

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

**Project Information**

**Project Name:** North-Berkeley-EBALDC-Affordable-Housing-Project

**HEROS Number:** 900000010471013

**Start Date:** 05/15/2025

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

**RE Preparer:** Jiro Arase

**State / Local Identifier:**

**Certifying Officer:** Scott Gilman

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

**Point of Contact:** James Williams

**Consultant (if applicable):** ETFenvironmental

**Point of Contact:** Eugene Thomas 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:** , Berkeley, CA 94702

**Additional Location Information:**

Located in the northwest part of Berkeley the Project site ("Site") is situated in the southeast corner of the North Berkeley BART Station which is currently used as a parking lot for BART customers. The Site is identified as APN 58-2148-17-4 or 1429 Delaware Street.

**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]:**

East Bay Asian Local Development Corporation ("EBALDC") is proposing the construction of a sixty unit mixed-use affordable residential structure ("Project") as a component of the North Berkeley BART Transit Oriented Development at the North Berkeley BART Station main parking lot in Berkeley, California ("Development"). The Project will be located at the northwest corner of Sacramento and Delaware Streets and will have a footprint of 0.34 acres. The Project will be comprised of fifteen residential units for extremely low-income households and forty-five residential units for low-income households on the second through sixth floors. The unit breakdown consists of seventeen studio apartments, thirteen one-bedroom units, fifteen two-bedroom units, and fifteen three-bedroom units. The ground floor will hold 819 square feet of commercial space for offices, retail space, community rooms, laundry, bike storage and ser-vice areas. The footprint of the six-story building will be 10,197 square feet, reaching seventy-one feet in height for a total of 61,024 square feet. A total of sixty-five bicycle parking spaces, including four short-term spaces, sixty long-term spaces and one commercial space will be available for use. Parking for automobiles will not be provided. The Project includes 2,538 square feet of private open space which will be accessible to building occupants per the Berkeley Municipal Code s.23.304.090(B)(1). The Project is a component of the larger Development which will eventually create a transit-oriented development of mixed-use buildings, multi-family residential buildings and a garage structure on the parking lots surrounding North Berkeley BART Station. Thirteen buildings are proposed across the full site ranging in height from 3 to 8 stories, fifty percent of the residential structures will be dedicated to very-low and low-income households. The Development will include a connection to the Ohlone Greenway, 6,000 square feet of community-serving ground floor uses, community-serving outdoor uses, street and public realm upgrades, and over 45,000 square feet of publicly accessible open space. The Project

will be subject to and required to comply with local permit conditions as required by the City of Berkeley.

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

Developing adequate housing is a significant challenge in the San Francisco Bay Area due to scarce supply, rising population and escalating costs. The need for affordable housing is especially acute. Berkeley's (City) population has grown by 9 percent since 2010 to 122,580 people. The Association of Bay Area Governments (ABAG) projects that the City's population will grow 15% by 2040, to 140,935, which is an additional 18,355 people for whom housing will be needed. The California Department of Housing and Community Development (HCD) and ABAG have identified the total housing need for the San Francisco Bay Area for the eight-year period from 2023 to 2031 and have allocated the need among Bay Area jurisdictions. The Regional Housing Needs Allocation (RHNA) for the City of Berkeley is 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 Final RHNA for Berkeley apportioned among Income Categories is 2,446 (27%) for Very Low-Income persons (<50% of AMI); 1,408 (16%) for Low Income (50-80% of AMI); 1,416 (16%) for Moderate Income (80-120% of AMI); 3,664 (41%) Above Moderate Income (>120% of AMI). Persons eligible for affordable housing 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 EBALDC Project at the North Berkeley BART Station. Source Document(s): (2) (3)

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

The Site is paved and has limited associated vegetation. It slopes approximately 1 to 6 percent to the west and is at an elevation of 107 feet above sea level. The surrounding neighborhood is residential and contains a softball field east of the Site across Sacramento Street. The BART Station, which is to become the North Berkeley Transit Oriented Development, is approximately eight acres in area and is occupied by a BART electrical substation and associated parking lot areas surrounding the entrance to the subgrade BART station. The Site is situated in ZIP Code Tabulation Area (ZCTA) ZCTA5 94702 and is identified as Census Tract 4222 - Alameda County. The ZCTA has an estimated population of 17,637 in 2023, the median age is 40.9 years old, and 17.8 percent of the population is older than 65. The employment rate is 63.3 percent. Median household income is \$99,135; 11.9 percent of the population lives

below the poverty line. 65.5 percent of the population has a bachelor's degree. People with disabilities comprise 13.7 percent of the population and 2.2 percent have no insurance. The 7,419 households in the tabulation area occupy 8,202 housing units; of which, 48.9 percent are owner occupied. The median rent is \$1,974. 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. Source Document(s): (4) (5) (6)

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

[Project Site Map.jpg](#)

[Vicinity Map2.pdf](#)

[1462 Delaware St - Google Maps.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:**

[NBB\\_EBALDC\\_EA\\_SignaturePage.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	\$4,130,000.00

**Estimated Total HUD Funded, Assisted or Insured Amount:** \$4,130,000.00

**Estimated Total Project Cost [24 CFR 58.2 (a) (5)]:** \$70,490,000.00

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

<b>Compliance Factors:</b> 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 nearest public airport is Oakland International Airport, approximately 12 miles south of the Project Site. The Project Site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport; nor is it located in an airport land use plan area; it 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 (CNEL) airport noise contours of Oakland International Airport. The project complies with Airport Hazards requirements. Source Document(s): (7) (8)
<b>Coastal Barrier Resources Act</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act. Source Document(s): (9)
<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]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements. The project does not involve property acquisition, land

		<p>management, construction, or improvement within a 100-year floodplain (Zones A or V) or 500-year floodplain (Zone B) identified on a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM). The project is not located in a Flood Zone. The area is a Flood Hazard Area Designation X: Areas outside the 1-percent annual chance floodplain, areas of 1% annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1% annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. FIRM Map Parcel Number 06001C0056H effective date December 21, 2018. Flood insurance is not required. Source Document(s): (10)</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: Carbon monoxide, Ozone, Particulate Matter, &lt;2.5 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. Source Document(s): (11) (12) (13) (14) (15)</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>This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act. The project is 7,400 feet east of the Coastal Area. Neither a consistency determination nor</p>

		a Coastal Development Permit is required. Source Document(s): (16)
<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. There may be a layer of fill up to 35 feet thick directly adjacent to the BART tunnels transversing the subsurface of the Development Site. Depending on the angle of the slope cut, undocumented fill may be present within the footprint of the Site. 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. Mitigations Required: Tox-1, Tox-2, Tox-3 Source Document(s): (17), (18)</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 due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act. The Site and the surrounding area are highly urbanized; no water bodies are present or nearby. Development of the proposed project would be in an existing urbanized area and would not include construction in an environmentally sensitive area and would not differ substantially from the existing urban development in the general vicinity of the Site. Species of Concern: The United States Fish and Wildlife Service's Information for Planning and Consultation (IPaC)</p>

		<p>website was accessed for a listing of Endangered and Threatened Species and Critical Habitats in the affected area of the project. No Critical Habitats are present in the affected area. The species of mammals, birds, reptiles, amphibians, insects, and flowering plants were identified that could potentially be affected by activities in the project area are listed in the attached IPaC Resource List. Critical Habitats: There are no critical habitats within the project area. Nor does the project area overlap any critical habitat. The site has no watercourses, ponds, or other habitat for fish to be present on-site. Project Impacts: The habitats within and surrounding the project site can be classified as Urban/Developed. This habitat type is characterized as areas that have been constructed upon or otherwise physically altered to an extent that natural vegetation is no longer supported and retains little or no soil substrate. Developed land is characterized by permanent or semi-permanent structures, pavement, or hardscape, and landscaped areas that often require irrigation. Due to the developed state of the project site and the lack of suitable habitat, the species identified in the IPaC Resource List do not have potential to occur on site, no special-status plants are expected to occur as well due to the lack of natural vegetation communities and lack of suitable substrate. Source Document(s): (15) (19)</p>
<p><b>Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C</b></p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>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</p>

		<p>flammable hazard requirements. The EDR database report did not identify ASTs at the subject property and Langan did not observe ASTs at the subject property. The EDR database report identified seven properties containing an AST within a one-mile radius of the subject property. See attached List of AST for volume, location, distance, and ASDs. The AST closest to the Site is 3,484 feet distant. The ASD Calculator measured the acceptable blast pressure value for people to be 310 feet and for buildings to be 57 feet. All the tanks are much further distant than these tanks with calculated values. Based on their distance from the Site, tanks with unknown volumes would need to have a capacity in excess of 375,000 gallons to be within an unacceptable distance of the Site. Source Document(s): (17) (22)</p>
<p><b>Farmlands Protection</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Prime farmland is land best suited for producing food, forage, fiber, and oilseed crops as well as available for uses such as cropland, pastureland, rangeland, forest land, or other land but not urban built-up land or water. According to the United States Census TigerWeb map and the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP), the Site is listed as Urban and Built-Up Land. The Site is located in an urban area, no longer suitable for or identified as farmland. The Project will not affect farmlands. No federally designated Farmlands have been identified within the project area. The Project will not result in any impacts related to the conversion of farmland into non-agricultural use. Source Document(s): (23)</p>

<p><b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project does not occur in the FFRMS floodplain. The project is in compliance with Executive Orders 11988 and 13690. The project does not involve property acquisition, land management, construction, or improvement within a 100-year floodplain (Zones A or V) or 500-year floodplain (Zone B) identified on a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM). The project is not located in a Flood Zone. The area is a Flood Hazard Area Designation X: Areas outside the 1-percent annual chance floodplain, areas of 1% annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1% annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. FIRM Map Parcel Number 06001C0056H effective date December 21, 2018. Source Document(s): (10) (24)</p>
<p><b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>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. The Cultural Resources Survey Report prepared by Environmental Science Associates (ESA) documents the methods and results of a cultural resources inventory completed for the Project. The report assessed the presence of historical resources, both archeological and architectural, within the APE and their condition and eligibility for inclusion in the National Register of Historic Places. Work performed by ESA included archival</p>

