to the demographics of the area. The project by its definition is to provide	

<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>	<b>Mitigation</b>
		<p>affordable housing for approximately 80 households. The increase in residential population resulting from the proposed project would not be substantial and is within the Association of Bay Area Governments' (ABAG) population projections in their Plan Bay Area 2050.</p> <p>Displacement The Uniform Relocation Act (URA), passed by Congress in 1970, establishes minimum standards for federally funded programs and projects that require the acquisition of real property (real estate) or displace persons from their homes, businesses, or farms. The URA's protections and assistance apply to the acquisition, rehabilitation, or demolition of real property for federal or federally funded projects. No residences or businesses will be displaced as a result of project development. Source Document(s) (45) (46)</p>	
Environmental Justice EA Factor	2	See discussion above in Environmental Justice. The effects are related to temporary construction activities with the exception of seismic issues which confront most residents of the City.	
<b>COMMUNITY FACILITIES AND SERVICES</b>			
Educational and Cultural Facilities (Access and Capacity)	2	Educational Facilities: The Project is not expected to introduce new students to the Berkeley Unified School District (BUSD) as it is a senior housing development. In the event that the future residents want to	

<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>	<b>Mitigation</b>
		<p>continue their education the Adult School offers educational programs for adults. Cultural Facilities: In addition to parks and recreation facilities, there are a number of community facilities located in Berkeley that provide services and amenities for the community. Located north of the project, the University of California at Berkeley is a significant community resource and provides a number of arts, cultural, and educational events throughout the school year that are open to the Berkeley community. Points of interest in Berkeley include but are not limited to the Berkeley Art Museum and Pacific Film Archive, Berkeley Historical Society and Museum, Berkeley Marina, Berkeley Public Library, Berkeley Repertory Theatre, Berkeley Rose Garden, Hearst Greek Theatre, Indian Rock Park, Judah L. Magnes Museum, Lawrence Berkeley National Laboratory, Lawrence Hall of Science, Regional Parks Botanic Garden, Tilden Regional Park, University of California, Berkeley, University of California Botanical Garden, Urban Ore. The project represents an incremental demand for cultural facilities; impacts are considered less than significant. Source Document: (47) (48)</p>	

<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>	<b>Mitigation</b>
Commercial Facilities (Access and Proximity)	2	<p>Commercial uses such as shops, restaurants, services, and offices are dominant in the Plan Area, occupying over one-third of the total area, but residential, public and civic uses are also prevalent. The commercial uses range in scale from large uses such as a supermarket (e.g. Berkeley Bowl), large pharmacy/retail stores (e.g. Sports Basement, Walgreens) and car dealerships, in addition to small scale retail and restaurant/cafes. There is a cluster of antiques/furniture stores around the intersection of Ashby Avenue and Adeline Street. In addition to locally owned food and beverage outlets, personal services such as yoga studios, hair salons and laundromats are scattered throughout the Plan Area. The project site is within adequate and convenient distance to retail services that provide essential items such as food, medicine, banks and other convenience shopping. Commercial facilities are in close proximity to the project site and are accessible by public transit or within walking distance. Source Document: (38) (49)</p>	
Health Care / Social Services (Access and Capacity)	2	<p>Berkeley offers a wide range of social services to its residents. Residents can access programs for seniors, affordable housing assistance, employment services, food assistance, childcare assistance, and more</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>through the City's social services department. The Alameda County Social Services Agency has programs for childcare assistance, mental health resources, and social welfare available to residents in need. Residents also have access to various supportive housing and affordable housing policies and programs, as well as services aimed at supporting seniors and people with disabilities. Social services are located both within a convenient and reasonable distance to residents of the project. The project does not represent a significant change to the demographics of the area or on area social services as it serves the existing population. Implementation of the project represents a less than significant impact to social services. There is adequate public transportation available from the project to these services. Residents will have access to a variety of health care services including no-cost health coverage for uninsured children and pregnant women, programs such as Healthy Families and Medi-Cal, community health clinics, urgent care centers, hospitals, mental health support, substance abuse treatment, and assistance for individuals with disabilities. Additionally, there are specialty care, urgent care, mental health services,</p>	

<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>	<b>Mitigation</b>
		<p>dental care, and preventive care options through public health clinics, private practices, and community health centers. Residents can also access Medi-Cal, a public health care coverage program for low-income families and individuals, as well as mental health services provided by the city. The Health, Housing, and Community Services Department in Berkeley offers primary care, mental health services, substance abuse treatment, preventive care, and support for individuals experiencing homelessness. There are 54 hospitals in the Berkeley area. These include Kaiser Permanente: Oakland; Alta Bates, and Summit Medical Center. In addition to Berkeley Urgent Care, there are several urgent care clinics that provide medical services to residents and visitors. Some of the notable options include Alta Bates Summit Medical Center, Kaiser Permanente Berkeley Medical Center, and Lifelong Urgent Care. These facilities offer a range of services, including emergency care, primary care, diagnostic testing, and specialized treatments. The project will not impact any health care or social service facilities. Social services are located both within a convenient and reasonable distance to residents of the project. The project does not</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>represent a significant change to the demographics of the area or on the demand for social services. Implementation of the project represents a less than significant impact to social services. There is adequate public transportation available from the project to these services. Source Documents: (50) (51)</p>	
<p>Solid Waste Disposal and Recycling (Feasibility and Capacity)</p>	<p>2</p>	<p>The City of Berkeley operates its own refuse collection system, collecting residential and commercial solid waste, including recyclable and organic materials. The City's Zero Waste Division provides curbside collection service to 23,000+ residents, which includes multi-family units of up to 5, and 5,000+ commercial customers, which includes multi-family units of 6 or more. The Division also operates the City's Transfer Station that provides disposal services to more than 420 customers daily where refuse is transferred to long-haul trucks for delivery to a disposal site. The City of Berkeley has contracts for waste management as part of its zero waste goal. The City works with waste management companies to handle residential and commercial waste collection and disposal services. The City has a contract with Waste Management, Inc. for waste management services and a contract with Republic Services to dispose of waste. The</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>Altamont Landfill in Alameda County has the capacity to accommodate solid waste generated in Berkeley. The maximum permitted daily throughput at the Altamont Landfill is 11,150 cubic yards, and the maximum permitted capacity is 124.4 million cubic yards. The remaining capacity for solid waste at this landfill is approximately 65.4 million cubic yards (CalRecycle, Solid Waste Information System (SWIS), 2020a). The City of Berkeley has achieved a solid waste diversion rate of 69 percent of its solid waste from landfills through recycling and/or composting efforts (City of Berkeley 2021). It is assumed that the City will continue to divert at least 69% of solid waste from landfills with its recycling and green waste programs. Development facilitated by Housing Element Update, which includes the proposed project, would generate a limited amount of solid waste, representing 0.0011 percent of the remaining capacity of existing landfills serving Alameda County. This incremental increase in solid waste would not considerably contribute to a significant impact related to solid waste disposal. Source Document(s): (29) (38)</p>	
Waste Water and Sanitary Sewers	2	The City's collection system includes approximately 254 miles of City-owned sanitary	

<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>	<b>Mitigation</b>
(Feasibility and Capacity)		<p>sewers, 7,200 manholes and other sewer structures, seven sewage pump stations, and approximately 31,600 service laterals. The City is responsible for maintenance and repair of the lower portion of the service laterals (located within the public right-of-way) from the property line cleanout to the connection to the City's sewer main. The City's system also receives wastewater from small adjacent areas of the City of Albany, City of Oakland, and the Stege Sanitary District (Kensington). Wastewater generated in the City's collection system is conveyed to the East Bay Municipal Utility District (EBMUD) wastewater interceptor system and is treated at EBMUD's Main Wastewater Treatment Plant (MWWTP) located near the eastern terminus of the San Francisco-Oakland Bay Bridge. EBMUD also receives flows from six other "Satellite" collection system agencies: the cities of Alameda, Albany, Emeryville, Oakland, and Piedmont, and the Stege Sanitary District. The Project is not expected to have a significant impact on the capacity of the collection system. Assuming wastewater generation is approximately 80 percent of water use, the proposed project would generate approximately 10,496 gallons of wastewater per day.</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>EMBUD's wastewater treatment plant has over 100 million gallons per day of excess capacity and would be able to accommodate wastewater from the proposed project. Overall, EMBUD would have adequate water supply and wastewater treatment capacity to serve the proposed project. Source Document(s) (29) (38): (52)</p>	
<p>Water Supply (Feasibility and Capacity)</p>	<p>2</p>	<p>The East Bay Municipal Utility District (EBMUD) provides water for the City of Berkeley, and Alameda and Contra Costa County. Water is supplied to more than 1.2 million people in 22 East Bay cities. The water supply comes from the watershed of the Mokelumne River in the Sierra Foothills. Assuming water use is consistent with the approximately 164 gallons per day per residential unit (gpd/unit) for Low-Rise Apartments, the Project would use approximately 13,120 gallons of water per day. The Project is required to comply with California Green Building Code water efficiency standards and would not generate population growth beyond what was identified in EBMUD's 2020 Urban Water Management Plan (EBMUD 2021). EBMUD anticipates having sufficient water supply to meet demand in its service area, except during the third year of a multi-year drought starting around 2025 or later.</p>	

<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>	<b>Mitigation</b>
		<p>During multi-year drought, EBMUD may require substantial reductions in water use by customers and may also need to acquire supplemental supplies to meet demand. Source Document: (29) (38) (53)</p>	
<p>Public Safety - Police, Fire and Emergency Medical</p>	<p>2</p>	<p>Police: The Berkeley Police Department provides police protection services to the Plan Area. Police headquarters are located at 2100 Martin Luther King Jr. Way, approximately two miles north of the project site. The Berkeley Police Department's Patrol Unit maintains a minimum staffing level of 60 sworn officers divided into 7 teams, covering 16 beats around the clock. The department is authorized to hire approximately 180 police officers but currently has fewer than 120 officers due to budget constraints, retirements, and attrition. This staffing shortage has led to increased workloads for officers and challenges in maintaining public safety. The department aims to increase the hiring rate to reach the authorized staffing level and is offering hiring bonuses of up to \$25,000 to attract more personnel. The staffing level of the Berkeley CA Police Department is currently the fourth highest in Alameda County, indicating a strong commitment to public safety and law enforcement. In Berkeley, California, the ratio of police officers to residents is</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>2.31 per 1,000 which results in a police presence of 36.2 officers per 100,000 residents. Additionally, the data from 2022 shows that the ratio of police to residents in Berkeley is approximately 1 police officer per 450 residents. The Police Department currently provides regular patrols to 16 beats within Berkeley. Beats 5, 8, 9, and 10 serve the Specific Plan Area. Additional policing is undertaken by the Bay Area Rapid Transit (BART) Police Department. The BART Police Department serves as the primary law enforcement authority for the BART District. The proposed project represents an incremental increase in population at best and would not adversely affect the ability of the police to respond in a timely manner. The Berkeley Fire Department provides 24-hour response for emergencies including fire suppression, medical emergencies, hazardous materials events, water rescue, disaster response, and other life-threatening situations. There are approximately 144 paid firefighters employed by the Berkeley Fire Department in seven fire stations. These firefighters serve the City of Berkeley, which includes the University of California Berkeley campus and a total population of over 120,000 residents. They respond to a wide range of</p>	