		<p>research, consisting of a records search at the Northwest Information Center (NWIC) at Sonoma State University in Rohnert Park, California; a review of historic-period literature, historic maps and aerial photography of the APE; an intensive-level pedestrian survey; and evaluation of existing buildings in the APE. The Cultural Resources Survey Report presents brief architectural descriptions, construction chronologies, and summaries of archival research for the age-eligible properties in the APE that meet the 45-year age threshold required for consideration of eligibility for listing in the National Register. Additional and expanded historical information for each property in the APE is presented in the DPR 523 forms included in the attached documentation. While the age-eligible buildings in the APE reflect the historically residential character of the neighborhood, they do not--either individually or collectively--represent a unique, rare, or particularly influential example of this urban development trend. The subject buildings were constructed during the period 1900s-1960s, the BART station opened in 1973, and the segment of Ohlone Park in the APE was developed in 1979-80. The properties in the APE do not possess a significant concentration, linkage, or continuity of buildings and/or sites united historically or aesthetically. Therefore, as per the Report, the group of age-eligible subject properties are recommended as ineligible for listing on the National Register as a historic district under any criteria. Based on the analysis showing no age-eligible architectural resources located within the APE that are recommended as eligible for listing in the National</p>
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		<p>Register, a finding of No Historic Properties Affected is recommended for the Project. Archaeological Resources: The results of the records search indicate that no pre- contact or historic-era archaeological resources have been previously recorded in the APE. One previously recorded pre-contact archaeological resource has been recorded within 0.25 miles of the APE. The vague and unreliable description of the artifacts, and the lack of definitive evidence as to where they originated suggests the site record should not be cited as evidence of an archaeological resource present in the vicinity of the APE. Furthermore, the resource as recorded does not lie within the APE and would not be impacted by the project. Therefore, no actions are required of the project for the treatment of this purported resource. Source Document(s): (56) (57) (58) (59) (60) (61) (62)</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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>A Noise Assessment was conducted. The noise level was normally unacceptable: 66.0 db. See noise analysis. The three principal sources of noise that should be considered are airports within fifteen miles, railroads within 3,000 feet and major roadways within 1,000 feet of the project site. The Site 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 Site is located several miles outside the 60 dBA and 65 dBA Community Noise Equivalent Level (CNEL) airport noise contours for the Oakland airport. The project area is exposed to noise from vehicles traveling on Sacramento and Delaware Streets. Traffic volumes on these roadways were estimated to be 23,000 and 5,400</p>

		<p>respectively post build out of the Development. ETfenvironmental calculated the Combined DNL for all road sources to be 66 dBA which is in the "normally unacceptable" noise zone. HUD approval of projects in the normally unacceptable range requires noise mitigation, usually in the form of building designs that provide more than typical noise attenuation to reach an interior noise level of an Ldn or CNEL of 45 dBA. This is consistent with California state noise insulation standards for multifamily development. The Project is subject to special review and approval review of sound attenuation measures as listed in the Conditions of Approval. For development in Normally Unacceptable Noise Zones HUD regulations require a minimum of 5 decibels additional sound attenuation for buildings that have noise-sensitive uses if the Ldn is greater than 65 dBA but does not exceed 70 dBA. The project is in compliance with mitigation. Mitigations Required: N-1 Source Document(s): (26) (27) (28)</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 is not served by a U.S. EPA designated sole-source aquifer, is not located within a sole source aquifer watershed, and would not affect a sole-source aquifer. The nearest Sole Source Aquifer is 52 miles southwest of the Site (Santa Margarita Aquifer in Scottes Valley). Source Document(s): (29)</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. The project site is located in an urbanized area and has been developed</p>

		<p>for urban uses prior to 1960. The surrounding area is also highly developed with commercial, institutional and residential uses. No federally protected wetlands, including but not limited to marsh, vernal pools or coastal wetlands, are known to exist within project site boundary or the immediate vicinity. No consultations are required. As such, the project does not impact on- or off-site wetlands and is in compliance with Executive Order 11990. Source Document(s): (20) (21)</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. No wild and scenic rivers are located near the Site. The nearest Designated Wild and Scenic River, Study Wild and Scenic River or Nationwide Rivers Inventory River (NRI) is the American (lower) River. This river segment is over 65 miles away from the Site. Source Document(s): (30) (31)</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>The Site is situated in ZIP Code Tabulation Area (ZTCA) ZCTA 94702 and is identified as Census Tract 4222 - Alameda County. The ZCTA has an estimated population of 17,637 in 2023, the median age is 40.9 years old, and 17.8 percent of the population is older than 65. The employment rate is 63.3 percent. Median household income is \$99,135; 11.9 percent of the population lives below the poverty line. 65.5 percent of the population has a bachelor's degree. People with disabilities comprise 13.7 percent of the population and 2.2 percent have no insurance. The 7,419 households in the tabulation area occupy 8,202 housing</p>

		<p>units; of which, 48.9 percent are owner occupied. The median rent is \$1,974. As the Project is located in a majority white community and 11.9% of the population of the Tract live in poverty, it is not considered an environmental justice community. However, the residents of the project will be an environmental justice community due to their low-income status. Due to this characterization environmental effects that require mitigation were evaluated to determine if the impacts disproportionately affected minority or low-income populations. The evaluation shows that impacts would be shared by neighboring non-environmental justice populations and the effects are not disproportionately borne by minority or low-income communities. Furthermore, all impacts can be mitigated and there will be no adverse effect to residents. The Project Sponsor conducted a robust program of outreach to the community, including Neighborhood Councils, Community Based Organizations, elected officials, affected agencies and members of the public. Source Document(s): (4) (5)</p>
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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.

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
<b>LAND DEVELOPMENT</b>			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	<p>In June 2022, the Berkeley City Council adopted Chapter 23.202.150 of the Zoning Ordinance, adding a "Residential - BART Mixed Use" (R-BMU) zoning district to govern development at the North Berkeley and Ashby BART stations. Development standards in the R-BMU district include a maximum building height of 80 feet and 7 stories, a residential minimum density of 75 dwelling units per acre. The district does not require parking and has a parking maximum of 0.5 spaces per dwelling unit and 1.5 spaces per 1,000 square feet of non-residential space. Bicycle parking is required at a minimum of one space per unit. A minimum of 40 square feet of private usable open space and 35 square feet of public space is required per dwelling unit. The Project is consistent with these standards. The Land Use Element of the Berkeley General Plan was amended to include the Ashby and North Berkeley BART Mixed Use Transit Oriented Development General Plan Land Use Classification text and map amendments. The amendments emphasize the</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>development of affordable housing through revised building standards, encouragement of mixed-use developments. Permitted uses under the amendments include residential, commercial, and mixed-use developments. The Project Site is consistent with these purposes. The project has a proposed density of 176 units per acre and will not include parking. Policy LU-25 encourages development of affordable housing in transit-oriented locations. The project is 100 percent affordable and is within the grounds of the North Berkeley BART station. The Project furthers General Plan goals by introducing a wholly affordable housing development combined with community uses in a transit rich area. In December 2023, the Berkeley City Council adopted the North Berkeley BART Station Area Objective Design Standards (ODS). BART, the City and the Development Sponsor worked closely with a Council-appointed Community Advisory Group, meeting five times to develop standards that address affordable housing, land use, station access,</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>building form, and new public spaces. Development of the ODS included significant community input. The ODS are based on an analysis of the policy framework and site specific conditions including existing street and building types, neighborhood conditions, and City and BART requirements regarding station operation, access, and safety. The ODS aim to balance the Joint Vision and Priorities (JVP), zoning, the MOA, and community input. The ODS provide mechanisms that guarantee that the project design incorporates essential features and elements that are consistent with the JVP and balance priorities to "maximize the number of new homes" and "consider the scale and character of the surrounding built environment." The ODS include standards relating to: *Public Realm. Standards for the public realm relate to internal circulation and the design of streetscapes surrounding site. The primary focus is to provide ample and suitable pedestrian, bicycle, transit, and vehicular access to the site while ensuring a high-quality public realm and</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>attractive streetscapes. *Building Design. The ODS provide standards for building height, massing and articulation, and selected design elements. Implementation of the ODS will balance the size and mass of the building with the surrounding neighborhood. The Project will be a six-story (71 feet), 61,024 square foot mixed-use residential building on a 14,769 square foot parcel. The Project's design has a visual and physical connection with the neighborhood through its architectural design and scale. The building steps down in height around the perimeter on Sacramento and Delaware Streets in order to blend in with the neighborhood. The Project will be consistent with Berkeley's long-range goals and policies as articulated in the General Plan, permitted uses as set forth in the Zoning Ordinance and the design standards as described in the ODS. Source Document(s): (1) (3) (15) (32) (33) (34)</p>	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	3	Project development is geotechnically feasible provided recommendations in the Geotechnical Survey are implemented. Primary	Soils 1. A site-specific geotechnical investigation is required for proposed development to identify the degree of potential hazards,

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>geotechnical concerns are the presence of the BART tunnels; potential presence of expansive soils; of relatively shallow groundwater; of potentially liquefiable soil within the BART back-fill zone; adequate foundation support and settlement for the proposed structures and improvements. There may be a layer of undocumented fill up to 35 feet thick directly adjacent to the BART tunnels which transverse the Project Site. The condition of the fill is unknown and details regarding compaction are not available. Average slopes ranging from one to six percent negate the potential for landslides and slope instability. Groundwater was encountered at depths of about 5.5 to 14.5 feet bgs. Seasonal fluctuations in the ground-water levels can be expected during periods of heavy rainfall. A design groundwater level corresponding to a depth of 4 feet is appropriate for the site. Ground-disturbing activities require a grading permit, compliance with which minimizes erosion. The permit requires construction practices that</p>	<p>design parameters for development based on the hazard and describe appropriate design measures to address hazards. The geotechnical studies should include recommendations for foundation design, as well as soil improvement techniques, which will mitigate these unstable soils. The project can be developed as planned from a geotechnical standpoint provided the recommendations made in the Geotechnical Study are implemented. Project Developer is required to submit the results of the site-specific geotechnical investigation and the final engineering and design plans to the City of Berkeley Department of Planning and Development - Building and Safety Division prior to issuance of a grading permit. The final plans must demonstrate adherence to the BART General Guidelines for Design and Construction Over or Adjacent to BART's Subway Structures, including not imposing any permanent or temporary loads on the BART subway and requiring shoring in the zone of influence to maintain at-rest soil condition and be monitored for movement.</p>

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		<p>include measures to protect exposed soils. Once construction is complete and exposed areas are revegetated or covered by buildings, asphalt, or concrete, the erosion hazard is substantially eliminated. Drainage/Storm Water Runoff: Discharges from the City of Berkeley's stormwater system are regulated under a National Pollutant Discharge Elimination System permit. The City requires all construction projects to employ appropriate best management practices during construction and throughout the life of the development, and to incorporate permanent stormwater quality controls as appropriate. Items which must be implemented in order to meet the requirements of the National Pollutant Discharge Elimination System permit and BMC Chapter 17.20 are listed in the Approval Letter for 1750 Sacramento Street PLN 2024-0010 Paragraph 66 of Attachment 1 and in the Standard Conditions of Approval for all Land Subdivisions, New Condominiums and Commercial Condominiums Conversions within the City</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>of Berkeley. The project sponsor is required to comply with the applicable storm water requirements, which would either be the requirements of the City's C.3 permit or BART's Phase II MS4 permit in effect at the time of entitlement approval. Construction must comply with the Statewide general permit requiring owner to (1) notify the State; (2) prepare and implement a Stormwater Pollution Prevention Plan; and (3) monitor the effectiveness of the plan. Stormwater management will be designed to comply with the requirements of provision C.3 in the San Francisco Bay Region Municipal Regional Stormwater Permit. Drainage management areas (DMA) associated with the building include 14,769 square feet total DMA with 10,992 square feet in roof area. Rooftops and some at-grade impervious hardscape within the DMA will be routed to adjacent low impact development treatment facilities. Treatment facilities will be designed according to the guidance in the "Alameda County C.3 Stormwater Technical Guidance". All</p>	

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		<p>facilities shall be sized by the "4 percent method" or larger. All bioretention planters will be designed as flow-through facilities with an impermeable liner and underdrain due to constraints of the in-situ soil. At-grade areas will be managed as "self-retaining" with impervious hardscape runoff routed onto adjacent landscaped areas or permeable pavement. This includes a 3-inch ponding depth in landscaped areas, adequate storage in permeable concrete gravel base layers, and a maximum run-off ratio of 2:1 impervious area to receiving pervious area. Design and construction of the project will also address the BART Facilities Standards Design Criteria, Structural, Design and Construction Near Existing BART Structures and Geo-Structures R3.2 Source Document(s): (1) (35) (36) (37)</p>	
<p>Hazards and Nuisances including Site Safety and Site-Generated Noise</p>	<p>3</p>	<p>The Site is not within a state-designated seismic hazard zone. It is in a seismically active region. Moderate to large earthquakes should be anticipated during the service life of the Project likely subjecting it to strong to violent shaking during a</p>	<p>Hazards 1. Development of the Project would be required to conform to the current seismic design provisions of the most current version of the California Building Code (CBC), to provide for the latest in earthquake safety and minimize losses from an earthquake. With implementation of</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>major earthquake.</p> <p>Liquefaction and Associated Hazards: Strong shaking can result in ground failures such as those associated with soil liquefaction, lateral spreading, and seismic densification. Some layers of sand present could liquefy during a major earthquake and experience liquefaction-induced settlement. Considering the depth, discontinuity, and relative density of these layers, it is unlikely that these layers will pose a bearing capacity concern for foundations of the proposed buildings. The estimates of liquefaction were developed from the borings that were advanced prior to the construction of BART; therefore, the estimates pertain to the soil outside the likely cut area that was backfilled with undocumented fill around the BART tunnels and station. The undocumented fill within the BART zone of backfill may have a higher potential for liquefaction and higher estimates of liquefaction-induced settlement. Liquefaction potential should be further explored during a design-level investigation for the Project. Seismic</p>	<p>these provisions the potential impacts from ground shaking would be minimized to the greatest extent feasible.</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>Densification: Seismic densification is unlikely. However, the seismic densification performance of the undocumented fill that was part of the BART excavation area is unknown at this time; this condition should be evaluated during the design-level investigation for the project. The risk of Lateral Spreading and Fault Rupture is low. Development of the Project would be required to conform to the current seismic design provisions of the current version of the California Building Code (CBC). Compliance with the CBC will minimize potential impacts from ground shaking to the extent feasible. Traffic Noise: The project would result in an incremental increase in traffic volume. The project is estimated to generate 326 daily vehicle trips. The project area is exposed to noise from vehicles traveling on Sacramento Street and to a lesser extent from Delaware Street. Existing traffic volumes on these roadways are 23,000 and 5,400 ADT, respectively. Typically, roadway traffic volumes must double to result in a noticeable (i.e., three dBA) noise increase.</p>	

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		<p>Existing roadway volumes in the project area would not increase to the extent necessary to result in a noticeable level (i.e., 3 dBA) with the addition of project-generated traffic.</p> <p>Operational Noise: Future noise levels in the project vicinity will result from local transportation related noise sources and operational noise generated by vehicles traveling to and from the site and the project's rooftop heating, ventilation, and air conditioning (HVAC) equipment. The location, type, and design of HVAC equipment must meet the City's exterior noise requirements in BMC Section 13.40.050.</p> <p>Construction Noise: The project would generate short-term noise during construction which is expected to take twelve months to complete. The project sponsor is required to develop a Construction Noise Reduction Program prepared by a qualified acoustic consultant, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction. Construction must comply with BMC s.13.40.070 and the</p>	

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		<p>requirements contained in the Conditions listed in Attachment 1 of the AB 2011 Zoning Certificate (PLN2024-0010). Because the duration of substantial noise generating activities is temporary and the project includes measures to reduce construction noise as required by the City of Berkeley, the construction noise impact is not considered adverse.</p> <p>Vibration: Short-term vibration noise would be generated during project construction. Compliance with paragraph 17 of the Conditions is required to mitigate this potential hazard. Source Document(s): (1) (15) (17) (35) (36) (37)</p>	
<b>SOCIOECONOMIC</b>			
Employment and Income Patterns	2	<p>The project is not anticipated to significantly affect employment opportunities as the primary use of the project site is residential with related services and amenities. 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 on the project will be accommodated by the</p>	

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		<p>existing employment pool. No adverse impacts are anticipated on employment and income within the project area from project development. Source Document(s): (4) (40) (47)</p>	
<p>Demographic Character Changes / Displacement</p>	<p>2</p>	<p>Demographics: The proposed project would not induce substantial population growth that would not otherwise have occurred. No impact is expected to result from the project, as it represents no significant change to the demographics of the area. The project by its definition is to provide affordable housing for approximately 60 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) 2020 Population projections in their 2013-2040 Regional Transportation Plan.</p> <p>Displacement: The Uniform Relocation Act, 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</p>	

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		<p>Uniform Relocation Act'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): (4) (5) (6) (39) (50)</p>	
Environmental Justice EA Factor	2	<p>As the Project is located in a majority white community and 11.9% of the population of the Tract live in poverty, the tract is not considered an environmental justice community. However, the project itself will be an environmental justice community due to the low-income status of the residents. Since the project will constitute an EJ community, environmental effects that require mitigation were evaluated to determine if the impacts disproportionately affected environmental justice populations. The impacts would be shared by neighboring non-environmental justice populations and will not disproportionately affect minority or low-income communities. The Site is situated in ZIP Code Tabulation Area (ZTCA) ZCTA 94702 and is identified as</p>	

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		<p>Census Tract 4222 - Alameda County. The ZCTA has an estimated population of 17,637 in 2023, the median age is 40.9 years old, and 17.8 percent of the population is older than 65. The employment rate is 63.3 percent. Median household income is \$99,135; 11.9 percent of the population lives below the poverty line. 65.5 percent of the population has a bachelor's degree. People with disabilities comprise 13.7 percent of the population and 2.2 percent have no insurance. The 7,419 households in the tabulation area occupy 8,202 housing units; of which, 48.9 percent are owner occupied. The median rent is \$1,974. Air Pollution Sources: The ZCTA is within the BAAQMD which is in marginal nonattainment for ozone, moderate nonattainment for PM2.5, and maintenance for CO. The effects of these statuses are shared by the entire population of the Air District and minority and low-income persons in the Project area are not disproportionately affected. Construction would generate fugitive dust. Implementation of the BAAQMD's Best</p>	

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		<p>Management Practices measures to control the dust would ensure that the construction of the Project does not generate adverse effects. Hazards (Noise): The calculated future noise level at the Site is DNL 66 dBA which is normally unacceptable per HUD standards and must be attenuated. Compliance with the California Building Code will ensure that the interior noise levels will be below DNL 45. Sound rated windows and special exterior wall constructions would be used to meet the interior noise level goal of DNL 45. Short-term noises will occur during construction. The effect will not be adverse as it will be mitigated by compliance with state and local noise standards. Hazards (Seismic): Geotechnical Investigation identified the potential for seismically induced settlement and the presence of highly expansive near-surface soils. Measures to minimize these risks have been incorporated into the Project design. Seismic risks are shared by most if not all of the Bay Area population and are not disproportionately borne by environmental justice</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>populations. Historic Preservation: Historic, prehistoric subsurface cultural, or paleontological resources may be encountered during ground disturbing activities. Mitigation measures have been identified to avoid or reduce harm or to preserve significant information. If human skeletal remains are discovered; monitoring, data recovery, determination of significance, and avoidance measures have been identified.</p> <p>Vegetation/Wildlife (Migratory Birds): The trees on and adjacent to the Site could provide nesting habitat for migratory birds protected by the Migratory Bird Treaty Act. Implementation of appropriate Nationwide Standard Conservation Measures as set forth in United States Fish and Wildlife Service Guidance on Migratory Birds will reduce the effect on these birds to less than significant level. The Project Sponsor conducted a robust program of outreach to the community, including Neighborhood Councils, Community Based Organizations, elected officials, affected agencies</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		and members of the public. Source Document(s): (3) (4) (5) (6)	
<b>COMMUNITY FACILITIES AND SERVICES</b>			
Educational and Cultural Facilities (Access and Capacity)	3	The Berkeley Unified School District currently serves 9,082 students in grades TK-12 and operates 11 elementary schools, three middle schools and one comprehensive high school. In addition, the District has three preschool facilities and one Adult School serving several thousand students each year. To accommodate future residential development, the District plans to renovate, replace and expand District facilities in order to bring them up to current educational standards. The District's facility plan includes but is not limited to seismic retrofitting, educational modifications, science laboratory expansions, correcting building envelope deficiencies and systems replacement such as HVAC, electrical, public address, camera and fire alarm systems. The District has determined that adequate facilities do not exist within the district and, therefore, there is insufficient capacity available to house students generated by future	EDU - 1 Payment of the fees mandated under SB 50 is the mitigation prescribed by statute. Payment of School Facility Fees is required prior to issuance of a Building Permit for New Residential Development and New Commercial/Industrial Development. All new Residential development and additions resulting in an increase of assessable space of 500 sq. ft. or more: \$3.48/sq. ft. All new Commercial and Industrial development: \$0.56/sq. ft.

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>development. The District has determined the blended student generation rate for the school district to be 0.186. This results in a contribution of 12 students. 41.94 percent of students from new units will be elementary students, 22.04 percent will be middle school students, and 36.02 percent will be high school students. Pursuant to Senate Bill 50, Chapter 373, Statutes of 2019. The bill allows for imposition of school fees on housing developments under Government Code Section 65995. It authorizes the imposition of developer fees on housing development to fund school facility construction and provides for the collection of funds from new residential developments to support local schools and educational services to offset potential impacts from new development. Therefore, although development could incrementally increase potential student enrollment, payment of the fees mandated under SB 50 is the mitigation prescribed by statute, and payment of such fees is "...deemed to be full and complete mitigation</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property. Therefore, pursuant to CGC s.65994(h), impacts relating to school capacity would not be adverse. No impact upon educational facilities is expected. 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. A sampling of the cultural facilities, events and organizations include African American Art &amp; Culture Complex; African American Shakespeare Company; AfroSolo Theater Company; American Indian Film Institute; Art and Soul Festival; Asian American Film Festiva; Asian Pacific Islander Cultural Center; Berkeley Art Museum &amp; Pacific Film Archive; Berkeley Repertory Theatre; Brazilian Arts; Cal Performances; Japanese Cultural and Community Center of Northern California; Korean Center; La Pena Cultural Center &amp; Cafe; Latino Film Festival;</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>Lawrence Hall of Science; Museum of Performance + Design; Pacific Islanders Cultural Association; Phoebe Hearst Museum of Anthropology; UC Berkeley Museum of Paleontology. The project represents an incremental demand for cultural facilities; impacts are considered less than significant. Source Document(s): (40) (41) (42) (44) (47)</p>	
Commercial Facilities (Access and Proximity)	2	<p>A considerable number of commercial uses such as shops, restaurants, services, and offices are located within one mile of the Site as are residential, public and civic uses. The commercial uses range in scale from a large floor plate uses such as a supermarket (e.g., Berkeley Bowl), large pharmacy/retail stores (e.g., Walgreens) and car dealerships, in addition to small scale retail and restaurant/cafes. In addition to locally owned food and beverage outlets, personal services such as yoga studios, hair salons and laundromats are scattered throughout the vicinity. The project site is within adequate and convenient distance to retail services that provide essential items such as food, medicine,</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>banks and other convenience shopping. Within a one-mile radius there are 12 grocery stores, eight banks, five pharmacies, and more than 30 restaurants. These commercial facilities are accessible by public transit or within walking distance. Source Document(s): (43) (44)</p>	
<p>Health Care / Social Services (Access and Capacity)</p>	<p>2</p>	<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 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</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>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 on 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, 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</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>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 or near Berkeley. 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. 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. Source Document(s): (44) (45) (46) (47)</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</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>complexes of up to 5 units, and 5,000+ commercial customers, which includes multi-family complexes of 6 or more units. The Division also operates the City's Transfer Station that provides disposal services to 420+ customers daily. At the Transfer Station, collected 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. One permitted landfill in Alameda County has the capacity to accommodate solid waste generated in Berkeley: the Altamont Landfill. 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</p>	