<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>	<b>Mitigation</b>
		<p>emergencies, including fires, medical incidents, and hazardous material situations, handling over 16,000 service calls each year. The project site is located in Area Five and is 1.5 miles distant from Fire Station 5. The fire department runs the ambulance service in Berkeley. The Berkeley CA fire department currently has a total of 8 ambulances available for emergency response. Each ambulance is staffed with 2 firefighter/paramedics who are trained in both disciplines. If all of Berkeley's ambulances are committed to emergency calls, ambulances from neighboring fire departments who transport (Albany, Piedmont, and Alameda) or Paramedics Plus will respond to the call. However, since there are paramedics on all of the engines and trucks, there is no delay in patient care or treatment. The incremental increase in population represented by the project would not adversely affect the ability of the fire department to respond in a timely manner. Source Document: (38) (54) (55)</p>	
<p>Parks, Open Space and Recreation (Access and Capacity)</p>	<p>2</p>	<p>Berkeley has many parks and promotes greenery and the environment. Tilden Regional Park, lies east of the city, occupying the upper extent of Wildcat Canyon between the Berkeley Hills and the San Pablo Ridge. The Cesar Chavez Park at the Berkeley Marina and the</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>East Shore State Park flank the City's shoreline at San Francisco Bay and organizations like the Urban Creeks Council and Friends of the Five Creeks the former of which is headquartered in Berkeley support the riparian areas in the town and coastlines as well. The proposed project would incrementally increase demand for parks . The amount of population growth anticipated from the project would represent less than 1 percent of the total citywide population projected for 2040. The Berkeley General Plan found that the City had approximately 12 acres per 1,000 residents, including local, regional, and State parks, which substantially exceeds the City's goal of 2 acres per 1,000 residents. Incremental increases in the population would not cause the ratio of parkland to population to fall below the City's standard. Source Document: (38)</p>	
<p>Transportation and Accessibility (Access and Capacity)</p>	<p>3</p>	<p>Transportation Transit service providers in the project area include the Bay Area Rapid Transit (BART), Alameda-Contra Costa Transit District (AC Transit) which provides local and Transbay bus service with connections to the Transbay Terminal in San Francisco, and various shuttle services. BART provides regional rail service throughout the East Bay and across the Bay to San Francisco</p>	<p>Mitigation Measure Tra-1. Evaluate traffic conditions in accordance with the following: *The signal warrant study shall be completed as part of the environmental review process for the development project. *If the intersection meets the signal warrants and the development project would add ten or more trips to the</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>and the Peninsula. The Ashby BART station is located within walking distance of the project site. The site is served by AC Transit bus lines 88 and 688 which connect to the Ashby BART Station. The City's General Plan Transportation Element identifies the Shattuck Avenue/Adeline Street corridor as a primary transit route. AC Transit is the primary bus service provider in 13 cities and adjacent unincorporated areas in Alameda and Contra Costa Counties, with Transbay service to destinations in San Francisco, San Mateo and Santa Clara Counties. Transportation Construction Plan: The project sponsor is required to submit a Transportation Construction Plan (TCP) for all phases of construction. Accessibility: Site development, common use areas, access and adaptability of the units will comply with the State's Disabled Accessibility Regulations (2022 California Building Code Chapter 11A, Housing Accessibility) as well as the Fair Housing Act Accessibility Guidelines, and Chapter 19.40 of the Berkeley Housing Code for accessibility. and HUD funding requirements for accessibility. Pedestrian, bicycle and transit facilities are expected to adequately serve the proposed project. The building will be elevator-equipped for access from the parking garage. A total of 61</p>	<p>critical movement that operates at LOS F during the AM and/or PM peak hour, the study shall identify improvements to mitigate the impact. *The improvements may consist of signaling the intersection, and/or restricting one or more movements at the intersection. *The study shall also evaluate the secondary effects of the identified improvement, such as traffic diverted to other streets due to turn restrictions. *The development project shall install the identified improvement.</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>parking spaces will be provided onsite along with 33 bicycle parking spaces. The Project would not increase hazards, result in inadequate emergency access, or conflict with adopted policies, plans, or program regarding public transit, bicycle and pedestrian facilities. The impacts would not be adverse.</p> <p>Traffic Impacts: The traffic generated by the Project will add 33 peak hour trips to the immediate area. Projects that generate 10 or more peak hour trips to the critical movement of an unsignalized intersection that operates at LOS F have a significant impact according to the City's performance standards under existing plus project conditions. This impact would be significant but is mitigable to a less than significant level. Projects tiering from the Adeline Specific Plan that have primary automobile access on one of the local streets listed below and that is currently controlled by a stop-sign at the intersection with a major street shall evaluate traffic operations and the Manual on Uniform Traffic Control Devices compliant signal warrants at the identified intersection. *Shattuck Avenue at Blake, Parker, and Derby Streets *Adeline Street at Stuart, Russell, Essex, Woolsey, Fairview, and Harmon Streets The project will have primary access to Harmon</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>Street which intersects at the eastern side of Adeline Street. This intersection is controlled by a Stop Sign and has been determined to operate at a LOS F. Per the revised EIR for the Specific Area Plan, the project developer is required to evaluate traffic conditions at the intersection. See attached Transportation Discussion for a more detailed explanation. Mitigation Required: Mitigation Measure Tra-1. Source Document(s): (2) (38) (39) (56) (57) (58) (59) (60) (61) (62)</p>	
<b>NATURAL FEATURES</b>			
<p>Unique Natural Features /Water Resources</p>	<p>2</p>	<p>The site is located along the southern side of Harmon Street, between King and Ellis streets. The subject property is relatively level and T-shaped. Currently, the site is occupied by two church buildings, one at the intersection of Alcatraz and King streets and one at the intersection of Harmon and King streets, and an asphalt-paved parking lot. The southeastern corner of the site was formerly occupied by a small apartment building that burned down and was subsequently demolished. The site does not support wetland or riparian habitats. It is a fully developed urban site with no permeable surfaces. Groundwater was measured at depths of 14 to 27 feet below existing grade. There are no unique natural features or water resources on the site</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>including water courses, creeks, streams, seasonal wetlands, or other water resources on the project site. There is no impact in this regard. The project location, construction, or its users will not adversely impact unique or locally important natural features on or near the site. Nor will the project destroy or isolate from public or scientific access any unique natural features. The site does not exist above an aquifer. The site is not subject to rapid water withdrawal problems that could change the depth or character of a water table or an aquifer. The project will not use groundwater for its water supply. The project will not use a septic system but will connect to the wastewater disposal system. The project will slightly increase impervious surface area. There are no sensitive groundwater dependent features (e.g., rare wetlands) present that could be affected. Regardless of the absence of rare wetlands, appropriate measures have been included in the design to promote groundwater recharge. Source Documents(s): (16) (40) (49)</p>	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	3	The site does not support sensitive habitats associated with special status plant or wildlife species. The site does not support wetland or riparian habitats. The site is fully developed and covered with	Mitigation Measure WL-1. Migratory Birds Mitigation: Implement appropriate Nationwide Standard Conservation Measures as set forth in United States Fish and Wildlife Service

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>impermeable surfaces, except for two street trees along the eastern side of King Street. The trees on King Street could provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act. Development of the Site during the nesting season (i.e., February 1 to August 31) could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking under the Migratory Bird Treaty and Environmental Protection Act. Future construction activities such as tree removal and site grading that disturb a nesting bird or raptor on-Site or immediately adjacent to the construction zone would also constitute an impact. In conformance with the provisions of the Migratory Bird Treaty Act development would be required to implement measures to avoid and/or reduce impacts to nesting birds (if present on or adjacent to the Site) to a less than significant level. If project demolition and tree removals occur during breeding season, it could result in an adverse impact to nesting birds Mitigation Required.</p>	<p>Guidance on Migratory Birds including but not limited to the following uniformly applied measures to ensure compliance with the Migratory Birds Treaty Act: *If any tree removal is necessary, then it shall occur outside the nesting season between September 1 through January 31, if feasible. *If trees cannot be removed outside the nesting season, then pre-construction surveys shall be conducted no more than 7 days prior to tree removal to verify the absence of active nests if the removal of any trees is scheduled between February 1 and August 31. *If a protected active nest is located during pre-construction surveys, construction activities shall be restricted as necessary to avoid disturbance and nest abandonment. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment) or alteration of the construction schedule. *If the active nest belongs to State or federally listed species, then United States Fish and Wildlife Service (USFWS) shall be notified regarding the status of the nest. *A qualified Biologist shall determine an appropriately sized buffer</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		Source Document(s): (5) (23) (34) (49) (62)	around the active nest depending on the species. The applicant shall implement the buffer using environmentally sensitive area fencing, pin flags, and/or yellow caution tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently.
Other Factors 1	3	Lead and Asbestos: The buildings were constructed before the federal bans on friable asbestos-containing building materials and lead-containing paints became law. Considering the age of the structures the presence of asbestos-containing materials (ACM) and lead-based paint (LBP) at the site is likely. Asbestos: Compliance with applicable laws and regulations regarding removal and disposal of ACM, including but not limited to the National Emissions Standards for Hazardous Air Pollutants, CCR, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code s.s.25915- 25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, is required. Asbestos trained workers must follow all pertinent regulations, as per Title 8 CCR 1529. Lead: Construction activities that disturb materials or paints	Mitigation Measure OF-1: A. Compliance with applicable laws and regulations regarding removal and disposal of ACM, including but not limited to the National Emissions Standards for Hazardous Air Pollutants, CCR, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code s.s.25915- 25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, is required. B. Lead-based paint remediation and stabilization must comply with the HUD Lead Safe Housing Rule 24 CFR Part 35, Subpart R -- Methods and Standards for Lead-Paint Hazard Evaluation and Hazard Reduction Activities. C. Additional Total Threshold Lead Concentration (TTLIC) sampling should be conducted of generated