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		<p>(CalRecycle, Solid Waste Information System, 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 the City will continue to divert at least 65 percent of solid waste from landfills due to 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): (47) (48)</p>	
Waste Water and Sanitary Sewers (Feasibility and Capacity)	2	<p>The City's collection system includes approximately 254 miles of City-owned sanitary sewers, 7,200 utility holes and other sewer structures, seven sewage pump stations, and approximately 31,600 service laterals. The City is responsible for maintenance and repairing the lower portion of the service laterals (located</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>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 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 any impact upon the capacity of the collection system. Existing capacity of the wastewater treatment system is sufficient to accommodate anticipated residential and commercial development of the Project. Development of the proposed project would not</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		result in the need to expand the capacity of the Main Wastewater Treatment Plant or exceed the wastewater treatment requirements of the San Francisco RWQCB. Source Document(s): (55)	
Water Supply (Feasibility and Capacity)	2	The East Bay Municipal Utility District (EBMUD) provides water for the City of Berkeley. The water that the EBMUD provides to Alameda and Contra Costa County comes from the watershed of the Mokelumne River in the Sierra Foothills. The Pardee Reservoir supplies water to more than 1.2 million people in 22 East Bay cities. Housing development contemplated under the Housing Element Update (HEU), which includes the proposed project, would increase water demand. However, this increase in demand can be served by the EBMUD with demand management measures required by EBMUD. The estimated demand for water per person per year for the project is 3,000 gallons. Occupancy is estimated to be no more than 200 persons. This would create an annual demand for water of 600,000 gallons per year. EBMUD completed	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>development of a revised Water Supply Management Program (WSMP) 2040 in April of 2012, which is the District's plan for providing water to its customers through 2040. According to the WSMP, EBMUD's water supplies are estimated to be sufficient during the planning period (2010-2040) in normal and single dry years. The WSMP 2040 emphasizes maximum conservation and recycling, with a total of 50 mgd of future supply to be provided from those two strategies. EBMUD's Urban Water Management Plan 2020 (UWMP), which is required to be updated every five years, concludes that EBMUD has, and will have adequate water supplies to serve existing and projected demand within the Ultimate Service Boundary during normal and wet years, but that deficits are projected for multi-year droughts. During multi-year droughts, EBMUD may require significant customer water use reductions and may also need to acquire supplemental supplies to meet customer demand. However, potential supplemental water supply projects that could be</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>implemented to meet projected long-term water supplemental need during multi-year drought periods are also in the planning phases. Supplemental supply will also be needed to reduce the degree of rationing and to meet the need for water in drought years. Future development requiring new or expanded water service would be required to comply with East Bay Municipal Utility District's Section 31 water efficiency regulations, which include best practice requirements that are more stringent than CALGreen and the state's Model Water Efficiency Landscape Ordinance to reduce indoor and outdoor water use. EBMUD anticipates having an adequate water supply to meet demand in its service area, except during the third year of a multi-year drought starting around 2025 or later. During multi-year drought, EBMUD may require substantial reductions in water use by customers and may need to acquire supplemental supplies to meet demand. New development under the proposed HEU would be subject to the same drought re-strictions that apply to all</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>EBMUD customers. Therefore, sufficient water supplies are available to serve reasonably foreseeable development under the proposed HEU, and appropriate systems are in place to address potential drought-related water supply shortages, such that potential impacts would be less than significant. Source Document(s): (47) (48) (49) (50)</p>	
<p>Public Safety - Police, Fire and Emergency Medical</p>	<p>2</p>	<p>Police: Berkeley Police Department provides police protection services to the project vicinity. Police headquarters are located at 2100 Martin Luther King Jr. Way, 0.9 miles southeast of the Site. As of September 4, 2024, the Department was operating with an authorized (budgeted) total staffing level of 313.20 employees, which includes 181 total authorized sworn staff. The Department is currently organized into four major divisions--Operations, Investigations, Professional Standards, and Support Services--each commanded by a Police Captain. Operations Division (Patrol): The field Operations Division is organized into seven Patrol teams responsible for uniformed police response to the community.</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>Additionally, the Operations Division includes the Community Services Bureau (CSB) and a Bike Team. Each of the four CSB officers are assigned to a quadrant of the City where they serve as community liaisons who focus their time on addressing long-term neighborhood concerns. The CSB also houses the Data Analysis Team, which has created an impressive Transparency Hub that provides the public and staff access to a wide range of police data. Finally, Bike Team officers spend most of their time focusing on retail areas downtown and south of the university campus. They address quality-of-life issues, which relieve Patrol officers of many of these responsibilities. In Berkeley, California, the ratio of police officers to residents is 1.55 per 1,000 people. Additionally, the data from 2024 shows that the ratio of police to residents in Berkeley is approximately 1 police officer per 647 residents. The Police Department currently provides regular patrols to 14 beats within Berkeley; the project area is within Beat 3. Additional policing of the vicinity is</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>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. The City of Berkeley's Fire Department employs 150 firefighters. This is in addition to the Fire Chief, who is also a firefighter, and other support staff. The Fire Department has 7 firehouses and a variety of equipment including fire engines, aerial ladder trucks, ambulances, and rescue vessels, among other specialized units. They also have a Medical Specialist Team and a Hazardous Materials Response Team. The project site is located in Area Six and is 1.5 miles</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>distant. The Fire Department runs the ambulance service in Berkeley. The Berkeley CA fire department currently has a total of 4 Advanced Life Support ambulances 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(s): (15) (44) (47) (51) (52)</p>	
Parks, Open Space and Recreation (Access and Capacity)	2	<p>The City 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</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>Pablo Ridge. The city is also heavily involved in creek restoration and wetlands restoration, including a planned daylighting of Strawberry Creek along Center Street. The Berkeley Marina and East Shore State Park flank its 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. Cesar Chavez Park, near the Berkeley Marina, was built at the former site of the city dump. The proposed project would incrementally increase demand for parks by facilitating residential growth in the Plan Area. 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. By incrementally increasing the</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>population, the project would not cause the ratio of parkland to population to fall below the City's standard. Source Document(s): (15) (47)</p>	
<p>Transportation and Accessibility (Access and Capacity)</p>	<p>2</p>	<p>Transit: Transit service providers in the Plan Area vicinity include the Bay Area Rapid Transit (BART) which provides regional rail service, 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 and the Peninsula. The North Berkeley BART station is located underground within the Development area. 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. The project area is served by the following AC Transit Bus routes: 52, 688, 800, and 88. Specifically, line 52 serves UC Village and UC Campus,</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>line 688 serves St. Mary's College HS and Oakland, line 800 serves Richmond BART, and line 88 serves Lake Merritt BART. Sacramento Street is a primary transit route, particularly for AC Transit bus routes as is University Avenue, two blocks west of the Site. The AC Transit Line 88 runs along Sacramento Street between Downtown Berkeley and Lake Merritt BART via University Ave., Sacramento St., and Market St. Several other bus lines also travel near Sacramento Street, making it a key transportation artery in Berkeley. Pedestrians Sidewalks, Curb cuts and other pedestrian access infrastructure will be upgraded. A Transportation Construction Plan (TCP) may be required, particularly for the following activities: Alterations, closures, or blockages to side-walks, pedestrian paths or vehicle travel lanes (including bicycle lanes); Storage of building materials, equipment, dumpsters, debris anywhere in the public Right Of Way; and provision of exclusive contractor parking on-street; or truck parking. Bicycles: The project area is</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>well served by bicycle lanes.                      * Class I Multi-Use Path along the Ohlone Greenway and West Street. * Class II Bicycle Lanes along Delaware Street; Hearst Street (west of Shattuck Avenue); and California Street. * Class III Bicycle Routes along Acton Street from Hopkins Street to Delaware Street and Chestnut Street from Delaware Street to University Avenue. * Class IIIE Bicycle Boulevards along Virginia Street and California Street. * Class IV Bicycle track along Hearst Street east of Shattuck Avenue                      The project site will include 65 bicycle parking spaces.                      Accessibility: Site development, common use areas, access and adaptability of the units shall 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. Emergency vehicle access to the project site is currently provided by station entrances on Virginia Street, Acton Street, and Delaware Street. All</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		streets providing direct access to the Site are wide enough to provide adequate access for emergency vehicles. Development of the project would be designed and built according to local Fire District standards and State Building Code standards and would comply with the Zoning and Building Code and Engineering Standards and the Fire Code. Source Document(s): (15) (40) (47) (50) (53)	
<b>NATURAL FEATURES</b>			
Unique Natural Features /Water Resources	2	The site does not support wetland or riparian habitats. It is a fully developed urban site used as transit station and supportive parking lots with limited permeable surfaces. Groundwater was encountered at depths of 5 feet below existing grade. Source Document(s): (15) (17) (19) (20) (37)	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	3	The site does not support sensitive habitats associated with special status plants or wildlife species. There are a number of trees on the border of the Project and Development Sites. The trees on and adjacent to the Site could provide nesting habitat for birds, including migratory birds. Nesting birds are among the species protected under provisions	Migratory-1: Implement appropriate Nationwide Standard Conservation Measures as set forth in United States Fish and Wildlife Service Guidance on Migratory Birds. *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-