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>containing any amount of lead are subject to requirements of the Cal/OSHA lead standard contained in Title 8, CCR s. 1532.1. In addition, LBP remediation and stabilization associated with the proposed project must comply with the HUD Lead Safe Housing Rule 24 CFR Part 35, Subpart R -- Methods and Standards for Lead-Paint Hazard Evaluation and Hazard Reduction Activities. Subpart R provides standards and methods for evaluation and hazard reduction activities required in subparts B, C, D, and F through M of 24 CFR Part 3. Additional Total Threshold Lead Concentration (TTL) sampling should be conducted of generated debris, including waste soil, for waste characterization. If the TTL is 50 ppm or greater, then a Soluble Threshold Limit Concentration (STLC) analysis should be performed. Pursuant to California Code of Regulations, Title 22 s. 66261.24, waste soil containing lead is classified as hazardous if the lead exceeds these concentrations. To ensure the safety of personnel during construction activities, lead-safe work practices shall be maintained and comply with all local, regional, state, and federal requirements concerning lead. Notification and Certification Requirement:</p>	<p>debris, including waste soil, for waste characterization. D. To ensure the safety of personnel during construction activities, lead-safe work practices shall be maintained and comply with all local, regional, state, and federal requirements concerning lead. E. Preparation of a Soil and Groundwater Management Plan is required.</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>California Health and Safety Code s.19827.5 requires local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. BAAQMD is to be notified of any demolition or renovation project that involves the removal of 100 square feet or more of ACM materials 10 days in advance of the work. The local CalOSHA office must also be notified. Preparation of a Soil and Groundwater Management Plan (SGMP) and a Health and Safety Plan (HSP) is required to establish appropriate management practices if suspect conditions are encountered during construction, such as discolored odorous soil, buried debris or unknown subsurface structures. The City of Berkeley Toxics Management Division (TMD) has identified the area east of the Site as an Environmental Management Area (EMA) where there is a potential to encounter impacted soil or groundwater from past industrial or commercial activities, or impacted soil from lead paint or undocumented fill. Berkeley TMD may require a SGMP for sites that are located within or in close proximity to a mapped EMA. Discussions with</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		Berkeley TMD staff whether they will require submittal and review approval of a SGMP is required. Mitigation Required Source Documents: (16) (17) (40)	
Other Factors 2	2	<p>Greenhouse Gas Emissions: There are no established federal significance criteria for GHG emissions. In the absence of a federal standard local standards are used to evaluate the impacts. BAAQMD has established evaluation criteria and emission limits for ozone precursors and greenhouse gases for construction and operation emissions. GHG updated thresholds for land use projects include an alternative performance-based threshold; if a project meets all of the following criteria, it is presumed to result in a less than significant GHG impact: *</p> <ul style="list-style-type: none"> <li>Project does not include natural gas and would not result in wasteful, inefficient, or unnecessary energy use; *</li> <li>Project would result in VMT per capita that is 15 percent below the regional average and meet the CalGreen Tier 2 off-street electric vehicle requirement.</li> </ul> <p>The Project meets these criteria and is presumed to meet the BAAQMD thresholds. The Project would increase the intensity of the use of the site and contribute to the cumulative effects of climate change by directly or indirectly emitting GHGs during</p>	

<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>	<b>Mitigation</b>
		<p>construction and operation. Direct operational effects from the Project include the GHG emissions from new vehicle trips and a stationary source (backup diesel generator). Indirect effects include the GHG emissions from electricity providers, including the generation of the energy required to pump, treat, and convey water; other GHG emissions are also associated with waste removal, waste disposal, and landfill operations. Development of the Project is required to follow applicable Title 24 building standards and Green Building measures in the City's Municipal Code. (BMC Chapter 19.37) The Project is subject to the mitigation measures found in the 2020 EIR for the Adeline Corridor Specific Plan. The Project would be subject to regulations identified in the CALGREEN Residential Code Compliance Checklist which include the all-electric building ordinance, green building requirements for energy efficiency, water use reduction, and renewable energy use, light pollution reduction, and street tree planting. The Project would comply with regulations that would reduce the project's GHG emissions related to waste reduction through recycling and composting, construction and demolition debris recycling and recovery, construction site</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		runoff pollution prevention, stormwater management, and the use of low-emitting building materials. The Project would be consistent with Berkeley's GHG reduction strategy and those of the BAAQMD and would not adversely contribute to GHG emissions. Source Document(s): (9) (11) (29) (32) (38) (41) (43) (58) (63)	
<b>CLIMATE AND ENERGY</b>			
Climate Change	2	Adopted in 2009, the City of Berkeley's Climate Action Plan (CAP) recommends emissions reduction actions for seven categories of action. The categories are Transportation, Land Use, Building Energy Use, Waste Reduction and Recycling, Community Outreach and Preparation for Climate Change. The CAP recommends strategies that support individuals' and businesses' efforts to consume less energy and produce less waste. Implementing the plan will increase access to public transit and improve bicycle and pedestrian safety, incentivize improvements to home and business energy efficiency and increase the convenience of recycling and composting waste. Berkeley's emissions reduction target is an 80% reduction below 2000 levels by 2050. The CAP presents a comprehensive assessment of policies, programs, and ordinances that collectively represent Berkeley's GHG	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>reduction strategy in compliance with BAAQMD guidelines. Projections from the United States Environmental Protection Agency (EPA) Environmental Justice Screening and Mapping Tool (Version 2.3) indicate that the Site is not subject to Flooding or Sea Rise Risk; nor is it subject to Wildfire Risk. It is subject to a moderate risk of exposure to extreme heat (&lt;20%). A hot day in Berkeley is considered to be any day above a "feels like" temperature of 82oF. Berkeley is expected to experience 7 hot days this year. Due to a changing climate, Berkeley will experience 15 days above 82oF in 30 years. Climate Check has assessed the risk for the Project Site for storms (High at 49%). Yearly rainfall is projected to increase from about 23.1" historically to about 23.8" in 2050. An extreme storm for this location is a 48-hour rainfall total greater than 0.8". Historically, about 13.4" of rain fell over 10 extreme storms each year. In 2050, about 14.8" of rain will fall over 11 extreme storms each year. Drought Risk has been assessed as Significant (36%), however the drought risk is 51% lower than average for California (74%). State-of-the-art surface coverings, conservation techniques and HVAC systems will reduce the effect of increased temperature</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>on project residents and participants. The project reduces its direct contribution to climate change by using low-carbon building materials to reduce GHG emissions from construction and material fabrication. LEED Platinum certification (administered by the U.S. Green Building Council) or GreenPoint Rated points would be met by incorporating a variety of design features including community design and planning, site design, landscape design, building envelope performance, and material selections. Source Documents: (44) (61) (62)</p>	
Energy Efficiency	2	<p>As a project to be developed within the Specific Plan Area, the Project must comply with applicable Title 24 building standards, City policies, and required mitigation measures that would reduce construction-related and operational energy use by decreasing vehicle trips, increasing fuel efficiency, increasing building energy efficiency, and facilitating use of renewable energy. Furthermore, the Specific Plan requires the use of solar photovoltaic cells, reducing overall energy usage. The project will utilize the GreenPoint Rating System as authored by Build/It Green to pursue the goal of GreenPoint equivalent of LEED Gold or Platinum. Therefore, the</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		proposed project would not result in significant impacts related to energy. Source Document: (29) (32) (38) (43) (44)	

**Supporting documentation**

[SD 62 Transportation Discussion .docx](#)

[SD 60 2021-05-05 PC Agenda Packet.pdf](#)

[SD 58 Fehr and Peers Transportation Memo.pdf](#)

[SD 9 CalEEMOD Old.pdf](#)

[SD 34 Wetlands Map.pdf](#)

[SD 23 IPaC Explore Location resources.pdf](#)

[SD 5 Map and Existing Conditions.pdf](#)

[SD 58 VMT-Criteria-and-Thresholds.pdf](#)

[SD 47 Berkeley-USD-LDevelopment Fee Justification.pdf](#)

[SD 42 Fire Hazard Map.pdf](#)

[SD 41 General Plan Redesignation.pdf](#)

[SD 39 Revision to Adeline Corridor EIR.pdf](#)

[SD 40 Geotechnical Report.pdf](#)

[SB 38 - Adeline Corridor Specific Plan Draft EIR.pdf](#)

[SD 32 Letter of Compliance 1708 Harmon.pdf](#)

[zoning map.pdf](#)

[General Plan Redesignation 2021-07-13 Item 13 Referral Response General Plan Re-Designation.pdf](#)

[2021-05-05 PC Agenda Packet.pdf](#)

**Additional Studies Performed:**

See Attached Source Documentation List

[1708 Harmon Street Source Documentation List Final.pdf](#)

**Field Inspection [Optional]:** Date and completed

by:

Eugene Flannery

5/4/2024 12:00:00 AM

[3247 King St - Google Maps.pdf](#)

[1708 Harmon St - Google Maps.pdf](#)

[- Ephesian Legacy Court Photos.pdf](#)

**List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:**

See Attached Source Document List

[1708 Harmon Street Source Documentation List.pdf](#)

**List of Permits Obtained:**

No Federal permits are required. The project requires a local building permit to commence. No other permits are required.

**Public Outreach [24 CFR 58.43]:**

The project review has resulted in a Finding of No Significant Impact (FONSI), which is being published and circulated to public agencies, interested parties, and landowners/occupants of parcels located within the project's Area of Potential Effects (APE). Information about where the public may find the Environmental Review Record pertinent to the project is being included in the FONSI Notice. Public hearings were held before the City of Berkeley Planning Commission, the Berkeley City Council, the Housing Advisory Commission, and the Landmarks Preservation Commission over the 2020 to 2025 period.

**Cumulative Impact Analysis [24 CFR 58.32]:**

The project is located near the Adeline Specific Plan Area. The project in combination with other projects would not create significant cumulative impacts. The project's residential capacity would not likely exceed 200 new residents and it is arguable whether they represent an increase in population as future residents may already live in Berkeley. The increase in population is within the parameters identified by the Association of Bay Area Governments (ABAG) and would incrementally cumulatively contribute to the growth projected by ABAG in the Plan Bay Area 2050. The cumulative context for archeological resources and human remains consists of the site and the immediate area. There are known archeological resources in the vicinity of the project site that may extend onto the project site; however, there are no cumulative projects on the project block and no cumulative projects are anticipated to impact the known archeological resources in the vicinity. The project's air pollutant emissions will not exceed regulatory thresholds. The project is consistent with the 2017 Clean Air Plan and with the applicable 2017 Clean Air Plan Control Strategies. The project-specific thresholds took into account the cumulative air basin and are considered dispositive of a project's contribution to cumulative impacts. The project would not contribute to adverse cumulative impacts. The project's daily vehicle trips in combination with daily vehicle trips from cumulative projects would be dispersed along the local roadway network and would not result in a significant cumulative traffic noise impact. Developments under the Plan Area are required to comply with BAAQMD basic construction control measures which reduce construction-related emissions. The Project would not cumulatively contribute to degradation of regional

air quality. Noise impacts are typically localized; there are no other cumulative projects within the project block. New development in Berkeley must comply with the City's land use compatibility guidelines and standards, with inclusion of noise insulation features as necessary. The use of techniques to minimize noise intrusion at new developments in the Plan Area will maintain an acceptable noise environment. Cumulative development would not have a significant impact related to noise standards. The Project area is highly urbanized and developed, surrounded by existing development and highly travelled transportation corridors that limit the habitat value and potential for presence of sensitive biological resources. Potential impacts to biological resources associated with the Project are less than significant. The project does not contribute to cumulative impacts to biological resources in the area. Existing senior centers in Berkeley have adequate capacity to serve current demand. The incremental growth of the senior population would not require new or expanded senior centers. The cumulative impact related to senior facilities would be less than significant, and the Project would not considerably contribute to an impact. The project would not result in adverse impacts for certain environmental factors including airport hazards, coastal resources, floodplains, agricultural resources, land use, geology and soils, environmental justice, socioeconomics; and thus would not contribute to potentially adverse cumulative impacts for these issues. For public services and utilities (police, fire, solid waste, water, wastewater, stormwater) and transportation, City-wide resources and thresholds were considered. The project would not contribute significantly to these issues on a City-wide basis.

**Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]**

A higher density residential use (i.e., 15-20 story residential towers) this option would allow high density development at a greater height than currently envisioned under the proposed Specific Area Plan. This option would result in increased traffic and congestion. However, this option was rejected from further consideration because it was not consistent with the majority of the community feedback.

**No Action Alternative [24 CFR 58.40(e)]**

No change to the site would occur. The impacts discussed in this Environmental Assessment would not occur. Additional affordable housing units would not be created. The no action alternative would not contribute to the achievement of the goals of the developer, property owner, the City or regional plans for affordable housing.

**Summary of Findings and Conclusions:**

The project is suitable from an environmental standpoint and will provide safe and affordable housing. With the implementation of the mitigation measures described in the Environmental Assessment, there will be no significant adverse effect from the project.

**Mitigation Measures and Conditions [CFR 1505.2(c)]:**

Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

<b>Law, Authority, or Factor</b>	<b>Mitigation Measure or Condition</b>	<b>Comments on Completed Measures</b>	<b>Mitigation Plan</b>	<b>Complete</b>
Contamination and Toxic Substances	<p>Conduct surveys of building, soils and groundwater for Asbestos Containing Materials, Lead Based Paint, and Polychlorinated Biphenyls, tetrachloroethylene (PCE) and trichloroethylene (TCE), polyaromatic hydrocarbons, dioxins and metals, which could be present in the Site soils and warrant further investigation.</p> <p>This mitigation measure is part of the Conditions of Approval issued by the City of Berkeley Department of Planning and Development and required for the project.</p>	N/A	See attached Mitigation Plan	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	<p>Mitigation Measure Geo-1. The recommendations presented in the Geotechnical Report prepared by Rockridge Geotechnical (Project No. 23-2525) are incorporated into the project plans and specifications and are to be implemented during construction. The recommendations for site preparation and grading, foundation design, and other geotechnical aspects of the project are presented in section 7.2 of the Geotechnical Report.</p>	N/A	See attached Mitigation Plan	

<p>Hazards and Nuisances including Site Safety and Site-Generated Noise</p>	<p>Mitigation Measure Haz-1. BAAQMD's Best Management Practices (BMPs) for controlling fugitive dust during soil disturbing activities are to be implemented to control construction related fugitive dust. Implement measures required and as listed in the conditions of approval for the project and measures in the Adeline Corridor Specific Plan environmental impact report. This mitigation measure is part of the Conditions of Approval issued by the City of Berkeley Department of Planning and Development and required for the project.</p>	<p>N/A</p>		
<p>Transportation and Accessibility (Access and Capacity)</p>	<p>Mitigation Measure Tra-1. Evaluate traffic conditions in accordance with the following:                  *The signal warrant study shall be completed as part of the environmental review process for the development project. *If the intersection meets the signal warrants and the development project would add ten or more trips to the critical movement that operates at LOS F during the AM and/or PM peak hour, the study shall identify improvements to mitigate the impact. *The improvements may consist of signaling the intersection, and/or restricting one or more movements at the intersection. *The study shall also evaluate the secondary effects of the identified improvement, such as traffic diverted to other streets due to turn restrictions. *The development project shall install the identified improvement.</p>	<p>N/A</p>	<p>See attached Mitigation Plan</p>	

<p>Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)</p>	<p>Mitigation Measure WL-1. Migratory Birds Mitigation: Implement appropriate Nationwide Standard Conservation Measures as set forth in United States Fish and Wildlife Service Guidance on Migratory Birds including but not limited to the following uniformly applied measures to ensure compliance with the Migratory Birds Treaty Act: *If any tree removal is necessary, then it shall occur outside the nesting season between September 1 through January 31, if feasible. *If trees cannot be removed outside the nesting season, then pre-construction surveys shall be conducted no more than 7 days prior to tree removal to verify the absence of active nests if the removal of any trees is scheduled between February 1 and August 31. *If a protected active nest is located during pre-construction surveys, construction activities shall be restricted as necessary to avoid disturbance and nest abandonment. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment) or alteration of the construction schedule. *If the active nest belongs to State or federally listed species, then United States Fish and Wildlife Service (USFWS) shall be notified regarding the status of the nest. *A qualified Biologist shall determine an appropriately sized buffer around the active nest depending on the species. The applicant shall implement the buffer using</p>	<p>N/A</p>	<p>See attached Mitigation Plan</p>	
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	environmentally sensitive area fencing, pin flags, and/or yellow caution tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently.			
Other Factors 1	Mitigation Measure OF-1: A. Compliance with applicable laws and regulations regarding removal and disposal of ACM, including but not limited to the National Emissions Standards for Hazardous Air Pollutants, CCR, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code s.s.25915- 25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, is required. B. Lead-based paint remediation and stabilization must comply with the HUD Lead Safe Housing Rule 24 CFR Part 35, Subpart R -- Methods and Standards for Lead-Paint Hazard Evaluation and Hazard Reduction Activities. C. Additional Total Threshold Lead Concentration (TTLIC) sampling should be conducted of generated debris, including waste soil, for waste characterization. D. To ensure the safety of personnel during construction activities, lead-safe work practices shall be maintained and comply with all local, regional, state, and federal requirements concerning lead. E. Preparation of a Soil and Groundwater Management Plan is required.	N/A	See attached Mitigation Plan	
Historic Preservation CR-1 - Cultural	CR-1. Development and Implementation of a Cultural Resource Monitoring Plan; Following the completion of	N/A	See attached Mitigation Plan	

Resource Plan and Reporting	<p>monitoring efforts, a Cultural Resources Monitoring Report (CRMR) shall be prepared to provide a summary of the methods and results of all monitoring conducted. The CRMR shall list the dates of monitoring, construction activities monitored, and Project area conditions and subsurface sediments observed. The report will describe all cultural resources recorded and field checked during monitoring and provide NRHP and CRHR eligibility recommendations for each resource. Any inadvertent effects to cultural resources that occur during construction shall be described in the CRMR, with a discussion of the measures that were taken to address or mitigate any adverse effects under Section 106 of the NHPA.</p>			
Historic Preservation CR-2 Archeologist and Worker Environmental Awareness Training	<p>CR-2. Prior to the initiation of construction activities, an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology should conduct WEAP training for construction personnel at the site or off-site improvements prior to the start of construction activity. The Archaeologist should be present on-site to monitor all earth-disturbing activities.</p>	N/A	See attached Mitigation Plan	
Historic Preservation CR-3: Native American Monitoring	<p>CR-3. Prior to ground disturbing activities, a Confederated Villages of Lisjan Nation (CVLN) Tribal monitor(s) shall be retained. CVLN Tribal monitor(s) will have the authority to halt and redirect work should any archeological or tribal cultural resources be identified during</p>	N/A	See attached Mitigation Plan	

	<p>monitoring. If archeological or Tribal cultural resources are encountered during ground disturbing activities, work within 100 feet of the find must halt and the find must be evaluated for listing in the CRHR and NRHP. Monitoring may be reduced or halted at the discretion of the CVLN monitor, in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, negative findings during the first 50 percent of the entire area of ground disturbance, etc. If monitoring is reduced to spot checking, spot checking shall occur when ground disturbing activities move to a new location within the project site and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).</p>			
<p>Historic Preservation CR-4 Historic Era Resources</p>	<p>CR-4. (Archaeological Resources): Project applicant shall be responsible for implementing the following on site procedures: If cultural resources are encountered, all activity within 100 feet of the find shall halt until it can be evaluated by a qualified archaeologist and a Native American representative. If the archaeologist and Native American representative determine that the resources may be significant, they shall notify the City of Berkeley and shall develop an appropriate treatment plan for the resources. The archaeologist shall consult with Native American monitors or other appropriate Native</p>	<p>N/A</p>	<p>See attached Mitigation Plan</p>	

	<p>American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature. In considering any suggested measures proposed by the archaeologist and Native American representative to mitigate impacts to cultural resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed in other parts of the project area while mitigation for cultural resources is being carried out. Pursuant to NHPA Guidelines, Mitigation Measures Related to Impacts on Historical Resources, the project sponsor will, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature at the site as per the Guidelines.</p>			
<p>Historic Preservation CR-5 Unanticipated Discovery of Tribal Cultural Resources CR-6, CR-7, CR-8 - See attached MMMP</p>	<p>CR-5. If cultural resources of Native American origin are identified during grading or excavation of the proposed project, all ground disturbing activities within 100 feet shall cease until an archeologist has evaluated the nature and significance of the find as a cultural resource and a representative from the Confederated Villages of Lisjan Nation is consulted by the government agency. The</p>	<p>N/A</p>	<p>See attached Mitigation Plan</p>	

	<p>archeologist will stake the area of discovery, placing stakes no more than 10 feet apart, forming a circle having a radius of no less than 100 feet from the point of discovery. If the entity in consultation with the consulting Tribe(s), determines that the resource is a Tribal Cultural Resource, the entity shall retain a qualified archeologist and a Tribal monitor, at the applicant's expense, to prepare a mitigation plan, which shall be implemented by the entity in accordance with state guidelines and in consultation with the consulting Tribe. The mitigation plan shall include avoidance of the resource or, if avoidance of the resource is not feasible, the plan shall outline appropriate treatment of the resource in coordination with the consulting Tribe and, if applicable, a qualified archeologist. Examples of appropriate mitigation for the Tribal cultural resources include, but are not limited to, protecting the cultural character and integrity of the resources, protecting traditional use of the resources, protecting the confidentiality of the resources, or heritage recovery.</p>			
<p>Noise - Mitigation Measure N-1: Construction Noise Reduction Program.</p>	<p>Construction Noise: To ensure that construction activities will not cause significant noise impacts and will not adversely affect sensitive nearby sensitive receptors the following mitigation measures are to be implemented during construction activities in accordance with the 2021 Addendum to the Adeline Corridor Specific Plan</p>	<p>N/A</p>	<p>See attached Mitigation Plan</p>	

	<p>Environmental Impact Report for the Adeline Corridor Specific Plan Area Revision and the Conditions of Approval in the SB 35 Zoning Certificate (#PLN2022-0099) for the Project. The Project Sponsor shall ensure that a site-specific noise reduction program, prepared by a qualified acoustical consultant, to reduce construction noise impacts to the maximum extent feasible is developed. The program will be subject to review and approval by the Zoning Officer. The noise reduction program shall include the time limits for construction listed in Mitigation Measure N-2 to ensure that construction complies with BMC Section 13.070. The program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical: *</p> <ul style="list-style-type: none"><li>* Construction equipment should be well maintained and used judiciously to be as quiet as practical.</li><li>* Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment (See MM N-2).</li><li>* Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.</li><li>* Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise</li></ul>			
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	<p>barriers or partial enclosures to acoustically shield such equipment where feasible (See MM N-2). *Prohibit unnecessary idling of internal combustion engines. *If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile (See MM N-3). *Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise. *Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected. * Route construction related traffic along major roadways and away from sensitive receptors where feasible.</p>			
<p>Noise - Mitigation Measure N-2 - Construction-Related Noise Reduction Measures</p>	<p>The Project Sponsor shall apply the following measures during construction for the purpose of reducing construction-related noise: *Construction Timing. Construction activities shall be restricted to the daytime hours of between 7:00 AM and 7:00 PM on weekdays, or between 9:00 AM and 8:00 PM on weekends and legal holidays. * Mufflers. Construction equipment shall be properly maintained and all internal combustion engine driven</p>	<p>N/A</p>	<p>See attached Mitigation Plan</p>	

	<p>machinery with intake and exhaust mufflers and engine shrouds, as applicable, shall be in good condition and appropriate for the equipment. During construction, all equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers, consistent with manufacturers' standards. * Electrical Power. Electrical power, rather than diesel equipment, shall be used to run compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities. * Equipment Staging. All stationary equipment shall be staged as far away as feasible from adjacent noise-sensitive receptors. *Equipment Idling. Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use. * Workers' Radios. All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near construction activity. ?*Smart Back-up Alarms. Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction. *Disturbance Coordinator. The Project Sponsor</p>			
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	<p>shall designate a disturbance coordinator who shall be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site. *Additional Noise Attenuation Techniques. During construction activity that is immediately adjacent to noise-sensitive receptors, temporary sound barriers may be installed and maintained, at the discretion of the City's Department of Planning and Development. Temporary sound barriers, if installed, shall block line of sight between noise-generating construction equipment and adjacent residential windows, shall be solid (e.g., plywood), and shall be placed as close to the source equipment as feasible. Mobile sound barriers may be used as appropriate to attenuate construction noise near the source equipment. During the building construction phase, temporary sound barriers may be applied to generators and cranes used on-site.</p>			
<p>Noise - Mitigation Measure N-3 - Construction-Related Vibration</p>	<p>Institutional land uses with sensitive daytime activities may be exposed to vibration levels in excess of vibration thresholds established by the Federal Transit Authority for disturbance</p>	<p>N/A</p>	<p>See attached Mitigation Plan</p>	

<p>Reduction Measures</p>	<p>of people and building. The following mitigation measures are necessary to reduce groundborne vibration to the extent feasible and to not exceed FTA guidelines. Vibration related Impacts from groundborne vibration would be significant but mitigable to a less than significant level. A. The project sponsor shall submit a screening level analysis prior to, or concurrent with, the demolition building permit. If a screening level analysis shows that the project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (Assessment). The Assessment shall take into account project specific information such as the composition of the structures, location of the various types of equipment used during each phase of the project, as well as the soil characteristics in the project area, in order to determine whether project construction may cause damage to any of the structures identified as potentially impacted in the screening level analysis. If the assessment finds that the project may cause damage to nearby structures, the structural engineer or other appropriate professional shall recommend design means and methods of construction to avoid the potential damage, if feasible. The assessment and its recommendations shall be reviewed and approved by the</p>			
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	<p>Building and Safety Division and the Zoning Officer. If there are no feasible design means or methods to eliminate the potential for damage, the structural engineer or other appropriate professional shall undertake an existing conditions study (Study) of any structures (or, in case of large buildings, of the portions of the structures) that may experience damage. This Study shall establish baseline conditions of these structures, including, but not limited to, the location and extent of any visible cracks or spalls; and include written descriptions and photographs. The Study shall be reviewed and approved by the Building and Safety Division and the Zoning Officer (Officer) prior to issuance of a grading permit. Upon completion of the project, the structures (or, in case of large buildings, of the portions of the structures) previously inspected will be resurveyed, and any new cracks or other changes shall be compared to pre-construction conditions and a determination shall be made as to whether the proposed project caused the damage. The findings shall be submitted to the Officer for review. If it is determined that project construction has resulted in damage to the structure, the damage shall be repaired to the pre-existing condition by the project sponsor, provided that the property owner approves of the repair. This mitigation measure is part of the Conditions of Approval issued by the City of</p>			
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	<p>Berkeley Department of Planning and Development and required for the project. B. Best Available Technology. The Project Sponsor shall ensure that the best available technology to reduce construction-related vibration within 100 feet of institutional land uses that are sensitive to vibration, and within 50 feet of historic buildings, so that vibration levels do not exceed guidelines in the FTA's Transit Noise and Vibration Impact Assessment Manual for annoyance and damage to fragile structures. Appropriate technology may include, but is not limited to: a. Drilling of piles instead of pile driving for foundation work b. Static rollers instead of vibratory rollers for paving activity c. Smaller and well-maintained equipment C. Construction Scheduling. The Project Sponsor shall coordinate with adjacent institutional land uses that are sensitive to vibration and schedule vibration-generating construction activities during less sensitive times of day.</p>			
<p>Noise - Mitigation Measure N-4 - Construction Noise Management - Public Notice Required.</p>	<p>Prior to Issuance of Any Building &amp; Safety Permit (Demolition or Construction). At least two weeks prior to initiating any construction activities at the site, the Project Sponsor shall provide notice to businesses and residents within 500 feet of the project site. This notice shall at a minimum provide the following: (1) project description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction</p>	<p>N/A</p>	<p>See attached Mitigation Plan</p>	

	<p>schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is responsible for responding to any local complaints, and (5) that construction work is about to commence. The liaison will determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.</p>			
<p>Noise - Mitigation Measure N-5 - HVAC Noise Reduction</p>	<p>Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards. This mitigation measure is part of the Conditions of Approval issued by the City of Berkeley Department of Planning and Development and required for the project.</p>	<p>N/A</p>	<p>See attached Mitigation Plan</p>	

**Project Mitigation Plan**

See attached Mitigation Plan

[Ephesian Mit Plan\\_HEROS.pdf](#)

**Supporting documentation on completed measures**

## APPENDIX A: Related Federal Laws and Authorities

### Airport Hazards

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D

1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

✓ No

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

Yes

### Screen Summary

#### Compliance Determination

The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is not located in an airport land use plan area; the nearest public airport is Oakland International Airport, approximately 12 miles south of the project site. The project site does not lie within any airport clear zone or accident potential zone. The project site is located several miles outside of the 60 dBA and 65 dBA Community Noise Equivalent Level airport noise contours. The project complies with Airport Hazards requirements. Source Documents: (5) (6)

#### Supporting documentation

[Distance to Airport.pdf](#)

[Oakland International Airport Noise Contour Map.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No



## Coastal Barrier Resources

General requirements	Legislation	Regulation
HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	

**This project is located in a state that does not contain CBRA units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.**

### Compliance Determination

There are no Coastal Barrier Resource System (CBRS) Units or CBRS buffer zones, as defined under the Coastal Barrier Resources Act of 1982 (PL 97-348), as amended by the Coastal Barrier Improvement Act of 1990 (PL 101-591) located within California. The project site is therefore not located within a CBRS Unit or CBRS buffer zone. Therefore, this project is in compliance with the Coastal Barrier Resources Act. Source Document: (7)

### Supporting documentation

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Flood Insurance

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).

**1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?**

No. This project does not require flood insurance or is excepted from flood insurance.

Yes

**2. Upload a FEMA/FIRM map showing the site here:**

[Flood map\\_FIRMETTE\\_Ephesian Legacy Court\\_1708 Harmon Street\(1\).pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

**Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?**

No

Based on the response, the review is in compliance with this section.

Yes

**4. While flood insurance is not mandatory for this project, HUD strongly recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). Will flood insurance be required as a mitigation measure or condition?**

Yes

✓ No

**Screen Summary****Compliance Determination**

The project site is shown on the FEMA Map as being within Zone X, "Area of Minimal Flood Hazard." The project site is not located in a Flood Zone. The flood map for the selected area is number 06001C0057G, effective 08/03/2009. Flood insurance is not required. Source Document: (8)

**Supporting documentation**

[Flood map\\_FIRMETTE\\_Ephesian Legacy Court\\_1708 Harmon Street.pdf](#)

[Flood map\\_Alameda County.pdf](#)

[Flood Insurance Study.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Air Quality

General requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93

**1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?**

Yes

No

### Air Quality Attainment Status of Project's County or Air Quality Management District

**2. Is your project's air quality management district or county in non-attainment or maintenance status for any criteria pollutants?**

No, project's county or air quality management district is in attainment status for all criteria pollutants.

Yes, project's management district or county is in non-attainment or maintenance status for the following criteria pollutants (check all that apply):

Carbon Monoxide

Lead

Nitrogen dioxide

Sulfur dioxide

- ✓ Ozone
- ✓ Particulate Matter, <2.5 microns
- Particulate Matter, <10 microns

**3. What are the *de minimis* emissions levels (40 CFR 93.153) or screening levels for the non-attainment or maintenance level pollutants indicated above**

Carbon monoxide	84.00	ppm (parts per million)
Ozone	54.00	ppb (parts per million)
Particulate Matter, <2.5 microns	54.00	µg/m3 (micrograms per cubic meter of air)

**Provide your source used to determine levels here:**

The local Air Basin (BAAQMD) is in marginal nonattainment for ozone, moderate nonattainment for PM2.5, and maintenance for CO. Construction and operational emissions for the project estimated using the California Emissions Estimator Model (CalEEMod), Version 2022.1.1.22 and are shown below. Emissions of the precursors from construction are below the federal General Conformity *de minimis* levels and the average daily construction emissions are below BAAQMD's thresholds. Operational emissions are below the federal *de minimis* levels and BAAQMD thresholds.