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>of the Migratory Bird Treaty Act. Future redevelopment of the Site during the nesting season 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. Future construction activities such as tree removal and Site grading that disturb a nesting bird 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 future 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. Migratory Bird Treaty Act. Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird</p>	<p>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 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.</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by a qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>breeding/nesting is completed, and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31. Source Document(s): (19)</p>	
Other Factors 1	2	<p>Air Quality Hazards. Sensitive receptors near the site are residences that abut the parcel to the south and east, senior housing facilities; schools, the Crowden Music Center, and parks. Use of BAAQMD's Best Management Practices (BMPs) for controlling fugitive dust during soil disturbing activities would control construction related fugitive dust. Construction activities generate TACs that pose a risk to human health; specifically, diesel particulate matter (DPM). Due to the variable nature of construction activity, the generation of TAC emissions in most cases is temporary. Concentrations of mobile source diesel PM emissions are typically reduced by 70 percent at a distance of 500 feet. The City requires the implementation of diesel particulate matter controls, which are specified in the Conditions of Approval ("COA"): Air Quality - Diesel Particulate Matter Controls</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>During Construction, to reduce potential health risks to sensitive receptors during Project construction. The project does not include any stationary permitted sources. The BAAQMD Stationary Source Screening Map was consulted to determine cancer and hazard risks. The project is not within 1,000 feet of a permitted stationary screening source (generator); Based on the lack of a stationary source within a 1,000-foot radius, the exposure for cancer and health risk to sensitive receptors is presumed to be below the BAAQMD thresholds. The Project is at the intersection of Sacramento and Delaware Streets. Sacramento Street, which is a major arterial street, and has an projected Average Daily Traffic volume of 29,035 between Delaware and Virginia Streets for the year 2030. Traffic volume for Delaware Street at Sacramento Street was not available; the total volume of traffic for the entire NBB Development project was used instead. That has been estimated at 8,337 vehicles per day. The Project site is adjacent to a BART rail line; however, the</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>trains are electric and are not sources of TAC emissions, such as DPM. The BART station and tracks are below ground, and particulate matter generated by trains traveling beneath the sites would not affect sensitive receptors, residents or other persons accessing the Site.</p> <p>According to BAAQMD's Mobile Source Screening Map the chronic hazard risk is between 0.1555 and 0.345; the estimated cancer risk from the intersection of Delaware and Sacramento Streets is 20.771 to 58.99 cases per million. TAC and PM emissions generated from the roadways would not expose sensitive receptors to levels that exceed the thresholds of significance for a non-cancer (i.e., chronic or Acute risk) greater than 1.0; and would not expose the receptors to a combined excess cancer risk level of more than one hundred in one million.</p> <p>However, in accordance with the requirements of the California Building Energy Efficiency Standards s.s. 120.1 and 150.0, all new residential projects are required to install Minimum Efficiency Reporting Value (MERV) 13 air filtration on</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>space conditioning systems, and ventilation systems that provide outside air to the occupiable space of a dwelling. Vehicle trips from the Project were estimated using the Institute Of Transportation Engineers Common Trip Generation Rates (PM Peak Hour) (Trip Generation Manual, 10th Edition). The applicable rate would be that for Mid-rise Multifamily Urban residences of 0.18 trips per unit. At 60 units the estimated trips is 15 per day. Residents are likely to use alternative transportation options as no parking will be provided for the residents who are formerly unhoused and will likely not have automobiles. Local context factors, including access to public transportation, proximity to essential services, and overall urban density, will further influence the trip generation patterns. Source Document(s): (1) (11) (12) (13) (14) (15)</p>	
Other Factors 2	2	<p>Greenhouse Gas Emissions (Project Level) The City of Berkeley's Climate Action Plan aligns with the standards set by the Bay Area Air Quality Management District (BAAQMD) to address</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>environmental concerns and promote sustainable practices. This includes reducing greenhouse gas emissions in high-priority sectors such as transportation, energy, waste management, and building efficiency. The plan also includes performance metrics to monitor progress towards meeting the city's climate action goals, which include reducing emissions by 80% from 2000 levels by 2050. The project will make a less-than significant contribution to GHG emissions as the City of Berkeley Climate Action Plan is consistent with the local GHG reduction strategy (BAAQMD). The following data summarizes the thresholds for project-level climate impacts from GHG emissions. The project size is 60 dwelling units, which is below the screening level size thresholds set by the BAAQMD for operations and construction of midrise apartments at 494 dwelling units for operational criteria pollutants, 87 units for operational greenhouse gases, and 240 units for construction Criteria ROG. Source Document(s): (1) (11) (13) (15)</p>	
<b>CLIMATE AND ENERGY</b>			

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
Climate Change	2	<p>Climate Impacts From Greenhouse Gas Emissions (Project Level) The project will make a less-than significant contribution to GHG emissions as the City of Berkeley Climate Action Plan is consistent with the local GHG reduction strategy (BAAQMD). The City of Berkeley's Climate Action Plan aligns with the standards set by the Bay Area Air Quality Management District (BAAQMD) to address environmental concerns and promote sustainable practices. This includes reducing greenhouse gas emissions in high-priority sectors such as transportation, energy, waste management, and building efficiency. The plan also includes performance metrics to monitor progress towards meeting the city's climate action goals, which include reducing emissions by 80% from 2000 levels by 2050. The project size is 60 dwelling units, which is below the screening level size thresholds set by the BAAQMD for operations and construction. Precipitation - Risk level is high at 47 of 100. Yearly rainfall is projected to increase from about 22" historically to</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>about 22.7" in 2050. An extreme precipitation event for this location is a 48-hour rainfall total greater than 0.7". Historically, about 12.8" of rain fell over 10 extreme precipitation events each year. In 2050, about 14.1" of rain will fall over 11 extreme precipitation events each year. Risk level ratings reflect hazard risks relative to the rest of the contiguous United States. Ratings are based on projected 2050 risk and the change from historical risk. A rating of 1 represents the lowest risk; 100 is the highest. Drought Risk is significant at 36. The percentage of available water supply used by humans determines water stress. An area is at especially high risk when water stress is above 40%. Water stress for this location is now about 12%. Projected water stress in 2050 is 36%. Drought risk (62) is lower than average for California (74). Heat Risk Relatively low risk at 16/100. A day that reaches above 83oF is considered hot for this location. Historically, this location had about 7 hot days per year. The projection for 2050 is about 18 hot days per year.</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>Flood Risk is relatively low at 1. FEMA estimate: area of minimal flood risk. Fire Risk is significant at 39. About 12 days in 2050 will have extreme risk conditions for fire spread, compared to 9 historically. A fire here has a low chance of significant flame heights. This location has about a 0.1% chance of burning over the next 30 years. Attenuation of some of the effects of climate change can be achieved by use of surface coverings, conservation techniques, HVAC, maintenance of tree canopies and improved permeability of surfaces. The Project reduces its direct contribution to climate change by using low-carbon building materials to reduce greenhouse gas emissions from construction and material fabrication. Source Document(s): (1) (15) (24) (33) (35) (54)</p>	
Energy Efficiency	2	<p>The project would meet current state and local codes concerning energy consumption, including Title 24 of the California Code of Regulation as enforced by the City of Berkeley. The project will utilize the GreenPoint Rating System as authored by Build It Green. Additionally, in accordance with the City of Berkeley's</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		Green Code the project will include a photovoltaic system, water efficient landscaping, and low carbon concrete. No natural gas appliances will be permitted, and tenants will be offered a transit subsidy for use on public transportation. Source Document(s): (1) (6) (55)	

**Supporting documentation**

- [Precipitation Map.png](#)
- [Health Hazard Map.png](#)
- [Fire hazard Map.png](#)
- [Cancer Risk Map.pdf](#)
- [2023-06-13 Special Item 01 Final Report and Recommendations.pdf](#)
- [Appendix B August 2021 Draft R-BMU Development Standards and Joint Vision and Priorities Document.pdf](#)
- [Preliminary Geotechnical Report.pdf](#)
- [North Berkeley TOD Bay Area Rapid Transit.pdf](#)
- [NBB TOB Approved Entitlement Package.pdf](#)
- [Final Approval Package Combined with Select Exhibits.pdf](#)
- [02 Sep 2023 NB BART ODS PublicDraft FINAL.pdf](#)
- [Berkeley Workload Organizational Study of the Police Department \(09-04-24\).pdf](#)

**Additional Studies Performed:**

See Source Documentation List

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

by:

Eugene Thomas Flannery

4/25/2025 12:00:00 AM

[1462 Delaware St - Google Maps.pdf](#)

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

See Source Documentation List

[Revised EBALDC Source Document List 09092025.pdf](#)

**List of Permits Obtained:**

No federal permits required

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

The project review has resulted in a Finding of No Significant Impact (FONSI) which will be published in the newspaper 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 will be included in the FONSI Notice. Additionally, the public was extensively involved in the CEQA process as well as the development of the Objective Design Standards. A Community Advisory Group was appointed by the City Council to oversee the development of the ODS. Public Hearings were held before the City of Berkeley Planning Commission and the City Council.

[Community Outreach Tracker.pdf](#)

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

Per EPA guidelines the cumulative impacts analysis should be commensurate with the project's impacts and the resources affected. Small scale projects that have minimal impacts that are of short duration would not likely contribute significantly to cumulative impacts. Resources that should be considered include, but are not limited to, historic and archaeological sites, socioeconomic services and issues, and community structure and character. An analysis of significant cumulative impacts may be based upon a summary of projections from an adopted local, regional, or statewide plan that describes or evaluates conditions contributing to the cumulative impacts. The no-action alternative is an effective benchmark if it incorporates the cumulative effects of past activities and accurately depicts the condition of the environment. The Environmental Protection Agency further advises that a cumulative impacts analysis for a project in a heavily urbanized environment should limit the analysis to the condition of several important resources of concern (i.e., water quality, air quality, or quality of life) in comparison with expected environmental consequences of the action. To that end, this cumulative impacts analysis examines those elements which required mitigation. Analysis of noise and contamination is reviewed on a limited geographic area. Others, such as air quality, traffic and circulation, rely on larger geographic areas such as the City or the Bay Area. This project has been targeted for the development of affordable housing units in Berkeley, California to add additional low-income housing units to meet the Regional

Housing Needs Allocation. The Project or its alternatives, in combination with other past, present, and reasonably foreseeable future projects, would not result in adverse cumulative impacts. The City analyzes cumulative effects using a summary of projections from the General Plan and the planning documents supporting the General Plan. As described in the analysis above, potential environmental impacts are expected to remain at, or be mitigated to, less than significant levels. The project does not increase the severity of any of the cumulatively considerable impacts from the levels identified and analyzed in the Housing Element Update EIR, the Environmental Impact Report for the Ashby and North Berkeley Transit Oriented Development Zoning Project. The cumulative impact analysis for this EA is based on 2023-2031 Housing Element Update, the Plan Bay Area 2040, the City of Berkeley Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project Environmental Impact Report and the 2017 Clean Air Plan for the San Francisco Bay Area Air Basin. Source Document(s): (15) (26) (47) (50)

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

A reduced density version of the project site was considered but deemed infeasible in light of the goal of meeting housing development goals and the high level of demand for affordable housing. Reduced density would increase costs of development and impair financial feasibility of the project. A reduced project with fewer units in a building of lower height that would accommodate a smaller residential population would have similar environmental impacts as the proposed project. In particular, by decreasing the number of residents on-site, a reduced residential project would reduce impacts associated with air quality and while noise impacts would be slightly reduced, noise impacts would still require mitigation. The Reduced Project Alternative would not support the City's goal of increasing the stock of affordable housing units since the project would not be maximizing the number of units available to residents. Development of the project at another location is outside of the purview of the developer as owner of the site. The relocation of the project elsewhere would negate all the entitlements achieved to date.

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

If the proposed action were not implemented, the project site would continue to be a parking lot. Because there would be no construction and no operational changes under the No Action Alternative, it would have no new adverse environmental effects. However, the No Action Alternative would not support the City's goals of providing affordable housing opportunities.

**Summary of Findings and Conclusions:**

The project is suitable from an environmental standpoint. So long as the identified mitigation measures are implemented there will be no significant impact from the

project. Mitigation measures are necessary to achieve compliance with authorities related to the following factors: Contamination and Toxic Substances, Noise, Soil Suitability, Hazards, Education, Historic Preservation Conditions, and Vegetation and Wildlife. Additionally local permitting requirements require the submission of a various plans and reports including a Construction Noise Reduction Program, a Screening Level Analysis for construction vibration, a Construction Waste Management Program, Building Materials Survey and a Transportation Construction Plan.

**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.

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Mitigation Plan	Complete
Contamination and Toxic Substances	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. Tox-1. Prior to issuance of a grading permit, the project applicant will retain a qualified environmental professional (EP), as defined by ASTM E-1527 to prepare a project specific Phase I ESA in accordance with standard ASTM methodologies, to assess the land use history of the property that will be developed. Tox-2: If impacted soils or other impacted wastes are present at the project site, the project applicant will retain a qualified environmental consultant (PG or PE), to prepare a Soil	N/A	See attached Mitigation and Monitoring Plan	

	<p>Management Plan (SMP) prior to construction.</p> <p>Tox-3: If soil present within the construction envelope at the development site contains chemicals at concentrations exceeding hazardous waste screening thresholds for contaminants in soil (California Code of Regulations [CCR] Title 22, Section 66261.24), the project applicant will retain a qualified environmental consultant (PG or PE), to conduct additional analytical testing and recommend soil disposal recommendations, or consider other remedial engineering controls, as necessary.</p>			
<p>Noise Abatement and Control</p>	<p>N-1: Attenuation Measures: HUD approval of projects in the normally unacceptable range requires noise mitigation, usually in the form of building designs that provide more than typical noise attenuation to reach an interior noise level of an Ldn or CNEL of 45 dBA. HUD regulations require a minimum of 5 decibels additional sound attenuation for buildings that have noise-sensitive uses if the Ldn is greater than 65 dBA but does not exceed 70 dBA. This is consistent with California state noise insulation standards for multifamily development. Compliance with the 2022 California Building Code will ensure compliance with the HUD Interior Noise Level Standard of 45 dBA.</p>	<p>N/A</p>	<p>See attached Mitigation and Monitoring Plan</p>	

<p>Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff</p>	<p>Soils 1. A site-specific geotechnical investigation is required for proposed development to identify the degree of potential hazards, design parameters for development based on the hazard and describe appropriate design measures to address hazards. The geotechnical studies should include recommendations for foundation design, as well as soil improvement techniques, which will mitigate these unstable soils. The project can be developed as planned from a geotechnical standpoint provided the recommendations made in the Geotechnical Study are implemented. Project Developer is required to submit the results of the site-specific geotechnical investigation and the final engineering and design plans to the City of Berkeley Department of Planning and Development - Building and Safety Division prior to issuance of a grading permit. The final plans must demonstrate adherence to the BART General Guidelines for Design and Construction Over or Adjacent to BART's Subway Structures, including not imposing any permanent or temporary loads on the BART subway and requiring shoring in the zone of influence to maintain at-rest soil condition and be monitored for movement.</p>	<p>N/A</p>	<p>See attached Mitigation and Monitoring Plan</p>	
<p>Hazards and Nuisances including Site</p>	<p>Hazards 1. Development of the Project would be required to conform to the current seismic</p>	<p>N/A</p>	<p>See attached Mitigation</p>	

<p>Safety and Site-Generated Noise</p>	<p>design provisions of the most current version of the California Building Code (CBC), to provide for the latest in earthquake safety and minimize losses from an earth-quake. With implementation of these provisions the potential impacts from ground shaking would be minimized to the greatest extent feasible.</p>		<p>and Monitoring Plan</p>	
<p>Educational and Cultural Facilities (Access and Capacity)</p>	<p>EDU - 1 Payment of the fees mandated under SB 50 is the mitigation prescribed by statute. Payment of School Facility Fees is required prior to issuance of a Building Permit for New Residential Development and New Commercial/Industrial Development. All new Residential development and additions resulting in an increase of assessable space of 500 sq. ft. or more: \$3.48/sq. ft. All new Commercial and Industrial development: \$0.56/sq. ft.</p>	<p>N/A</p>	<p>See attached Mitigation and Monitoring Plan</p>	
<p>Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)</p>	<p>Migratory-1: Implement appropriate Nationwide Standard Conservation Measures as set forth in United States Fish and Wildlife Service Guidance on Migratory Birds. *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</p>	<p>N/A</p>	<p>See attached Mitigation and Monitoring Plan</p>	

	<p>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 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.</p>			
<p>Historic Preservation</p>	<p>CR-1: Archeologist and Worker Environmental Awareness Training - Prior to the initiation of construction activities, an Archeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology should conduct Worker Environmental Awareness Program (WEAP) training for construction personnel at the site or off-site improvements prior to the start of construction activity. The Archeologist</p>	<p>N/A</p>	<p>See attached Mitigation and Monitoring Plan</p>	

	<p>should be present on-site to monitor all earth-disturbing activities. The program will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations; describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered; and underscore the requirement for confidentiality and culturally appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribal values. A WEAP brochure and training program will be developed in coordination with interested Native American Tribes. The brochure will be distributed, and the training will be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated Native American Tribes before any stages of project implementation and construction activities begin on the project site.</p>			
<p>Historic Preservation</p>	<p>CR-2: Archeological Resources - Project applicant shall be responsible for implementing the following on site procedures: 1. If cultural resources are</p>	<p>N/A</p>	<p>See attached Mitigation and</p>	

	<p>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.</p> <p>2. 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.</p> <p>3. The archaeologist shall consult with Native American monitors or other appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature.</p> <p>3a. 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 consulting Tribe(s) is consulted by the government agency.</p> <p>3b. The 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.</p> <p>3c. If the entity in consultation with the consulting Tribe(s), determines that the resource is a Tribal Cultural Resource and thus significant under NEPA and/or the Tribe, the entity shall retain a qualified</p>		Monitoring Plan	
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	<p>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. 3d. 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. 3e. There shall be no destructive or invasive testing on sacred items, burial goods and Native American human remains (invasive procedures include photography of cultural materials). 4. 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. 5. If avoidance is infeasible, other appropriate</p>			
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	<p>measures (e.g., data recovery) shall be instituted. 6. 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.</p>			
Historic Preservation	<p>CR-3: Unanticipated Discovery of Tribal Cultural Resources - 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>	N/A	See attached Mitigation and Monitoring Plan	
Historic Preservation	<p>CR-4: Human Remains: If human remains are encountered during construction and ground disturbing activities, all work within 100 feet of the re-mains should be redirected and the County Coroner notified immediately. At the same time, an archeologist shall be contacted to assess the situation. If the human remains are of Native</p>	N/A	See attached Mitigation and Monitoring Plan	

	<p>American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and any associated funerary objects. There shall be no pictures taken or testing done on the Native American human remains. All bone, if not identifiable as human or animal, shall be treated as human remains and the appropriate protocols followed. The archaeologist shall recover scientifically valuable information, as appropriate and in accordance with the recommendations of the MLD and/or Tribal representative. Upon completion of the archeologist's assessment, a report should be prepared documenting methods and results, as well as recommendations regarding the treatment of the human remains and any associated archeological materials. The report should be submitted to the City, the project proponent, the NWIC and the consulting Tribe. Tribal representatives will rebury the Native American human remains and associated funerary objects with the appropriate dignity either; in accordance with the recommendations of the MLD if available or in the project vicinity at a location agreed upon between the Tribe and the</p>			
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	consultant, where the reburial would be accessible to Tribal members in perpetuity and would not be subject to further disturbance. The discovery and reburial are to be kept confidential and secure to prevent any further disturbance.			
Historic Preservation	CR-5: Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site. A. Preservation in place may be accomplished by, but is not limited to, the following: * Planning construction to avoid archaeological sites; * Incorporation of sites within parks, greenspace, or other open space * Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site. * Deeding the site into a permanent conservation easement. B. When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the	N/A	See attached Mitigation and Monitoring Plan	

	<p>California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation. C. Data recovery shall not be required for a historical resource if the City of Berkeley Planning and Development Department determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the ERR and that the studies are deposited with the California Historical Resources Regional Information Center.</p>			
<p>Historic Preservation</p>	<p>CR-6: Paleontological Resources: If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing construction activities, all such activities within 100 feet of the find shall be halted until a qualified paleontologist can assess the significance of the find and, if necessary, develop appropriate salvage measures in consultation with the City of Berkeley and in conformance with Society of Vertebrate Paleontology Guide-lines (SVP,</p>	<p>N/A</p>	<p>See attached Mitigation and Monitoring Plan</p>	

	1995; SVP, 1996). Project applicant and its contractor(s) shall halt construction within 100 feet of paleontological resources. Project applicant shall retain a paleontologist to assess significance of resources and develop salvage measures that may be necessary. Project applicant shall incorporate such measures upon continuation of construction.			
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**Project Mitigation Plan**

Please see attached Mitigation Monitoring Plan

[North Berkeley EBALDC MMMP\\_Final.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 nearest public airport is Oakland International Airport, approximately 12 miles south of the Project Site. The Project Site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport; nor is it located in an airport land use plan area; it 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 (CNEL) airport noise contours of Oakland International Airport. The project complies with Airport Hazards requirements. Source Document(s): (7) (8)

#### Supporting documentation

[Airport Distance 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

This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act. Source Document(s): (9)

#### 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:**

[Firmette.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 structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements. The project does not involve property acquisition, land management, construction, or improvement within a 100-year floodplain (Zones A or V) or 500-year floodplain (Zone B) identified on a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM). The project is not located in a Flood Zone. The area is a Flood Hazard Area Designation X: Areas outside the 1-percent annual chance floodplain, areas of 1% annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1% annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. FIRM Map Parcel Number 06001C0056H effective date December 21, 2018. Flood insurance is not required. Source Document(s): (10)

#### **Supporting documentation**

**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	100.00	ppm (parts per million)
Ozone	100.00	ppb (parts per million)
Particulate Matter, <2.5 microns	100.00	µg/m3 (micrograms per cubic meter of air)

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

13. United State Environmental Protection Agency. California Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants. Alameda County. [Online] June 30, 2024. [Cited: February 17, 2025.] [https://www3.epa.gov/airquality/greenbook/anayo\\_ca.html](https://www3.epa.gov/airquality/greenbook/anayo_ca.html).
14. Bay Area Air Quality Management District. Air Quality Guidelines. 2017.
15. City of Berkeley Department of Planning and Development. Ashby and North Berkeley BART Stations Transit Oriented Development Zoning Project Draft Environmental Impact Report. October 2021. SCH 20201 10320.

**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	2.61	ppm (parts per million)
Ozone	2.53	ppb (parts per million)
Particulate Matter, <2.5 microns	0.21	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: Carbon monoxide, Ozone, Particulate Matter, <2.5 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. Source Document(s): (11) (12) (13) (14) (15)

**Supporting documentation**

[Air Quality Discussion.pdf](#)

[Traffic Volume Major Collector.pdf](#)

[EBALDC Custom Report.pdf](#)

**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

This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act. The project is 7,400 feet east of the Coastal Area. Neither a consistency determination nor a Coastal Development Permit is required. Source Document(s): (16)

#### 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, NEPAAssist, 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:

CDC National Environmental Public Health Tracking Network. Radon Test from Labs.