Construction Emissions Compared Against Thresholds of Criteria Pollutants (lb./day for daily, ton/yr for annual)									
						ROG	NOx	CO	
PM10T	PM2.5T	Unmitigated	Average Daily (Max)	(lb./pd)		0.7244	1.8809	2.2527	0.2184
	0.1160	BAAQMD Standard	(lb./pd)	54	54	X	82	54	Exceed
BAAQMD Standard	No	No	No	No	No	Unmitigated Annual (tpy)			0.1323
	0.3435	0.4114	0.0399	0.212	Federal Standard (tpy)	100	100	100	X
100	Exceed	Federal Standard	No	No	No	No	Operatiions Emissions		
ROG	NOx	CO	PM10T	PM2.5T	Mitigated	Average Daily (Max)	(lb./pd)	0.9177	0.7688
	0.8633	1.2342	0.3493	BAAQMD Standard	(lb./pd)	54	54	X	82
54	Exceed	BAAQMD Standard	No	No	No	No	Mitigated Annual (tpy)		
0.1676	0.1404	1.2534	0.2254	0.3493	Federal Standard (tpy)	100	100	100	X
100	Exceed	Federal Standard	No	No	No	No			

**4. Determine the estimated emissions levels of your project. Will your project exceed any of the *de minimis* or threshold emissions levels of non-attainment and maintenance level pollutants or exceed the screening levels established by the state or air quality management district?**

- ✓ No, the project will not exceed *de minimis* or threshold emissions levels or screening levels.

**Enter the estimate emission levels:**

Carbon monoxide	1.19	ppm (parts per million)
Ozone	1.81	ppb (parts per million)
Particulate Matter, <2.5 microns	0.08	µg/m3 (micrograms per cubic meter of air)

Based on the response, the review is in compliance with this section.

Yes, the project exceeds *de minimis* emissions levels or screening levels.

### **Screen Summary**

#### **Compliance Determination**

The project's county or air quality management district is in non-attainment status for the following: Ozone, Particulate Matter, <2.5 microns, Particulate Matter, <10 microns. This project does not exceed *de minimis* emissions levels or the screening level established by the state or air quality management district for the pollutant(s) identified above. The project is in compliance with the Clean Air Act. See attached Air Quality Discussion for information regarding fugitive dust, toxic air contaminants, and Stationary and Mobile sources of hazardous pollutants. Fugitive Dust and Toxic Air Contaminants from both construction and stationary and mobile sources are discussed in the Hazards section of this EA. Greenhouse Gas Emissions (GHG) are discussed in the Greenhouse Gas Section of this EA. Sources: (9) (10) (11) (12) (13) (14)

#### **Supporting documentation**

[Healthy Places BAAQMD.jpeg](#)

[Ephesian Legacy Court Air Quality Detailed Report.pdf](#)

[BAAQMD Stationary Source Screening Map.pdf](#)

[Air Quality Discussion Final.docx](#)

#### **Are formal compliance steps or mitigation required?**

Yes

✓ No

## Coastal Zone Management Act

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930

**1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?**

Yes

No

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

### Screen Summary

#### **Compliance Determination**

The project site is inland of the Coastal Zone boundary. The project is 9,300 feet east of the coastal area. A consistency determination is not required. The project is in compliance with the Coastal Zone Management Act. Source Document: (15)

#### **Supporting documentation**

[Distance to Coastal Zone.pdf](#)

#### **Are formal compliance steps or mitigation required?**

Yes

No

**Contamination and Toxic Substances**

General Requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)
<b>Reference</b>		
<a href="https://www.onecpd.info/environmental-review/site-contamination">https://www.onecpd.info/environmental-review/site-contamination</a>		

**1. How was site contamination evaluated?\* Select all that apply.**

ASTM Phase I ESA

ASTM Phase II ESA

Remediation or clean-up plan

ASTM Vapor Encroachment Screening.

None of the above

\* HUD regulations at 24 CFR § 58.5(i)(2)(ii) require that the environmental review for multifamily housing with five or more dwelling units or non-residential property include the evaluation of previous uses of the site or other evidence of contamination on or near the site.

For acquisition and new construction of multifamily and nonresidential properties HUD strongly advises the review include an ASTM Phase I Environmental Site Assessment (ESA) to meet real estate transaction standards of due diligence and to help ensure compliance with HUD’s toxic policy at 24 CFR §58.5(i) and 24 CFR §50.3(i). Also note that some HUD programs require an ASTM Phase I ESA.

**2. Were any on-site or nearby toxic, hazardous, or radioactive substances\* (excluding radon) found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)**

Provide a map or other documentation of absence or presence of contamination\*\* and explain evaluation of site contamination in the Screen Summary at the bottom of this screen.

No

Explain:

✓ Yes

\* This question covers the presence of radioactive substances excluding radon. Radon is addressed in the Radon Exempt Question.

\*\* Utilize EPA's Enviromapper, NEPAssist, or state/tribal databases to identify nearby dumps, junk yards, landfills, hazardous waste sites, and industrial sites, including EPA National Priorities List Sites (Superfund sites), CERCLA or state-equivalent sites, RCRA Corrective Action sites with release(s) or suspected release(s) requiring clean-up action and/or further investigation. Additional supporting documentation may include other inspections and reports.

**3. Evaluate the building(s) for radon. Do all buildings meet any of the exemptions\* from having to consider radon in the contamination analysis listed in CPD Notice [CPD-23-103](#)?**

Yes

Explain:

✓ No

\* Notes:

- Buildings with no enclosed areas having ground contact.
- Buildings containing crawlspaces, utility tunnels, or parking garages would not be exempt, however buildings built on piers would be exempt, provided that there is open air between the lowest floor of the building and the ground.
- Buildings that are not residential and will not be occupied for more than 4 hours per day.
- Buildings with existing radon mitigation systems - document radon levels are below 4 pCi/L with test results dated within two years of submitting the application for HUD assistance and document the system includes an ongoing maintenance plan that includes periodic testing to ensure the system continues to meet the current EPA recommended levels. If the project does not require an application, document test results dated within two years of the date the environmental review is certified. Refer to program office guidance to ensure compliance with program requirements.
- Buildings tested within five years of the submission of application for HUD assistance: test results document indoor radon levels are below current the EPA's recommended action levels of 4.0 pCi/L. For buildings with test data older than five years, any new environmental review must include a consideration of radon using one of the methods in Section A below.

**4. Is the proposed project new construction or substantial rehabilitation where testing will be conducted but cannot yet occur because building construction has not been completed?**

Yes

Compliance with this section is conditioned on post-construction testing being conducted, followed by mitigation, if needed. Radon test results, along with any needed mitigation plan, must be uploaded to the mitigation section within this screen.

✓ No

**5. Was radon testing or a scientific data review conducted that provided a radon concentration level in pCi/L?**

✓ Yes

No

If no testing was conducted and a review of science-based data offered a lack of science-based data for the project site, then document and upload the steps taken to look for documented test results and science-based data as well as the basis for the conclusion that testing would be infeasible or impracticable.

Explain:

File Upload:

Based on the response, the review is in compliance with this section. Continue to the Screen Summary at the bottom of this screen.

Non-radon contamination was found in a previous question.

**6. How was radon data collected?**

All buildings involved were tested for radon

✓ A review of science-based data was conducted

Enter the Radon concentration value, in pCi/L, derived from the review of science-based data:

1.6

Provide the documentation\* used to derive this value:

National Environmental Public Health Tracking Network was consulted to determine pre-mitigation radon levels in tested buildings over a ten year period in Alameda County, California. The Alameda County Average Radon Level is 1.6 pCi/L which is below the threshold of 4.0 pCi/L.

File Upload:

[National Environmental Public Health Tracking Network Data Explorer.pdf](#)

Based on the response, the review is in compliance with this section. Continue to the Screen Summary at the bottom of this screen.

Radon concentration value is greater than or equal to 4.0 pCi/L and/or non-radon contamination was found in a previous question. Continue to Mitigation.

\* For example, if you conducted radon testing then provide a testing report (such as an ANSI/AARST report or DIY test) if applicable (note: DIY tests are not eligible for use in multifamily buildings), or documentation of the test results. If you conducted a scientific data review, then describe and cite the maps and data used and include copies of all supporting documentation. Ensure that the best available data is utilized, if conducting a scientific data review.

## 8. Mitigation

Document the mitigation needed according to the requirements of the appropriate federal, state, tribal, or local oversight agency. If the adverse environmental impacts cannot be mitigated, then HUD assistance may not be used for the project at this site.

For instances where radon mitigation is required (i.e. where test results demonstrated radon levels at 4.0 pCi/L and above), then you must include a radon mitigation plan\*.

### Can all adverse environmental impacts be mitigated?

No, all adverse environmental impacts cannot feasibly be mitigated.  
Project cannot proceed at this location.

✓ Yes, all adverse environmental impacts can be eliminated through

mitigation, and/or consideration of radon and radon mitigation, if needed, will occur following construction.

Provide all mitigation requirements\*\* and documents in the Screen Summary at the bottom of this screen.

\* Refer to CPD Notice [CPD-23-103](#) for additional information on radon mitigation plans.

\*\* Mitigation requirements include all clean-up requirements required by applicable federal, state, tribal, or local law. Additionally, please upload, as applicable, the long-term operations and maintenance plan, Remedial Action Work Plan, and other equivalent documents.

**9. Describe how compliance was achieved. Include any of the following that apply: State Voluntary Clean-up Program, a No Further Action letter, use of engineering controls\*, or use of institutional controls\*\*.**

Conduct surveys of building, soils and groundwater for Asbestos Containing Materials, Lead Based Paint, and Polychlorinated Biphenyls, tetrachloroethylene (PCE) and trichloroethylene (TCE), polyaromatic hydrocarbons, dioxins and metals, which could be present in the Site soils and warrant further investigation. This mitigation measure is part of the Conditions of Approval issued by the City of Berkeley Department of Planning and Development and required for the project.

If a remediation plan or clean-up program was necessary, which standard does it follow?

Complete removal

Risk-based corrective action (RBCA)

Other

\* Engineering controls are any physical mechanism used to contain or stabilize contamination or ensure the effectiveness of a remedial action. Engineering controls may include, caps, covers, dikes, trenches, leachate collection systems, radon mitigation systems, signs, fences, physical access controls, ground water monitoring systems and ground water containment systems including, slurry walls and ground water pumping systems.

\*\* Institutional controls are mechanisms used to limit human activities at or near a contaminated site, or to ensure the effectiveness of the remedial action over time, when contaminants remain at a site at levels above the applicable remediation standard which would allow for unrestricted use of the property. Institutional controls may include structure, land, and natural resource use restrictions, well restriction areas, classification exception areas, deed notices, and declarations of environmental restrictions.