File Upload:

[Radon Map CDC.png](#)

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\*\*.**

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. Tox-1. Prior to issuance of a grading permit, the project applicant will retain a qualified environmental professional (EP), as defined by ASTM E-1527 to prepare a project specific Phase I ESA in accordance with standard ASTM methodologies, to assess the land use history of the property that will be developed. Tox-2: If impacted soils or other impacted wastes are present at the project site, the project applicant will retain a qualified environmental consultant (PG or PE), to prepare a Soil Management Plan (SMP) prior to construction. Tox-3: If soil present within the construction envelope at the development site contains chemicals at concentrations exceeding hazardous waste screening thresholds for contaminants in soil (California Code of Regulations [CCR] Title 22, Section 66261.24), the project applicant will retain a qualified environmental consultant (PG or PE), to conduct additional analytical testing and recommend soil disposal recommendations, or consider other remedial engineering controls, as necessary.

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. There may be a layer of fill up to 35 feet thick directly adjacent to the BART tunnels transversing the subsurface of the Development Site. Depending on the angle of the slope cut, undocumented fill may be present within the footprint of the Site. 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. Mitigations Required: Tox-1, Tox-2, Tox-3 Source Document(s): (17), (18)

**Supporting documentation**

[Updated Phase I ESA Report North Berkeley EBALDC.pdf](#)  
[Phase I\(1\).pdf](#)  
[Phase I ESA BART North Berkeley EBALDC.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.

This selection is only appropriate if none of the activities involved in the project have potential to affect species or habitats. Examples of actions without potential to affect listed species may include: purchasing existing buildings, completing interior renovations to existing buildings, and replacing exterior paint or siding on existing buildings.

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

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.

### Screen Summary

#### Compliance Determination

This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act. The Site and the surrounding area are highly urbanized; no water bodies are present

or nearby. Development of the proposed project would be in an existing urbanized area and would not include construction in an environmentally sensitive area and would not differ substantially from the existing urban development in the general vicinity of the Site. Species of Concern: The United States Fish and Wildlife Service's Information for Planning and Consultation (IPaC) website was accessed for a listing of Endangered and Threatened Species and Critical Habitats in the affected area of the project. No Critical Habitats are present in the affected area. The species of mammals, birds, reptiles, amphibians, insects, and flowering plants were identified that could potentially be affected by activities in the project area are listed in the attached IPaC Resource List. Critical Habitats: There are no critical habitats within the project area. Nor does the project area overlap any critical habitat. The site has no watercourses, ponds, or other habitat for fish to be present on-site. Project Impacts: The habitats within and surrounding the project site can be classified as Urban/Developed. This habitat type is characterized as areas that have been constructed upon or otherwise physically altered to an extent that natural vegetation is no longer supported and retains little or no soil substrate. Developed land is characterized by permanent or semi-permanent structures, pavement, or hardscape, and landscaped areas that often require irrigation. Due to the developed state of the project site and the lack of suitable habitat, the species identified in the IPaC Resource List do not have potential to occur on site, no special-status plants are expected to occur as well due to the lack of natural vegetation communities and lack of suitable substrate. Source Document(s): (15) (19)

**Supporting documentation**

[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. The EDR database report did not identify ASTs at the subject property and Langan did not observe ASTs at the subject property. The EDR database report identified seven properties containing an AST within a one-mile radius of the subject property. See attached List of AST for volume, location, distance, and ASDs. The AST closest to the Site is 3,484 feet distant. The ASD Calculator measured the acceptable blast pressure value for people to be 310 feet and for buildings to be 57 feet. All the tanks are much further distant than these tanks with calculated values. Based on their distance from the Site, tanks with unknown volumes would need to have a capacity in excess of 375,000 gallons to be within an unacceptable distance of the Site. Source Document(s): (17) (22)

**Supporting documentation**

[List of AST.pdf](#)

[Combined AST Calculations.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:

oilseed crops as well as available for uses such as cropland, pastureland, rangeland, forest land, or other land but not urban built-up land or water. According to the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP), the Site is listed as Urban and Built-Up Land. The Site is located in an urban area, no longer suitable for or identified as farmland. The Project will not affect farmlands. No federally designated Farmlands have been identified within the project area. The Project will not result in any impacts related to the conversion of farmland into non-agricultural use.

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**

Prime farmland is land best suited for producing food, forage, fiber, and oilseed crops as well as available for uses such as cropland, pastureland, rangeland, forest land, or other land but not urban built-up land or water. According to the United States Census TigerWeb map and the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP), the Site is listed as Urban and Built-Up Land. The Site is located in an urban area, no longer suitable for or identified as

farmland. The Project will not affect farmlands. No federally designated Farmlands have been identified within the project area. The Project will not result in any impacts related to the conversion of farmland into non-agricultural use. Source Document(s): (23)

**Supporting documentation**

[Tiger Web Map.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. The project does not involve property acquisition, land management, construction, or improvement within a 100-year floodplain (Zones A or V) or 500-year floodplain (Zone B) identified on a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM). The project is not located in a Flood Zone. The area is a Flood Hazard Area Designation X: Areas outside the 1-percent annual chance floodplain, areas of 1% annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1% annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. FIRM Map Parcel Number 06001C0056H effective date December 21, 2018. Source Document(s): (10) (24)

#### **Supporting documentation**

[FFRMS-Freeboard-Value-Approach-Report 2.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) Response Period Elapsed

- ✓ Advisory Council on Historic Preservation Not Required

- ✓ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)

- ✓ Amah Mutsun Tribal Band Response Period Elapsed

- |  |                         |
|--|-------------------------|
| ✓ Amah Mutsun Tribal Band of Mission SanJuanBautista | Response Period Elapsed |
| ✓ Confederated Villages of Lisjan Nation             | Completed               |
| ✓ Costanoan Rumsen Carmel Tribe                      | Response Period Elapsed |
| ✓ Guidiville Rancheria of California                 | Response Period Elapsed |
| ✓ Indian Canyon Mutsun Band of Costanoan             | Completed               |
| ✓ Muwekma Ohlone Tribe of the SF Bay Area            | Completed               |
| ✓ Northern Valley Yokut / Ohlone Tribe               | Response Period Elapsed |
| ✓ The Ohlone Indian Tribe                            | Completed               |
| ✓ Wilton Rancheria                                   | Completed               |
| ✓ Wuksachi Indian Tribe/Eshom Valley Band            | Response Period Elapsed |
- ✓ Other Consulting Parties
- |  |           |
|--|-----------|
| ✓ Berkeley Landmarks Preservation Commission | Completed |
|--|-----------|

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

The City consulted with Native American Tribes as identified by the California Native American Heritage Commission (NAHC) and the City's Landmarks Preservation Commission (LPC) and the California State Historic Preservation Officer. The NAHC was contacted for a search of the Sacred Lands File and for information on potential tribal cultural resources in the project vicinity that may be impacted by project development. A search of the Sacred Lands File by the NAHC returned positive results. The City mailed or emailed a letter to the Tribes listed by the NAHC requesting information on potential tribal cultural resources in the project vicinity that may be impacted by project development. The City consulted with two tribes - Confederated Villages of Lisjan Nation and Indian Canyon Mutsun Band of Costanoan. As a result of consultation, the City will require EBALDC to follow mitigation measures in case of unanticipated discovery of tribal cultural resources or human remains. This is a condition of approval of the NEPA review. The LPC provided input for the City staff on the extent of the APE and the potential effects of the proposed undertakings on historic properties identified in the APE. On May 1, 2025, the findings of the Cultural Resources Survey Report (attached) were presented at the LPC meeting. The comments received at the meeting focused on the visual nature of the project and the extent of the study on the properties within the APE. All of the comments were considered, and no change was made to the report based on these comments. The SHPO was contacted on July 3, 2025 and was asked to concur with the City's finding that no historic properties will be affected. As of August 5, 2025 there was no response from the SHPO regarding the request for concurrence.

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:**

The Project will be located at the northwest corner of Sacramento and Delaware Streets. For the purposes of this undertaking, the archaeological APE consists of the project site itself where project-related ground disturbance would occur. The architectural APE includes the parcel that comprises the project site (APN 058-2148-017-04), the three contiguous parcels on the same block (APNs 058-2146-016-05, 058-2147-018-05, and 058-2149-019-04), and the 15 parcels directly across Delaware Street to the south and Sacramento Street to the east (058-2150-020-01, -021, and -022; 058-2151-014, -015, and -016; 057-2067-028-01; and 057-2076-001, -002, -003, -004, -005, -006, -007, and -008). Both APEs are shown in Figure 2, and the properties located within the APEs are listed in attached Table 1 and keyed to attached Figure 2.

**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:**

Please see the listing of properties in the APE in the attached Table 1 and Map.

**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:**

The Cultural Resources Survey Report prepared by Environmental Science Associates (ESA) documents the methods and results of a cultural resources inventory completed for the Project. The report assessed the presence of historical resources, both archeological and

architectural, within the APE and their condition and eligibility for inclusion in the National Register of Historic Places. Work performed by ESA included archival research, consisting of a records search at the Northwest Information Center (NWIC) at Sonoma State University in Rohnert Park, California; a review of historic-period literature, historic maps and aerial photography of the APE; an intensive-level pedestrian survey; and evaluation of existing buildings in the APE. The Cultural Resources Survey Report presents brief architectural descriptions, construction chronologies, and summaries of archival research for the 14 age-eligible properties in the APE that meet the 45-year age threshold required for consideration of eligibility for listing in the National Register. Additional and expanded historical information for each property in the APE is presented in the DPR 523 forms included in the attached documentation. While the age-eligible buildings in the APE reflect the historically residential character of the neighborhood, they do not--either individually or collectively--represent a unique, rare, or particularly influential example of this urban development trend. The subject buildings were constructed during the period 1900s-1960s, the BART station opened in 1973, and the segment of Ohlone Park in the APE was developed in 1979-80. The properties in the APE do not possess a significant concentration, linkage, or continuity of buildings and/or sites united historically or aesthetically. Therefore, as per the Report, the group of 15 age-eligible subject properties are recommended as ineligible for listing on the National Register as a historic district under any criteria. Based on the analysis showing no age-eligible architectural resources located within the APE that are recommended as eligible for listing in the National Register, a finding of No Historic Properties Affected is recommended for the Project.

Archaeological Resources: The results of the records search indicate that no pre-contact or historic-era archaeological resources have been previously recorded in the APE. One previously recorded pre-contact archaeological resource has been recorded within 0.25 miles of the APE. The vague and unreliable description of the artifacts, and the lack of definitive evidence as to where they originated suggests the site record should not be cited as evidence of an archaeological resource present in the vicinity of the APE. Furthermore, the resource as recorded does not lie within the APE and would not be impacted by the project. Therefore, no actions are required of the project for the treatment of this purported resource.

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

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

**Document reason for finding:**

No historic properties present.