**Screen Summary****Compliance Determination**

Site contamination was evaluated as follows: ASTM Phase I ESA. On-site or nearby toxic, hazardous, or radioactive substances were found that could affect the health and safety of project occupants or conflict with the intended use of the property. Radon analysis indicated elevated levels of radon or consideration of radon will occur following construction. Adverse environmental impacts can be mitigated. With mitigation, identified in the mitigation section of this review, the project will be in compliance with contamination and toxic substances requirements. The following RECs were identified: The operation of Village Cleaners at 1721 Alcatraz Avenue between 1955 and 1970 represents a REC due to the potential use of chlorinated solvents, such as tetrachloroethylene (PCE) and trichloroethylene (TCE). There is a potential for releases of these hazardous substances to the environment through spills, leaks from storage tanks, or improper waste disposal practices warranting further investigation to evaluate potential impacts. The proximity of this dry cleaner to the Site raises concerns about soil and groundwater contamination as well as the potential for vapor intrusion into structures. Since PCE and TCE are persistent in the subsurface and can migrate via groundwater flow or soil vapor, the former presence of this facility increases the likelihood of contamination affecting the Site. The presence of a printing company at 3240 Ellis Street from at least 1928 through 1938 is identified as a REC due to the potential use of hazardous chemicals commonly associated with historical printing operations. Printing businesses during that era frequently used solvents, inks, and heavy metals (such as lead, cadmium, and chromium) in their processes, which could have resulted in soil and groundwater contamination through spills, improper disposal, or leaks from storage tanks. Additionally, the Site history included multiple fires. These fires may have resulted in the release of ash, char, and potentially hazardous combustion byproducts, such as polyaromatic hydrocarbons, dioxins and metals, which could be present in the Site soils warranting further investigation

**Supporting documentation**

[FINAL - Phase I ESA 1708 Harmon Street 31JAN2025.pdf](#)

[Phase I ESA Update.pdf](#)

[PHASE I ENVIRONMENTAL SITE ASSESSMENT.pdf](#)

[Geotracker Report.pdf](#)

[GeoTracker Map.pdf](#)

[EnviroStor Database Map.pdf](#)

**Are formal compliance steps or mitigation required?**

✓ Yes

No

**Endangered Species**

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i> ); particularly section 7 (16 USC 1536).	50 CFR Part 402

**1. Does the project involve any activities that have the potential to affect species or habitats?**

No, the project will have No Effect due to the nature of the activities involved in the project.

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

- ✓ Yes, the activities involved in the project have the potential to affect species and/or habitats.

**2. Are federally listed species or designated critical habitats present in the action area?**

- ✓ No, the project will have No Effect due to the absence of federally listed species and designated critical habitat

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below. Documentation may include letters from the Services, species lists from the Services’ websites, surveys or other documents and analysis showing that there are no species in the action area.

Yes, there are federally listed species or designated critical habitats present in the action area.

**Screen Summary****Compliance Determination**

This project will have No Effect on listed species because there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act. The property has not been identified as containing species identified as candidate sensitive, or special status in any local or regional plans, policies, or regulations by the U.S. Fish and Wildlife Service. The site is not a critical habitat. Therefore, no impact would occur. The project site and its vicinity are not part of any draft or adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan. The proposed project would not conflict with the provisions of any adopted conservation plan. Due to the urbanized nature of the area surrounding the project site and the lack of a major water body the project site does not support habitat for native resident or migratory species or contain native nurseries. The proposed project would not interfere with wildlife movement or impede the use of native wildlife nursery sites and no impact would occur. Project implementation will not impact wetland or riparian habitats as defined by the California Department of Fish & Wildlife or the United States Army Corps of Engineers. There are no areas of surface water (ponds, pits, lagoons), wetlands or riparian habitats within the property boundaries. The U.S. Fish and Wildlife was contacted for a list of Threatened and Endangered species that may occur within the boundary of the proposed project and/or may be affected by the proposed project. The list of species is attached. Site development will not result in impacts to listed federal wildlife species. Source: (22) (23)

**Supporting documentation**

[Wetlands Map.pdf](#)

[IPaC Explore Location resources.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Explosive and Flammable Hazards

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C

**1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?**

No

Yes

**2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?**

No

Yes

**3. Within 1 mile of the project site, are there any current or planned stationary aboveground storage containers that are covered by 24 CFR 51C? Containers that are NOT covered under the regulation include:**

- Containers 100 gallons or less in capacity, containing common liquid industrial fuels OR
- Containers of liquified petroleum gas (LPG) or propane with a water volume capacity of 1,000 gallons or less that meet the requirements of the 2017 or later version of National Fire Protection Association (NFPA) Code 58.

If all containers within the search area fit the above criteria, answer "No." For any other type of aboveground storage container within the search area that holds one of the flammable or explosive materials listed in Appendix I of 24 CFR part 51 subpart C, answer "Yes."

No

Yes

**4. Based on the analysis, is the proposed HUD-assisted project located at or beyond the required separation distance from all covered tanks?**

Yes

Based on the response, the review is in compliance with this section.

No

**Screen Summary**

**Compliance Determination**

There is a current or planned stationary aboveground storage container of concern within 1 mile of the project site. The Separation Distance from the project is acceptable. The project is in compliance with explosive and flammable hazard requirements. Source Documents: 16, 17, 26

**Supporting documentation**

[Overview Map of ASTs.pdf](#)

[Acceptable Separation Distance \(ASD\) Electronic Assessment Tool.pdf](#)

[EDR AST Report.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

No

**Farmlands Protection**

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	<a href="#">7 CFR Part 658</a>

**1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?**

Yes

No

If your project includes new construction, acquisition of undeveloped land or conversion, explain how you determined that agricultural land would not be converted:

The land is characterized by the United States Census Bureau as Urban. The site is fully developed.

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

**Screen Summary**

**Compliance Determination**

The site is characterized as an Urban Area by the United States Census Bureau. This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. Source Documents: (21), (27)

**Supporting documentation**

- [Tiger Web Map Alameda County.pdf](#)
- [Census Geocoder Harmon Street.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

No



## Floodplain Management

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires Federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988 * Executive Order 13690 * 42 USC 4001-4128 * 42 USC 5154a * only applies to screen 2047 and not 2046	24 CFR 55

**1. Does this project meet an exemption at 24 CFR 55.12 from compliance with HUD's floodplain management regulations in Part 55?**

Yes

(a) HUD-assisted activities described in 24 CFR 58.34 and 58.35(b).

(b) HUD-assisted activities described in 24 CFR 50.19, except as otherwise indicated in § 50.19.

(c) The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetland property, where a permanent covenant or comparable restriction is place on the property's continued use for flood control, wetland projection, open space, or park land, but only if:

(1) The property is cleared of all existing buildings and walled structures; and

(2) The property is cleared of related improvements except those which:

(i) Are directly related to flood control, wetland protection, open space, or park land (including playgrounds and recreation areas);

(ii) Do not modify existing wetland areas or involve fill, paving, or other ground disturbance beyond minimal trails or paths; and

(iii) Are designed to be compatible with the beneficial floodplain or wetland function of the property.

(d) An action involving a repossession, receivership, foreclosure, or similar acquisition of property to protect or enforce HUD's financial interests under previously approved loans, grants, mortgage insurance,

or other HUD assistance.

(e) Policy-level actions described at 24 CFR 50.16 that do not involve site-based decisions.

(f) A minor amendment to a previously approved action with no additional adverse impact on or from a floodplain or wetland.

(g) HUD's or the responsible entity's approval of a project site, an incidental portion of which is situated in the FFRMS floodplain (not including the floodway, LiMWA, or coastal high hazard area) but only if: (1) The proposed project site does not include any existing or proposed buildings or improvements that modify or occupy the FFRMS floodplain except de minimis improvements such as recreation areas and trails; and (2) the proposed project will not result in any new construction in or modifications of a wetland .

(h) Issuance or use of Housing Vouchers, or other forms of rental subsidy where HUD, the awarding community, or the public housing agency that administers the contract awards rental subsidies that are not project-based (i.e., do not involve site-specific subsidies).

(i) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities.

Describe:

No

**2. Does the project include a Critical Action? Examples of Critical Actions include projects involving hospitals, fire and police stations, nursing homes, hazardous chemical storage, storage of valuable records, and utility plants.**

Yes

Describe:

No

**3. Determine the extent of the FFRMS floodplain and provide mapping documentation in support of that determination**

The extent of the FFRMS floodplain can be determined using a Climate Informed Science Approach (CISA), 0.2 percent flood approach (0.2 PFA), or freeboard value approach (FVA). For projects in areas without available CISA data or without FEMA Flood Insurance Rate Maps (FIRMs), Flood Insurance Studies (FISs) or Advisory Base Flood Elevations (ABFEs), use the best available information<sup>1</sup> to determine flood elevation. Include documentation and an explanation of why this is the best available information<sup>2</sup> for the site. Note that newly constructed and substantially improved<sup>3</sup> structures must be elevated to the FFRMS floodplain regardless of the approach chosen to determine the floodplain.

Select one of the following three options:

CISA for non-critical actions. If using a local tool, data, or resources, ensure that the FFRMS elevation is higher than would have been determined using the 0.2 PFA or the FVA.

0.2-PFA. Where FEMA has defined the 0.2-percent-annual-chance floodplain, the FFRMS floodplain is the area that FEMA has designated as within the 0.2-percent-annual-chance floodplain.

- ✓ FVA. If neither CISA nor 0.2-PFA is available, for non-critical actions, the FFRMS floodplain is the area that results from adding two feet to the base flood elevation as established by the effective FIRM or FIS or — if available — a FEMA-provided preliminary or pending FIRM or FIS or advisory base flood elevations, whether regulatory or informational in nature. However, an interim or preliminary FEMA map cannot be used if it is lower than the current FIRM or FIS.

<sup>1</sup> Sources which merit investigation include the files and studies of other federal agencies, such as the U. S. Army Corps of Engineers, the Tennessee Valley Authority, the Soil Conservation Service and the U. S. Geological Survey. These agencies have prepared flood hazard studies for several thousand localities and, through their technical assistance programs, hydrologic studies, soil surveys, and other investigations have collected or developed other floodplain information for numerous sites and areas. States and communities are also sources of information on past flood 'experiences within their boundaries and are particularly knowledgeable about areas subject to high-risk flood hazards such as alluvial fans, high velocity flows, mudflows and mudslides, ice jams, subsidence and liquefaction.

<sup>2</sup> If you are using best available information, select the FVA option below and provide supporting documentation in the screen summary. Contact your [local environmental officer](#) with additional compliance questions.

<sup>3</sup> Substantial improvement means any repair or improvement of a structure which costs at least 50 percent of the market value of the structure before repair or improvement or results in an increase of more than 20 percent of the number of dwelling units. The full definition can be found at [24 CFR 55.2\(b\)\(12\)](#).

5. Does your project occur in the FFRMS floodplain?

Yes

✓ No

**Screen Summary**

**Compliance Determination**

This project does not occur in the FFRMS floodplain. The project is in compliance with Executive Orders 11988 and 13690.

**Supporting documentation**

[Flood map\\_FIRMETTE\\_Ephesian Legacy Court\\_1708 Harmon Street\(2\).pdf](#)

[Flood map\\_Alameda County\(1\).pdf](#)

[Flood Insurance Study\(1\).pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Historic Preservation

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	36 CFR 800 "Protection of Historic Properties" <a href="https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf">https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf</a>

### Threshold

#### Is Section 106 review required for your project?

No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA ). (See the PA Database to find applicable PAs.)

No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

- ✓ Yes, because the project includes activities with potential to cause effects (direct or indirect).