✓ Historic properties present, but project will have no effect upon them.

No Adverse Effect

Adverse Effect

**Screen Summary**

**Compliance Determination**

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. The Cultural Resources Survey Report prepared by Environmental Science Associates (ESA) documents the methods and results of a cultural resources inventory completed for the Project. The report assessed the

presence of historical resources, both archeological and architectural, within the APE and their condition and eligibility for inclusion in the National Register of Historic Places. Work performed by ESA included archival research, consisting of a records search at the Northwest Information Center (NWIC) at Sonoma State University in Rohnert Park, California; a review of historic-period literature, historic maps and aerial photography of the APE; an intensive-level pedestrian survey; and evaluation of existing buildings in the APE. The Cultural Resources Survey Report presents brief architectural descriptions, construction chronologies, and summaries of archival research for the age-eligible properties in the APE that meet the 45-year age threshold required for consideration of eligibility for listing in the National Register. Additional and expanded historical information for each property in the APE is presented in the DPR 523 forms included in the attached documentation. While the age-eligible buildings in the APE reflect the historically residential character of the neighborhood, they do not--either individually or collectively--represent a unique, rare, or particularly influential example of this urban development trend. The subject buildings were constructed during the period 1900s-1960s, the BART station opened in 1973, and the segment of Ohlone Park in the APE was developed in 1979-80. The properties in the APE do not possess a significant concentration, linkage, or continuity of buildings and/or sites united historically or aesthetically. Therefore, as per the Report, the group of age-eligible subject properties are recommended as ineligible for listing on the National Register as a historic district under any criteria. Based on the analysis showing no age-eligible architectural resources located within the APE that are recommended as eligible for listing in the National Register, a finding of No Historic Properties Affected is recommended for the Project. Archaeological Resources: The results of the records search indicate that no pre-contact or historic-era archaeological resources have been previously recorded in the APE. One previously recorded pre-contact archaeological resource has been recorded within 0.25 miles of the APE. The vague and unreliable description of the artifacts, and the lack of definitive evidence as to where they originated suggests the site record should not be cited as evidence of an archaeological resource present in the vicinity of the APE. Furthermore, the resource as recorded does not lie within the APE and would not be impacted by the project. Therefore, no actions are required of the project for the treatment of this purported resource. Source Document(s): (56) (57) (58) (59) (60) (61) (62)

#### **Supporting documentation**

[Tribal Outreach Tracker EBALDC.pdf](#)

[Tribal Contacts Berkeley BART EBALDC Project.pdf](#)

[EBALDC memo End of 30-day SHPO comment period.pdf](#)

[EBALDC ProjectLocation.pdf](#)

[NBB EBALDC SHPO letter.pdf](#)

[APE Map Figure 2.pdf](#)

[List of Properties Evaluated Table 1.pdf](#)

[LMPC Minutes.pdf](#)

[Letters to Tribal Contacts.pdf](#)

[North Berkeley BART EBALDC Project CRSR.pdf](#)

[EBALDC ProjectAPE.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))

- ✓ 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))

**Is your project in a largely undeveloped area?**

- ✓ No

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

Yes

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.

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

6. **HUD strongly encourages mitigation be used to eliminate adverse noise impacts. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review.**

✓ Mitigation as follows will be implemented:

N-1: Attenuation Measures: HUD approval of projects in the normally unacceptable range requires noise mitigation, usually in the form of building designs that provide more than typical noise attenuation to reach an interior noise level of an Ldn or CNEL of 45 dBA. HUD regulations require a minimum of 5 decibels additional sound attenuation for buildings that have noise-sensitive uses if the Ldn is greater than 65 dBA but does not exceed 70 dBA. This is consistent with California state noise insulation standards for multifamily development. Compliance with the 2022 California Building Code will ensure compliance with the HUD Interior Noise Level Standard of 45 dBA.

Based on the response, the review is in compliance with this section. Document and upload drawings, specifications, and other materials as needed to describe the project's noise mitigation measures below.

No mitigation is necessary.

### **Screen Summary**

#### **Compliance Determination**

A Noise Assessment was conducted. The noise level was normally unacceptable: 66.0 db. See noise analysis. The three principal sources of noise that should be considered are airports within fifteen miles, railroads within 3,000 feet and major roadways within 1,000 feet of the project site. The Site 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 Site is located several miles outside the 60 dBA and 65 dBA Community Noise Equivalent Level (CNEL) airport noise contours for the Oakland airport. The project area is exposed to noise from vehicles traveling on Sacramento and Delaware Streets. Traffic volumes on these roadways were estimated to be 23,000 and 5,400 respectively post build out of the Development. ETfEnvironmental calculated the Combined DNL for all road sources to be 66 dBA which is in the "normally unacceptable" noise zone. HUD approval of projects in the normally unacceptable range requires noise mitigation, usually in the form of building designs that provide more than typical noise attenuation to reach an

interior noise level of an Ldn or CNEL of 45 dBA. This is consistent with California state noise insulation standards for multifamily development. The Project is subject to special review and approval review of sound attenuation measures as listed in the Conditions of Approval. For development in Normally Unacceptable Noise Zones HUD regulations require a minimum of 5 decibels additional sound attenuation for buildings that have noise-sensitive uses if the Ldn is greater than 65 dBA but does not exceed 70 dBA. The project is in compliance with mitigation. Mitigations Required: N-1 Source Document(s): (26) (27) (28)

**Supporting documentation**

[Traffic Projection Spreadsheet.pdf](#)

[TrafficVolumeMajor\\_Collector.pdf](#)

[Designated-Truck-Route-Map.pdf](#)

[Day\\_Night Noise Level \(DNL\) Calculator - HUD Exchange.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 is not served by a U.S. EPA

designated sole-source aquifer, is not located within a sole source aquifer watershed, and would not affect a sole-source aquifer. The nearest Sole Source Aquifer is 52 miles southwest of the Site (Santa Margarita Aquifer in Scottes Valley). Source Document(s): (29)

**Supporting documentation**

[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. The project site is located in an urbanized area and has been developed for urban uses prior to 1960. The surrounding area is also highly developed with commercial, institutional and residential uses. No federally protected wetlands, including but not limited to marsh, vernal pools or coastal wetlands, are known to exist within project site boundary or the immediate vicinity. No consultations are required. As such, the project does not impact on- or off-site wetlands and is in compliance with Executive Order 11990. Source Document(s): (20) (21)

**Supporting documentation**

[NB BART Wetlands.png](#)

**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. No wild and scenic rivers are located near the Site.

The nearest Designated Wild and Scenic River, Study Wild and Scenic River or Nationwide Rivers Inventory River (NRI) is the American (lower) River. This river segment is over 65 miles away from the Site. Source Document(s): (30) (31)

#### **Supporting documentation**

[Distance to American River.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:**

The Site is situated in ZIP Code Tabulation Area (ZTCA) ZCTA5 94702 and is identified as Census Tract 4222 - Alameda County. The ZCTA has an estimated population of 17,637 in 2023, the median age is 40.9 years old, and 17.8 percent of the population is older than 65. The employment rate is 63.3 percent. Median household income is \$99,135; 11.9 percent of the population lives below the poverty line. 65.5 percent of the population has a bachelor's degree. People with disabilities comprise 13.7 percent of the population and 2.2 percent have no insurance. The 7,419 households in the tabulation area occupy 8,202 housing units; of which, 48.9 percent are owner occupied. The median rent is \$1,974. The tract it is not considered an environmental justice community However, the project it-self will be an environmental justice

community due to the low-income status of the residents. Since the project will constitute an EJ community, environmental effects that require mitigation were evaluated to determine if they would disproportionately affect low income or minority populations. The impacts would be shared by neighboring non-environmental justice populations and will not disproportionately affect the minority community. Air Pollution Sources: The Site is within the BAAQMD which is in marginal nonattainment for ozone, moderate nonattainment for PM2.5, and maintenance for CO. The effects of these statuses are shared by the entire population of the Air District and minority and low-income persons in the Project area are not disproportionately affected. Construction would generate fugitive dust. Implementation of the BAAQMD's Best Management Practices measures to control the dust would ensure that the construction of the Project does not generate adverse effects. Hazards (Noise): The calculated future noise level at the Site is DNL 66 dBA which is normally unacceptable per HUD standards and must be attenuated. Compliance with the California Building Code will ensure that the interior noise levels will be below DNL 45. Sound rated windows and special exterior wall constructions would be used to meet the interior noise level goal of DNL 45. Short-term noises will occur during construction. The effect will not be adverse as it will be mitigated by compliance with state and local noise standards. Hazards (Seismic): Geotechnical Investigation identified the potential for seismically induced settlement and the presence of highly expansive near-surface soils. Measures to minimize these risks have been incorporated into the Project design. Seismic risks are shared by most if not all of the Bay Area population and are not disproportionately borne by environmental justice populations. Historic Preservation: Historic, prehistoric subsurface cultural, or paleontological resources may be encountered during ground disturbing activities. Mitigation measures have been identified to avoid or reduce harm or to preserve significant information. If human skeletal remains are discovered; monitoring, data recovery, determination of significance, and avoidance measures have been identified. Additionally, the adverse effect to the historic motel will also be shared by the entire community and does not disproportionately affect an environmental justice population. Vegetation/Wildlife (Migratory Birds): The trees on and adjacent to the Site could provide nesting habitat for migratory birds protected by the Migratory Bird Treaty Act. Implementation of appropriate Nationwide Standard Conservation Measures as set forth in United States Fish and Wildlife Service Guidance on Migratory Birds will reduce the effect on these birds to less than significant level. The Project Sponsor conducted a robust program of outreach to the community, including Neighborhood Councils, Community Based Organizations, elected officials, affected agencies

and members of the public. See the list of those consulted in the Public Outreach section of this EA.

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

### **Screen Summary**

#### **Compliance Determination**

The Site is situated in ZIP Code Tabulation Area (ZTCA) ZCTA 94702 and is identified as Census Tract 4222 - Alameda County. The ZCTA has an estimated population of 17,637 in 2023, the median age is 40.9 years old, and 17.8 percent of the population is older than 65. The employment rate is 63.3 percent. Median household income is \$99,135; 11.9 percent of the population lives below the poverty line. 65.5 percent of the population has a bachelor's degree. People with disabilities comprise 13.7 percent of the population and 2.2 percent have no insurance. The 7,419 households in the tabulation area occupy 8,202 housing units; of which, 48.9 percent are owner occupied. The median rent is \$1,974. As the Project is located in a majority white community and 11.9% of the population of the Tract live in poverty, it is not considered an environmental justice community. However, the residents of the project will be an environmental justice community due to their low-income status. Due to this characterization environmental effects that require mitigation were evaluated to determine if the impacts disproportionately affected minority or low-income populations. The evaluation shows that impacts would be shared by neighboring non-environmental justice populations and the effects are not disproportionately borne by minority or low-income communities. Furthermore, all impacts can be mitigated and there will be no adverse effect to residents. The Project Sponsor conducted a robust program of outreach to the community, including Neighborhood Councils, Community Based Organizations, elected officials, affected agencies and members of the public. Source Document(s): (4) (5)

#### **Supporting documentation**

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

Yes

✓ No