### Step 1 – Initiate Consultation

#### Select all consulting parties below (check all that apply):

- ✓ State Historic Preservation Offer (SHPO) Completed
- ✓ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)
  - ✓ Amah Mutsun Tribal Band Mission San Juan Bautista Completed
  - ✓ California Valley Miwok Tribe Completed

✓ Costanoan Rumsen Carmel Band	Completed
✓ Guidiville Indian Rancheria	Completed
✓ Indian Canyon Mutsen Band of Costanoan	Completed
✓ Muwekma Ohlone Indian Tribe of the SF Bay Area	Completed
✓ Northern Valley Yokuts Tribe	Completed
✓ The Confederated Tribes of Lisjan Nation	Completed
✓ The Ohlone Indian Tribe	Completed
✓ Wuksachi Indian Tribe/Eshom Valley Band	Completed

#### Other Consulting Parties

#### **Describe the process of selecting consulting parties and initiating consultation here:**

Project sponsor contacted California Native American Heritage Commission for a list of tribal contacts and then sent a letter to each of those tribal contacts. Two tribes responded of which one responded with mitigation measures to be included in the EA.

Document and upload all correspondence, notices and notes (including comments and objections received below).

#### **Was the Section 106 Lender Delegation Memo used for Section 106 consultation?**

Yes

No

#### ***Step 2 – Identify and Evaluate Historic Properties***

##### **1. Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below:**

See attached list of addresses, there were no historic properties within the APE , however there may be archeological resorces within the APE.

**In the chart below, list historic properties identified and evaluated in the APE. Every historic property that may be affected by the project should be included in the chart.**

Upload the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination

below.

Address / Location / District	National Register Status	SHPO Concurrence	Sensitive Information
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**Additional Notes:**

**2. Was a survey of historic buildings and/or archeological sites done as part of the project?**

✓ Yes

Document and upload surveys and report(s) below.

For Archeological surveys, refer to HP Fact Sheet #6, Guidance on Archeological Investigations in HUD Projects.

Additional Notes:

No

***Step 3 –Assess Effects of the Project on Historic Properties***

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. (36 CFR 800.5)] Consider direct and indirect effects as applicable as per guidance on direct and indirect effects.

**Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.**

No Historic Properties Affected

✓ No Adverse Effect

Based on the response, the review is in compliance with this section.

**Document reason for finding:**

Based on Section 106 consultation, there are No Historic Properties Affected because the project will have no effect on the historic properties that are present. The project is in compliance with Section 106. Source Document: 64

**Does the No Adverse Effect finding contain conditions?**

- Yes (check all that apply)
- No

Based on the response, the review is in compliance with this section. Document and upload concurrence(s) or objection(s) below.

Adverse Effect

**Screen Summary**

**Compliance Determination**

Based on Section 106 consultation the project will have No Adverse Effect on historic properties. Conditions: None. Upon satisfactory implementation of the conditions, which should be monitored, the project is in compliance with Section 106. With the mitigation measures associated with cultural resources received from the tribal agency and included in the mitigation section of this EA, the project will not have an adverse effect.

**Supporting documentation**

[SLF Yes Ephesian Legacy Court Project.pdf](#)  
[More Native America sUGGESTIONS.pdf](#)  
[Standard Mitigation Measures for the Confederated Villages of Lisjan Nation 2\(1\).pdf](#)  
[Standard Mitigation Measures for the Confederated Villages of Lisjan Nation 2.pdf](#)  
[Ephesian Legacy Court SHPO Package.pdf](#)  
[ALTA2024 124 Ephesian Legacy Court HRER.pdf](#)  
[50B51BEphesian Legacy Court Project.pdf](#)  
[Ephesian Letters to Native American Tribes.pdf](#)  
[2024 LPC Staff Report Ephesian.pdf](#)  
[SHPO Letter Recd Ephesian Legacy Court Project Berkeley.pdf](#)

[Pages from ALTA2024-124 Ephesian Legacy Court HRER 7\\_1\\_24 a.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

No

## Noise Abatement and Control

General requirements	Legislation	Regulation
HUD's noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972  General Services Administration Federal Management Circular 75-2: "Compatible Land Uses at Federal Airfields"	Title 24 CFR 51 Subpart B

**1. What activities does your project involve? Check all that apply:**

- New construction for residential use

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.

Rehabilitation of an existing residential property

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster  
None of the above

**4. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000' from a major road, 3000' from a railroad, or 15 miles from an airport).**

**Indicate the findings of the Preliminary Screening below:**

There are no noise generators found within the threshold distances above.

- ✓ Noise generators were found within the threshold distances.

5. **Complete the Preliminary Screening to identify potential noise generators in the**

- ✓ Acceptable: (65 decibels or less; the ceiling may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Indicate noise level here: 55

Based on the response, the review is in compliance with this section. Document and upload noise analysis, including noise level and data used to complete the analysis below.

Normally Unacceptable: (Above 65 decibels but not exceeding 75 decibels; the floor may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Unacceptable: (Above 75 decibels)

HUD strongly encourages conversion of noise-exposed sites to land uses compatible with high noise levels.

Check here to affirm that you have considered converting this property to a non-residential use compatible with high noise levels.

Indicate noise level here: 55

Document and upload noise analysis, including noise level and data used to complete the analysis below.

### **Screen Summary**

#### **Compliance Determination**

A Noise Assessment was conducted. The noise level was acceptable: 55.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation. HUD-supported projects located in an area with a day-night average sound level of 65 db or below are acceptable for development in accordance with HUD standards. (see Standards in 24 CFR Part 51.103). HUD has set an interior noise goal of 45 db or below for HUD-assisted projects. Bay Desert, Inc. used the HUD Day/Night Noise Level Calculator, an electronic assessment tool, to calculate the Ambient Day/Night Noise

Level (DNL) from roadway and railway traffic. The site is located on a local street (Harmon) which has minor levels of traffic. It lies 275 feet north of Alcatraz Avenue which is classified by the City of Berkeley as a major arterial road. The average daily traffic volume for the relevant section of Alcatraz Avenue is 15,066. Trucks over 7 tons are prohibited from using Alcatraz Avenue. The assessed noise level measured 55.0 dB and is acceptable under HUD standards. Compliance with State and local building standards will ensure that the interior noise level will be below 45 decibels and meet the HUD goal. See noise analysis. The project is in compliance with HUD's Noise regulation. The project would increase the density of residential uses on the project site resulting in an incremental increase in traffic volumes. The project would also generate short-term noise during construction. Operations will not generate noise levels that would be adverse in terms of existing or future noise levels in the area. Operational noise generated by the proposed project would mostly be related to vehicles traveling to and from the site and the project rooftop heating, ventilation, and air conditioning (HVAC) equipment. Future noise levels in the project vicinity are anticipated to be mostly from local transportation related noise sources. Traffic noise and construction noise including vibration are discussed in the Hazards section of this EA. Source Document(s): (9) (29) (30) (31) (32)

**Supporting documentation**

[TrafficVolumeMajor\\_Collector.pdf](#)  
[DNL Calculator - HUD Exchange.pdf](#)  
[Distance to Alcatraz Avenue Map.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Sole Source Aquifers

General requirements	Legislation	Regulation
<b>The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.</b>	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)	40 CFR Part 149

1. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

Yes

No

2. Is the project located on a sole source aquifer (SSA)?

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

No

Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

Yes

### Screen Summary

#### **Compliance Determination**

The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. The project site is 55 miles northeast of the nearest Sole Source Aquifer. Source Document: (33)

**Supporting documentation**

[EPA Sole Source Aquifer Map.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

No

**Wetlands Protection**

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service’s National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.

**1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building’s footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order**

No

Yes

**2. Will the new construction or other ground disturbance impact an on- or off-site wetland? The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.**

**"Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands."**

No, a wetland will not be impacted in terms of E.O. 11990’s definition of new construction.

Based on the response, the review is in compliance with this section. Document and upload a map or any other relevant documentation below which explains your determination

Yes, there is a wetland that be impacted in terms of E.O. 11990’s definition of new construction.

**Screen Summary  
Compliance Determination**

The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. Source Document: (34)

**Supporting documentation**

[Wetlands Map\(1\).pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

No

## Wild and Scenic Rivers Act

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297

### 1. Is your project within proximity of a NWSRS river?

No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

### Screen Summary

#### **Compliance Determination**

This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. The project site is approximately 75 miles southwest of the nearest river designated as wild or scenic by the National Park System. Source Document: (35)

#### **Supporting documentation**

[Distance to American River.pdf](#)

[California Rivers.pdf](#)

#### **Are formal compliance steps or mitigation required?**

Yes

No

**Environmental Justice**

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

**HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.**

**1. Were any adverse environmental impacts identified in any other compliance review portion of this project’s total environmental review?**

Yes

No

**2. Were these adverse environmental impacts disproportionately high for low-income and/or minority communities?**

Yes

No

**Explain:**

Mitigations are required for the Clean Air, Hazards, and Wildlife Factors. The impacts to be mitigated arose from construction activities and are temporary and universally shared by the population as a whole and do not disproportionately affect minority or low-income communities.

Based on the response, the review is in compliance with this section. Document and upload any supporting documentation below.

**Screen Summary**

**Compliance Determination**

Adverse environmental impacts are not disproportionately high for low-income and/or minority communities. The project is in compliance with Executive Order

12898. An environmental justice population is considered to be a local community with a higher representation of people either below the poverty line or with a higher representation of ethnic minorities compared to a reference population, which is often the population of the local jurisdiction performing the review. For the purpose of this analysis, the local population is considered to be the future residents of the project site, while the regional population is the represented by the City of Berkeley as a whole. In order to assess the most current status of the project site, the following data is based on 2020 Census information. The 2020 United States Census reported that Berkeley had a population of 122,580. The racial makeup of Berkeley was 53.3% White, 14.05% African American, 7.01% Native American, 20.033% Asian, 1.06% Pacific Islander, 6.03% from other races, and 1.3% from two or more races. Hispanic or Latino of any race comprised 10.8% of the population. According to the CalEnviroScreen the area is not a disadvantaged community that is burdened by adverse effects from pollution. CalEnviroScreen evaluates the burden of pollution from multiple sources in communities while accounting for potential vulnerability from the adverse effects of pollution. CalEnviroScreen ranks census tracts in California based on potential exposures to pollutants, adverse environmental conditions, socioeconomic factors, and prevalence of certain health conditions. Data used in the CalEnviroScreen model comes from national and state sources. Because the project would introduce an environmental justice population to the area through the development of affordable housing, this analysis further considered project impacts and their potential to disproportionately affect the project's residents. The project will not raise environmental justice issues and has no potential for new or continued disproportionately high and adverse human health and environmental effects on minority or low-income populations. The project is suitable for its proposed use. Source Document(s): (3) (36)

**Supporting documentation****Are formal compliance steps or mitigation required?**

Yes

 No